

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4007



Introduced by Representative **TYRONE D AGABAS**

EXPLANATORY NOTE

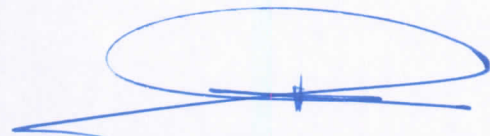
This bill which seeks to further amend the magna carta for persons with disabilities has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. There is a necessity to file the same on account of its significance in recognizing the need to augment the privileges given to persons with disabilities.

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

Admittedly, one of the most vulnerable sectors in our society are our persons with disabilities (PWDs). Continued protection must be afforded to them through sustained legislative measures that will ensure their full security and protection. The State has the foremost responsibility to pursue this mandate. In other countries, they have long implemented securing the rights and privileges of PWDs. The United States has its anti-discrimination act of 1990 (Disabilities Act of 1990). In the United Kingdom every employer is required to make necessary arrangements in the employment of PWDs. In the Philippines, we also have the Magna Carta for Disabled Persons under Republic Act 7277. We also have Republic Act 10754 which expanded the benefits and privileges of persons with disabilities.

However, it seems that there is a need to further enhance the endowment of additional privileges to our PWDs considering first and foremost that many of them are marginalized and underprivileged. This bill will amend and expand employment opportunities to PWDs. Most importantly, to provide a better and wider understanding of persons suffering from restrictions, physical or mental, they are not described as disabled persons but best referred to as persons with disabilities in this bill.

Accordingly, the approval of this bill is earnestly sought.



TYRONE D. AGABAS
Representative
6th District, Pangasinan

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HOUSE BILL NO. 4007

Introduced by Representative **TYRONE D. AGABAS**

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

*Be it enacted by the Senate and House of Representatives 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,"
3 is hereby further amended by inserting new subsections to read as follows:

4 "SEC. 4. Definition of Terms – [For purposes of] AS USED IN THIS Act:
5 [these terms are defined as follows:

6 x x x

7 (Q) ASSISTIVE DEVICES AND TECHNOLOGIES REFER TO
8 WHEELCHAIRS AND WALKERS, PROSTHESES, HEARING AIDS,
9 AIDS FOR THE VISUALLY IMPAIRED, AND SPECIALIZED
10 COMPUTER SOFTWARE, HARDWARE AND PERIPHERALS THAT
11 INCREASE MOBILITY, HEARING, VISION, OR COMMUNICATION
12 CAPACITIES, AMONG OTHERS. THEIR PRIMARY PURPOSE IS

13 TO MAINTAIN OR IMPROVE AN INDIVIDUAL'S FUNCTIONING
14 AND INDEPENDENCE TO FACILITATE PARTICIPATION AND TO
15 ENHANCE OVERALL WELL-BEING BY HELPING PREVENT
16 IMPAIRMENTS AND SECONDARY HEALTH CONDITIONS, AND

17 R) ASSISTIVE TECHNOLOGY SERVICE REFERS TO ANY SERVICE
18 THAT DIRECTLY ASSIST A PERSON WITH DISABILITY IN THE
19 SELECTION, ACQUISITION, OR USE OF AN ASSISTIVE DEVICE
20 AND TECHNOLOGY."

21 SEC. 2. Section 5 of Chapter 1, title Two of Republic Act No. 7277, as amended,
22 is hereby further amended to read as follows:

23 "SEC. 5. *Equal Opportunity for Employment.* – No [disabled] person WITH
24 DISABILITY shall be denied access to opportunities for suitable employment.
25 A qualified [disabled] employee WITH DISABILITY shall be subject to the
26 same terms and conditions of employment and the same compensation,
27 privileges, benefits, fringe benefits, incentives or allowance as a qualified
28 able-bodied person.

29 [Five] AT LEAST TWO percent (2%) [5%] of all [casual, emergency and
30 positions in the Departments of Social Welfare and Development; Health;
31 Education; Culture and Sports; and other governments agencies, offices or
32 corporations engaged in social development shall be reserved for disabled
33 persons.] POSITIONS IN ALL GOVERNMENT AGENCIES, OFFICES OR
34 CORPORATIONS SHALL BE FILLED UP WITH QUALIFIED PERSONS
35 WITH DISABILITIES: *PROVIDED*, THAT PRIVATE CORPORATIONS ARE
36 MANDATED TO RESERVE AT LEAST ONE PERCENT (1%) OF ALL
37 POSITIONS FOR PERSONS WITH DISABILITIES: *PROVIDED FURTHER*,
38 THAT THOSE PRIVATE CORPORATIONS WITH MORE THAN ONE
39 THOUSAND (1,000) EMPLOYEES SHALL RESERVE AT LEAST TWO
40 PERCENT (2%) OF ALL POSITIONS FOR PERSONS WITH
41 DISABILITIES."

