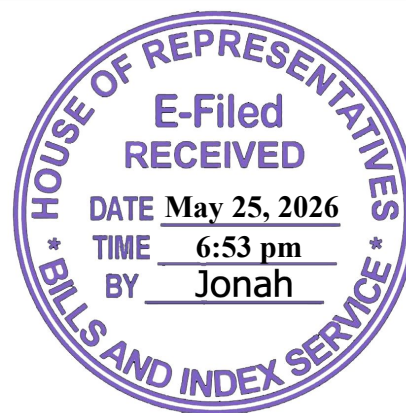




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 9415



Introduced by Representative Ma. Cristina Talavera Lopez

EXPLANATORY NOTE

The Philippines' commitments under the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD) include the recognition of the indispensable role of families and caregivers in ensuring the survival, development, inclusion, and meaningful participation of persons with disabilities, including the children with disabilities, in society. One of the guiding principles of the UNCRPD is the recognition that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities.

Despite existing laws—which rightly so—protecting persons with disabilities, the daily realities faced by their caregivers, especially the parents and primary caregivers of children with disabilities remain largely unaddressed. These caregivers often bear disproportionate financial, emotional, psychological, and opportunity burdens arising from continuous caregiving responsibilities. Many are compelled to reduce working hours, forego employment opportunities, or leave the workforce altogether to provide medical, therapeutic, educational, and developmental support to their children. At the same time, households caring for children with disabilities incur substantial disability-related expenses, including therapy, rehabilitation, assistive devices, specialized education, transportation, and other recurring costs.

Notwithstanding these realities, there remains no comprehensive legislation that expressly recognizes and supports the indispensable role of parents and primary caregivers of children with disabilities. It is high time to acknowledge and recognize the important role of parents and primary caregivers of children with disabilities in rearing them and at the same time assisting and helping children with disabilities effectively and meaningfully exercise their rights as such. This recognition will not only

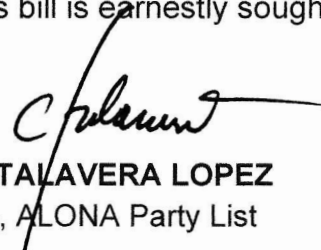
provide benefits and privileges to the parents and primary caregivers, but ultimately their recognition is the full realization of the principle of social justice.

This proposed measure seeks to institutionalize a rights-based, family-centered, and disability-inclusive framework of protection and support for parents and primary caregivers of children with disabilities. The bill provides labor protections and flexible work arrangements for caregiver-employees; grants caregiver leave benefits; establishes means-tested monthly cash subsidies for low-income caregiving households; expands access to PhilHealth coverage and tax relief measures for disability-related expenses; and institutionalizes psychosocial support and respite care services to safeguard the mental and emotional well-being of caregivers.

The measure likewise ensures that households with children with disabilities are accorded priority in social protection, emergency assistance, and social amelioration programs, recognizing the heightened vulnerability of caregiving families during times of crisis and economic hardship.

Ultimately, this bill proceeds from the recognition that empowering parents and primary caregivers is indispensable to protecting the dignity, welfare, and future of children with disabilities themselves. A truly inclusive society cannot be achieved if caregiving families are left unsupported, overburdened, and invisible within our social protection system.

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



MA. CRISTINA TALAVERA LOPEZ
Representative, ALONA Party List



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

Twentieth Congress
First Regular Session

HOUSE BILL NO. 9415

Introduced by Representative Ma. Cristina Talavera Lopez

**AN ACT STRENGTHENING SOCIAL PROTECTION AND SUPPORT FOR
PARENTS AND PRIMARY CAREGIVERS OF CHILDREN WITH DISABILITIES,
PROVIDING BENEFITS AND PRIVILEGES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

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

TITLE ONE
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “*Parents and Primary Caregivers of Children with Disabilities Act.*”

