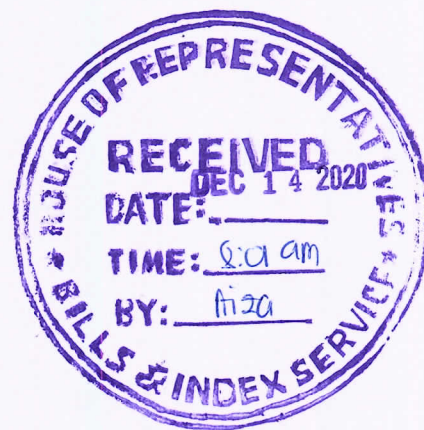


Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session
8220
House Bill No. _____



INTRODUCED BY
REP. ALFRED VARGAS

AN ACT
PROVIDING FOR THE UNIVERSAL DISABILITY SUPPORT ALLOWANCE
FOR PERSONS WITH DISABILITIES, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

In the Philippines, persons with disabilities (PWDs) represent at least 12% of the adult population and face significant barriers in accessing education and health care, community and citizenship participation, and seizing economic opportunities¹. As a result, half of them are out of work and those who work are less likely to have formal employment and are more likely to be poor², to have finished only primary education or none at all, and to not receive the health care they need.³

In overcoming these barriers, persons with disabilities and their families face significant additional disability costs⁴ related to accessing essential services, seeking and retaining work, and participating in society. These costs include private transportation, support for information and communication, assistive devices, and human assistance.

¹ National Disability Prevalence Survey (NDPS) 2016. Philippine Statistics Authority

² Philippine Institute for Development Studies, Yap, Reyes, Tabuga et al; Mitra, S., Posarac, A. and Vick, B., 2011. Disability and poverty in developing countries: A snapshot from the World Health Survey. World Bank. P 188

³ Ibid, NDPS 2016

⁴ National Council on Disability Affairs, 2016 An Analysis of Government Support and Disability-Related Costs in Eastern Samar and Rizal Provinces

In addition, due to the lack of support services, most of those requiring personal assistance have to rely on family members who have to reduce or stop working to provide such support. Overall, persons with disabilities have less income and more expenses than those without disabilities, which greatly increase their vulnerability, and undermine their economic empowerment and escape from poverty.

In the last decades, successive governments have adopted a set of measures to support persons with disabilities such as the 20% disability discount or the mandatory and subsidized PhilHealth membership. While those measures contribute to improve the socio-economic situation of some persons with disabilities, they have significant limitation. While PhilHealth is supposed to cover the healthcare needs of persons with disabilities, barriers⁵ to actually accessing those services remain unaddressed. The discount and tax exemptions are beneficial for persons with disabilities with already a certain level of income and purchasing power, and mostly in urban areas where there are establishments that can fulfil official requirements. Moreover, while the 4Ps program covers few of the households with persons with disabilities, it does not include any specific measure to support them in addressing disability-related costs. In other words, there are still major gaps in coverage and adequacy which leave most persons with disabilities unsupported.

Under current circumstances, the COVID-19 crisis has intensified the economic vulnerabilities of PWDs and highlighted the limits of the current social protection system to immediately respond to protect persons with disabilities and their families from the socio-economic impact of the pandemic⁶. While the vast majority has experienced loss of income and has multiple needs, due to the limitation of the current social protection systems and despite the government efforts to roll out new measures, most persons with disabilities have not yet received any support⁷.

The urgency of the matter is of utmost importance. According to the United Nations, the people's capacity to manage and overcome shocks, especially during the time of the COVID-19 pandemic, is enhanced when comprehensive social protection systems are in place.⁸ Such is the case of

⁵ Barriers may include high cost of accessing the service such as the cost of transportation, proximity of point of service, information and communication, including sign language interpretation

⁶ UN Policy brief: A Disability-Inclusive Response to COVID-19

⁷ Rapid survey conducted by Center for Disaster Preparedness Survey which gathered information from 4,385 household which included 5,961 persons with disabilities about impact of COVID quarantine and their needs

⁸ Responding to COVID-19 and Recovering Better; United Nations Department of Economics and Social Affairs (UNDESA); Policy Brief Series, 2020

the 4Ps Program wherein all beneficiaries were reported to have immediately received emergency subsidy under the Social Amelioration Program of the Department of Social Welfare and Development (DSWD) two weeks after the approval of the law.⁹

