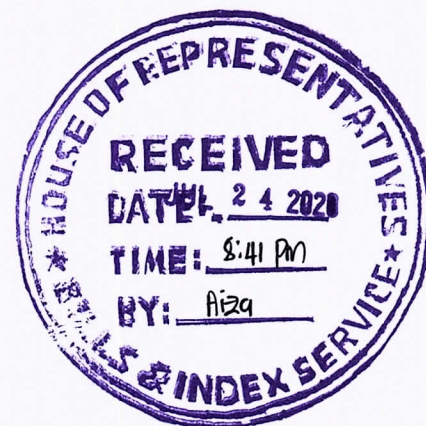


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 7180



Introduced by Representative **MA. LOURDES T. ARROYO**

EXPLANATORY NOTE

The World Health Organization (WHO) declared the COVID-19 outbreak as a pandemic on 12 March 2020. At present, COVID-19 has already affected more than 5.5 million individuals worldwide. As a strategy to “flatten the curve” and to buy healthcare systems some time to prepare and respond to the possible increase in cases, various governments imposed varying degrees and iterations of community quarantines.

In the case of the Philippines, President Rodrigo Duterte declared an Enhanced Community Quarantine (ECQ) for Metro Manila and Laguna (and eventually the whole of Luzon) on 14 March 2020¹. The said measure naturally disproportionately affected poor households, whose income earners are usually day laborers in the informal sector. To address this and enhance the overall capacity of the government to respond to the COVID-19 crisis, the Philippine Congress passed Republic Act 11469 or the *Bayanihan to Heal as One Act*. Under the said law, the government was mandated to provide social protection and economic assistance to 18 million households classified as poor.

The Bayanihan Social Amelioration Program (SAP) guidelines indicate that persons with disabilities are among the sectors vulnerable to the socio-economic impact of the ECQ. According to the Philippine Statistics Authority (PSA), 12% of Filipinos aged 15 and older or around 12 million individuals based on the 2015 Census already had severe disabilities in 2016. Meanwhile, the 2010 Census recorded a total of 1.44 million Filipinos with disabilities.

Persons with disabilities, unlike those without disabilities, are constrained by their physical, mental, and/or psychosocial impairments; inaccessible living spaces and communities; and the social stigma of having disabilities. Studies have shown that even before the implementation of the ECQ/MECQ, Filipinos with disabilities usually lack formal schooling, and are most likely to be jobless, or underemployed.² All these factors make the quality of life of persons with disabilities immediately more challenging compared to those

¹ Originally designed to last until 14 April 2020, the ECQ was extended until 15 May 2020. Starting 16 May 2020, Metro Manila, Laguna, and Cebu City were put under Modified ECQ.

² Agbon, Adrian D., and Christian D. Mina. 2017. *School Participation of Children with Disability: The Case of San Remigio and Mandaue City, Cebu, Philippines*. Discussion Paper, Quezon City: Philippine Institute for Development Studies. Disparities in educational attainment were observed amongst persons with disabilities and those without disabilities and between males and females with disabilities.

Mina, Christian D. 2013. *Employment of Persons with Disabilities (PWDs) in the Philippines: The Case of Metro Manila and Rosario, Batangas*. Discussion Paper, Makati City: Philippine Institute for Development Studies. Persons with disabilities were found to be less likely looking for jobs because they lacked the qualifying degrees and their families discouraged them from doing so.

without disabilities. Compounded by poverty and other sociopolitical factors like gender, persons with disabilities face multiple exclusions.

Sadly, disability is not accounted for in existing anti-poverty measures of the government. This is reflected in the lack of targeted programs for the sector even within the Department of Social Welfare and Development (DSWD). For example, the conditional cash transfer program of the government or the 4Ps (Pantawid Pamilyang Pilipino Program) only records 30,223 persons with disabilities in their current active household beneficiaries. There is a great disparity between this number and the almost 320,000 persons with disabilities identified in the agency's National Household Targeting System for Poverty Reduction (NHTS-PR) in 2015, with the NHTS-PR figure already being way below the Disability Prevalence Survey, which puts the estimate of persons with disabilities at 12% nationwide.