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

44 "SEC. 8. *Incentives for Employers.* - (a) To encourage the active
45 participation of the private sector in promoting the [welfare] RIGHTS of
46 [disabled] persons WITH DISABILITIES and to ensure gainful employment
47 for qualified [disabled] persons WITH DISABILITIES, adequate incentives
48 shall be provided to private entities which employ [disabled] persons WITH
49 DISABILITIES.

50 (b) Private entities that employ [disabled] persons WITH DISABILITIES
51 who meet the required skills or qualification, [either as regular employee,] as
52 apprentice or learner, shall be entitled to an additional deduction, from their
53 gross income, equivalent to twenty-five percent (25%) of the total amount

54 paid as salaries and wages to [disabled] persons WITH DISABILITIES,
55 WHILE PRIVATE ENTITIES THAT EMPLOY SAID PERSONS WITH
56 DISABILITIES AS REGULAR EMPLOYEES SHALL BE ENTITLED TO AN
57 ADDITIONAL DEDUCTION, FROM THEIR GROSS INCOME,
58 EQUIVALENT TO FIFTY PERCENT (50%) OF THE TOTAL AMOUNT PAID
59 AS SALARIES AND WAGES TO PERSONS WITH DISABILITIES: *Provided*,
60 [however, that such entities present proof as certified by the Department of
61 Labor and Employment that disabled persons are under their employ:
62 *Provided*, further, That the disabled employee is accredited with the
63 Department of Labor and Employment and the Department of Health as to
64 his disability, skills and qualifications.] THAT THE DEPARTMENT OF
65 LABOR AND EMPLOYMENT (DOLE), UNDER ITS LABOR LAWS, SHALL
66 ISSUE A CERTIFICATE OF COMPLIANCE TO PRIVATE ENTITIES AS
67 PRESCRIBED IN DEPARTMENT ORDER NO. 131-B, SERIES OF 2016,
68 ON THE REVISED RULES ON LABOR LAWS COMPLIANCE SYSTEM:
69 *PROVIDED FURTHER*, THAT IF THERE IS NO QUALIFIED PERSON
70 WITH DISABILITY APPLICANT AFTER THIRTY (30) DAYS FROM THE
71 MANDATORY PUBLICATION BY THE EMPLOYER OF ITS JOB VACANCY
72 RESERVED FOR PERSONS WITH DISABILITIES, THE EMPLOYER MAY
73 HIRE A NON-PWD APPLICANT FOR SAID RESERVED POSITIONS BY
74 SECURING PRIOR APPROVAL FROM THE DOLE."

75 X X X

76 SEC. 4. Section 32 of Chapter 8, Title Two of Republic Act No. 7277, as
77 amended, is hereby further amended by inserting two new subsections to read
78 as follows:

79 "SEC. 32. Persons with disability shall be entitled to the following:

80
81 X X X

82
83 (L) A MONTHLY STIPEND AMOUNTING TO FIVE HUNDRED PESOS
84 (P500.00) TO AUGMENT THE DAILY SUBSISTENCE, MEDICAL
85 AND OTHER NEEDS OF MARGINALIZED PERSONS WITH
86 DISABILITIES: *PROVIDED*, THAT PERSONS WITH DISABILITIES
87 WHO ARE RECIPIENTS OF SIMILAR FINANCIAL ASSISTANCE
88 FROM THE GOVERNMENT, INCLUDING MONETARY
89 ASSISTANCE FOR SENIOR CITIZENS AND BENEFICIARIES
90 UNDER THE *PANTAWID PAMILYANG PILIPINO PROGRAM*, OR
91 4PS SHALL NO LONGER BE GIVEN THIS STIPEND;

92 (M) PROVISION OF FREE ASSISTIVE TECHNOLOGY SERVICES
93 SUCH AS THE EVALUATION OF THE NEEDS AND THE
94 FUNCTIONAL CAPACITY OF PERSONS WITH DISABILITIES IN

