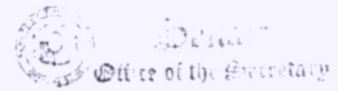


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 JUL 29 A11 :15

SENATE

S. No. 797

RECEIVED BY

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
GRANTING ADDITIONAL PRIVILEGES TO PERSONS WITH DISABILITIES,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, AS AMENDED,
OTHERWISE KNOWN AS THE MAGNA CARTA FOR PERSONS WITH
DISABILITIES, AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

Article XIII Section 11 of the 1987 Constitution states that, "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 people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women and children. x x x."

Several laws were already enacted to address the concerns of the PWDs. Republic Act No. 7277, or the "Magna Carta for Disabled Persons" was signed on 24 March 1992. Subsequently, RA 9442 (Expanding the Benefits and Privileges of PWDs), RA 10070 (Establishing Institutional Mechanism to Ensure the Implementation of Programs and Services for PWDs), RA 10524 (Expanding the Positions Reserved for PWDs), RA 10754 (Expanding the Benefits and Privileges of PWDs), RA 11228 (Mandatory PhilHealth Coverage for PWDs) were enacted.

The number of persons with disability (PWDs) among our populace has increased in the recent years. According to the records of the Philippine Statistics Authority, "of the 92.1 million household population in the country, 1,443 thousand persons or 1.57 percent had disability, based on the 2010 Census of Population and

Housing (2010 CPH). The recorded figure of persons with disability (PWD) in the 2000 CPH was 935,551 persons, which was 1.23 percent of the household population." Further, PSA reported on 03 May 2019 that, "results of the National Disability Prevalence Survey (NDPS) showed that, in 2016, around 12 percent of Filipinos age 15 and older experienced severe disability. Almost one in every two (47%) experienced moderate disability while 23 percent with mild disability. Almost one-fifth (19%) experience no disability."

In the continuing endeavor of the government to improve the welfare of the PWDs, this measure seeks to enhance the benefits of the PWDs as follows:

- increase the proportion of employment of PWDs both in government agencies and private sector;
- provide incentives to employers who hire PWDs as regular employees;
- provide P500.00 monthly stipend to PWDs;
- provide free assistive technology services in the workplace;
- provide free assistive devices and technologies to PWDs;
- exempt PWDs from passport processing fee and other fees;

This measure was approved on Third Reading by the House of Representatives and was transmitted to this Chamber where it was sent to the Archives due to the adjournment of the 17th Congress.

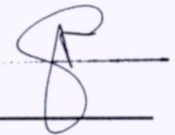
The urgent passage of this bill is highly recommended.


RAMON BONG REVILLA, JR.

SENATE

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

1 Section 1. Section 4 of Chapter 1, Title One of Republic Act No. 7277, as
2 amended, otherwise known as the "Magna Carta for Persons with Disabilities" is
3 hereby amended by inserting new subsections to read as follows:

4 "Sec. 4. *Definition of Terms.* - [~~For purposes of~~] **AS**
5 **USED IN** this Act[~~, these terms are defined as follows~~]:

6 "x x x

7 **"(Q) ASSISTIVE DEVICES AND TECHNOLOGIES**
8 **REFER TO WHEELCHAIRS AND WALKERS,**
9 **PROSTHESES, HEARING AIDS, AIDS FOR THE**
10 **VISUALLY IMPAIRED, AND SPECIALIZED COMPUTER**
11 **SOFTWARE, HARDWARE AND PERIPHERALS THAT**
12 **INCREASE MOBILITY, HEARING, VISION, OR**
13 **COMMUNICATION CAPACITIES, AMONG OTHERS,**
14 **THEIR PRIMARY PURPOSE IS TO MAINTAIN OR**
15 **IMPROVE AN INDIVIDUAL'S FUNCTIONING AND**
16 **INDEPENDENCE TO FACILITATE PARTICIPATION AND**

1 TO ENHANCE OVERALL WELL-BEING BY HELPING
2 PREVENT IMPAIRMENTS AND SECONDARY HEALTH
3 CONDITIONS; AND,

4 "(R) *ASSISTIVE TECHNOLOGY SERVICE* REFERS
5 TO ANY SERVICE THAT DIRECTLY ASSISTS A PERSON
6 WITH DISABILITY IN THE SELECTION, ACQUISITION,
7 OR USE OF AN ASSISTIVE DEVICE AND
8 TECHNOLOGY."

