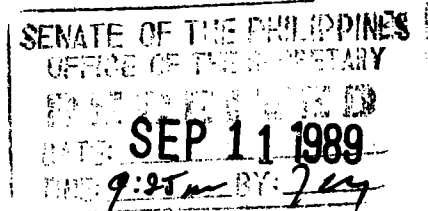


Congress of the Philippines)
Third Regular Session)



SENATE

MANILA

S. NO. 1286

Introduced by Senator Orlando S. Mercado

EXPLANATORY NOTE

The concern of the State for the welfare of disabled persons is well enunciated in the various provisions of the Constitution. Article V Section 2, Article XIII Sections 11 and 13, and Article XIV Section 1 are all provisions of the Constitution regarding the welfare of the disabled.

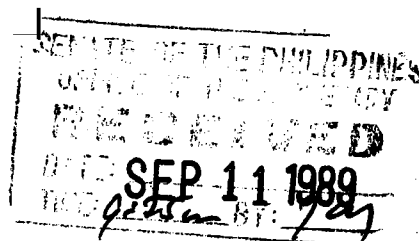
Statistics reveal that 10% of the Filipino population suffer from various forms of disability. Since Filipino disabled persons are part of our society, the concern for their welfare should not be limited to one agency of the Government but should extend to all branches of the government.

Congress recognizes its responsibility to implement the mandate of the Constitution regarding the plight of the disabled. It is in this context that this bill aims to provide a Magna Carta for the disabled persons, wherein their rights, as well as their privileges and benefits shall be equal to other persons. The provisions of this bill conform with the basic principles of full participation and equality of opportunity and treatment. The rights provided for includes the right to participate and contribute in all aspects of economic, social and political life. The disabled citizens are also entitled and should be given their equal share in the improvements brought about by the progress and development of the country.

The "focal point" of this bill is to involve all pertinent agencies of the government in promoting the welfare and improving the living conditions of the disabled. This bill also provides with the fullest measure of assistance to develop their abilities in all fields of endeavor and promote their integration into the mainstream of society where they could be self-reliant and contributing members of the country.

In the light of the foregoing considerations, the early approval of this bill is earnestly requested.

ORLANDO S. MERCADO
Senator



S E N A T E

MANILA

S. NO. 1286

Introduced by Senator Orlando S. Mercado

AN ACT
GRANTING THE MAGNA CARTA FOR DISABLED PERSONS

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

SECTION 1. Title. - This Act shall be known as the "Magna Carta for Disabled Persons."

SECTION 2. Declaration of Principles. - The grant of the rights and privileges for disabled persons shall be guided by the following principles:

a) The Filipino disabled persons are part of the Philippine society thus, the government shall promote and improve their social and economic status, develop their skills and potentials in order that they could compete favorably with existing opportunities available and have their equal share in the improvements of living conditions brought about by the social and economic development and progress;

b) To reach out to a greater number of disabled persons, the rehabilitation services and benefits shall be expanded beyond the traditional urban-based centers into the municipal levels with the full participation of national and local government agencies;

c) The rehabilitation of the disabled persons shall be the concern of the Government in order to foster their capacity to attain a more meaningful, productive and satisfying life.

SECTION 3. Definition of Terms. - As used in this Act the following shall be defined as follows:

a) Disabled persons shall mean those who have impaired physical or mental development due to disease, illness, accident injury or social trauma, occurring pre-natally or acquired post-natally, thereby, imposing limitations or barriers to independent living, inter relationship, mobility, education or employment.

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b) Rehabilitation shall mean the restoration of the disabled to the fullest physical, mental, social and economic usefulness of which he is capable within the limitations of the disability.

SECTION 4. Establishment of Special Education Classes in Every Municipality. - The Department of Education in coordination with the National Council for the Welfare of Disabled Persons shall establish special education classes for the disabled in every municipality. These special classes shall include pre-elementary education for the children and youth and special adult education. Subjects for such special classes shall include psychological and social services, diagnostic counselling, medical and vocational services.

Vocational services shall be strengthened to make the disabled more skillful and competitive in their fields of endeavor.

