

# **IRR OF REPUBLIC ACT NO. 10070**

## **IMPLEMENTING RULES AND REGULATIONS**

*REPUBLIC ACT NO. 10070 (AN ACT ESTABLISHING AN INSTITUTIONAL MECHANISM TO ENSURE THE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING REPUBLIC ACT NO. 7277 OTHERWISE KNOWN AS THE "MAGNA CARTA FOR DISABLED PERSONS," AS AMENDED, AND FOR OTHER PURPOSES)*

WHEREAS, Article 4.3 of the United Nation Convention on the Rights of Persons with Disabilities (UNCRPD) mandates the Philippine Government to closely consult with and actively involve persons with disabilities through their representative organizations in the development and implementation of legislation and policies to implement this international commitment;

WHEREAS, the 14<sup>th</sup> Congress of the Philippines passed Republic Act No. 10070, entitled " AN ACT ESTABLISHING AN INSTITUTIONAL MECHANISM TO ENSURE THE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE 'MAGNA CARTA FOR DISABLED PERSONS,' AS AMENDED, AND FOR OTHER PURPOSES," on April 6, 2010;

WHEREAS, Section 1 of RA no. 10070 mandates the creation of Persons with Disabilities Affairs Office (PDAO) in every province, city and municipality and designation of a Focal Person in the fourth (4<sup>th</sup>), fifth (5<sup>th</sup>) and sixth (6<sup>th</sup>) class municipalities who shall perform the functions of PDAO;

WHEREAS, as a result of the consultations with persons with disabilities, government agencies and other stakeholders, there is a clamor for Implementing Rules and Regulations for Republic Act No. 10070 to guide the provinces, cities and municipalities in establishing the Persons with Disabilities Affairs Office;

NOW THEREFORE, this implementing rules and regulations of RA No. 10070 is being issued:

## **IMPLEMENTING RULES AND REGULATIONS**

### **RULE I**

#### **TITLE, PURPOSE AND CONSTRUCTION**

Section 1. Title. These rules shall be cited as the " Implementing Rules and Regulations of Republic Act No. 10070, An Act Establishing an Institutional Mechanism to Ensure the Implementation of Programs and Services for Persons with Disabilities in Every Province, City and Municipality, Amending Republic Act No. 7277, Otherwise Known as the "Magna Carta for Disabled Persons," as Amended, and For Other Purposes."

Section 2. Purpose. These rules and regulations are promulgated to prescribe the procedures and guidelines for the implementation of Republic Act No. 10070 to facilitate compliance and achieve its objectives.

Section 3. Construction. These rules and regulations shall be construed and applied in accordance with and in furtherance of the policies and objectives of Republic Act No. 10070. In case of doubt, the same shall be construed liberally and in favor of persons with disabilities.

### **RULE II**

#### **DECLARATION OF POLICIES AND OBJECTIVES**

It is declared policy of RA No. 7277 that persons with disabilities are part of the Philippine society, and thus the State shall give full support to the improvement of their total well – being and their integration into the mainstream of society. They have the same rights as other people to take their proper place in society. The main objectives of RA 10070 is to ensure that policies, programs and services for persons with disabilities are implemented at local level for them to fully participate in building an inclusive society for all.

### **RULE III**

#### **DEFINITION OF TERMS**

Section 4. Definition of Terms – As used in the Act and this Implementing Rules and Regulations, the following terms shall mean:

- “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 in equal basis with others (UNCRPD Article 1);
- “Federation of Persons with Disabilities” refers to a group composed of organizations of and for persons with disabilities from national, regional, provincial, city and municipal levels;
- “Disabled Peoples Organization” (DPO) refers to organization organized and controlled by persons with disabilities;
- “Persons with Disabilities Affairs Office” refers to an office created pursuant to Republic Act No. 10070 to ensure the implementation of programs and services for persons with disabilities in every province, city and municipality;
- “Personnel Selection Board” refers to a body established in every province, city, or municipality to assist their respective local chief executive in the judicious and objective selection of personnel for employment, as well as for promotion and formulation of such policies that would promote the merit and fitness principle;
- “Focal Person” refers to an official/staff of in the fourth (4th), fifth (5th) and sixth (6th) class municipalities designated or appointed by the municipal mayor to perform the functions of PDAO.
- “Regional Committee on Disability Affairs” (RCDA) refers to the strategy adopted by the National Council on Disability Affairs (NCDA) at the regional level which serves as a mechanism for convergence and resource sharing in the implementation of programs, projects and services for persons with disabilities. It also serves as a forum for the formulation of recommendations, policies, and resolutions for the adoption of member agencies to strengthen the implementation of programs and services.
- “Permanent Status” refers to employment status of an employee who meets all the minimum qualification requirements of the position to which he/she is being appointed, including the appropriate eligibility prescribed, in accordance with the provisions of law, rules and standards promulgated in pursuance thereof (based on CSC Omnibus Rules on Appointment and other Personnel Actions)
- “Temporary Status” refers to the employment status of an employee who meets the education, experience and training requirements for the position to which he/she is being appointed except for the appropriate eligibility but only in the absence of a qualified eligible actually available, as certified to by the Civil Service Regional Director or Field Officer. The appointment shall not exceed twelve months, reckoned from the date it was issued but the appointee may be replaced sooner if a qualified eligible who is willing to accept the appointment becomes available.
- “Qualification Standards” refers to minimum qualifications for a position which shall include education, experience, training, civil service eligibility and physical characteristics and personality traits required by the job.

#### **RULE IV**

##### **ESTABLISHMENT OF PERSONS WITH DISABILITIES AFFAIRS OFFICE (PDAO) AND APPOINTMENT OF PDAO FOCAL PERSONS**

Section 5. The Persons with Disabilities Affairs Office (PDAO) shall be established in all provinces, cities, and first (1st), second (2nd) and third (3rd) class municipalities under the office of the governor, city or municipal mayor, respectively. The PDAO may be a department, division or section.

Section 6. The Sangguniang Panlalawigan/Panlungsod/Bayan shall pass an Ordinance creating the PDAO organizational structure, staffing pattern and its annual appropriation to carry out its functions.

In 4th, 5th, and 6th class municipalities, the municipal mayor shall designate or appoint a Focal Person to perform the functions of PDAO.

#### **RULE V**

##### **HEAD OF PDAO AND THE FOCAL PERSON**

Section 7. Priority shall be given to qualified person with disabilities in the appointment of the head of PDAO for the provinces, cities and 1st, 2nd, and 3rd class municipalities, and the Focal Person for 4th, 5th and 6th class municipalities.

Enforcement of Sections 325(a) and 331(b) of RA 7160 shall be waived to enable local government units to fund the initial year requirements for newly created mandatory positions in LGUs, as confirmed by the Department of Budget and Management (DBM)

based on the general provision of the annual GAA on the enforcement of the Personnel Services limitations, for the initial year of creation of mandatory offices.

Appointment to the position of Head of PDAO and the Focal Person shall be subject to the qualification requirements as approved by the Civil Service Commission.

#### Section 8. Position Description of the Head of PDAO and Focal Person

The Head of PDAO shall perform the following duties and responsibilities:

- Manage and oversee the efficient operations of the Persons with Disabilities Affairs Office and general supervision of its personnel;
- Develop, promote and monitor the implementation of policies, plans, programs, and services for the development of persons with disabilities in coordination with national and local government agencies:
- Ensure representation of persons with disabilities in the local development councils and other special bodies:
- Build the capacity of non – government organizations and people’s organizations to participate in the implementation of all disability related laws and policies:
- Establish coordination with the province, city or municipality, as the case maybe and ensure the inclusion of disability concerns in all local government programs and services:
- Network with local, national and international organizations and establish partnership on disability programs and resource mobilizations:
- Develop and submit to the concerned municipal/city mayor or governor an Annual Work and Financial Plan.

The Focal Person shall perform the same functions except for (a) of this section.

#### Section 9. Functions. PDAO shall perform the following functions as stated in RA No.10070:

- Formulate and implement policies, plans and programs for the promotion of the welfare of persons with disabilities in coordination with concerned national and local government agencies:
- Coordinate and implement the provision of RA No. 10070, Batas Pambansa Blg.344, otherwise known as the Accessibility Law, and other relevant laws at the local level:
- Represent persons with disabilities in meetings of local development councils and other special bodies:
- Recommend and enjoin the participation of Non-Government Organizations (NGOs) and People’s Organization (POs) in the implementation of all disability-related laws and policies:
- Gather and compile relevant data on persons with disabilities in their localities:
- Disseminate information including, but not limited to programs and activities for persons with disabilities, statistics on persons with disabilities, including children with disability, and training and employment opportunities for persons with disabilities:
- Submit reports to the office of their respective governor or city/municipal mayor on the implementation of programs and services for the promotion of the welfare of persons with disabilities in their respective areas of jurisdiction:
- Ensure yhat policies, plans and programs for the promotion of welfare of persons with disabilities are funded by both the national and local government:
- Monitor fundraising activities being conducted for the benefit of persons with disabilities:
- Seek donations in cash or in kind from local or foreign donors to implement an approved work plan for persons with disabilities, in accordance with existing laws and regulations: and
- Perform such other functions as maybe necessary for the promotion and protection of the welfare of persons with disabilities.