9 Sec. 2. Section 5 of Chapter 1, Title Two of Republic Act No. 7277, as amended,
10 is hereby further amended to read as follows:

11 "Sec. 5. *Equal Opportunity for Employment.* – No [disabled]
12 person **WITH DISABILITY** shall be denied access to
13 opportunities for suitable employment. A qualified [disabled]
14 employee **WITH DISABILITY** shall be subject to the same
15 terms and conditions of employment and the same
16 compensation, privileges, benefits, fringe benefits, incentives
17 or allowances as a qualified able-bodied person.

18 [~~Five~~] **AT LEAST TWO** percent [~~(5%)~~] **(2%)** of all [~~casual,~~
19 ~~emergency and contractual positions in the Department of~~
20 ~~Social Welfare and Development; Health; Education, Culture~~
21 ~~and Sports; and other government agencies, offices or~~
22 ~~corporations engaged in social development shall be reserved~~
23 ~~for disabled persons]~~ **POSITIONS IN ALL GOVERNMENT**
24 **AGENCIES, OFFICES OR CORPORATIONS SHALL BE**
25 **FILLED UP WITH QUALIFIED PERSONS WITH**
26 **DISABILITIES: PROVIDED, THAT PRIVATE**
27 **CORPORATIONS ARE MANDATED TO RESERVE AT**
28 **LEAST ONE PERCENT (1%) OF ALL POSITIONS FOR**
29 **PERSONS WITH DISABILITIES: PROVIDED, FURTHER,**
30 **THAT THOSE PRIVATE CORPORATIONS WITH MORE**
31 **THAN ONE THOUSAND (1,000) EMPLOYEES SHALL**

1 **RESERVE AT LEAST TWO PERCENT (2%) OF ALL**
2 **POSITIONS FOR PERSONS WITH DISABILITIES."**

3 Sec. 3. Section 8 (a) and (b) of Chapter 1, Title Two of Republic Act No. 7277,
4 as amended, is hereby further amended to read as follows:

5 "Sec. 8. *Incentives for Employers.* – (a) To encourage the
6 active participation of the private sector in promoting the
7 [welfare] **RIGHTS** of [disabled] persons **WITH**
8 **DISABILITIES** and to ensure gainful employment for
9 qualified [disabled] persons **WITH DISABILITIES**,
10 adequate incentives shall be provided to private entities which
11 employ [disabled] persons **WITH DISABILITIES**.

12 "(b) Private entities that employ [disabled] persons **WITH**
13 **DISABILITIES** who meet the required skills or qualifications,
14 [either as regular employee,] **AS** apprentice or learner, shall
15 be entitled to an additional deduction, from their gross
16 income, equivalent to twenty-five percent (25%) of the total
17 amount paid as salaries and wages to [disabled] persons
18 **WITH DISABILITIES, WHILE PRIVATE ENTITIES THAT**
19 **EMPLOY SAID PERSONS WITH DISABILITIES AS**
20 **REGULAR EMPLOYEES SHALL BE ENTITLED TO AN**
21 **ADDITIONAL DEDUCTION, FROM THEIR GROSS**
22 **INCOME, EQUIVALENT TO FIFTY PERCENT (50%) OF**
23 **THE TOTAL AMOUNT PAID AS SALARIES AND WAGES**
24 **TO PERSONS WITH DISABILITIES: *Provided, [however,***
25 ~~That such entities present proof as certified by the~~
26 ~~Department of Labor and Employment that disabled persons~~
27 ~~are under their employ: *Provided, further,* That the disabled~~
28 ~~employee is accredited with the Department of Labor and~~
29 ~~Employment and the Department of Health as to his disability,~~
30 ~~skills and qualifications.] **THAT THE DEPARTMENT OF**~~
31 **LABOR AND EMPLOYMENT (DOLE), UNDER ITS LABOR**
32 **LAWS, SHALL ISSUE A CERTIFICATE OF COMPLIANCE**