95 THE CUSTOMARY ENVIRONMENT OR PLACE OF
96 EMPLOYMENT, AS WELL AS SELECTING, DESIGNING, FITTING,
97 CUSTOMIZING, ADAPTING, APPLYING, MAINTAINING, REPAIRING,
98 OR REPLACING ASSISTIVE TECHNOLOGY DEVICES; TRAINING
99 OR TECHNICAL ASSISTANCE FOR PERSONS WITH
100 DISABILITIES; SIGN LANGUAGE INTERPRETING AND JOB
101 COACHING, AND SUCH OTHER FORMS OF ASSISTANCE:
102 *PROVIDED*, THAT THE BENEFICIARY IS A MARGINALIZED
103 PERSON WITH DISABILITY AS CERTIFIED BY THE LOCAL
104 HEALTH OFFICE OF THE LOCAL GOVERNMENT UNIT
105 CONCERNED;

106 (N) PROVISION OF FREE ASSISTIVE DEVICE AND TECHNOLOGIES
107 INCLUDING TECHNICAL AIDS, PROSTHETIC AND ORTHOTIC
108 DEVICES OR APPLIANCE PARTICULARLY FOR PERSONAL USE
109 OF PERSON WITH DISABILITIES THAT WILL RESTORE THEIR
110 SOCIAL FUNCTIONING AND PARTICIPATION IN ECONOMIC
111 ACTIVITIES AND COMMUNITY AFFAIRS, AND SUCH OTHER
112 DEVICES AND TECHNOLOGIES APPROPRIATE TO OTHER
113 DISABILITIES: *PROVIDED*, THAT THE BENEFICIARY IS A
114 MARGINALIZED PERSON WITH DISABILITY AS CERTIFIED BY
115 THE LOCAL HEALTH OFFICE OF THE LOCAL GOVERNMENT
116 UNIT CONCERNED; AND

117 (O) EXEMPTION FROM PASSPORT PROCESSING FEES, AS WELL
118 AS TRAVEL TAXES, TERMINAL FEES, OTHER FEES AND
119 CHARGES LEVIED IN AIRPORTS, PORTS, OR OTHER
120 TERMINALS BY THE GOVERNMENT, ITS AGENCIES OR
121 INSTRUMENTALITIES, OR BY GOVERNMENT-OWNED OR;
122 CONTROLLED CORPORATIONS.

123 The above mentioned privileges are available only to persons with [disability]
124 DISABILITIES who are Filipino citizens upon submission of any of the following
125 as proof of [his/her] entitlement thereto:

126 (i) [An] THE PWD identification card issue by the city or municipal mayor or
127 the barangay captain of the place where the person[s] with disability
128 resides, OR BY THE NATIONAL COUNCIL ON DISABILITY AFFAIRS;
129 OR

130 (ii) The passport of the [persons] PWD with APPARENT disability
131 [concerned;].

132 [(iii) Transportation discount fare Identification Card (ID) issued by the National
133 Council for the Welfare of Disabled Persons (NCWDP).]

134 THE IDENTIFICATION CARD ISSUED TO PERSONS WITH PERMANENT
135 DISABILITIES SHALL BE FREE OF CHARGE AND SHALL BE VALID DURING

136 THE LIFETIME OF THE CARDHOLDER: *PROVIDED*, THAT SUCH
137 PERMANENT DISABILITY IS CERTIFIED BY THE MUNICIPAL OR CITY
138 HEALTH OFFICE AND VERIFIED BY THE LOCAL SOCIAL WELFARE
139 DEVELOPMENT OFFICE (LSWDO)

140 THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT
141 (DSWD) SHALL ENSURE THAT THE LIFETIME VALIDITY OF THE ID CARD
142 OF PERSONS WITH PERMANENT DISABILITIES IS NOT ABUSED,
143 ESPECIALLY WHEN THE ID HOLDER DIES.”

144 X X X

145 SEC. 5. *Appropriations*. – The Secretary of Social Welfare and Development
146 shall include in the DSWD’s program the implementation of this Act, the funding
147 of which shall be included in the Annual General Appropriations Act.

148 SEC. 6. *Implementing Rules and Regulations*. – The DSWD, in coordination with
149 the NCDA and in consultation with the Department of the Interior and Local
150 Government, the Department of Health, the DOLE, the Department of Finance,
151 and the Civil Service Commission, shall promulgate, not later than ninety (90)
152 days after the effectivity of this Act, the necessary rules and regulations for its
153 proper and effective implementation.

154 SEC. 7. *Separability Clause*. – If any provision of this Act is declared
155 unconstitutional, the same shall not affect the validity and effectivity of the other
156 provisions hereof.

157 SEC. 8. *Repealing Clause*. – All laws, presidential decrees, executive orders and
158 rules and regulations inconsistent with the provisions of this Act are hereby
159 repealed or modified accordingly.

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

162 Approved,
163