

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3489



INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

EXPLANATORY NOTE

An estimated 15% of the world's population, or 1 billion people, live with a disability, 650 million of which live in Asia and the Pacific¹². Many of these persons with a disability are unable to access basic social services because of environmental barriers. Inaccessible environments contribute to their economic and social exclusion³.

Article 9 on Accessibility of the UN Convention on the Rights of Persons with Disabilities, to which the Philippine Government signed in 2008, encourages signatory States to:

"...take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces; (b) Information, communications and other services, including electronic services and emergency services."

¹ WHO and World Bank (2011). World Report on Disability. Geneva, WHO and The World Bank.

² United Nations Economic and Social Commission for Asia and the Pacific (2012). Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific.

³ Disability in the Philippines: A Situation Analysis. January 2010.

In 2012, the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific was drafted. It builds on the Convention on the Rights of Persons with Disabilities and the Biwako Millennium Framework for Action and Biwako Plus Five towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific. Goal 3 of the Incheon Strategy – Enhance access to the physical environment, public transportation, knowledge, information and communication reinforces access to the physical environment and public transportation as a “precondition for persons with disabilities to fulfill their rights in an inclusive society. The accessibility of urban, rural and remote areas based on universal design increases safety and ease of use not only for persons with disabilities but also for all other members of society. Access audits are an important means of ensuring accessibility and must cover all stages 23 of the process of planning, design, construction, maintenance, and monitoring and evaluation”.

In 2016, the Sustainable Development Goals (SDG) came into force. Countries around the world adopted 17 Goals to put us on the path to “end poverty, protect the planet, and ensure prosperity for all. Member States are tasked to make educational facilities accessible, to improve on accessibility of built cities, public spaces and public transportation, and to enhance access to information and communications technology.

This bill seeks to upgrade and improve the scope of Batas Pambansa Bilang 344 (BP 344) to make it more relevant to the needs of Filipinos with disabilities and to ensure that no one is left behind in the country’s effort to end poverty, inequality, and provide a better future for all Filipinos.

Thus, the immediate passage of this law is earnestly sought.



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An Act Providing for Accessibility to Built Environment, to Transportation, Information and Communication Technology and to Other Facilities and Services open or provided to the Public for Persons with Disabilities

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

SECTION 1. Short Title. - This Act shall be known as the "*Accessibility for All Persons with Disabilities Act*"

SECTION 2. Declaration of Policy - It is the policy of the State to Provide for the establishment of universal design principles for the development of policies and plans and the implementation of actions and measures pertaining to the accessibility of facilities and services open or provided to the public.

Towards this end, the State shall facilitate the attainment of a barrier-free environment that will enable all persons to have access in public and private buildings, establishments and facilities. It shall exert efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to persons with disabilities. Likewise, the State shall take appropriate measures for the integration of persons with disabilities into the mainstream of society.

Furthermore, the State shall take appropriate measures to ensure that persons with disabilities have access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

SECTION 3. Coverage - This Act applies to all government and privately owned buildings for public use to include common areas in residential condominiums, buildings, roads, and other indoor and outdoor facilities, including schools, public libraries, housing, medical facilities,

restaurants, theaters, parks, workplaces, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

SECTION 4. Definition of Terms - For purposes of this Act.

- a) Accessibility refers to the degree to which a product, device, service or environment is accessible by as many people as possible especially persons with disabilities so that they can live independently and participate fully in all aspects of life.
- b) Accessible ICT practices refer to measures that remove access barriers that restrict business and social interactions between persons with disabilities and non-disabled individuals. They also refer to practices that remove age-related barriers to participation in society and reduce language and literacy-related barriers in society. An example of accessible ICT practice is the use of descriptive text for images, Braille, large print, human-reader, and augmentative and alternative formats. Accessible ICT practices apply to programs, products, and services in various areas, such as education, employment, transportation, telecommunications, and other forms of infrastructure. For the web, accessible ICT practices include internationally accepted practices, such as the voluntary **ISO accessibility** practices in information technology and the **Web Content Accessibility Guidelines Version 2.0** of the World Wide Web Consortium, as well as the mandatory Joint Memorandum Circular 01 (series 2010) on Accessible Website Design Guidelines.
- c) **Barrier-Free Environment** refers to the environment that is unhindered, without obstructions to enable persons with disability free passage or use of the facilities.
- d) **Built-environment** - Refers to the structure. Most generally it is defined as the part of the physical environment that is constructed by human activity. By one definition, the built environment consists of the following elements: land use patterns, the distribution across space of activities and the buildings that house them; the transportation system, the physical infrastructure of roads, sidewalk, bike paths, etc., as well as the service this system provides; and urban design, the arrangement and appearance of the physical elements in a community.
- e) **Facility/Service Users** - shall pertain to individuals using the facilities including information and communication systems of the public institutions and private establishments.
- f) **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 on an equal basis with others.