SECTION 2. *Declaration of Policy.* – The State reaffirms its unwavering commitment to uphold the dignity, rights, and welfare of persons with disabilities (PWDs), including children with disabilities (CWDs), consistent with Article II, Section 11 of the Philippine Constitution, as well as the Philippines’ binding covenants under the United Nations Convention on the Rights of Persons with Disabilities. The State further reaffirms its policy of promoting the welfare and defending the rights of children, especially CWDs, to assistance, including proper care and nutrition, and special protection. In line with this, and recognizing that the realization of these rights necessarily depends on the support, stability, and well-being of those primarily responsible for their care and development, the State therefore recognizes that the caregiving families of CWDs are entitled to comprehensive protection, equitable access to social services, and meaningful participation in society.

Towards this end, the State declares that parents and primary caregivers of CWDs occupy an indispensable role in the habilitation, rehabilitation, and social inclusion of their children and wards. The State recognizes the disproportionate financial, emotional, and opportunity burdens borne by such caregivers and hereby commits to a rights-based, family-centered, and disability-inclusive policy framework to address these burdens.

SECTION 3. Objectives. – This Act shall pursue the following objectives:

- (a) To grant labor rights and workplace accommodations to parents and primary caregivers of CWDs in order to maintain employment while fulfilling their caregiving responsibilities;
- (b) To provide direct financial assistance to parents and primary caregivers of CWDs to alleviate poverty and reduce disability-related costs;
- (c) To ensure access to social protection benefits, psychosocial support, and respite care services;
- (d) To provide tax relief measures for disability-related expenses incurred by the parents and primary caregivers of CWDs;
- (e) To ensure the psychological and mental well-being of parents and primary caregivers of CWDs by providing caregiver support programs; and
- (f) To promote disability-inclusive emergency preparedness and social amelioration frameworks.

SECTION 4. Definition of Terms. – As used in this Act, the following are defined as follows:

- (a) *Child with Disability* shall refer to any person suffering from a disability who is living with and fully dependent upon their parents or primary caregivers by reason of such disability.
- (b) *Disability* shall refer to temporary, long-term, or permanent 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.

- (c) *Long-term Disability* shall refer to a disability that may improve or resolve over time, but is not considered temporary, with appropriate intervention and reassessment using a functional and clinical assessment consistent with the social and rights-based model of disability.
- (d) *Parent* refers to the biological or adoptive parent of a CWD with primary responsibility of providing daily care, support, supervision and parental authority over the child.
- (e) *Primary Caregiver* is any person, other than the parent, who has assumed the primary responsibility of providing daily care, support, supervision and parental authority of a CWD in accordance with the Family Code of the Philippines. This includes the surviving grandparents, brothers or sisters, or the actual custodian of the CWD.
- (f) *Permanent Disability* refers to a disability that is irreversible and is not expected to improve over time, as determined through functional and clinical assessment consistent with the social and rights-based model of disability.
- (g) *Temporary Disability* refers to a disability that is not expected to persist for more than twelve (12) months, as determined through functional and clinical assessment consistent with the social and rights-based model of disability.

TITLE TWO

RIGHTS AND PRIVILEGES OF PARENTS AND PRIMARY CAREGIVERS

CHAPTER 1 – Eligibility and Registration

SECTION 5. *Eligibility.* – Any parent or primary caregiver of a CWD shall be eligible for the benefits and privileges under this Act, subject to the following conditions:

- (a) The CWD must be a registered PWD under the Philippine Registry of Persons with Disabilities (PRPWD), with a valid PWD identification card; and
- (b) The parent or primary caregiver must be a Filipino citizen and resident of the Philippines.

For purposes of this Act, no distinction shall be made based on the civil status of the parent or primary caregiver of the CWD. Subject to the provisions of this Act, both married parents and solo parents, as well as married or unmarried primary caregivers with legal custody, recognized responsibility, and parental authority over the CWD, shall be entitled to apply for benefits and privileges under this Act.

