



HOUSE OF REPRESENTATIVES

H. No. 6509

BY REPRESENTATIVES CASIÑO, RELAMPAGOS, TREÑAS, DURANO, DE VENECIA, YAP (A.), FARIÑAS, HERRERA-DY, RODRIGUEZ (R.), AGGABAO, CASTRO, QUIMBO, CALIXTO-RUBIANO, COLMENARES, PALATINO, LACSON-NOEL, MARIANO, CLIMACO, MERCADO-REVILLA, VILLAFUERTE, ARQUIZA, CASTELO, OLIVAREZ, GOLEZ (A.), SARMIENTO (M.), ROBES AND KHO (D.), PER COMMITTEE REPORT No. 2358

AN ACT ESTABLISHING CITY AND MUNICIPAL REHABILITATION CENTERS FOR CHILDREN AND YOUTH WITH DISABILITIES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Children
2 and Youth with Disabilities Empowerment Act of 2012”.

3 SEC. 2. *Declaration of Policy.* – It is the government’s concern and
4 responsibility to facilitate the rehabilitation of persons with disabilities as
5 provided by Republic Act No. 7277 or the “Magna Carta for Persons with
6 Disabilities” and the “United Nations Convention on the Rights of Persons
7 with Disabilities”. The State shall therefore provide for the rehabilitation and
8 training of children and youth with disabilities to ensure their right to live
9 freely and independently and to achieve a more meaningful, productive and
10 satisfying life.

1 SEC. 3. *Definition.* – For purposes of this Act, the following terms are
2 hereby defined:

3 (a) *Persons with Disabilities (PWDs)* refer to persons who have
4 long-term physical, mental, intellectual or sensory impairments which in
5 interaction with various barriers may hinder their full and effective
6 participation in society on an equal basis with others.

7 (b) *Disability* refers to an activity limitation or restriction as a result of
8 the interaction between persons with impairments and attitudinal and
9 environmental barriers that hinders their full and effective participation in
10 society on an equal basis with others.

11 (c) *Impairment* refers to any loss, diminution or aberration of
12 psychological, physiological or anatomical structure or function.

13 (d) *Rehabilitation* refers to an integrated approach to physical, social,
14 cultural, spiritual, educational and vocational measures that create conditions
15 for the individual to attain the highest possible level of functionality available.

16 (e) *Social barriers* refer to the characteristics of institutions, whether
17 legal, economic, cultural or recreational; any other human group; community;
18 or society which limit the fullest possible participation of PWDs in the life of
19 the group. Social barriers include negative attitudes which tend to single out
20 and exclude those with disabilities and which distort roles and inter-personal
21 relationships.

22 (f) *Children with Disabilities (CWDs)* refer to persons below eighteen
23 (18) years of age who have disabilities and those over eighteen (18) years but
24 with mental capacity as that of a child and are unable to fully take care of
25 themselves because of mental retardation, hearing impairments including
26 deafness, speech or language impairments, visual impairments including
27 blindness, serious emotional disturbance, orthopedic impairments, autism,

1 traumatic brain injury, other health impairments or specific learning disabilities
2 who, by reason thereof, need special education and other services.

3 (g) *Youths with Disabilities (YWDs)* refer to persons eighteen (18) to
4 thirty-five (35) years old who have disabilities.

5 (h) *Center* refers to a facility that offers free comprehensive
6 rehabilitation services to CWDs and YWDs including, but not limited to,
7 stimulation and therapeutic activity centers.

8 (i) *Host local government unit (LGU)* refers to a city or municipality
9 where a center is established.

10 (j) *Inclusive education* refers to the right of all learners to a quality
11 education that meets basic learning needs and enriches lives. Focusing
12 particularly on vulnerable and marginalized groups, it seeks to develop the full
13 potential of every individual.

14 SEC. 4. *Establishment of Centers.* – There shall be Centers for CWDs
15 and YWDs in every city, municipality or cluster of municipalities supervised
16 by the appropriate provincial, city or municipal government.