Special education subjects shall be included in the curriculum of all schools, whether public or private, offering courses in Bachelor of Science in Education and Bachelor of Science in Elementary Education.

SECTION 5. National Health Program. - The Department of Health in coordination with the National Council for the Welfare of the Disabled Persons shall institute a national health program which shall attain the following:

- a) prevention of disability, whether occurring pre-natally or post-natally;
- b) re-occurrence of disability; and
- c) rehabilitation of the disabled.

SECTION 6. Free Everyday Health Service. - All existing health Centers shall allot a specified two hours everyday free health service, excluding Saturdays and Sundays, to attend to the health needs of the disabled in the localities.

These services shall include:

- a) immunization
- b) medical check-up
- c) dental check-up

SECTION 7. Free Hospitalization. - Any disabled person shall be given free hospitalization, including free medicine and doctor's fee, in any ward room of any hospital owned and operated by the national or local government.

SECTION 8. Regular Wage Rate of the Disabled. - The regular wage rate of

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a disabled employee shall be the same as that of a normal employee where the disability does not affect his job performance or his capacity to perform the job in accordance with the standards prescribed by the employer.

SECTION 9. Disabled applicant for employment shall not be discriminated. - Employers shall not reject or discriminate any applicant by reason of his disability except and the nature of the work involved might not be able to perform the job satisfactorily or might be injured in the performance of such job. The employer shall have the burden of proof that the applicant cannot perform the job.

SECTION 10. Re-assignment and transfer to another work. - A disabled employee shall not be re-assigned or transferred to a work which he can not perform by reason of his disability. the employer shall give lighter and easier jobs to employees who are disabled.

SECTION 11. Termination and Dismissal of disabled employees. - Disabled employees shall not be dismissed or terminated by reason of his disability unless the employer can prove that the disabled employee impairs the satisfactory performance of the work involved to the prejudice of the company.

SECTION 12. Equality of benefits, allowances, incentives, etc. - All disabled employees working in any industrial or commercial establishment or factory shall be granted privileges, fringe benefits, incentives or allowances equal to or the same as that granted to normal employees.

SECTION 13. Removal of architectural barriers. - The Department of Public Works and Highways in coordination with the National Council for the Welfare of Disabled Persons shall set standards for the design and construction of government-owned buildings to remove architectural barriers for the disabled. Government buildings shall be designed and constructed to conform with the accessibility and maximum mobility of the disabled.

Owners of private buildings whose buildings are designed and constructed in accordance with the accessibility standard set forth for the disabled shall be granted special tax incentives: Provided, however, That special tax incentives shall be recommended by the National Council for the Welfare of the Disabled Persons to the Bureau of Internal Revenue.

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SECTION 14. Discounted Fares. - Any disabled person when travelling through the use of government-owned transportation facilities, whether by land, sea or air shall be granted 50% discount on his fare.

SECTION 15. Free Postal Charges for the Disabled. - Postal charges shall be free on the following:

a) Personal letters and parcels sent by any disabled person within the Philippines and abroad;

b) Articles and literatures, like books and periodicals, or other devices for the use of the disabled sent by mail within the Philippines and abroad; and

c) Aids and appliances for the disabled sent abroad by mail for repair.

SECTION 16. System of Voting. - Disabled persons shall vote in the national or local election without the assistance of other persons in accordance with the system of voting prescribed by law.

SECTION 17. Use of government recreational or sports centers free of charge. - Recreational or sports centers owned or operated by the government shall be used, free of charge, by disabled persons during their social, sports or recreational activities.

SECTION 18. Implementing rules and regulations. - The National Council for the Welfare of the Disabled Persons, in coordination with the pertinent agencies shall promulgate the necessary rules and regulations to implement effectively the provisions of this Act. The Bureau of Disabled Persons Welfare and its regional offices shall implement effectively such rules and regulations.

SECTION 19. Repealing Clause. - All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act shall be repealed or modified accordingly.

SECTION 20. Effectivity. - This Act shall take effect upon its approval.

Approved.

