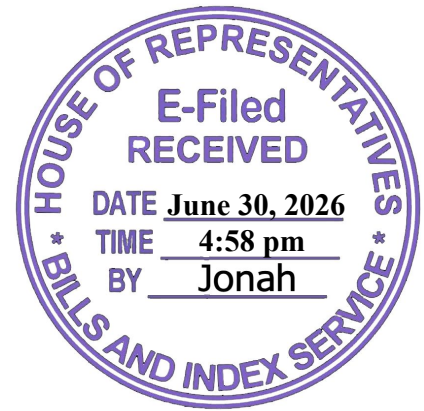


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9980



Introduced by Representative Jan “Atty. JP” D. Padiernos

EXPLANATORY NOTE

The State has long recognized the rights and welfare of persons with disabilities through landmark legislation such as Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons, as amended, and Republic Act No. 11650, or the Inclusive Education Act. These laws provide important rights, protections, benefits, and opportunities for persons with disabilities and promote their inclusion in society.

These measures have undoubtedly advanced the welfare of persons with disabilities. However, while existing laws focus on the rights, accessibility, education, and inclusion of persons with disabilities, there remains no comprehensive law that specifically recognizes and addresses the unique and continuing burden borne by families and primary caregivers of persons with permanent developmental and intellectual disabilities, such as Autism Spectrum Disorder (ASD), Down Syndrome, Intellectual Disability, and similar lifelong conditions.

For many Filipino families, caring for a person with a developmental or intellectual disability requires significant financial resources, time, and personal sacrifice. Parents and caregivers often shoulder the costs of therapy, developmental interventions, specialized educational support, medical consultations, transportation, assistive devices, and other essential services. In many instances, caregivers are compelled to reduce working hours, forego employment opportunities, or leave the workforce entirely in order to provide the level of care and supervision required by their loved ones.

More importantly, there remains no comprehensive statutory framework that addresses the long-term security and continuity of care of persons with permanent developmental and intellectual disabilities when their parents or primary caregivers become elderly, incapacitated, or pass away. For countless Filipino families, the uncertainty surrounding the future care of their loved ones remains a source of profound concern.

This measure seeks to fill these gaps by establishing a comprehensive family and caregiver support framework for persons with Autism Spectrum Disorder (ASD), Down Syndrome, and other permanent developmental and intellectual disabilities. It recognizes that while disability

rights must continue to be protected, the families and caregivers who provide lifelong care likewise deserve meaningful support and protection under the law.

By institutionalizing caregiver support measures, strengthening access to developmental services, and establishing mechanisms that promote long-term care planning and security, this bill seeks to complement existing disability laws and provide a more holistic approach to the welfare of persons with permanent developmental and intellectual disabilities and the families who care for them.

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


Rep. Jan “Atty. JP” D. Padiernos
GP (GALING SA PUSO)
Partylist

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TWENTIETH CONGRESS
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House Bill No. **9980**

Introduced by Representative Jan “Atty. JP” D. Padiernos

AN ACT ESTABLISHING A COMPREHENSIVE SUPPORT PROGRAM FOR FAMILIES AND CAREGIVERS OF PERSONS WITH AUTISM SPECTRUM DISORDER, DOWN SYNDROME, AND OTHER PERMANENT DEVELOPMENTAL AND INTELLECTUAL DISABILITIES, PROVIDING FOR LIFETIME SUPPORT AND LONG-TERM CARE PLANNING, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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 “Comprehensive Support for Families and Caregivers of Persons with Developmental and Intellectual Disabilities Act.”

SECTION 2. Declaration of Policy. – It is the policy of the State to recognize and support the indispensable role of families and caregivers in the care, development, protection, and long-term welfare of persons with Autism Spectrum Disorder (ASD), Down Syndrome, and other permanent developmental and intellectual disabilities. The State likewise recognizes that such conditions often require lifelong support and that families frequently bear substantial economic, emotional, and caregiving burdens that extend beyond those addressed under existing disability laws.