- g) **Providers** – refers to public institutions, private establishments, and facilities providing programs and services open or provided to the public.
- h) **Sign Language Interpreter** - refers to a person trained in translating from a spoken to a signed language to facilitate communication between a deaf and a hearing person.
- i) **Transportation and Facilities** – refers to land, road, rail, sea and air transportation serving the general public, including facilities and other services for passengers with disabilities to complete their travel with ease and on an equal basis with others; (the use of facility users is to break the stigma that it is only for persons with disabilities).
- j) **Universal Design**- is the design of products, environments, programs, and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall include assistive devices for particular groups of persons with disabilities where this is needed.
- k) **Web Accessibility**– the application of accessibility principle in the website such as providing for adjustment of font sizes, audio options, and others to facilitate users' equal access to information and communication regardless of abilities and disabilities.

SECTION 5. Accessibility in Buildings intended for public use - All buildings as defined in the Building Code of the Philippines, sports and recreational facilities, including outdoor and indoor facilities provided or open to public shall be made accessible and safe to all facility users including children, older persons and persons with disabilities by providing ramps, tactile guides, priority lanes, accessible toilets, audio instructions, signages and other forms of communication in accessible formats to facilitate independent mobility in the facility;

Universally designed products, features, and facilities shall be incorporated in the design and construction of all government and privately-owned buildings for public use, transportation facilities, and all other public components of the built environment;

Service provider whenever necessary shall make available forms of live assistance and intermediaries, including guides, readers and certified sign language interpreters, including service guide dogs to facilitate accessibility to buildings, transportation, and information communications and other facilities open to the public;

SECTION 6. Accessibility to Transportation - All land, sea, and air transport vehicles and carriers open for public use including buses, trains, ships and, airplanes shall have accessibility features and mechanisms as deemed necessary to facilitate safe boarding and disembarkation of all passengers including persons with disabilities without discrimination of any form;

All Service Providers and operators including PUV, ships and other conveyors that modify or adopt a design;

All Service providers and operators of public transportation and implementing agencies should be capacitated and are required to provide training for personnel on assisting persons with disabilities in terminals and during boarding and disembarkation.

SECTION 7. Accessible Communication - All government institutions and private establishments providing services open or provided to the public shall consider ICT accessible practices information and communications by making available computers accessible and accessible information technology devices, facilitating accessible telecommunication and accessible broadcasting services to all users including persons with disabilities; It shall ensure compliance to as stipulated in RA 10905. The Department of Information, Communication Technology (DICT) shall come up with a research study on the development of accessible ICT with appropriate agencies in ICT.

All national and local government offices shall take into account the accessibility for persons with disabilities in providing public information by making available information materials in accessible formats, providing sign language interpretation and ensuring website accessibility for all users;

Service providers for telecommunication, broadcasting, information, computer, and other information technology devices shall make efforts to take into account the accessibility for persons with disabilities in providing services or manufacturing devices on the basis of usability;

Information and communication technology devices, hardware and other components shall be designed appropriately for the ease of use of persons with different types of disabilities;

SECTION 8. Access Audit Teams - The Department of Public Works and Highways (DPWH) through its Regional Offices shall lead the creation of Access Audit Teams in coordination with the LGU Provincial/ City government units to monitor the full implementation of the law. The Access Audit Teams shall include representatives from the Department of Transportation, Department of Information and Communications Technology, and persons with disabilities to participate in the assessment of the accessibility of facilities.

SECTION 9. Penalty Clause - Any person violating any provision of this Act or of the rules and regulations shall suffer the following penalties:

For the first violation, a fine of not less than Two Hundred Fifty thousand pesos (P 250,000.00) but not exceeding Five hundred thousand pesos (P500,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court;

For any subsequent violation, a fine of not less than Five hundred thousand pesos (P500,000.00) but not exceeding One Million pesos (P1,000,000.00) or imprisonment for not less than two (2) years but not more than six (6) years, or both at the discretion of the court.

Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than Five thousand pesos (P5,000.00) but not more than Fifty thousand pesos (P50,000.00), or both at the discretion of the court.

If the violator is a corporation, organization or any similar entity, the officials including the building administrator and local government unit (LGU) building officials thereof directly involved shall be liable therefor.

If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

SECTION 10. Appropriations.— All government agencies shall include in their budget the amount necessary to carry out the provisions of this Act. Thereafter, such amount shall be included in the General Appropriations Act. The Department of Budget and Management (DBM), Commission on Audit (COA) and National Council on Disability Affairs (NCDA) shall monitor the implementation of this Act.

SECTION 11. Implementing Rules and Regulations – The Department of Public Works and Highways (DPWH) in coordination with Department of Transportation (DOTr), Department of Information and Communications Technology (DICT), with the Department of Interior and Local Government (DILG), Department of Education (DepED) and National Council on Disability Affairs (NCDA), and Civil Society Organizations (CSO) and Disabled People's Organizations (DPO) representatives shall promulgate the necessary rules and regulations for the effective implementation of the provisions of this Act.

SECTION 12. Separability Clause. – If any provision of this Act is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and in effect.

SECTION 13. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 14. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,