To complement existing measures and schemes for the PWD community, this bill seeks to adopt and progressively roll out a monthly universal disability support allowance of Two Thousand Pesos (PhP 2,000.00) that will effectively address some of the critical issues faced by the PWDs. It will provide basic income support to families of children with disabilities and persons with disabilities who are not in position to work. The disability support allowance shall be compatible with employment, even if, at a reduced rate, to cover the disability-related costs associated to getting and keeping work and to prevent unwanted pressures on persons with disabilities not to take up work for fear of losing the benefit. The disability support allowance should be first for children and adults with higher support needs and disability costs, and those who may face significant barriers and lack of support for employment. It should be first and foremost means-tested, to prioritize those who are most in need, and shall be expanded depending on available fiscal space.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


ALFRED VARGAS

⁹ "All 4Ps cash card holders received emergency subsidy under SAP - DSWD " <https://pia.gov.ph/press-releases/releases/1038171> (Accessed on 11 October 2020)

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

SECTION 1. Short Title. – This Act shall be known as the “Disability Support Allowance for Persons with Disabilities Act.”

SECTION 2. Declaration of Policy. – It is the declared policy of the State to adopt the generally accepted principles of international law as part of the law of the land.

It is likewise vital that the State advances social justice in order to end poverty in all its form, particularly the historical deprivation of the support required by persons with disabilities for their effective inclusion and full participation in the society.

To attain a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all, appropriate measures in developing social protection programs and allowances that recognize the additional costs associated with disability shall be undertaken.

In pursuance to this end, social protection measures such as the grant of disability support allowance shall be extended to persons with disabilities to

support their independent living.

SECTION 3. Definition of Terms. – For the purposes of this Act, these terms are defined as follows:

- a) **Persons with Disabilities** include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. Persons who may fall in this definition are but not limited to the following: persons with psychosocial disability, person with autism, person with down syndrome, person who are blind, person with low vision, person with hard of hearing, Deaf, person with rare diseases, and all other person who will be certified under the disability assessment and determination system;
- b) **Disability** is an evolving concept that results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others;
- c) **Barriers** are anything that hinders persons with disabilities from enjoying or exercising all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, on an equal basis with others. Barriers in all its forms encompass inaccessible physical environments and transportation; the unavailability of assistive devices and technologies; inaccessible information both in form and content; non-adapted means of communication; gaps in service delivery such as unavailability of personal assistance and sign language interpretation service; discrimination including denial of reasonable accommodation; attitude, prejudice and stigma in society; programs, policies and laws infringing the rights of persons with disabilities as recognized under the Convention on the Rights of Persons with Disabilities;
- d) **Reasonable accommodation** means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;
- e) **Progressive realization** means undertaking measures to the maximum of its available resources and, where needed, within the

framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the CRPD that are immediately applicable according to international law;

- f) ***Disability Assessment and Determination*** means the process by which disability of an individual is officially recognized for the purpose of eligibility determination to diverse entitlements. It is based on a human rights model of disability, with a focus on functional limitations, support requirements and barriers restricting participation.

SECTION 4. Coverage. – All persons with disabilities, as certified under the disability assessment and determination system that is based on a human rights approach shall be covered by the provisions of this Act. In line with the progressive realization principle, the priority will initially be given to children with disabilities and adults with significant disabilities who are facing the highest barriers and disability related costs. However, the aim is to eventually cover all registered persons with disabilities who have either no income or low level of income and as well as persons with disabilities who face disability-related extra costs which negatively affect adequate standard of living.

SECTION 5. Disability Support Allowance Program. – There shall be established a Disability Support Allowance Program under the Department of Social Welfare and Development (DSWD), in consultation with the National Council on Disability Affairs and a representative organization of persons with disabilities, designed to serve as a social protection measure and support the needs of persons with disabilities in their integration to society. The Disability Support Allowance Program shall aim to provide a regular stipend to persons with disabilities based on the eligibility criteria by the DSWD.

The initial amount of Two Thousand Pesos (Php2,000.00) a month per individual beneficiary is set for the disability support allowance, which will be indexed to inflation to preserve its impact on the standards of living and participation of people with disabilities. This would contribute in combination to existing social protection programs and discounts to address higher cost of transportation, housing, nutrition, hygiene and temporary human assistance requirements, among others. For working age adult out of work, it will provide a basic income security and will help cover disability related costs for finding and keeping work.