SECTION 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

- a. Beneficiary – a person diagnosed with a Permanent Developmental or Intellectual Disability and registered under this Act.
- b. Caregiver – any individual who assumes primary responsibility for the care, supervision, support, and well-being of a Beneficiary.
- c. Family Caregiver – a parent, legal guardian, spouse, sibling, grandparent, relative, or other person related by blood, affinity, adoption, or customary family relationship who provides ongoing care and support to a Beneficiary without compensation as a professional caregiver.
- d. Long-Term Care Plan – a written plan voluntarily executed by a Caregiver or Family Caregiver setting forth arrangements for the future care, support, supervision, housing,

health care, financial management, and overall welfare of a Beneficiary in the event of the death, incapacity, advanced age, or inability of the Caregiver to continue providing care.

- e. Means Testing – the process of determining eligibility for financial assistance under this Act based on income, assets, household circumstances, and such other criteria as may be prescribed by the DSWD.
- f. Permanent Developmental or Intellectual Disability – a lifelong or indefinite condition resulting in substantial limitations in intellectual functioning, adaptive behavior, developmental functioning, or a combination thereof, including but not limited to Autism Spectrum Disorder, Down Syndrome, Intellectual Disability, Cerebral Palsy, Global Developmental Delay, and similar conditions requiring continuing support and intervention.
- g. Registered Beneficiary – a Beneficiary whose eligibility has been verified and recorded pursuant to this Act.
- h. Registered Caregiver – a Caregiver or Family Caregiver whose status has been verified and recorded in the Family Caregiver Registry established under this Act.
- i. Respite Care – temporary care and support services provided to a Beneficiary for the purpose of providing relief to a Caregiver or Family Caregiver from continuous caregiving responsibilities.
- j. Successor Caregiver – a person designated in a Long-Term Care Plan to assume caregiving responsibilities for a Beneficiary upon the death, incapacity, or inability of the primary Caregiver to continue providing care.
- k. Supported Employment – employment undertaken with reasonable accommodations, job coaching, supervision, or other support necessary to enable a Beneficiary to obtain, perform, and maintain employment.
- l. Transition Services – coordinated activities, programs, and supports designed to facilitate the transition of a Beneficiary from childhood to adulthood, including preparation for employment, vocational training, independent living, community participation, and long-term care planning.

SECTION 4. Rights of Registered Family Caregivers. – Subject to the provisions of this Act, every Registered Family Caregiver shall have the following rights:

- a. To be recognized by the State as a primary provider of care and support to a Beneficiary;
- b. To receive information, guidance, and assistance from government agencies concerning available programs, services, and benefits for Beneficiaries and their caregivers;
- c. To avail of caregiver support benefits and respite care services established under this Act, subject to applicable qualification requirements;

- d. To receive assistance in the preparation of Long-Term Care Plans for Beneficiaries;
- e. To designate a Successor Caregiver in accordance with this Act;
- f. To participate in transition planning and other support programs intended to promote the long-term welfare and independence of Beneficiaries; and
- g. To such other rights and benefits as may be provided under this Act and other applicable laws.

SECTION 5. Family Caregiver Registry. – The Department of Social Welfare and Development (DSWD) shall establish and maintain a Family Caregiver Registry for purposes of identifying Registered Family Caregivers and determining eligibility for benefits and services under this Act.

Registration shall be voluntary and shall not be a prerequisite for the enjoyment of any rights, benefits, or privileges otherwise available under existing laws.

The DSWD shall prescribe the documentary requirements, verification procedures, and standards for registration, taking into consideration the need to ensure accessibility and ease of registration for families and caregivers.

The information collected under this Section shall be treated as confidential and shall be processed in accordance with Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012.

SECTION 6. Caregiver Assistance Benefit. – Subject to the availability of appropriations and the eligibility requirements established under this Act, Registered Family Caregivers who provide substantial and continuing care to a Registered Beneficiary shall be entitled to a monthly Caregiver Assistance Benefit.

The Caregiver Assistance Benefit is hereby established in recognition of the economic burden and reduced earning capacity often experienced by family caregivers who devote significant time and resources to the care and supervision of Registered Beneficiaries.

The amount of the benefit shall be determined by the Department of Social Welfare and Development (DSWD), in consultation with the Department of Budget and Management (DBM), taking into account household income, level of support required by the Registered Beneficiary, and other relevant circumstances. Priority shall be given to indigent and low-income households.

SECTION 7. Developmental Support Grant. – Registered Beneficiaries shall be entitled to apply for a Developmental Support Grant to assist in defraying the costs of disability-related interventions and support services.