Section 10. Publication and Posting Requirements. The PDAO positions shall be subject to the publication and posting requirements under Republic Act No. 7041 otherwise known as “An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefor, and for Other Purposes”. All vacant positions shall be posted and announced in three (3) conspicuous places and published in the CSC Bulletin of Vacant Positions and official website of the concerned local government unit for at least fifteen (15) days. The announcements should indicate full details about the vacancy (position title, item number, the full qualification standards required, and the work station).

Compliance with RA 10524, An Act Expanding the Position Reserved for PWD, amending for the purpose of the 3rd Sentence of Section 5 in Title 2, Chapter 1 of

Republic Act 7277, as amended, otherwise known as “Magna Carta for Persons with Disability”, shall be observed and included in the publication. Qualified women with disabilities shall be encouraged to apply.

Section 11. Nomination of Head of PDAO. Upon publication of the position, the concerned governor or city/municipal mayor, shall instruct the Local Government Operations Officers, the Local Social Welfare and Development Officer and the President of the local federation/association of persons with disabilities to prepare for a general assembly of persons with disabilities, which shall be conducted on the last day of the posting period. The general assembly shall nominate at least three (3) qualified applicants for consideration of the Local Selection Board and the Local Chief Executive. The Human Resource Management Officer shall document the proceedings of the General Assembly.

Section 12. The purpose of the general assembly is to ensure the participation of persons with disabilities in the recruitment process in compliance to Article 4.3 of the UN Convention on the Rights of Persons with Disabilities, and to express the local government unit’s recognition on the importance of Persons with Disability Affairs Office in the development of the disability sector.

The general assembly for PDAO shall be open to all persons with disabilities, with or without organizational membership, representatives of civil society organizations working on disability within the LGU, and parents or representative of children with disabilities. The convenors shall be responsible in inviting the participants. The Department of Interior and Local Government shall issue the guidelines that will govern the conduct of the General Assembly.

The General Assembly shall be guided by pro-forma program as follow:

- Registration and Final Acceptance Applications – HRMO
- Invocation / National Anthem
- Roll Call
- Opening the Assembly
- Orientation about RA 10070 and the appointment of Head of Office / Focal Person
- Presentation of Qualified Applicants
- Open Forum
- Nomination Process – thru secret ballots
- Announcement Of Nominees
- Closing of the Assembly

Section 13. The Convenors shall submit the names of the nominees to the Local Personnel Selection Board (PSB) to comply with the usual hiring and recruitment process such as submission of requirements, interview and shortlisting in case nominees exceed the least number. Persons with Disabilities should be represented within the PSB by an employee with disability to be a part of the deliberations. In case there is no employee with disability, the assembly may include nominating a member of the PWD organization as an observer to the deliberations. In shortlisting or ranking of nominees for appointment, gender balance must be observed.

Upon completion of the requirements and processes set by the PSB, the names of shortlisted nominee with ranking shall be submitted to the concerned governor or city/municipal mayor for consideration.

The responsible governor/ city or municipal mayor shall appoint the head of PDAO/Focal Person within thirty (30) days upon submission of the recommended nominees of the Local Personnel Board.

A temporary appointment may be issued by the governor/city/municipal mayor, in case the nominees do not possess the appropriate career service eligibility, subject to Civil Service Law and Rules.

The Human Resource Management Officer shall post a notice announcing the appointment issued by the governor or city/municipal mayor in three (3) conspicuous places in the agency within fifteen (15) days from signing.

## **RULE VI**

### **ORGANIZATIONAL STRUCTURE OF PERSONS WITH DISABILITY AFFAIRS OFFICE**

Section 14. Nature of Employment, Composition and Functions of PDAO Personnel – The Persons with Disability Affairs Office shall have at least four (4) personnel on a permanent status.

