

Republic of the Philippines  
House of Representatives  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

HOUSE BILL NO 7717



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Introduced by Representative Dante S. Garcia

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#### EXPLANATORY NOTE

The UN Convention on the Rights of Persons with Disabilities (UNCRPD), which entered into force on 03 May 2008, does not provide a closed definition of disability. Its preamble shows that disability is an evolving concept. More so, the Convention reflects a social model of disability in the sense that it clarifies disability as resulting from the interactions between persons with impairments and external barriers (i.e. environmental, institutional, or attitudinal) that hinders their participation in society on an equal basis with others.

The Philippines, through its Constitution in Art. XIII, Section 1, provides that "Congress shall give highest priority to the enactment of measures that protect and enhance the rights of all the people to human dignity, reduce social, economic, and political inequality, and remove cultural inequities by equitably diffusing wealth and political power for the common good. In fact, with its *Magna Carta* on the Rights of Persons with Disabilities (R.A. 7277), enacted in 1992, it defined 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.

Too, the Philippines had a long history of engagement for the welfare of the disabled, starting with Presidential Decree No.1509, signed by former president Ferdinand E. Marcos Sr. during the country's hosting of the Second International Conference of Legislation Concerning the Disabled, creating the National Commission Concerning Disabled Persons (NCCDP). From this, its secretariat, the Philippine Foundation for the Rehabilitation of Disabled Inc. (PFRD) eventually became the National Council for the Welfare of Disabled Persons (NCWDP) through Presidential Executive Order No. 709 last February 2008. Later on, the NCWDP became the National Council for Disability Affairs (NCDA) through former President Gloria Macapagal- Arroyo's Executive Order 676, entrenching the office under the Department of Social Welfare and Development.

Yet, despite of this long engagement, and with all the laws the country have passed, from B.P. 344 or the Accessibility Law, to R.A. 6759 or the White Cane Act, to ILO Convention No. 159 or the Vocational Rehabilitation of Persons with Disability to R.A. 7277 or the *Magna Carta* for Disabled Persons and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),

many of these laws have fallen short of their intended benefits for the beneficiaries because of the lack of a dedicated line agency designed specifically to push and fully implement these laws.

Created in 1981, and attached to the Department of Social Welfare and Development (DSWD), the National Council on Disability Affairs (NCDA) is the government agency tasked with program development and services delivery to the sector. It was originally tasked to formulate policies and coordinate the activities of all agencies, whether public or private, concerning disability issues and concerns. It was also charged with the development and maintenance of a databank on disability in partnership with concerned government agencies, which happened with the Philippine Registry of Persons With Disability (PRPWD) which is currently implemented by the Department of Health.

However, we still do not have an updated or accurate listing or registration of persons with disabilities. Government agencies and local government units still use the 2010 registry of the Philippine Statistics Office, which determines disability estimates from the 2010 Census of Population and Housing, to be at 1.44 million people, or 1.57% of the then 92.1 million total population. This reported 1.57% disability population is still considered by many sectors/ authorities as “undercounted” compared to the World Health Organization (WHO) 10-15% demographic of disability in any given population.

This bill seeks to create the National Commission for Disability Affairs to replace the National Council for Disability Affairs. Returning it to a Commission-level under the Office of the President will further strengthen its role as the primary agency responsible for the implementation of policies aimed at fulfilling the rights of Persons with Disabilities.

The Commission will address the lack of comprehensive data on Persons with Disabilities, which is a vital key for policy and program formulation, and oversee and recommend measures for the effective conduct of a comprehensive assessment program on a provincial, city, and municipal level, in consultation with partner agencies such as Department of Health and other experts in the field.

The Commission will also ensure that persons with disabilities remain in charge of their futures, by ensuring that the leadership roles of the agency are effectively manned by qualified persons with disabilities. Because the bill also provides a specific limit on reappointment, no one person with disability will be able to control or manipulate the field.

As it seeks to address these gaps, the Commission will be mandated to uphold the rights and welfare of the Persons with Disabilities through its larger and stronger capacity to monitor the implementation of programs and policies of disability, identify the needs of the sector, develop and implement programs and recommend policy measures to address such needs.

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



**Dante S. Garcia**  
2<sup>nd</sup> District of La Union

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AN ACT

**REORGANIZING THE NATIONAL COUNCIL ON DISABILITY AFFAIRS INTO THE NATIONAL COMMISSION ON DISABILITY AFFAIRS, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

*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 “**National Commission on Disability Affairs Act of 2023.**”

**Section 2. Declaration of Policy** - The State recognizes that persons with disabilities are part of Philippine society and are thus entitled to the same rights as other people. It is hereby declared the policy of the State to support, protect and promote the rights of persons with disabilities. Towards this end, the State shall establish a National Commission on Disability Affairs to formulate policies and coordinate activities for persons with disabilities.