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Republic of the Philippines

Senate

Manila

Office of the Secretary

September 12, 1989

S I R S

I have the honor to transmit herewith the following matter: **S. No. 1286, entitled:**

"AN ACT GRANTING THE MAGNA CARTA FOR DISABLED PERSONS"

which was referred by the President to the Committee(s) on **Social Justice, Welfare and Development, and Health**

during the session of the Senate on **September 11, 1989.**

Very respectfully,

EDWIN P. ACOBA
Secretary

The Honorable **Edgardo J. Angara**
Chairman
Committee on **Health**

Alipinoli
9/14/89



Republic of the Philippines

Senate

Manila

Office of the Secretary

September 12, 1989

Sir :

I have the honor to transmit herewith the following matter: **S. No. 1286, entitled:**

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EDWIN P. ACOBA
Secretary

The Honorable **Alberto G. Romulo**
Chairman
Committee on **Social Justice,**
Welfare and Development

APT/4j

HW
9/14/89

SENATE OF THE PHILIPPINES
OFFICE OF THE SECRETARY
RECEIVED
DATE: **FEB 28 1991**
TIME: 10:47 BY: *JH*

Congress of the Philippines)
Fourth Regular Session)

S E N A T E

Committee Report No. 1251

Submitted by the Committee on Social Justice, Welfare and Development on **FEB 28 1991**

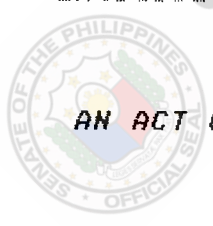
Re : Senate Bill No. 1286

Recommending its approval with amendments

Sponsors: Sen. Alberto G. Romulo and Sen. Orlando S. Mercado

Mr. President :

The Committee on Social Justice, Welfare and Development to which was referred Senate No. 1286 entitled :



AN ACT GRANTING THE MAGNA CARTA FOR DISABLED PERSONS

introduced by Senators ORLANDO S. MERCADO, Ernesto F. Herrera, Teofisto Guingona, Jr. and Alberto G. Romulo, has considered the same and has the honor to submit its report and recommendations thereon.

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I. PREFATORY STATEMENT

- 1.1 Pursuant to the provisions of Section 2, Article V, Sections 11 and 13, Article XIII and Section 1, Article XIV of the Constitution which mandate the State to look after the interests and welfare of disabled persons, the Magna Carta for Disabled Persons sought to be granted under S. Bill No. 1286 seeks to ensure that the rights and privileges of the disabled are made equal to other persons.
- 1.2 In the explanatory note, the authors state that "The provisions of the bill conform with the basic principles of full participation and equality of opportunity and treatment."
- 1.3 S. No. 1286 declares it the policy of Government to promote and improve the social, economic and total well-being of disabled persons to enable them to attain a "more meaningful, productive and satisfying life."
- 1.4 It is in this context that the bill seeks "to involve all pertinent agencies of the Government" in promoting the rights of disabled persons to participate and contribute in all aspects of economic, social and political life. Among these agencies are the Department of Education, Culture and Sports (DECS), Department of Health (DOH), Department of Labor and Employment (DOLE), Department of Public Works and Highways (DPWH), Department of Transportation and Communication (DOTC), the Department of Social Welfare (DSWD), and the National Council for the Welfare of Disabled Persons (NCWDP).
- 1.5 In an effort to develop the abilities of disabled persons in all fields of endeavor and promote their integration into the mainstream of society as self-reliant and productive citizens, S. No. 1286 provides for the following:
 - 1.51 special education classes for the disabled persons in every municipality (Sec. 4);
 - 1.52 national health program to prevent :
 - (a) disability,
 - (b) re-occurrence of disability, and
 - (c) rehabilitation of the disabled (Sec. 5);