In the case of the SAP guidelines³, despite mentioning persons with disabilities as eligible beneficiaries, the guidelines do not have specific provisions that prioritize persons with disabilities, or alternatively, families or households that comprise persons with disabilities, in terms of targeting. For instance, requirements such as a PWD identification card, or a certificate of suspension of work for a person with a disability or disabilities, already disqualifies a significant number of persons with disabilities or households that comprise persons with disabilities who are unable to present the aforementioned documents. In addition, no procedure was put in place to allow persons with disabilities or households with persons with disabilities to obtain the documents needed to qualify as eligible beneficiaries during the COVID-19 crisis.

As a result, persons with disabilities who did not meet the criteria according to the stipulated provisions and who were not provided with a practical way to acquire documents that would enable them to meet the requirements in order to comply with the strict qualifications and requirements for the SAP were left without any emergency support amidst the COVID-19 crisis despite their inability to meet basic needs or provide for regular expenses associated with basic care for persons with disabilities.

Similarly, although persons with disabilities were identified as eligible beneficiaries of the Social Amelioration Program, a significant number of persons with disabilities did not receive the benefits that should have been accorded to them since the benefits of the SAP were distributed on a per household basis, rather than a per person basis with regards to persons with disabilities. For instance, a household comprising a person with a disability or disabilities, that also happens to include another person who is employed, is immediately disqualified from receiving their portion of the SAP intended for the person with a disability or disabilities, under the same guidelines. The type of profiling that was applied to the distribution of portions of the SAP in this regard did not take into account the direct and indirect costs of the ECQ and the implications of having a PWD as a member of the household (i.e. the cost of transportation for medical needs that increased because public transportation was suspended during ECQ/MECQ).

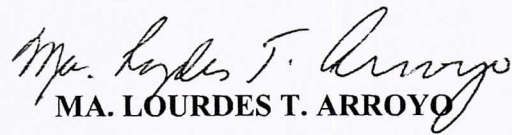
Hence, members of the PWD community who are undisputedly identified as a vulnerable sector of the population and eligible beneficiaries of the SAP, as well as the potential members of their families or households who may act on their behalf to ensure that

³ Signed by the Department of Social Welfare and Development, Department of Trade and Industry, Department of Budget and Management, Department of the Interior and Local Government, Department of Labor and Employment, Department of Agriculture and Department of Finance,

they receive the care they need and deserve, have essentially been excluded from being able to obtain the much needed support and assistance intended for persons with disabilities from their fair share of the SAP.

The State is mandated by international treaties and local laws to help alleviate the living conditions of persons with disabilities, especially during the period of the COVID-19 pandemic. Therefore, this Bill seeks to provide emergency support to persons with disabilities, as well as families caring for persons with disabilities who shoulder necessary disability-related costs, for a period of one year from July 2020, in order to help persons with disabilities and families caring for persons with disabilities as part of the government's COVID-19 crisis response.

In view of the foregoing the passing of this bill is earnestly sought.


MA. LOURDES T. ARROYO

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HOUSE BILL NO. **7180**

Introduced by Representative **MA. LOURDES T. ARROYO**

**AN ACT TO PROVIDE EMERGENCY HEALTH GRANT TO PERSONS WITH
DISABILITIES DURING THE COVID-19 CRISIS, AND
PROVIDING FUNDS THEREFOR**

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 “COVID-19 Emergency Health Grant for Persons with Disabilities Act.”

SECTION 2. **Declaration of Policy.** - The implementation of the COVID-19 emergency universal health grant for persons with disabilities shall be guided by the following principles:

- a. Persons with disabilities are constrained by their physical, mental, and/or psychosocial impairments; inaccessible living spaces and communities; and the social stigma of having disabilities;
- b. The 1987 Constitution recognizes the role of social minorities including persons with disabilities in nation building and it is further declared that the State shall provide social justice in all phases of national development and value the dignity of every human person;
- c. Persons with disabilities have inalienable rights as other persons without disabilities as enshrined in the Magna Carta of Persons with Disabilities Act, Accessibility Law, Accessible Polling Places Law, other local policies, and international conventions such as the United Nations Conventions on the Rights of Persons with Disabilities;
- d. It shall be the responsibility of the State to ensure that persons with disabilities are afforded the same opportunities and privileges available to all Filipinos, especially in terms of equal access to public services and social protection measures;
- e. *The Bayanihan to Heal as One Act* established the basis for the creation of a social amelioration program for people severely affected by COVID-19 related community quarantines and lockdowns in the whole country.