17 *The Center may be located in an accessible existing structure and the*
18 *facilities and equipment it requires shall be identified and provided by the host*
19 *LGU. If there is no existing structure, the provincial, city or municipal*
20 *government may provide for the necessary land, construction of the Center and*
21 *purchase of required equipment. Other allowable sources of funds may also be*
22 *tapped in establishing a Center.*

23 *The location of the Center shall be guided by statistical data indicating*
24 *the location of PWDs as provided by the Department of Health. In order to*
25 *facilitate community-based rehabilitation programs, satellite facilities may be*
26 *established in municipalities and barangays, as may be necessary.*

1 SEC. 5. *Functions of Centers.* – The Centers shall carry out the
2 following functions:

3 (a) *Physical Rehabilitation* – The Centers shall render regular physical
4 and/or occupational therapy sessions to CWDs and YWDs for the
5 improvement of their physical condition, mobility and cognitive skills. Parents
6 and other volunteers shall also be trained to do basic exercises for these
7 children and youth in their own homes to ensure their continued rehabilitation;

8 (b) *Social Rehabilitation* – The Centers shall provide regular
9 counseling and social enhancement activities. The YWDs may be grouped
10 together and provided with organizational development trainings for the
11 formation of their own advocacy association for PWDs;

12 (c) *Education Component* – The Centers shall enable the CWDs or
13 YWDs to attend regular schools for inclusive education;

14 (d) *Psycho-social Component* – The Centers shall provide
15 self-development training opportunities such as on personality development,
16 career development, job and internship coaching and orientation for potential
17 employers; and

18 (e) *Information and Resource Centers* – The Centers shall also serve as
19 information centers for the rights and incentives accorded to PWDs.
20 Disability-related documents, materials and data shall be made available in
21 accessible formats.

22 SEC. 6. *Center Workers and Volunteers.* – The mayor shall appoint
23 or designate a person with experience in health and social work, preferably a
24 PWD, as head of the Center and may designate social workers and health
25 workers as staff members, as well as other personnel who possess the
26 necessary professional qualifications. The mayor may also call upon members
27 of the community to provide medical, educational and other services and
28 facilities for the beneficiaries.

1 Each Center shall have the following staff complement who may be
2 assigned from the existing pool of personnel of the host LGU or be appointed
3 as necessary:

4 (a) At least one (1) physical therapist who is or may be trained in
5 occupational therapy;

6 (b) Social workers who shall identify, assess and provide social
7 services to the CWDs, YWDs and their families. They shall also be responsible
8 for organizing and empowering the associations of parents and YWDs,

9 (c) At least one (1) special education teacher; and

10 (d) Barangay health workers who will be or are trained in basic
11 rehabilitation. They shall assist in the identification of beneficiaries and their
12 disabilities and the execution of rehabilitation activities.

13 SEC. 7. *Partnership.* – The host LGU may collaborate with
14 nongovernment organizations, educational institutions and other stakeholders
15 for the provision of support services.

16 SEC. 8. *Referral Fees.* – Cities and municipalities, other than the host
17 LGU, shall pay a fee for every CWD or YWD referred to the Center.
18 Referral fees collected shall be utilized for the operation and maintenance of
19 the Center and the salary of personnel.

20 SEC. 9. *Tax Exemption.* – All grants, endowments, donations and
21 contributions to the Centers for their actual, direct and exclusive use shall be
22 exempt from donor's tax and the same shall be allowed as deductions from the
23 donor's gross income for purposes of computing the taxable income of the
24 donor in accordance with the provisions of the National Internal Revenue Code
25 of 1997, as amended.

26 SEC. 10. *Appropriations.* – The amount needed to provide for the
27 national government subsidy to the concerned city, municipality or host LGU
28 for the initial construction, establishment or repair of the rehabilitation Centers

1 for children and youth with disabilities shall be included in the annual General
2 Appropriations Act. The concerned city, municipality or host LGU shall set
3 aside funds from any available local revenues in an amount deemed
4 appropriate by the local officials concerned for the operation and maintenance
5 of the Center.

6 SEC. 11. *Implementing Rules and Regulations.* – The Department of
7 Social Welfare and Development (DSWD) and the National Council on
8 Disability Affairs, in consultation with concerned national government
9 agencies, the League of Provinces, the League of Cities, the League of
10 Municipalities and nongovernment organizations advocating the rights of
11 PWDs, shall promulgate the implementing rules and regulations within sixty
12 (60) days after this Act takes effect. The said agencies and groups shall assist
13 in the effective implementation of this Act and provide the necessary support
14 services for such.

15 SEC. 12. *Separability Clause.* – Should any provision of this Act be
16 found unconstitutional by a court of law, such provision shall be severed from
17 the remainder of this Act, and such action shall not affect the enforceability of
18 the remaining provisions of this Act.

19 SEC. 13. *Repealing Clause.* – All laws, decrees, letters of instruction,
20 resolutions, orders, ordinances or parts thereof which are inconsistent with the
21 provisions of this Act are hereby repealed, amended or modified accordingly.

22 SEC. 14. *Effectivity Clause.* – This Act shall take effect fifteen (15)
23 days after its publication in two (2) newspapers of general circulation.

Approved,