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- 1.53 free everyday health service for the disabled (Sec. 6);
 - 1.54 free hospitalization for the disabled (Sec. 7);
 - 1.55 equal regular wage rate for disabled and normal employees in so far as the disability does not affect job performance (Sec. 8);
 - 1.56 non-discrimination of disabled persons applying for employment (Sec. 9);
 - 1.57 lighter and easier jobs to employees who are disabled (Sec. 10);
 - 1.58 equal benefits, allowances, incentives, etc. for disabled and normal employees (Sec. 12);
 - 1.59 removal of architectural barriers for the disabled persons (Sec. 13);
 - 1.510 fifty percent (50%) fare discount for the disabled in government-owned transportation facilities (Sec. 14);
 - 1.511 free postal charges for the disabled (Sec. 15);
 - 1.512 "Disabled persons shall vote in the national or local elections without the assistance of other persons in accordance with the system of voting required by law" (Sec. 16); and,
 - 1.513 free use of government recreational or sports centers (Sec. 17);

1.6 S. No. 1286 directs :

(1) the NCWDP, in coordination with the pertinent agencies, to promulgate the implementing rules and regulations, and

(2) the DSWD's Bureau of Disabled Persons Welfare and its regional offices to implement effectively such rules and regulations.

II. REVIEW OF PROCEEDINGS

- 2.1 S. No. 1286 was referred primarily to the Committee on Social Justice, Welfare and Development on September 11, 1989.
- 2.2 In its study of the Bill, the Committee requested position papers from the following agencies:
 - o Department of Public Works and Highways (DPWH)
 - o Department of Transportation and Communication (DOTC)
 - o Department of Education, Culture and Sports (DECS)
 - o Department of Health (DOH)
 - o Department of Social Welfare and Development (DSWD)
 - o Department of Labor and Employment (DOLE)
 - o House with No Steps Foundation
 - o Katipunan ng Maykapansanan sa Pilipinas, Inc. (KAMPI)
 - o National Council for the Welfare of Disabled Persons (NCWDP).
- 2.3 The following agencies submitted their position papers:
 - o Department of Public Works and Highways (DPWH)
 - o Department of Transportation and Communication (DOTC)
 - o Department of Education, Culture and Sports (DECS)
 - o Department of Social Welfare and Development (DSWD)
 - o Department of Labor and Employment (DOLE)
 - o Katipunan ng Maykapansanan sa Pilipinas, Inc. (KAMPI)
 - o National Council for the Welfare of Disabled Persons (NCWDP).
- 2.4 The Committee conducted its first technical working group (TWG) meeting on April 27, 1990. Present were:
 - o Mr. Mariano Jungco, Jr. and Oscar Ejercito of DOLE
 - o Ms. Ninfa Franco of the DSWD's Bureau of Disabled Persons Welfare
 - o Dr. Emma Robles of the DOH
 - o Mr. Manny Cancio, Mr. Mateo Lee and Mr. Mike Barredo of the NCWDP.
- 2.5 The Committee public hearing was held on 14 August 1990. The resource persons present were :
 - o Dir. Rudolfo Parfan of DOTC-Postal Services
 - o Mr. Feliciano Miravite of F.F. Miravite Inc.
 - o Exec. Dir. George Contreras of DOLE-ECC
 - o Architect Emmanuel Cuntapay of DPWH
 - o Mr. Manny Cancio and Mr. Mat Lee of NCWDP
 - o Dir. Marieta Capadocia of DSWD
 - o Dir. Rosa Sese of DECS

Senator Orlando Mercado and Senator Ernesto Herrera, author and co-author respectively of S. No. 1286 were likewise present.

2.6 During the aforesaid public hearing, a technical working group was formed by the Committee Chairman and the authors of the Bill composed of the representatives of the authors and the Committee members. The group was tasked to :

- i work on the proposed amendments introduced by various agencies;
- ii review the implementation of laws concerning the disabled persons, i.e. Batas Pambansa Blg. 344;
- iii study all the bill and resolutions on disabled persons filed in the Senate and the House of Representatives.

2.7 The technical working group (TWG) met to discuss the proposed amendments on August 24, September 12, October 12, and December 7 of 1990.