1 TO PRIVATE ENTITIES AS PRESCRIBED IN
2 DEPARTMENT ORDER NO. 131-B, SERIES OF 2016, ON
3 THE REVISED RULES ON LABOR LAWS COMPLIANCE
4 SYSTEM: *PROVIDED, FURTHER*, THAT IF THERE IS NO
5 QUALIFIED PERSON WITH DISABILITY APPLICANT
6 AFTER THIRTY (30) DAYS FROM THE MANDATORY
7 PUBLICATION BY THE EMPLOYER OF ITS JOB
8 VACANCY RESERVED FOR PERSONS WITH
9 DISABILITIES, THE EMPLOYER MAY HIRE A NON-PWD
10 APPLICANT FOR SAID RESERVED POSITIONS BY
11 SECURING PRIOR APPROVAL FROM THE DOLE.

12 "(c) x x x."

13 Sec. 4. Section 32 of Chapter 8, Title Two of Republic Act No. 7277, as
14 amended, is hereby amended by inserting two new subsections to read as follows:

15 "Sec. 32. Persons with disability shall be entitled to the
16 following:

17 "x x x

18 "(L) A MONTHLY STIPEND AMOUNTING TO FIVE
19 HUNDRED PESOS (P500.00) TO AUGMENT THE DAILY
20 SUBSISTENCE, MEDICAL AND OTHER NEEDS OF
21 MARGINALIZED PERSONS WITH DISABILITIES:
22 *PROVIDED*, THAT PERSONS WITH DISABILITIES WHO
23 ARE RECIPIENTS OF SIMILAR FINANCIAL
24 ASSISTANCE FROM THE GOVERNMENT, INCLUDING
25 MONETARY ASSISTANCE FOR SENIOR CITIZENS AND
26 BENEFICIARIES UNDER THE PANTAWID PAMILYANG
27 PILIPINO PROGRAM, OR 4PS, SHALL NO LONGER BE
28 GIVEN THIS STIPEND;

29 "(M) PROVISION OF FREE ASSISTIVE TECHNOLOGY
30 SERVICES SUCH AS THE EVALUATION OF THE NEEDS
31 AND THE FUNCTIONAL CAPACITY OF PERSONS WITH
32 DISABILITIES IN THE CUSTOMARY ENVIRONMENT

1 OR PLACE OF EMPLOYMENT, AS WELL AS SELECTING,
2 DESIGNING, FITTING, CUSTOMIZING, ADAPTING,
3 APPLYING, MAINTAINING, REPAIRING, OR
4 REPLACING ASSISTIVE TECHNOLOGY DEVICES;
5 TRAINING OR TECHNICAL ASSISTANCE FOR PERSONS
6 WITH DISABILITIES; SIGN LANGUAGE
7 INTERPRETING AND JOB COACHING, AND SUCH
8 OTHER FORMS OF ASSISTANCE: *PROVIDED*, THAT THE
9 BENEFICIARY IS A MARGINALIZED PERSON WITH
10 DISABILITY AS CERTIFIED BY THE LOCAL HEALTH
11 OFFICE OF THE LOCAL GOVERNMENT UNIT
12 CONCERNED;