The four (4) permanent positions shall perform the following functions:

- Head of PDAO/Officer

- Who shall be responsible in overseeing the management and operations of PDAO
- Represent persons with disabilities in meetings of local government councils and other special bodies and
- Submit report to the office of the governor or city/municipal mayor on the implementation of programs and services for the promotion of the rights and welfare of persons with disabilities in the areas of jurisdiction.
- Three (3) technical/administrative staff who will perform the following tasks:
- Planning and formulation/development of programs concerning mainstreaming the disability perspective in the local government unit's projects and activities and development of disability specific programs:
- Monitoring and implementation of the provisions of this Act, Batas Pambansa Blg.344, otherwise known as the Accessibility Law, and other relevant laws at the local levels
- Assist in a day to day operations and maintain updated database on disability and ensure its availability.

Technical and administrative staff maybe appointed by phases or according to plan. Section 15. Organization and Composition. The Disability Affairs Office who shall head the PDAO shall have the following position titles and corresponding minimum qualification standards, as appropriate:

Local Government Unit (LGU)	Position Title and Salary Grade	Education	Experience	Training	Eligibility
Provinces	Disability Affairs Officer (DAO) IV (SG 22)	Bachelor's Degree	3 years of relevant experience on disability affairs	16 hours of relevant training on disability affairs	Career Service Professional/ Second Level Eligibility
Special Cities (manila and Quezon city)	DAO V (SG 24)	Master's Degree	4 years in position/s involving management and supervision, 1 year of which is relevant to disability affairs	24 hours of training in management and supervision on disability affairs	Career Service Professional/ Second Level Eligibility
Highly Urbanized Cities	DAO IV (SG 22)	Bachelor's Degree	3 years of relevant experience on disability affairs	16 hours of relevant training on disability affairs	Career Service Professional/ Second Level Eligibility
Component Cities *	DAO IV (SG 22)	Bachelor's Degree	3 years of relevant experience on disability affairs	16 hours of relevant training on disability affairs	Career Service Professional/ Second Level Eligibility

\*Refer to the Local Government Code for the definition

Local Government Unit (LGU)	Position Title and Salary Grade	Education	Experience	Training	Eligibility
1st- 3rd Class Municipalities	DAO III (SG 18)	Bachelor's Degree	2 years of relevant experience on disability affairs	8 hours of relevant training on disability affairs	Career Service Professional/ Second Level Eligibility
Focal Person- 4th to 6th Class Municipalities	DAO II (SG 15)	Bachelor's Degree	1 year of relevant experience on training on	4 hours of relevant training on	Career Service Professional/

The Head of the PDAO shall have his/her staff, lower level positions, as appropriate, using the following series of DAO positions with the corresponding qualification standards:

			disability affairs	disability affairs	Second Level Eligibility
Disability Affairs Officer IV	22	Bachelor's Degree	3 years relevant experience on disability affairs	16 hours of relevant training on disability affairs	Career Service Professional/ Second Level Eligibility
DAO III	18	Bachelor's Degree	2 years relevant experience on disability affairs	8 hours of relevant training on disability affairs	Career Service Professional/ Second Level Eligibility
DAO II	15	Bachelor's Degree	1 year relevant experience on disability affairs	4 hours of relevant training on disability affairs	Career Service Professional/ Second Level Eligibility
DAO I	11	Bachelor's Degree	None Required	None Required	Career Service Professional/ Second Level Eligibility
Disability Affairs Assistant	8	Completion of 2 years of College	1 year relevant experience on disability affairs	4 hours of relevant training	Career Service Professional/ Second Level Eligibility

If a province, city and municipality is financially capable and has not exceeded the personnel services (PS) limitation, the Local Sanggunian may elevate the organization and staffing of the PDAO. The said LGU shall be guided by the following standards on position title and salary grades of Department Heads (DH), Assistant Department Head (ADH), and the highest position below the ADH;

LGU	Dept Head (DH)	Asst. Dept. Head (AHD)	Highest Position Below the ADH
Provinces	Provincial Government Department Head (SG 26)	Provincial Government Asst. Dept Head (SG 24)	DAO IV (SG 22)
Special Cities (Manila & Q.C)	City Government Dept Head III (SG 27)	City Government Asst. Dept Head III (SG 25)	DAO V (SG 24)
Highly Urbanized Cities	City Government Dept Head II (SG 26)	City Government Asst. Dept Head II (SG 24)	DAO IV (SG 22)
	City Government Dept Head I (SG 25)	City Government Asst. Dept Head I (SG 23)	DAO IV (SG 22)
Municipalities within Metro Manila	Municipal Govt Dept Head II (SG 25)	Municipal Govt Asst. Dept Head II (SG 23)	DAO III (SG 18)
Municipalities outside Metro Manila- 1st to 3rd Class Mun.	Municipal Government Dept Head I (SG 24)	Municipal Govt Asst. Dept Head I (SG 22)	DAO III (SG 18)

Municipalities

outside Metro

Manila- 4th to 6th Disability Affairs Officer II (SG 15)- Focal Person)

Class Mun \*\*.