- f. The emergency health grant for persons with disabilities during the COVID 19 Crisis is intended to supplement earlier social protection measures implemented by the government in connection with the COVID-19 pandemic.

SECTION 3. *Purposes and Objectives.* – The purposes and objectives of this Act are:

- (a) To provide targeted financial assistance called “emergency disability health grants” (EDH grant) to persons with disabilities to help cover *disability related costs* exacerbated by the COVID-19 pandemic crisis and under the “new normal”.
- (b) The emergency health grant to persons with disabilities during the COVID 19 Crisis shall be given to all Filipinos with disabilities registered with the Philippine Statistics Authority, National Council for Disability Affairs, Department of Social Welfare and Development, and the Persons with Disability Affairs Offices/ Persons with Disabilities Affairs Focal Person (PDAOs/PDAFP) and City or Municipal Social Welfare Office (C/MSWO) regardless of age and socio-economic status. The “grant” is equivalent to Seven Hundred Fifty Pesos (Php750.00)⁴ to be given as an annual lump sum beginning from the effectivity of this act.

SECTION 4. *Definition of Terms.* — For purposes of this Act, these terms are defined as follows:

- a. Persons with Disabilities - as those suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being as described in the Magna Carta on the Rights of Persons with Disabilities (R.A. No. 7277) and are classified under seven (7) categories based on the type of disability. Under the implementing rules of R.A. No. 9442⁵ these categories are as follows:
1. Psychosocial and behavioral disabilities;
 2. Chronic illnesses with disabilities;
 3. Learning (cognitive or intellectual) disabilities;
 4. Mental disabilities;
 5. Visual or seeing disabilities;
 6. Orthopedic or moving disabilities; and
 7. Communication disabilities.
- b. Social Amelioration Program (SAP) - social protection measure intended to help low income families for two months in response to the COVID-19 pandemic as reflected in the *Bayanihan to Heal as One Act*. Sectors vulnerable to the socio-economic impact of the COVID-19 related quarantines and lockdowns such as persons with disabilities are qualified for the SAP as long as they are poor.

⁴ The grant amount is based on the annual health grant given to 4Ps/ Pantawid Pamilyang Pilipino Program beneficiaries per Republic Act 11310

⁵ An Act Amending RA 7277, otherwise known as the "Magna Carta for Disabled Persons"

- c. Emergency Health Grant - cash assistance given to persons with disabilities to assist with disability related costs during the COVID-19 crisis.
- d. Organizations of Persons with Disabilities (OPWD) - non-government organizations and/or civil society groups made up of a majority of persons with disabilities and representing the interests of the sector of persons with disabilities.
- e. Emergency Health Grant Beneficiary Database - a comprehensive database that will be created for the purpose of this act. The list of beneficiaries will initially be based on the pre-existing databases from the LGUs and the national government.

SECTION 5. Coverage. - All Persons with Disabilities, as verified and certified by the Department of Social Welfare and Development (DSWD) and the National Council on Disability Affairs (NCDA) shall be covered by the provisions of this Act. The eligible PWD shall be entitled a monthly health grant from the DSWD amounting to Seven Hundred Fifty Pesos (Php750.00) to augment his/her daily subsistence during the COVID-19 crisis, subject to existing government auditing rules and regulations; Provided, that the monthly health grant may be waived if the person with disability is capable of supporting his/her own self or his/her family as certified by the DSWD Field Office concerned.

SECTION 6. Details of the Grant

- (a) **Cash Transfer-** The grant will follow the cash transfer mechanism. The DSWD is mandated to be the lead agency in the implementation of this act. The agency, with its attached agency, the NCDA, and other agencies involved in the implementation as well as the local government units, the DSWD must ensure that persons with disabilities will get immediate, secure and direct access to the cash grant. Provided that the DSWD, through this Act, will coordinate with each agency to facilitate practical delivery mechanisms such as through online banking and/or mobile payments done by institutions duly accredited by the Banko Sentral ng Pilipinas (BSP). For those areas which are unable to access these payment platforms, the DSWD must work with the DILG and LGU, through the PDAOs/PDAFPs or the C/MSWOs in doing the offsite payouts.
- (b) **Emergency Health Grant Database** - The Emergency Health Grant will be based on a new database that each agency will create for the purpose of this act. The list of beneficiaries will be based on the pre-existing databases of the agencies. The new databases will be subjected to a validation process that will be undertaken by each agency. Provided that the DSWD, through this Act, will coordinate with each agency to facilitate the use of a validation system that aligns with DSWD's payout mechanisms such as through online banking and/or mobile payments that can easily generate payrolls in shareable formats.

