

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



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4875

Introduced by Representative Kenneth T. Gatchalian

EXPLANATORY NOTE

According to World Health Organization, an estimated 1.3 billion people experience significant disability.¹ This represents 16% of the world's population, or 1 in every 6. Meanwhile, the Philippine Statistics Authority recorded a total of 1.433 million people in the Philippines have disabilities as of 2010.² Some Persons With disabilities (PWDs) have shorter life expectancy. They die up to twenty years earlier than those without disabilities. Health study shows that PWDs have twice the risk of developing conditions such as depression, asthma, diabetes, stroke, obesity, or poor oral health than a person without disability.³

Disabilities often come with challenges to accessing education, healthcare, and economic opportunities, most especially health inequities. Health inequities arise from unfair conditions faced by persons with disabilities, including stigma, discrimination, poverty, exclusion from education and employment, and barriers faced in the health system itself.⁴ Moreover, their societal needs are often unmet, finding transportation, among others, inaccessible and unaffordable, 15 times more difficult than for those without disabilities.

¹ <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>

² <https://disabilityin.org/country/the-philippines/>

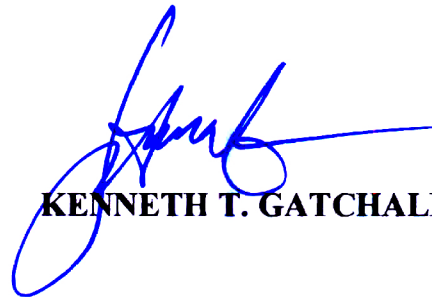
³ <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>

⁴ Baksh, R.A., et al., *Understanding inequalities in COVID-19 outcomes following hospital admission for people with intellectual disability compared to the general population: a matched cohort study in the UK*. BMJ Open, 2021. 11(10): p. e052482.

The bill proposes to establish the Disability Support Allowance Program under the Department of Social Welfare and Development. The program shall be implemented in three (3) phases, with the first phase giving priority to children and adults with disabilities encountering the most severe barriers and disability-related costs. Phase two shall include those who have either no income or low level of income, and phase three shall begin to progressively include all persons with disabilities.

Similar bills were filed by Representatives *Bernadette Herrera, Gus Tambunting, PM Vargas and Luis Villafuerte Jr.* in the 19th Congress.

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



KENNETH T. GATCHALIAN

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

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

1 **SECTION 1.** This Act shall be known as the "Disability Support
2 Allowance for Persons with Disabilities Act".

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

8 To attain a just and dynamic social order that will ensure the prosperity and
9 independence of the nation and free the people from poverty through policies that
10 provide adequate social services, promote full employment, a rising standard of
11 living, and an improved quality of life for all, appropriate measures in developing
12 social protection programs and allowances that recognize the additional costs
13 associated with disability shall be undertaken.

1 In pursuance to this end, social protection measures such as the grant of
2 disability support allowance shall be extended to persons with disabilities to
3 support their independent living.

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

- 6 a. *Persons with Disabilities* include those who have long-term physical,
7 mental, intellectual, or sensory Impairments which in interaction with
8 various barriers may hinder their full and effective participation in
9 society on an equal basis with others, Persons who may fall in this
10 definition -are but not limited to- the following: persons with
11 psychosocial disability, person with autism, person with down
12 syndrome, persons who are blind, person with low vision, person with
13 hard of hearing, deaf, person with rare diseases, and all other persons
14 who will be certified under the disability assessment and determination
15 system;
- 16 b. *Disability* is an evolving concept that results from the interaction
17 between persons with Impairments and attitudinal and environmental
18 barriers that hinder their full and effective participation in society on an
19 equal basis with others;
- 20 c. *Barriers* are anything that hinders persons with disabilities from
21 enjoying or exercising all human rights and fundamental freedoms in the
22 political, economic, social, cultural, civil, or any other field, on an equal
23 basis with others. Barriers in all its forms encompass inaccessible
24 physical environments and transportation; the unavailability of assistive
25 devices and technologies; inaccessible information both in form and
26 content; non adapted means of communication; gaps in service delivery
27 such as unavailability of personal assistance and sign language
28 interpretation service; discrimination including denial of reasonable
29 accommodation; attitude, prejudice, and stigma in society; programs,
30 policies, and laws infringing the rights of persons with disabilities as

