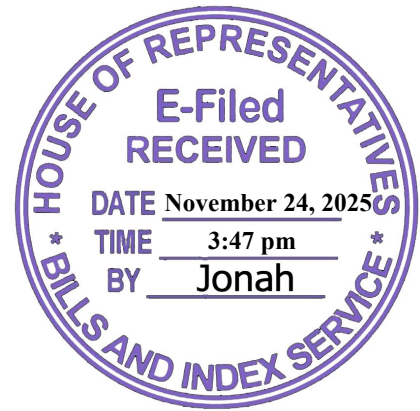


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6338



INTRODUCED BY REPRESENTATIVE MILAGROS AQUINO – MAGSAYSAY

EXPLANATORY NOTE

This bill seeks to institutionalize the budget allocation for Persons with Disabilities (PWD) programs, projects, activities and services, by specifically providing for a fixed percentage of 5% of the Internal Revenue Allotment (IRA) of local government units (LGUs) and at least 1% annual agency budget of all government agencies, executive departments, bureaus, offices, commissions, state universities, colleges, and the like.

Numerous laws, policies and programs for the benefit and welfare of PWDs have been introduced but are not being properly implemented due to a lack of resources or specific budget allocation. While there are sufficient legal bases for PWD programs and services, enforcement and implementation is always difficult due to budgetary constraints.

On the other hand, there have been previous directives on the specific budgetary allotment for senior citizens and PWDs which were not institutionalized, and thus, these became discretionary and purely voluntary instead of mandatory.

The Department of Social Welfare and Development (DSWD) and Department of Budget and Management (DBM) issued Joint Circular No. 2003-01 on April 28, 2003, following Section 29 of the General Appropriations Act (GAA) of 2003 specifically directing all agencies to set aside at least one (1%) of their agency budget for programs, projects, activities and services for senior citizens and Persons with Disabilities (PWDs). Almost a decade later, the Department of Interior and Local Government (DILG) issued Memorandum Circular No. 2014-59 on May 9, 2014, reiterating and institutionalizing the 1% budget allocation for senior citizens and PWDs, and directing local executive officials of LGUs to strictly implement this in accordance with the GAA, the DBM-DSWD JMC 2003-01, and RA 7160 or the Local Government Code of 1991.

This bill seeks to finally formalize and institutionalize the annual budget allotment for PWDs. The bill also mandates a specific percentage of budgetary allocation to be used for relevant PWD programs, projects, services, and relevant activities.

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



MILAGROS AQUINO-MAGSAYSAY

Republic of the Philippines
House of Representatives
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TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6338

INTRODUCED BY REPRESENTATIVE MILAGROS AQUINO – MAGSAYSAY

AN ACT INSTITUTIONALIZING A 5% BUDGET ALLOCATION FOR PERSONS WITH DISABILITIES (PWDS) FROM THE INTERNAL REVENUE ALLOTMENT (IRA) OF LOCAL GOVERNMENT UNITS, AND AT LEAST 1% GOVERNMENT AGENCY BUDGET OF EXECUTIVE DEPARTMENTS, AGENCIES, BUREAUS, OFFICES, COMMISSIONS, STATE UNIVERSITIES AND COLLEGES

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

SECTION 1. This Act shall be known as the “**Institutionalized Budgetary Allocation for Senior Citizens and PWD Programs and Services Act**”.

SECTION 2. Declaration of Policy –The 1987 Constitution, Article II, Section IX, mandates: “*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.*” In addition, Article II, Section X declares: “*The State shall promote social justice in all phases of national development.*” Moreover, Article XIII, Section XI commits: “*The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women and children.*”

Consistent with the above-mentioned Constitutional mandates, the foregoing policies and principles shall form part of the declared policies of this Act:

- a) To extend support to our Persons with Disabilities (PWDs) by providing monetary resources of the government to aid them towards a sustainable and decent living;
- b) To strengthen our shared duty in the promotion of basic Filipino values of caring for differently-abled people;

- c) To further cultivate filial piety as a basic component of kinship and camaraderie between and amongst our people; and
- d) To ensure access to and availability of government programs and services for PWDs.

In consonance with the foregoing policies, this Act aims to:

- a) Formulate programs and systems that will ensure propriety and uniformity in its implementation, through a comprehensive and inclusive approach to PWDs;
- b) Configure existing processes and procedures that will help provide orderly conduct of activities between and among PWDs and their availment thereof;
- c) Establish norms and customs that will contribute to the development of a just and humane society that recognizes and gives value the participation of PWDs in and for our communities; and
- d) Maximize the availment of and actual enjoyment of PWDs of government programs and services intended to support and assist them.

It is, therefore, in the best interest of the State to continue ensuring the rights and welfare of its PWDs by providing adequate fund sources for responsive programs and services to address their needs.

SECTION 3. Annual Budget Allocation – Consistent with the 2018 Mandamus ruling issued by the Supreme Court that LGUs are now entitled to a greater share in the national tax revenues collected, it is hereby provided that LGUs shall allocate five percent (5%) of their Internal Revenue Allotment (IRA) for PWDs to be utilized for their programs, projects, activities, and services.

On the other hand, all government agencies, executive departments, bureaus, offices, commissions, state universities and colleges, shall likewise allot at least one percent (1%) of their agency budgets as previously prescribed under the joint Department of Social Welfare and Development (DSWD) and Department of Budget and Management (DBM) Circular No. 2003-01 issued on April 28, 2003, following Section 29 of the General Appropriations Act of 2003 specifically directing all agencies to set aside at least one (1%) of their agency budget for programs, projects, activities and services for senior citizens and Persons with Disabilities (PWDs).

SECTION 4. Application and Utilization of said Budget Allotment - The increased and fixed percentage of budgetary allocation for PWDs shall support the programs, projects, services and activities mandated by law to address the needs of PWDs, such as, but not limited to the following:

- a) Republic Act No. 9442, amending RA 7277, the Magna Carta of PWDs;
- b) Republic Act No. 9763, authorizing COMELEC to provide Special Polling Places for Senior citizens and PWDs;

- c) Republic Act No. 10070, mandating the establishment of Persons with Disabilities Affairs Offices (PDAO);
- d) Republic Act No. 10754, amending RA 9442 and further Expanding the Benefits and Privileges of PWDs.

SECTION 5. Compliance and Monitoring – In coordination with the Department of Budget and Management (DBM) and the requirements of the Commission on Audit (COA), all LGUs through the Department of Interior and Local Government (DILG) shall, within 90 days after the end of every fiscal year, submit to Congress an annual report on their compliance with, or accomplishments under the proposed Act, and a complete accounting of funds disbursed in compliance with the Act.

SECTION 6. Implementing Rules and Regulations – Within ninety (90) days from the effectivity of the Act, the respective Secretaries and Chairpersons of the Department of Budget and Management (DBM), the Department of Interior and Local Government (DILG), the Department of Social Welfare and Development (DSWD), the National Council on Disability Affairs (NCDA), and the Commission on Audit (COA) shall jointly craft and issue the rules and regulations necessary for the effective implementation of this Act.

SECTION 7. Separability Clause – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 8. Repealing Clause – All laws, decrees, executive orders, rules or regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 9. Effectivity – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in newspaper of general circulation.

Approved