The agencies will share with the DSWD their Emergency Health Grant databases as soon as they are created. The contractor for the validation process of agencies should promptly inform the agencies and the DSWD of the generation of the payrolls for each agency.

(c) Safeguard against exclusion - All persons with disabilities are automatically included in this act. Each agency will be responsible for reaching out to persons with disabilities in their record for the first payout. Each agency will ensure that all means of communication (i.e. house visit, phone call, text, email, chat applications, etc.) are exhausted within a reasonable timeframe before any name is excluded from their list.

(d) Data privacy - Data collection under this law will solely be for the purpose of generating and maintaining the EDH grant database. The DSWD, through NCDA, shall be the sole custodian of the said database. The DSWD, through the NCDA, shall regularly update the NPC about data protection measures put in place to ensure privacy of information.

SECTION 7. Agencies and Responsibilities - The following agencies and offices will undertake the tasks below in relation to this act:

- a. Department of Social Welfare and Development (DSWD) shall:
 - i. Create a program support office for the Emergency Health Grant program and its local counterparts in the DSWD field offices.
 - ii. Provide overall management of the Emergency Health Grant program.
 - iii. Coordinate with NCDA and LGUs in building the Emergency Health Grant beneficiary database based on existing databases from key agencies like the PSA.
 - iv. Identify the appropriate delivery mechanism for the Emergency Health Grant.
 - v. Be responsible for disbursing the funds to beneficiaries.
 - vi. Ensure that the DSWD-NH shall continue updating the database of persons with disabilities even after the expiration of this program, for future social protection measures intended for persons with disabilities
 - vii. Institute an accessible grievance mechanism and process that beneficiaries and others may access to provide feedback and complaints regarding the implementation of the program.
- b. National Council on Disability Affairs (NCDA) shall:
 - i. Be the primary custodian of the database of persons with disabilities.
 - ii. Coordinate with DSWD for the regular updating of the database of persons with disabilities.
 - iii. Conduct verification of the PWD beneficiaries that will be covered by the Emergency Health Grant and subsequently issue a certification of veracity of the beneficiaries list to the DSWD or purposes of the latter's program implementations.

- iv. Create an independent monitoring and evaluation team to review the implementation of the program made up of OPWDs and representatives of PDAOs.
 - v. Identify and design a social protection program for persons with disabilities.
- c. Department of Interior and Local Government (DILG) shall:
- i. Issue supporting policies that will create the institutional support (PDAO/PDAFP) needed for local government units to effectively implement this program.
 - ii. Issue a policy requiring the LGUs through the PDAO/PDAFP to submit reports pertaining to the implementation of the program.
 - iii. Issue a policy requiring barangays and C/MSWOs to provide assistance to the DSWD in the implementation of the program;
- d. Department of Health (DOH) shall:
- i. Provide assistance through the Barangay Health Emergency Response Teams/Barangay Health Workers (BHERTs/BHWs), in the creation and validation of the list of persons with disabilities in the barangays, in coordination with the C/MSWO and the PDAO/ PDAFP; and
 - ii. Conduct related studies to inform future social protection and health programs for persons with disabilities.

SECTION 8. *Monitoring and Evaluation* - The DSWD Central Office through its Emergency Health Grant for Persons with Disabilities during the COVID 19 Pandemic Program Support Office will undertake monitoring and evaluation. The monitoring and evaluation report shall be published on the DSWD website including names of the beneficiaries of the program. It shall include feedback and complaints coursed through the grievance mechanism. The NCDA independent monitoring and evaluation report will also be published on the DSWD website.

SECTION 9. *Appropriations.* - The government will treat the Emergency Health Grant for Persons with Disabilities as part of its COVID-19 response. The Department of Budget and Management (DBM) shall release directly to the DSWD the amount necessary for the implementation of this Act.

SECTION 10. *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 11. *Effectivity Clause.* - This Act shall take effect immediately upon Publication in a newspaper of general circulation or in the official gazette and shall be in full force and effect only for 12 months, unless extended by Congress.

Approved,