The Program shall be implemented in three (3) phases:

- a.) Phase 1** – The initial phase of the Disability Support Allowance Program, to be implemented within three (3) years, shall prioritize provision of stipends to:
 - i. Children with disabilities;
 - ii. Adults with significant disabilities who are facing the highest barriers and disability-related costs;
 - iii. Persons with disabilities who are recipients of social protection and economic empowerment programs such as but not limited to the Pantawid Pamilya Pilipino Program (4Ps) and Social Pension for Indigent Senior Citizens
- b.) Phase 2** – The second phase of the Program, to be implemented in the next three (3) years, shall include all registered persons with disabilities who have either no income or low level of income and as well as persons with disabilities who face disability-related extra costs which negatively affects adequate standard of living.
- c.) Phase 3** – The third phase of the Program, to be implemented after six (6) years from the beginning of the implementation, shall endeavor to progressively cover all persons with disabilities.

SECTION 6. *Eligibility.* – Eligibility to the disability support allowance will be based solely on disability assessment and determination with a focus on functional limitation support requirements and barriers to participation, irrespective of income, work status or access to other social protection benefits.

In recognition of the multiple forms of poverty and the extent of disability related costs required for basic participation, eligibility of persons with disabilities to the disability support allowance will be compatible with eligibility and benefits from different social protection and economic empowerment programs such as but not limited to the Pantawid Pamilya Pilipino Program (4Ps) and Social Pension for Indigent Senior Citizens, the disability allowance acting as a top-up for subsidizing disability-related extra costs.

Provided, That the DSWD, in consultation with the NCDA, may, in its discretion, adopt additional bases to achieve the objectives of this Act.

SECTION 7. *Disability Data Management System.* – To effectively

implement social protection measures targeting persons with disabilities, a Disability Data Management System shall be put up and shall be linked to the Community-Based Management System (CBMS) which aid in the development of poverty-reduction programs from local to national level. Linkage to the National ID System, and the DOH Persons with Disability Registry, which is mirrored to the PhilHealth Database System shall also be done to provide real-time disability data and subsidized enrolment to PhilHealth insurance.

SECTION 8. Policy on Disability Identification Cards. – The issuance of Disability Identification Cards pursuant to Republic Act No. 7277, otherwise known as the “Magna Carta for Persons with Disabilities,” as amended, along with other relevant laws, administrative issuances and local ordinances, shall incorporate the information necessary for the granting of the monthly disability support allowance to eligible persons with disabilities.

SECTION 9. Penal Provisions. – The penalties shall apply to the following:

- a) Any person who through fraud or misrepresentation applies for, or aids in the application for benefits under this law without being a qualified person with disability entitled thereto shall suffer the following penalties:
 - i. For the first violation, a fine of not less than Twenty-five thousand pesos (Php25,000.00) but not exceeding Fifty thousand pesos (Php50,000.00); and
 - ii. For any subsequent violation, a fine of not less than Fifty thousand pesos (Php50,000.00) but not exceeding One hundred thousand pesos (Php100,000.00).
- b) Any person violating any provision of this Act and its implementing rules and regulations, except violations pertaining to Subsection (a) of this Section, shall be penalized with a fine of not less than Fifty Thousand Pesos (Php50,000.00) but not exceeding One Hundred Thousand Pesos (Php100,000.00).

Section 10. Appropriations. – The amount necessary for the implementation of the Act shall be included in the annual General Appropriations of the year following its enactment into law and thereafter. The initial amount of which shall be determined by the Department of Social Welfare and Development (DSWD), the National Council of Disability Affairs (NCDA), and representatives from other major stakeholders including

organizations of persons with disabilities. The allocated budget for the first year of its operation shall gradually increase in view of progressive realization.

SECTION 11. *Implementing Rules and Regulations.* – Within one hundred and twenty (120) days from the affectivity of this Act, the Department of Social Welfare and Development, in consultation with the National Council on Disability Affairs, Department of Interior and Local Government, Department of Health, Philippine Statistics Authority, Organizations of Persons with Disabilities, and other relevant stakeholders from government agencies and non-government organizations, shall issue the necessary rules and regulations to implement the provisions of this Act.

SECTION 12. *Report to Congress.* – The Department of Social Welfare and Development and National Council on Disability Affairs shall annually submit a report to Congress about the status of the implementation of this Act for the purpose of review and recommendation of additional measures necessary for the attainment of the objectives of this Act.

SECTION 13. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, parts or provisions of this Act which are not affected shall continue to be in full force and effect.

SECTION 14. *Non-Impairment Clause.* – Nothing in this Act shall be construed as to diminish, impair, or repeal rights recognized, granted, or made available to disadvantaged, marginalized, or specific sectors under existing laws.

SECTION 15. *Repealing Clause.* – All laws, executive orders, presidential decrees, Implementing Rules and Regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 16. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,