\*\* after three (3) years of implementation, the Department of Social Welfare and Development (DSWD), in consultation with the National Council on Disability Affairs (NCDA) and relevant NGOs and POs, shall review the need to establish a PDAO pursuant to Section 3 of RA 10070

## **RULE VII**

### **MONITORING AND IMPLEMENTATION**

Section 16. The Department of Interior and Local Government (DILG) shall provide annual report on the number of provinces, cities and municipalities compliant with the law.

## **RULE VIII**

### **FUNDING**

Section 17. The DSWD as the ex-officio Chair of the NCDA shall encourage all national government agencies to include in their annual budget the provision of funds for programs and services for persons with disabilities in accordance with their mandates and in accordance with the General Appropriation Act, a portion from the five percent (5%) of Gender and Development budget and from the Internal Revenue Allotment for local government units shall be allocated for the implementation of PDAO programs/projects/activities.

Section 18. The governor/city/municipal mayor shall ensure that the necessary funds are allocated for the implementation of this IRR for the benefit of persons with disabilities in their jurisdiction.

## **RULE IX**

### **INSTITUTIONAL ARRANGEMENTS**

Section 19. As part of the institutional arrangements, the following concerned agencies which are involved in the implementation of the Implementing Rules and Regulations shall have the following tasks and responsibilities;

#### **Local Government Units (province, city and municipality)**

- Ensure the implementation of RA No.10070 in accordance with the established implementing rules and regulations; and
- Allocate funds to fulfill the obligations of the office in serving the needs of persons with disabilities.

#### **Department of Social Welfare and Development**

- Advocate for the establishment of Persons with Disability Affairs Office through the Regional Council on Disability Affairs, chaired by its Regional Directors;
- Provide technical assistance and resource augmentation for the programs and services of newly established and existing PDAO through its regional offices; and
- Support capacity building of PDAO personnel within the region in coordination with the National Council on Disability Affairs.

#### **Department of Interior and Local Government**

- Provide an annual report on the number of provinces, cities and municipalities compliant with the law;
- Incorporate the presence of Persons with Disability Affairs Office as one of the indicators being monitored through the Local Governance Performance and Management System;
- Provide technical assistance to provinces, cities and municipalities functionaries and concerned personnel through its Local Government Operations Officers in establishing the Persons with Disability Affairs Office; and
- Ensure dissemination of all disability related information, memorandum circulars and disability related documents to local government agencies and units.

#### **Department of Budget and Management**

- Ensure that position titles for PDAO are listed in the index of Occupational Services for provinces, cities and municipalities.

#### **Civil Service Commission**

- Ensure compliance of the provinces, cities and municipalities in the appointment of regular employees for PDAO in accordance with the Civil Service Law; and
- Resolve all matters pertaining to the appointment of PDAO employees.

## **RULE X**

### **FINAL PROVISIONS**

Section 20. Repealing Clause. All rules and regulations inconsistent with this IRR are hereby modified accordingly.

Section 21. Publication. The NCDA shall cause the publication of this IRR in two (2) daily newspapers of general circulation and disseminate copies thereof to all Disabled People's Organization, local government units and stakeholders and through posting in the NCDA website.

Section 22. Separability Clause. If for any reason any part or provision of this IRR is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

Section 23. Effectivity. This Implementing rules and regulations shall take effect fifteen (15) days after the last day of its publication in a newspaper of general circulation.

Signed on this date Aug. 25, 2016,

**JUDY M. TAGUIWALO**

SECRETARY Dept of Social Welfare and Development

Chairperson NCDA

**ISMAEL D. SUENO**

SECRETARY

Dept of Interior and Local Government

**ALICIA dela ROSA-BALA**

Chairperson

Civil Service Commission

Written by dandee - Filed Under