2.8 The procedure observed by the TWG :

- a. a series of formal and non-formal meetings were conducted;
- b. House and Senate Bills and Resolutions on Disabled Persons were considered;
- c. Proposed amendments from the authors and various agencies were taken;
- d. Position papers of the different agencies were noted;
- e. Close coordination with the National Council for the Welfare of Disabled Persons.

2.9 In its deliberations, the TWG agreed to incorporate amendments on the following provisions of SBN 1286, to wit:

- Section 2 : Declaration of Principles
- Section 3 : Definition of Terms
- Section 4 : Establishment of Special Education Classes in Every Municipality
- Section 5 : National Health Program
- Section 9 : Disabled Applicant for Employment shall not be Discriminated
- Section 13 : Removal of Architectural Barriers
- Section 14 : Discounted Fares
- Section 15 : Free Postal Charges for the Disabled
- Section 16 : System of Voting
- Section 17 : Implementing Rules and Regulations, and the inclusion of a Penal Clause.

2.10 The offices of Senator Mercado and Senator Guingona, Jr., submitted their proposed amendments to the Committee on December 5 and December 6, 1990 respectively.

2.11 A Technical Working Group (TWG) Report recommending amendments on S. No. 1286 was submitted to the Committee Chairman on 29 January 1991.



III. VIEWS AND COMMENTS

POSITION OF:

- DECS
- DOH
- DOLE
- DPWH
- DSWD
- DOTC
- NCWDP

SENATOR MERCADO'S PROPOSED AMENDMENTS

SENATOR GUINGONA'S PROPOSED AMENDMENTS

HOUSE AND SENATE BILLS AND RESOLUTIONS
ON DISABLED PERSONS



Senate Archives (LRAS)

III. VIEWS AND COMMENTS

The Committee on Social Justice, Welfare and Development, in its study of the Bill considered the following factors and materials, to wit :

1. Senate Bills and Resolutions
2. House Bills
3. KAMPI's version of a Magna Carta for Disabled Persons
4. Existing Laws
e.g. B.P. Blg. 344 (Accessibility Law)
E.O. No. 291 (Postal Privileges for the Blind)
5. Position papers of :

DECS	DOTC	DPWH
DSWD	DOLE	
KAMPI	NCWDP	
6. Comments, proposals and recommendations introduced by the authors of the Bill and resource agencies consulted during the technical working group meetings and public hearing.
7. Proposed amendments of :

Senator Orlando Mercado
Senator Teofisto Guingona, Jr.
8. Technical Working Group (TWG) Report/Research



Department of Education, Culture and Sports (DECS)

DECS expressed its wholehearted support for the Bill in its position paper dated November 14, 1989, transmitted to the Committee on November 27, 1989. DECS gave emphasis to Section 4 of the Bill, to wit :

1. The provision on the organization of special classes should include pre-elementary and elementary levels with maximum opportunities for integration with the non-handicapped peers. Special services like note takers and readers for the blind, sign interpreters for the deaf and tutorial instruction shall be made available at the secondary and tertiary levels. Special adult education for the handicapped shall focus on the training for livelihood skills along with literacy skills.

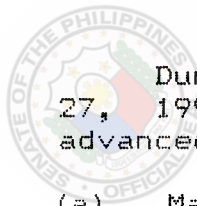
2. Adequate equipment, facilities and instructional materials should be provided for special classes.

3. An annual appropriation for special classes should be specified in the bill.

4. During the public hearing, Director Marieta Sese informed the Committee that DECS is constrained in providing special education services due to the following limitations:

- o lack of teachers and absence of supervisors for special education;
- o lack of materials and equipments for special education;
- o no budget for special education is allotted.

Department of Health (DOH)



During the TWG meeting of the Committee on April 27, 1990, Dr. Robles of the Department of Health advanced the following comments on the bill:

(a) Many of the programs sought by the Bill from DOH are existing programs of DOH. Free hospitalization, free everyday health service which includes immunization, medical check-up, and dental check-ups are provided for in rural health centers and government hospitals. These services can be availed of by every Filipino, without discrimination, i.e., regardless of social status, disabilities or handicaps. Disabled persons compete with normal people and other sectors of Philippine society and therefore, "the surpluses of the DOH does not recognize disabilities or such other factors in the delivery of services".