SECTION 5. *Procedure for application.* – Eligible parents and primary caregivers may apply for benefits and privileges under this Act in the Social Welfare and Development Office (SWDO) of the local government unit where the CWD and parent or primary caregiver reside. Upon receipt of the application, the SWDO shall:

- (a) Process the application within thirty (30) days from submission of the complete documentary requirements;
- (b) Upon approval of the application, issue a Certificate of Eligibility for Caregiver Benefits (CECB); and
- (c) Forward the CECB to relevant national agencies for benefit implementation.

Chapter 2 – Benefits and Privileges

SECTION 6. *Flexible Work Arrangements.* – Subject to relevant laws, rules and regulations, as well as the nature of work and operational requirements, parent-employees and primary caregiver-employees of CWDs, whether in the private or public sector, are eligible for flexible work arrangements, including but not limited to telecommuting, flexi-time, compressed work week, and other arrangements.

SECTION 7. *Caregiver Leave.* – In addition to existing leave benefits under existing laws, eligible parent-employees and primary caregiver-employees shall be entitled to a five (5) days of paid caregiver leave per year to attend to the medical, therapeutic, rehabilitative, and educational needs of the CWD; *provided*, that in cases of disability-related crises or medical emergencies of the CWD, eligible parent-employees and primary caregiver-employees shall be entitled to an additional three (3) days of special emergency leave per year; *provided, further*, that the caregiver leave shall be non-cumulative and shall not be convertible to cash unless otherwise agreed upon between the employer and employee.

Nothing in this Section shall be construed to diminish or restrict any benefit, right, or privilege already accorded to parents and primary caregivers of CWDs under existing laws, executive orders, administrative orders, and other issuances.

SECTION 8. *Prohibition Against Discrimination.* – No employer shall terminate, demote, or otherwise discriminate against any employee by reason of their exercise of the rights under this Act.

SECTION 9. *Additional Benefits and Privileges.* – Parents and primary caregivers shall be entitled to the following additional benefits and privileges:

- (a) Means-, pension-, and subsidy-tested monthly cash subsidy of Two Thousand Pesos (PHP 2,000.00) per month for parents or primary caregivers, who are

earning a minimum wage and below, of CWDs with permanent disabilities, and One Thousand Pesos (PHP 1,000.00) per month for parents or primary caregivers, who are earning a minimum wage and below, of CWDs with temporary or long-term disabilities, for the duration of assessed disability, subject to reassessment; *provided, however*, that if both parents are primary caregivers of the same CWD, only one (1) cash subsidy shall be availed of per CWD per household; *provided, further*, that where a parent or primary caregiver has two (2) or more CWDs in the household, the cash subsidy shall be granted for each eligible CWD, subject to a ceiling of Four Thousand Pesos (PHP 4,000.00) per household per month.

- (b) Parents and primary caregivers of CWDs who are not otherwise covered by PhilHealth through employment or indigency programs shall be deemed indirect beneficiaries for purposes of the CWD's mandatory PhilHealth coverage under Republic Act No. 11228. For this purpose, the Philippine Health Insurance Corporation (PhilHealth) shall promulgate guidelines to ensure that parents and primary caregivers receive adequate health benefits in connection with their caregiving activities.
- (c) In addition to existing tax benefits under the National Internal Revenue Code, as amended, eligible parents and primary caregivers shall be entitled to an additional itemized deduction of actual and necessary disability-related expenses incurred for the CWD, not exceeding One Hundred Thousand Pesos (PHP 100,000.00) per year per CWD; *provided, however*, that if the parent or primary caregiver are purely compensation income earner, they shall be entitled to an exclusion from the gross compensation income an amount not exceeding One Hundred Thousand Pesos (PHP 100,000.00) annually, representing qualified caregiving and disability-support expenses, subject to substantiation and such rules as may be promulgated by the Bureau of Internal Revenue (BIR).

For purposes of this Act, the following are the recognized disability-related expenses:

- i. Expenses for therapy, rehabilitation, and habilitation services for the CWD;
- ii. Expenses for the purchase or lease of assistive devices and adaptive equipment;
- iii. Expenses for special education tuition and learning support services; and

- iv. Other reasonable and necessary expenses as prescribed by the BIR in coordination with the NCDA.