The grant may be used solely for:

- a. Occupational therapy;
- b. Physical therapy;
- c. Speech and language therapy;
- d. Behavioral interventions;
- e. Psychological services;

- f. Special education and developmental programs;
- g. Assistive devices and adaptive equipment; and
- h. Such other disability-related services as may be approved by the DSWD and the Department of Health (DOH).

To ensure proper utilization of public funds, grants under this Section may be released directly to accredited service providers, educational institutions, or suppliers.

SECTION 8. Caregiver Tax Credit for Qualified Developmental Support Expenses. – A Registered Family Caregiver who incurs and pays Qualified Developmental Support Expenses for a Registered Beneficiary during the taxable year shall be entitled to a tax credit equivalent to fifty percent (50%) of such expenses actually paid, but not exceeding One Hundred Fifty Thousand Pesos (₱150,000.00) per Registered Beneficiary per taxable year.

The tax credit authorized under this Section may be claimed against the income tax due of the taxpayer for the taxable year and shall be in addition to any benefit otherwise available under existing laws.

For purposes of this Section, Qualified Developmental Support Expenses shall include amounts actually paid for:

- a. Occupational therapy;
- b. Physical therapy;
- c. Speech and language therapy;
- d. Behavioral therapy and intervention programs;
- e. Psychological and psychiatric services;
- f. Special education tuition, developmental programs, and individualized learning services;
- g. Assistive devices, adaptive equipment, communication aids, and sensory support tools prescribed or recommended by a qualified professional;
- h. Diagnostic assessments and evaluations related to the Beneficiary's developmental condition; and
- i. Other disability-related interventions approved by the DSWD and the Bureau of Internal Revenue.

The taxpayer shall maintain such receipts, invoices, certifications, and other supporting documents as may be required by the Bureau of Internal Revenue.

The Department of Finance, Bureau of Internal Revenue, and Department of Social Welfare and Development shall promulgate the necessary rules and regulations for the implementation of this Section.

SECTION 9. Lifetime Support Program. – There is hereby established a Lifetime Support Program for Registered Beneficiaries to ensure continued access to developmental, educational, vocational, health, and community-based support services throughout their lives.

The Lifetime Support Program shall include, as may be appropriate to the age, abilities, and support needs of the Registered Beneficiary:

- a. Developmental and therapeutic support services;
- b. Educational assistance and learning support programs;
- c. Vocational training and skills development opportunities;
- d. Employment readiness and supported employment services;
- e. Community participation and social integration programs;
- f. Independent living support services; and
- g. Other interventions necessary to promote the welfare, development, and inclusion of the Registered Beneficiary.

No Registered Beneficiary shall be denied participation in programs established under this Act solely on the ground that he or she has attained the age of majority.

The DSWD shall serve as the lead agency in coordinating the implementation of the Lifetime Support Program in collaboration with the DOH, DepEd, CHED, TESDA, DOLE, NCDA, PhilHealth, local government units, and other relevant agencies.

SECTION 10. Adult Transition Planning. – Every Registered Beneficiary shall be entitled to Adult Transition Planning designed to facilitate the transition from childhood to adulthood and to promote long-term independence and community participation.

Adult Transition Planning shall commence not later than the Beneficiary's sixteenth (16th) birthday and shall be reviewed periodically thereafter.

The transition plan may include:

- a. Educational and post-secondary opportunities;
- b. Vocational and skills development goals;
- c. Employment and livelihood objectives;
- d. Independent living arrangements and support needs;
- e. Community participation goals;
- f. Health care planning;
- g. Financial planning; and
- h. Long-Term Care Planning under this Act.

The DSWD, in coordination with the Beneficiary, Family Caregiver, educational institutions, and other appropriate agencies, shall assist in the preparation and implementation of transition plans.

SECTION 11. Right to Long-Term Care Planning. – Every Registered Family Caregiver shall have the right to receive assistance from the Department of Social Welfare and Development (DSWD) in developing a Long-Term Care Plan for a Registered Beneficiary.

The DSWD shall provide information, counseling, case management assistance, and planning support to enable families to prepare for the future care, welfare, and support needs of Registered Beneficiaries.

SECTION 12. Long-Term Care Plan. – A Registered Family Caregiver may voluntarily execute and register a Long-Term Care Plan for a Registered Beneficiary.