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(b) For the definition of terms under Section 3, it is recommended that the Committee adopt the WHO definition of terms (e.g., "impairments", "disabilities", "handicaps", "rehabilitation", etc.).

Department of Labor and Employment (DOLE)

During the TWG meeting of the Committee on April 27, 1990, Mr. Mariano Jungco, Jr. and Mr. Oscar Ejercito of DOLE submitted and discussed their position paper on S. No. 1286, to wit:

(1) S. No. 1286 is a laudable bill as it aims to implement the mandate of the Constitution on disabled persons. The Bill promotes self-reliance and self-development to the disabled persons.

(2) The bill provides for general application to all kinds of handicapped persons, irrespective of socio-economic status. To ensure that the principle of equality of laws is attained in its implementation, the bill must set corresponding guidelines for the proper "classification of disabled persons, taking into consideration the degree of their incapacity to determine the percentages of the benefits, privileges, etc."

(3) S. No. 1286 provides for the rights, privileges and benefits of disabled persons but not their responsibilities and obligations. Hence, to mitigate possible abuse, definitions of obligations, responsibilities and liabilities of disabled persons including the limitations of the grant, should be defined in the bill.

(4) The bill does not have a penalty clause for the abusers thereof. It is suggested that both the handicapped and third persons "be penalized should they use deceit, pretenses and other fraudulent misrepresentations or schemes in order to be entitled to the benefits and privileges offered therein."

(5) On Section 9 providing that the applicant for employment shall not be discriminated against. - The exception to the general rule on discrimination should be deleted so as not to defeat the intention of the law. If ever the employer is mindful of the applicant's disability, he should "give preferential consideration to the disabled applicant with the condition that the latter should not be exposed to peril or possible injury in the performance of such job."

"Should the prospective employer refuse unjustifiably to accommodate the disabled applicant, he should have the burden of proof that the applicant

cannot perform the job otherwise a corresponding penalty be meted out for unjustified refusal if proven to the contrary."

(6) The provisions of the Bill concerning employment conditions and opportunities of the Labor Code on handicapped workers seemingly compliment each other.

Under S. No. 1286, full payments of wages to the disabled person/employee is provided for when his incapacity or disability does not affect his job performance. Meanwhile, Article 81 of the Labor Code stipulates that handicapped workers may be hired as "apprentices or learners" only if their handicap is not such as to effectively impede the performance of job operations in the particular occupation for which they are hired. Otherwise, if the disability will affect the job performance of the disabled person, he may be employed as handicapped worker under Section 10, Chapter I of the rules implementing RA 6727.

During the public hearing, Dir. Contreras of DOLE-ECC told the Committee that a provision in the Bill requiring employers to hire a certain percentage of disabled persons would result to an imposition on the employers' discretion to choose his employees.

Department of Public Works and Highways (DPWH)

DPWH submitted its position paper dated 23 October 1989 on 7 November 1989, to wit :

1. The intention of S. No. 1286 is laudable, particularly Section 13 which seeks to enhance the mobility of disabled persons in government-owned buildings.

2. However, a more positive approach was suggested. Barrier-free facilities should come hand in hand with architectural features which are barriers to disabled persons but are the means of access for non-disabled persons.

3. Section 13 implies that the law is mandatory only for government-owned buildings and optional for privately-owned buildings. It is recommended that private buildings which are for public use, must also be required to be made accessible to disabled persons. Thus, Section 13 is recommended to be revised as follows :

"Sec. 13 Architectural Features and Facilities. - The Department of Public Works and Highways in coordination with the National Council for the Welfare of Disabled Persons shall set standards for the design and construction of *buildings and related structures for public use,*

whether government or privately owned to provide minimum architectural features and facilities to enhance the mobility of disabled persons. Standards shall also be set for the provision of similar facilities at pedestrian crossings for the use of disabled persons.