Employers who implement disability-inclusive workplace policies benefiting caregiver-employees, including provision of caregiver leave beyond the statutory minimum, flexible work arrangements, or workplace accommodations, shall be entitled to additional tax deductions equivalent to the cost of such benefits, subject to guidelines to be issued by the BIR in coordination with the DOLE and the NCDA.

SECTION 10. *Psychosocial Support and Mental Health Services.* – The DSWD, in coordination with the DOH, local health offices, and LGUs, shall establish and maintain accessible psychosocial support services for parents and primary caregivers of CWDs. These shall include individual counseling, peer support groups, family therapy, and community-based mental health programs, consistent with Republic Act No. 11036 or the Mental Health Act of 2018.

SECTION 11. *Respite Care Services.* – The DSWD shall establish a national network of respite care facilities and community-based respite care programs to provide temporary relief to parents and primary caregivers of CWDs. Respite care services shall be offered free of charge or at a subsidized rate to eligible caregivers, subject to the availability of funds. The local government units (LGU) are encouraged to establish local respite care programs with the assistance of the DSWD and NCDA.

SECTION 12. *Priority in Social Protection Programs.* – Households with CWDs shall be accorded priority status in all social amelioration, conditional cash transfer, emergency subsidy, food assistance, and social protection programs administered by the DSWD and other relevant agencies. The DSWD shall issue administrative orders to institutionalize priority access mechanisms for CWD households, including, among others:

- (a) Priority lanes and dedicated service counters during aid distribution activities;
- (b) Reserved allocation quotas of not less than ten percent (10%) of available aid slots for CWD households in LGU-level distribution; and
- (c) Disability-accessible aid distribution venues and accessible communication formats.

SECTION 13. *Lead Implementing Agency.* – The DSWD shall be the lead implementing agency of this Act, with the NCDA serving as the technical oversight body for disability-related standards. The DOH, DOLE, BIR, DILG, DBM, and PhilHealth shall serve as cooperating agencies in the implementation of the provisions within their respective mandates.

TITLE THREE

PENAL PROVISIONS

SECTION 14. *Prohibited Acts and Penalties.* – The following acts are hereby prohibited under this Act:

- (a) Fraudulent misrepresentation in the application for benefits under this Act;
- (b) Discrimination against parents and primary caregiver-employees by employers in violation of this Act; and
- (c) Any act or omission that obstructs the delivery of benefits to eligible parents and primary caregivers.

Any person found guilty of any of the foregoing prohibited acts shall be penalized with imprisonment of one (1) year to six (6) years and a fine of Five Hundred Thousand Pesos (PHP 500,000.00), without prejudice to civil liability and administrative sanctions. If the offender is a government official or employee, the penalty shall include perpetual disqualification from public office.

TITLE FOUR

FINAL PROVISIONS

SECTION 15. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the DSWD and NCDA. Thereafter, the amounts necessary to implement this Act shall be included in the annual General Appropriations Act (GAA). Funding shall specifically include allocations for cash subsidy disbursements, respite care services, and psychosocial support programs, and capacity-building.

SECTION 16. *Implementing Rules and Regulations.* – The DSWD, in coordination with the NCDA, DOH, DOLE, DBM, BIR, DILG and PhilHealth, shall promulgate the implementing rules and regulations pertinent to the provisions of this Act within ninety (90) days after the effectivity of this Act.

SECTION 17. *Periodic Review.* – The DSWD shall, together with the cooperating agencies shall conduct a comprehensive review of this Act and its implementation every three (3) years from its effectivity and submit a report to Congress with recommendations for amendments or enhancements as may be warranted by the circumstances.

SECTION 18. *Separability Clause.* – If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions which are not affected shall continue to be in full force and effect.

SECTION 19. *Repealing Clause.* – All laws, presidential decrees, executive orders, or issuances, or any part thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 20. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or any newspaper of general circulation.

Approved,