The Long-Term Care Plan shall serve as a continuity-of-care instrument intended to guide future caregiving arrangements in the event of the death, incapacity, advanced age, or inability of the Family Caregiver to continue providing care.

The Long-Term Care Plan may include:

- a. The identity and profile of the Registered Beneficiary;
- b. The designation of one or more Successor Caregivers;
- c. Preferred living arrangements and support services;
- d. Medical, educational, developmental, and behavioral information relevant to the Beneficiary's care;
- e. Existing financial resources intended for the Beneficiary's support;
- f. Emergency contacts and support networks; and
- g. Such other information as may facilitate continuity of care.

The execution and registration of a Long-Term Care Plan shall be voluntary and shall not create, transfer, or diminish any legal rights relating to custody, guardianship, parental authority, succession, or property ownership.

SECTION 13. Successor Caregiver Recognition. – A Registered Family Caregiver may designate one or more Successor Caregivers in a registered Long-Term Care Plan.

In the event of the death, incapacity, or inability of the Family Caregiver to continue providing care, the Department of Social Welfare and Development (DSWD) shall consult the designated Successor Caregiver in determining appropriate continuity-of-care arrangements for the Registered Beneficiary.

The designation of a Successor Caregiver shall not, by itself, confer legal custody, guardianship, parental authority, or any right otherwise requiring judicial or administrative approval under existing laws.

However, the designation shall constitute prima facie evidence of the Family Caregiver's preferred continuity-of-care arrangement.

SECTION 14. Continuity-of-Care Assistance. – In the event that a Registered Family Caregiver dies, becomes permanently incapacitated, or is otherwise unable to continue providing care, and the Registered Beneficiary is left without adequate care or support, the DSWD shall immediately conduct an assessment and provide continuity-of-care assistance.

Such assistance may include:

- a. Coordination with designated Successor Caregivers;
- b. Case management services;
- c. Referral to appropriate government and private support programs;
- d. Temporary support interventions necessary to protect the welfare of the Registered Beneficiary;
- e. Assistance in implementing a registered Long-Term Care Plan; and
- f. Other lawful measures necessary to prevent abandonment, neglect, or disruption of care.

The DSWD shall prioritize the preservation of family and community-based care arrangements whenever practicable and consistent with the best interests of the Registered Beneficiary.

SECTION 15. Lead Agency. – The Department of Social Welfare and Development (DSWD) shall serve as the lead agency for the implementation of this Act and shall coordinate with the Department of Health (DOH), Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), Department of Labor and Employment (DOLE), Department of Finance (DOF), Bureau of Internal Revenue (BIR), Philippine Health Insurance Corporation (PhilHealth), National Council on Disability Affairs (NCDA), local government units, and other relevant agencies to ensure the effective delivery of benefits and services under this Act.

SECTION 16. Non-Diminution of Existing Benefits. – The benefits, privileges, and assistance provided under this Act shall be in addition to, and shall not diminish, impair, replace, or otherwise affect any rights, benefits, discounts, privileges, or entitlements available to persons with disabilities or their caregivers under existing laws, rules, and regulations.

SECTION 17. Fraudulent Claims and Misuse of Benefits. – It shall be unlawful for any person to knowingly falsify records, certifications, diagnoses, receipts, invoices, or other documents for purposes of obtaining benefits under this Act, or to knowingly misuse, divert, or misappropriate benefits granted hereunder for purposes unrelated to the welfare, development, or support of a Registered Beneficiary.

SECTION 18. Penalties. – Any person who violates Section 17 of this Act shall, upon conviction, suffer a fine of not less than One Hundred Thousand Pesos (₱100,000.00) but not more than Five Hundred Thousand Pesos (₱500,000.00), or imprisonment of not less than one (1) year but not more than six (6) years, or both, at the discretion of the court, without prejudice to any civil, administrative, or criminal liability under existing laws.

SECTION 19. Appropriations. – The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the Department of Social Welfare and Development (DSWD) and other concerned agencies. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 20. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the Department of Social Welfare and Development (DSWD), in coordination with the Department of Health (DOH), Department of Finance (DOF), Bureau of Internal Revenue (BIR), National Council on Disability Affairs (NCDA), and other concerned agencies, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 21. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall remain in full force and effect.

SECTION 22. Repealing Clause. – All laws, decrees, executive orders, rules, and regulations inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 23. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.