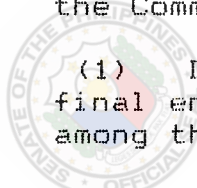
"Owners of private buildings whose buildings are equipped with architectural features and facilities in accordance with the provisions of this Act shall be granted special tax incentives. Provided, however, that special tax incentives shall be recommended by the Chairman, National Council for the Welfare of the Disabled Persons to the Bureau of Internal Revenue." (italics ours)

4. Moreover, it was suggested that DOTC be included in the formulation of standards for public utilities such as public transport vehicles, terminals and public telephones, by providing features to accommodate disabled persons.

5. During the public hearing on August 14, 1990, Architect Cuntapay of the Bureau of Design - DPWH, informed the Committee that the lack of implementation of the Accessibility Law (Batas Pambansa Blg. 344, as amended) can be attributed to the fault of building officials who approve building permits and issue certificates of occupancy even if there is no compliance with the said law. Moreover, there are no personnel or office directly in charge of monitoring the Accessibility Law.

Department of Social Welfare and Development (DSWD)

1. Ms. Ninfa Franco of the DSWD advanced the following comments on S. No. 1286 during the TWG meeting of the Committee on April 27, 1990, to wit:



(1) DSWD fully supports and endorses favorably the final enactment of the bill. The disabled persons are among the priority clientele of the DSWD.

(2) DSWD lauded the bill's thrust to involve various government agencies in upholding the welfare of the disabled. It is in line with the current DSWD practice of networking and linking-up with other relevant agencies which can respond to the physical, economic and educational needs of the disabled.

(3) S. No. 1286 clearly stipulates the functions of the DECS, DOH, DPWH and NCWDP. It also mentions protection of their economic, political and human rights. However, nothing is mentioned on the DSWD and the significance of social services in the promotion of the total welfare of the disabled.

(4) A comprehensive program for disabled persons should address four closely-interrelated aspects of rehabilitation, namely, physical, social, vocational and educational.

(5) The main concern of DSWD in the rehabilitation program for disabled persons are the social and vocational components. There is a need to counteract or modify the psycho-social barriers (consisting of erroneous beliefs, superstitions and negative attitudes) of the disabled including their families and the community towards disability prevention and rehabilitation.

(6) Under the current services of DSWD, the community-based vocational rehabilitation of disabled persons focuses on the organization of self-help groups composed of the disabled persons and community volunteers to maintain the flow of rehabilitation services in the community that would facilitate the mainstreaming and integration of the disabled in the social milieu.

a) DSWD's Program on disability prevention and Rehabilitation of Disabled Persons include the following services:

- o disability prevention
- o assistance for physical restoration
- o survival communication skills development
- o social enhancement service for disabled persons
- o social preparation for employment of disabled persons
- o family care for disabled persons and the elderly
- o substitute family care for disabled persons, youth and the elderly
- o after care and follow-up services

b) The above services are implemented nationwide by the DSWD's regional offices, 78 provincial branches, 60 cities and 1,848 municipal units.

c) The DSWD likewise maintains Area Vocational Training Centers in the cities of Dagupan, Cebu, Zamboanga, and Quezon. These focus on the development of marketable vocational skills of the disabled to enable them to respond to labor market need of a particular cluster or locality.

(7) In view of the vital contributions of the DSWD in the promotion of the welfare of disabled persons, it is hereby recommended that a section of S. No. 1286 be provided to spell out the role of the DSWD in the overall scheme of the magna carta for disabled persons.

Department of Transportation and Communication (DOTC)

DOTC submitted its position paper dated November 14, 1989 on November 20, 1989. The views raised by DOTC are:

1. DOTC supports the objective of the bill to provide a Magna Carta for disabled persons. Moreover, it has also been supportive of Batas Pambansa Blg. 344 otherwise known as the "Accessibility Law".

2. Some measures proposed by the Bill, if applied without considerable caution, have the potential to cause undesirable effects, i.e. :

(a) The 50% fare discounts may be subject to abuse by non-disabled persons; the Philippine Air Lines (PAL) will incur huge losses especially since air transport is the most expensive mode;

(b) Free postal charges for the disabled may be abused by non-disabled persons in sending their letters and parcels. This would reduce the revenue of the Postal Services Office in great magnitude.

