



*Republika ng Pilipinas*

**Komisyon ng Karapatang Pantao ng Pilipinas**

*(Commission on Human Rights of the Philippines)*

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**HUMAN RIGHTS ADVISORY  
CHR-A2014-002**

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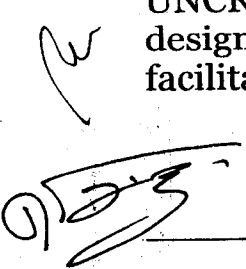
**ON THE ESTABLISHMENT OF  
PERSONS WITH DISABILITY AFFAIRS OFFICE**

This advisory is issued under the authority of the Commission on Human Rights as national human rights institution to promote and protect the human rights of all persons, to include persons with disabilities (PWDs), and pursuant to its constitutional mandate which is to monitor the Philippine Government's compliance with international treaty obligations on human rights.<sup>1</sup>

The Philippine Government enacted into law Republic Act No. 10070 on April 6, 2010 which, among others, mandates the establishment of Persons with Disability Affairs Office in every province, city and municipality.

By ratifying the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) on 15 April 2008, the Philippines undertakes to ensure and promote the full realization of all human rights by adopting all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention.<sup>2</sup>

As a State Party, it shall also designate one or more focal points within government for matters relating to the implementation of the UNCRPD, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.<sup>3</sup>

  
<sup>1</sup> Art. XIII, Sec. 18, par. 7, 1987 Philippine Constitution

<sup>2</sup> Art. 4, par. 1 (a), United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

<sup>3</sup> Art. 33, par. (1), UNCRPD

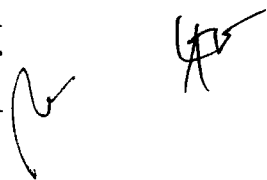
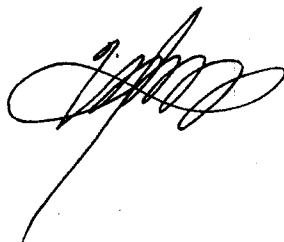
**Karapatang Pantao: Likas Sa Atin, Tungkulin Natin**

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Anent thereto, several legislations were passed, one of which is R. A. No. 10070. The law mandates the creation of **Persons with Disability Affairs Office [PDAO]** in every province, city and municipality with the local chief executive appointing a PWD affairs officer to manage and oversee the operations of the office. Priority shall be given to a qualified PWD to head and man the office in carrying out the following functions:

1. Formulate and implement policies, plans and programs for the promotion of the welfare of PWDs in coordination with concerned national and local government agencies.
2. Coordinate the implementation of this Act, Batas Pambansa Blg. 344 or the Accessibility Law and other relevant laws at the local level.
3. Represent PWDs in meetings of local development councils and other special bodies.
4. Recommend and enjoin the participation of NGOs and people's organizations (POs) in the implementation of disability-related laws and policies.
5. Gather and compile relevant data on PWDs in their localities.
6. Disseminate information including programs and activities for PWDs, statistics on PWDs, including children with disability and training and employment opportunities for PWDs.
7. Submit reports to the office of the local chief executive on the implementation of programs and services for the promotion of the welfare of PWDs in their respective areas of jurisdiction.
8. Ensure that the policies, plans and programs for the promotion of the welfare of PWDs are funded by both the national and local government.
9. Monitor fundraising activities being conducted for the benefit of PWDs.
10. Seek donations in cash or kind from local or foreign donors to implement an approved work plan for PWDs in accordance with existing laws and regulations.



11. Perform such other functions as may be necessary for the promotion and protection of the welfare of PWDs.<sup>4</sup>

For 4th to 6th class municipalities, however, the local chief executives may, in lieu of the creation of a PDAO, designate a Focal Person who shall perform the above-mentioned functions of the PDAO.

Each local government unit, upon enactment of the said law, is mandated to initially allocate funds from its local revenues to finance the activities of the PDAO in promoting the welfare of PWDs. For the succeeding years of implementation, PDAO's funding shall be included in the LGU's Annual Plans and Budget.<sup>5</sup>

Recognizing the importance of PWDs, as they have the potential to be productive if provided the right assistance to easily integrate in the mainstream society, an office which will principally cater to fulfill their entitlements and full participation in activities will result in their enhanced sense of belongingness and ensure empowerment.

The Commission calls for the establishment of the Persons with Disability Affairs Office to ensure the formulation and implementation of policies, plans, programs and services for PWDs in every province, city and municipality. With the establishment of PDAO, PWDs will be represented in meetings of local development councils and other special committees, and they will have a voice in development planning.

Despite the enactment of the said law in 2010, majority of the local government units have not created their respective PDAOs nor appointed a Focal Person. It was not given priority thereby depriving the disability sector of their rights to participation in political and public life at the level of local governance.

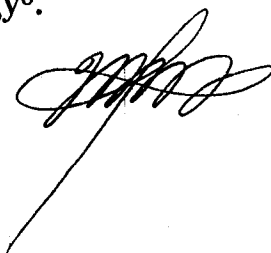
In order to build on the gains towards disability-inclusive development, President Benigno S. Aquino III signed Proclamation No. 688 on November 22, 2013 "Declaring the Period of 2013-2022 as the Philippine Decade of Make the Right Real of Persons with Disabilities in Support of the 3<sup>rd</sup> Asian and Pacific Decade of Persons" known as the Incheon Strategy<sup>6</sup>.



<sup>4</sup> Sec. 1, par. b (1), R. A. 10070

<sup>5</sup> Sec. 4, RA 10070

<sup>6</sup> Proclamation No. 688



The Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific adopts non-discrimination as one of its key principles. It recognizes non-discrimination as a pillar in making the rights real for PWDs. Non-discrimination includes the abolition of discriminating institutional mechanisms and putting up avenues to exercise one's right<sup>7</sup>, like the PDAO.

In order to ensure the equality and full participation of PWDs in social life and development, we urge each and every local government unit to establish a PDAO, or designate its Focal Person, within its respective area of jurisdiction and implement human rights based programs, projects and activities.

The Department of Interior and Local Government (DILG) is also called upon to exercise its power over all local government units to ensure that LGUs establish PDAO as mandated by the law. The DILG is hereby requested to issue a memorandum circular reiterating the establishment of PDAOs for all LGUs within a specified time. Each province may also monitor compliance of component cities and for cities/municipalities to monitor compliance of barangays. This will ensure that the creation of PDAOs will not only rest on LGUs but also with the DILG which has power over the LGUs in the country thereby making the right of PWDs real.

Let a copy of this advisory be furnished the concerned government agencies and the civil society organizations working for and supporting the rights of the disability sector.

Issued this 6<sup>th</sup> day of March 2014, Quezon City, Philippines.

  
**LORETTA ANN P. ROSALES**  
Chairperson

**CECILIA RACHEL V. QUISUMBING**  
Commissioner

  
**NORBERTO DELA CRUZ**  
Commissioner

  
**MA. VICTORIA V. CARDONA**  
Commissioner

  
**JOSE MANUEL S. MAMAUAG**  
Commissioner

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<sup>7</sup> Incheon Strategy to "Make the Right Real" for PWDs in Asia and the Pacific