1 recognized under the Convention on the Rights of Persons with
2 Disabilities;

3 d. *Reasonable accommodation* means necessary and appropriate
4 modification and adjustments so as not to impose disproportionate or
5 undue burden, and to ensure that persons with disabilities enjoy or
6 exercise on an equal basis all human rights and fundamental freedoms;

7 e. *Progressive Realization* means undertaking measures to the maximum
8 of its available resources and, where needed, within the framework of
9 international cooperation, with a view of achieving progressively the full
10 realization of these rights, without prejudice to those obligations
11 contained in the convention on the Rights of Persons with Disabilities
12 that are Immediately applicable according to International law;

13 f. *Disability Assessment and Determination* means the process by which
14 disability of an individual is officially recognized for the purpose of
15 eligibility determination to diverse entitlements. It is based on a human
16 rights model of disability, with a focus on functional limitations, support
17 requirements and barriers restricting participation,

18 **SEC. 4. Coverage.** – The funds necessary for the operation and
19 maintenance of the Lapu-Lapu National High School shall be included in the
20 General Appropriations Act of the year following its enactment into law and
21 thereafter.

22 **SEC. 5. Disability Support Allowance Program.** – There shall be
23 established a Disability Support Allowance Program under the Department of
24 Social Welfare and Development (DSWD), in consultation with the National
25 Council on Disability Affairs and a representative organization of persons with
26 disabilities, designed to serve as a social protection measure and support the needs
27 of persons with disabilities in their integration to society. The Disability Support

1 Allowance Program shall aim to provide regular stipend to persons with
2 disabilities based on the eligibility criteria of the DSWD.

3 The initial amount of Two Thousand Pesos (Php2,000.00) a month per
4 individual beneficiary is set for the disability support allowance, which will be
5 indexed to inflation to preserve its impact on the standards of living and
6 participation of people with disabilities. This would contribute, in combination to
7 existing social protection programs and discounts to address the higher cost of
8 transportation, housing, nutrition, hygiene and temporary human assistance
9 requirements, among others. For working age adults out of work, it will provide a
10 basic income security and will help cover disability related costs for finding and
11 keeping work.

12 The Program shall be implemented in three (3) phases;

13 a. Phase 1 – The Initial phase of the Disability Support Allowance
14 Program, to be implemented within three (3) years, shall prioritize
15 provision of stipends to:

16 i. Children with disabilities;

17 ii. Adults with significant disabilities who are facing the highest
18 barriers and disability-related costs;

19 iii. Persons with disabilities who are recipients of social protection
20 and economic empowerment programs such as but not limited
21 to the Pantawid Pamilya Pilipino Program (4Ps) and Social
22 Pension for Indigent Senior Citizens.

23 b. Phase 2 – The second phase of the Program, to be implemented in
24 the next three (3) years, shall Include all registered persons with
25 disabilities who have either no income or low level of Income and as
26 well as persons with disabilities who face disability-related extra
27 costs which negatively affects adequate standard of living.

1 c. Phase 3 – The third phase of the Program, to be implemented after
2 six (6) years from the beginning of the implementation, shall
3 endeavor to progressively cover all persons with disabilities.

4 **SEC. 6. *Eligibility.*** – Eligibility to the disability support allowance will be
5 based solely on disability assessment and determination with a focus on functional
6 limitation, support requirements, and barriers to participation, irrespective of
7 income, work status or access to other social protection benefits.

