

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5136



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

Patients diagnosed with chronic kidney disease (CKD) suffer from many physical limitations due to their illness. As the condition is chronic, CKD patients are further burdened financially by high costs of maintenance medicines and dialysis treatments. Failure to receive treatment results in the decline of their physical and mental health. Aside from this, patients diagnosed with CKD, especially in the more advanced stages, face daily difficulties leading normal lives, including maintaining their jobs.

At present, persons diagnosed with chronic kidney disease still do not fall within the definition of persons with disabilities (PWDs) afforded with privileges under RA 7277 or the Magna Carta for Persons with Disability as amended by RA 10754. This is because CKD is still categorized merely as a chronic disease and not a disability.

Undoubtedly, CKD patients suffer similar troubles with PWDs and the legislature has the moral duty to help alleviate their suffering by granting them privileges and benefits to help them meet their basic needs.

It is for the foregoing premises that the approval of this Bill is earnestly sought.


ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Party-List

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AN ACT
MANDATING THAT PATIENTS DIAGNOSED WITH CHRONIC KIDNEY
DISEASE BE GIVEN THE SAME PRIVILEGES AS PERSONS WITH
DISABILITIES (PWD), AND FOR OTHER PURPOSES

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

SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of the State to protect and promote the right of the people to health, instill health awareness among them, and to make available and accessible essential goods, medicines, health care and other social services to all citizens at affordable cost.

SECTION 2. *Disability Benefits to Persons with Chronic Kidney Disease.* – Persons with Chronic Kidney Disease shall be entitled to the same benefits granted to Persons With Disability such as, but not limited to:

- a) At least twenty percent (20%) discount and exemption from the value-added tax (VAT), if applicable, on the following sale of goods and services for the exclusive use and enjoyment or availment of the PWD:
 - 1) On the fees and charges relative to the utilization of all services in hotels and similar lodging establishments; restaurants and recreation centers;
 - 2) On admission fees charged by theaters, cinema houses, concert halls, circuses, carnivals and other similar places of culture, leisure and amusement;
 - 3) On the purchase of medicines in all drugstores;
 - 4) On medical and dental services including diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests, and professional fees of attending doctors in all government facilities, subject to the guidelines to be issued by the Department of Health (DOH), in

coordination with the Philippine Health Insurance Corporation (PhilHealth);

- 5) On medical and dental services including diagnostic and laboratory fees, and professional fees of attending doctors in all private hospitals and medical facilities, in accordance with the rules and regulations to be issued by the DOH, in coordination with the PhilHealth;
 - 6) On fare for domestic air and sea travel;
 - 7) On actual fare for land transportation travel such as, but not limited to, public utility buses or jeepneys (PUBs/PUJs), taxis, asian utility vehicles (AUVs), shuttle services and public railways, including light Rail Transit (LRT), Metro Rail Transit (MRT) and Philippine National Railways (PNR); and
 - 8) On funeral and burial services for the death of the PWD: Provided, That the beneficiary or any person who shall shoulder the funeral and burial expenses of the deceased PWD shall claim the discount under this rule for the deceased PWD upon presentation of the death certificate. Such expenses shall cover the purchase of casket or urn, embalming, hospital morgue, transport of the body to intended burial site in the place of origin, but shall exclude obituary publication and the cost of the memorial lot.
- b) Educational assistance to PWD, for them to pursue primary, secondary, tertiary, post tertiary, as well as vocational or technical education, in both public and private schools, through the provision of scholarships, grants, financial aids, subsidies and other incentives to qualified PWD, including support for books, learning materials, and uniform allowance to the extent feasible: Provided, That the PWD shall meet the minimum admission requirements;
 - c) To the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), Social Security System (SSS), and Pag-IBIG, as the case may be, as are enjoyed by those in actual service;
 - d) To the extent possible, the government may grant special discounts in special programs for PWDS on purchase of basic commodities, subject to the guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA); and
 - e) Provision of express lanes for PWD in all commercial and government establishments; in the absence thereof, priority shall be given to them.

The abovementioned privileges shall be available only to PWDs including patients with Chronic Kidney Disease (CKD) who are Filipino citizens upon submission of any of the following proof of his/her entitlement thereto:

- 1) An identification card issued by the city or municipal mayor or the barangay captain of the place where the PWD resides;
- 2) The passport of the PWD concerned; or

- 3) Transportation discount fare Identification Card (ID) issued by the National Council for the Welfare of Disabled Persons (NCWDP).

The privileges may not be claimed if the PWD claims a higher discount as may be granted by the commercial establishment and/or under other existing laws or in combination with other discount program/s.

The establishments may claim the discounts granted in subsection (a), paragraphs (1), (2), (3), (5), (6), (7), and (8) as tax deductions based on the net cost of the goods sold or services rendered: Provided, however, That the cost of the discount shall be allowed as deduction from the gross income for the same taxable year that the discount is granted: Provided, further, That the total amount of the claimed tax deduction net of value-added tax, if applicable, shall be included in their gross sales receipts for tax purposes and shall be subject to documentation and to the provisions of the National Internal Revenue Code (NIRC), as amended.

SECTION 3. Discounted Dialysis Sessions for All Patients Diagnosed With CKD, Except Those Diagnosed With End-Stage Renal Disease – Patients diagnosed with CKD, to the exclusion of those diagnosed with end-stage renal disease or CKD5, shall be entitled to at least twenty (20) percent discount on the cost of the needed hemodialysis, peritoneal dialysis, and other Department of Health (DOH) approved dialysis procedure, provided such treatment is availed of at PhilHealth accredited hospitals and freestanding dialysis centers. Provided further, that only those procedures that use the dialysis solutions included in the latest edition of the Philippine National Drug Formulary (PNDF) shall be discounted and reimbursed by the PhilHealth. Provided finally, that only laboratory procedures and supplies considered necessary shall be discounted.

The accredited hospitals and freestanding dialysis centers granting the above discount may claim reimbursement of total discounts granted to CKD patients from PhilHealth.

SECTION 4. Implementing Rules and Regulations (IRR). – The National Council for Disability Affairs (NCDA), in coordination with relevant government agencies, shall issue rules, regulations, and guidelines necessary to carry out the implementation and purposes of this Act within six (6) months from date of effectivity.

SECTION 5. Separability Clause. – If any provision of this Act shall be declared unconstitutional or invalid, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SECTION 6. Repealing Clause. – All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative

orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,