3. To avoid the occurrence of the aforementioned events, additional safeguards and measures should be considered and included in the Bill.

4. Presently, there are 28 individuals and agencies enjoying franking privileges under the DOTC-Postal Services, e.g. Office of the President and Vice-President, Congress, Armed Forces of the Philippines, the Blind under Executive Order No. 291, etc.

National Council for the Welfare of Disabled Persons

1. An advanced copy of the position paper of the NCWDP on S. No. 1286 was transmitted to the Committee on April 25, 1990. During the TWG meeting and public hearing of the Committee, NCWDP representatives raised the following points :

(1) S. No. 1286 seeks to respond to the needs of the disabled persons. Although the bill is not comprehensive enough for a magna carta, it can serve as a framework that can be enriched with other needs of disabled persons.

(2) Some areas that ought to be looked into are :

Employment - A vocational training center should be established in each province, preferably in the most accessible part of the city or

municipality. Likewise, pilot work centers should be established to employ a sizeable number of disabled persons. Furthermore, a job creation and development office should be mandated and established under the Department of Labor and Employment.

Education. - There should be a national scholarship program covering undergraduate and graduate courses to encourage disabled persons to aim for higher studies.

Establishment of a Scholarship for Trainors, the graduates of which shall first serve in a disability-related field for a certain period of time before they can transfer to other fields or immigrate to foreign countries.

(3) With regard to Section 5 of the Bill which proposes the national health program for disabled persons, it is suggested that lines 3 to 6 be revised to insert the following item: "(b) intervention". During the TWG meeting on April 27, 1990, Mr. Cancio defined "intervention" as a step in rehabilitation which seeks to stop the early appearance of a disability. The DOH was requested to provide a more comprehensive definition of intervention.

(4) As regards Section 7 which proposes free hospitalization for disabled persons, it is suggested that the Committee consider Section 11, Article XIII of the Constitution which seems to say that only disabled paupers (and not those who are not paupers) shall be given free hospitalization. Hence, it is recommended that the words "disabled" and "pauper" be included in the bill's definition of terms. However, Mr. Lee broached the idea that these definitions can be worked out in the implementing rules.

(5) In the TWG meeting, Mr. Lee requested the deletion of a portion of Section 10 which provides that "The employer shall give lighter and easier jobs to employees who are disabled". He explained that this would be in line with the thrust toward the equalization of opportunities for disabled persons with those of non-disabled persons.

(6) With respect to Section 13 on the removal of architectural barriers for the disabled, it is recommended that the Committee consider the existence of Batas Pambansa Blg. 344. Perhaps, this should be mentioned under this Section.

(7) To increase the practicability of Section 14 on the 50% fare discount for the disabled, Mr. Lee suggested that only provincial buses, ships or airplanes should

be covered. The rationale given is the existing transportation problem in the metropolis which makes implementation difficult.

Mr. Lee further informed the Committee of the support accorded by the Philippine National Railways (PNR) to disabled persons. The PNR Manager has agreed to give a 50% fare discount for disabled persons when it comes to PNR trains and buses. To ensure that this privilege will not be subject to abuse, the NCWDP has suggested that the PNR should issue some sort of a stub ticket good for about two or three trips which the disabled can present when boarding such vehicles.

(8) In the same meeting, Mr. Barredo who is also from the NCWDP reacted on the portion of DOTC's position paper which states that the PAL will incur huge losses if the proposed 50% fare discount for the disabled will be implemented. He related the proposal with IATA Rule 700 which provides that disabled passengers, specifically the blind and wheelchair-bound individuals are not allowed to fly on their own, i.e., that they are accompanied by an "abled, ...adult person". He broached the idea that if the DOTC and PAL can revise some of the IATA rules to allow blind people to travel on their own like what is already being practiced in other countries, then there really might be no need for air fare discounts for the disabled considering the huge amounts involved in implementing the proposal.

(9) For Section 15, the existence of Executive Order No. 291, granting postal privileges to the blind should be considered.

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