8 In recognition of the multiple forms of poverty and the extent of disability-
9 related costs required for basic participation, eligibility of persons with disabilities
10 to the disability support allowance will be compatible with eligibility and benefits
11 from different social protection and economic empowerment programs such as but
12 not limited to the Pantawid Pamilya Pilipino Program (4Ps) and Social Pension for
13 Indigent Senior Citizens, the disability allowance acting as a top-up for subsidizing
14 disability-related extra costs. Provided, That the DSWD, in consultation with the
15 NCDA, may, in its discretion, adopt additional bases to achieve the objectives of
16 this Act.

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

25 **SEC. 8. *Policy on Disability Identification Cards.*** – The issuance of
26 Disability Identification Cards pursuant to Republic Act No. 7277, otherwise
27 known as the "Magna Carta for Persons with Disabilities," as amended, along with
28 other relevant laws, administrative issuances and local ordinances, shall

1 Incorporate the information necessary for the granting of the monthly disability
2 support allowance to eligible persons with disabilities.

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

4 a. Any person who through fraud or misrepresentation applies- for, or aids
5 in the application for benefits under this law without being a qualified
6 person with disability entitled thereto shall suffer the following
7 penalties:

8 i. For the first violation, a fine of not less than Twenty-five
9 thousand pesos (Php 25,000.00) but not exceeding Fifty
10 thousand pesos (Php 50,000.00); and

11 ii. For any subsequent violation, a fine of not less than Fifty
12 thousand pesos (Php 50,000.00) but not exceeding One hundred
13 thousand pesos (Php 100,000.00).

14 b. Any person violating any provision of this Act and its implementing
15 rules and regulations, except violations pertaining to Subsection (a) of
16 this Section, shall be penalized with a fine of not less than Fifty
17 Thousand Pesos (Php 50,000.00) but not exceeding One Hundred
18 Thousand Pesos (Php 100,000.00).

19 **SEC. 10. *Appropriations.*** – The amount necessary for the implementation
20 of the Act shall be included in the annual General Appropriations of the year
21 following its enactment into law and thereafter. The initial amount of which shall
22 be determined by the Department of Social Welfare and Development (DSWD),
23 the National Council of Disability Affairs (NCDA), and representatives from other
24 major stakeholders including organizations of persons with disabilities. The
25 allocated budget for the first year of its operation shall gradually increase in view
26 of progressive realization

27 **SEC. 11. *Implementation.*** – Within one hundred and twenty (120) days
28 from the affectivity of this Act, the Department of Social Welfare and

1 Development, in consultation with the National Council on Disability Affairs,
2 Department of Interior and Local Government, Department of Health, Philippine
3 Statistics Authority, Organizations of Persons with Disabilities, and other relevant
4 stakeholders from government agencies and non-government organizations, shall
5 issue the necessary rules and regulations to Implement the provisions of this Act.

6 **SEC. 12. *Report to Congress.*** – The Department of Social Welfare and
7 Development and National Council on Disability Affairs shall annually submit a
8 report to Congress about the status of the implementation of this Act for the
9 purpose of review and recommendation of additional measures necessary for the
10 attainment of the objectives of this Act.

11 **SEC. 13. *Separability Clause.*** – If any provision or part of this Act is held
12 invalid or unconstitutional, the remaining parts or provisions not affected shall
13 remain in full force and effect.

14 **SEC. 14. *Non-Impairment Clause.*** – Nothing in this Act shall be construed
15 as to diminish, impair, or repeal rights recognized, granted, or made available to
16 disadvantaged, marginalized, or specific sectors under existing laws.

17 **SEC. 15. *Repealing Clause.*** – All laws, executive orders, presidential
18 decrees or issuances, letter of instruction, administrative orders, rules, and
19 regulations as well as local ordinances contrary to or inconsistent with the
20 provisions of this Act are hereby repealed, amended, or modified accordingly.

21 **SEC. 16. *Effectivity.*** - This Act shall take effect fifteen (15) days after
22 publication in the Official Gazette or in two (2) national newspapers of general
23 circulation.

Approved,