13 "(N) PROVISION OF FREE ASSISTIVE DEVICES AND
14 TECHNOLOGIES INCLUDING TECHNICAL AIDS,
15 PROSTHETIC AND ORTHOTIC DEVICES OR
16 APPLIANCES PARTICULARLY FOR PERSONAL USE OF
17 PERSONS WITH DISABILITIES THAT WILL RESTORE
18 THEIR SOCIAL FUNCTIONING AND PARTICIPATION
19 IN ECONOMIC ACTIVITIES AND COMMUNITY
20 AFFAIRS, AND SUCH OTHER DEVICES AND
21 TECHNOLOGIES APPROPRIATE TO OTHER
22 DISABILITIES: *PROVIDED*, THAT THE BENEFICIARY
23 IS A MARGINALIZED PERSON WITH DISABILITY AS
24 CERTIFIED BY THE LOCAL HEALTH OFFICE OF THE
25 LOCAL GOVERNMENT UNIT CONCERNED;

26 "(O) EXEMPTION FROM PASSPORT PROCESSING
27 FEES, AS WELL AS TRAVEL TAXES, TERMINAL FEES,
28 OTHER FEES AND CHARGES LEVIED IN AIRPORTS,
29 PORTS, OR OTHER TERMINALS BY THE GOVERNMENT,
30 ITS AGENCIES OR INSTRUMENTALITIES, OR BY
31 GOVERNMENT-OWNED AND CONTROLLED
32 CORPORATIONS.

1 "The abovementioned privileges are available only to persons
2 with [disability] **DISABILITIES** who are Filipino citizens
3 upon submission of any of the following as proof of [his/her]
4 entitlement thereto:

5 "(I) [Añ] **THE PWD** identification card issued by the city or
6 municipal mayor or the barangay [captain] **CHAIRMAN** of
7 the place where the persons with disability resides[;], **OR BY**
8 **THE NATIONAL COUNCIL ON DISABILITY AFFAIRS;**
9 **OR,**

10 "(II) The passport of the [persons] **PWD** with **APPARENT**
11 disability [concerned]; or

12 "~~[(III) Transportation discount fare Identification Card (ID)~~
13 ~~issued by the National Council for the Welfare of Disabled~~
14 ~~Persons (NCWDP).]~~

15 **"THE IDENTIFICATION CARD ISSUED TO PERSONS**
16 **WITH PERMANENT DISABILITIES SHALL BE FREE OF**
17 **CHARGE AND SHALL BE VALID DURING THE LIFETIME**
18 **OF THE CARDHOLDER: *PROVIDED,* THAT SUCH**
19 **PERMANENT DISABILITY IS CERTIFIED BY THE**
20 **MUNICIPAL OR CITY HEALTH OFFICE AND VERIFIED**
21 **BY THE LOCAL SOCIAL WELFARE DEVELOPMENT**
22 **OFFICE (LSWDO).**

23 **"THE DEPARTMENT OF SOCIAL WELFARE AND**
24 **DEVELOPMENT (DSWD) SHALL ENSURE THAT THE**
25 **LIFETIME VALIDITY OF THE ID CARD OF PERSONS**
26 **WITH PERMANENT DISABILITIES IS NOT ABUSED,**
27 **ESPECIALLY WHEN THE ID HOLDER DIES."**

28 "X X X."
29
30

1 Sec. 5. *Appropriations.* – The Secretary of Social Welfare and Development
2 shall include in the DSWD's programs the implementation of this Act, the funding of
3 which shall be included in the Annual General Appropriations Act.

4 Sec. 6. *Implementing Rules and Regulations.* – The DSWD, in coordination
5 with the NCDA and in consultation with the Department of Interior and Local
6 Government, the Department of Health, the DOLE, the Department of Finance, and
7 the Civil Service Commission, shall promulgate, not later than ninety (90) days after
8 the effectivity of this Act, the necessary rules and regulations for its proper and
9 effective implementation.

10 Sec. 7. *Separability Clause.* – If any provision of this Act is declared
11 unconstitutional, the same shall not affect the validity and effectivity of the other
12 provisions hereof.

13 Sec. 8. *Repealing Clause.* – All laws, presidential decrees, executive orders and
14 rules and regulations inconsistent with the provisions of this Act are hereby repealed
15 or modified accordingly.

16 Sec. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its
17 publication in the *Official Gazette* or in a newspaper of general circulation.

18
19 *Approved,*