**Section 3. Establishment of the National Commission on Disability Affairs** - There is hereby created the National Commission on Disability Affairs, hereinafter referred to as the Commission. It shall be attached to the office of the President.

**Section 4. Objectives, Mandate and Functions** - The Commission shall be the national government agency to formulate policies and coordinate activities of all agencies, whether public or private, concerning disability issues and concerns. It shall be the lead agency tasked to steer the course of program development for persons with disabilities and the delivery of service to the sector.

It is the central agency that attends to the needs of persons with disabilities, providing them with the necessary services, supervision, regulation and guidance in the pursuit of their welfare and well-being. It is the lead agency in policy-making, monitoring and coordination that develops, formulates and implements programs for the persons with disabilities, and ensures the equalization of opportunities in the concept of a right-based society for persons with disabilities.

The Commission shall exercise the following powers and functions to carry out its mandate:

1. Ensure that the status, rights, welfare and interests of persons with disabilities are upheld, in accordance with the Constitution;
2. Formulate policies and propose legislations or amendments to existing ones, concerning the rights and well-being of persons with disabilities, and lead i the implementation of programs and services concerning the same;
3. Prepare and adopt an integrated and comprehensive long-term National Rehabilitation Plan, which shall ensure the formulation and implementation of programs and projects to promote the rehabilitation self-reliance and the development of persons with disabilities;
4. Conduct researches and studies relevant to formulated policies to promote and enhance at all levels the rights of persons with disabilities.
5. Conduct consultative meetings and prepare symposia with all stakeholders, and undertake program evaluation and monitoring to ensure that comprehensive relevant and timely programs and services are adequate and accessible to persons with disabilities;
6. Identify and immediately address gaps in the implementation of program and laws benefiting persons with disabilities, especially the Magna Carta of Disabled Persons, as amended;
7. Formulate strategic interventions and provide an expeditious response to address the immediate concerns of the persons with disabilities;
8. Act as over-all coordinating body to rationalize the function and activities of government agencies, private entities, and international organizations operating in the Philippines, and the enforcement of laws relating to and affecting persons of disabilities;
9. Establish, develop, and maintain a databank on disabilities through a National Registry of Persons with Disabilities, which shall be obtained through the National Registration Program for Persons with Disabilities, on a provincial, city, and municipal-wide level, in partnership with concerned government agencies and non-government organizations to ensure availability of data to strengthen the referral services to persons with disabilities, including the provision of assistive devices;
10. Establish and maintain linkages and networking with local and international organizations, including organizations of and for persons with disabilities to

- generate resources and ensure maximum utilization of existing resources and for purposes of convergence;
11. Serve as the national working body to promote and monitor the implementation of national laws and international commitments;
  12. Assist in the establishment of self-help organizations and the setting up of specific projects through the provisions of technical and financial assistance to draw out the active participation of persons with disabilities in the social and economic development of the country. (Section 31, RA 7277)
  13. Regulate, monitor and where necessary, facilitate the conduct of fund-raising activities, and formulate innovative schemes to ensure funding support for major activities of the sector;
  14. Educate and reorient the general public on its attitudes and thinking with regards to persons with disabilities, and advocate through a rights-based approach the development of the persons with disabilities sector;
  15. Create, organize, restructure and otherwise manage such offices of the Commission;
  16. Provide guidance to Persons With Disability Affairs Offices (PDAO) of local government units for the expeditious and effective fulfillment of its mandate and for specific thematic and functional matters;
  17. Act as the national consultative and advisory body to the President of the Philippines on matters within its competence;
  18. Submit annual reports to both Houses of Congress on the progress and implementation of policies, and
  19. Exercise such powers and responsibilities, or perform such other functions as may be delegated or assigned by the President

**Section. 5: Composition, organization and administration** - The Commission shall be composed of a **Chairperson and six (6) commissioners**, each representing a specific disability, to wit: (1) Visual impairment, (2) Hearing Impairment, (3) Physical or mobility impairment, (4) Speaking impairment, (5) intellectual, learning and developmental impairments and (6) handicaps brought about by **continuous** illnesses, cancer or rare diseases.

The Chairperson and the commissioners shall be appointed by the President from the list submitted by each disability sector they represent. They must be persons with disabilities and must belong to the disability subsector they are nominated from. They must also belong or reside within a geographic category, specifically two each from Luzon, Visayas, and Mindanao, with the seventh optionally a resident of NCR or any of the autonomous region. **They shall serve a term of six (6) years**, without reappointment.

A Chairperson shall have the following duties and responsibilities:

- a. Call and preside over the meetings of the Commission;
- b. Manage and administer the affairs of the Commission;

- c. Monitor the implementation of policies approved by the Commission;
- d. Sign communications for the Commission and represent the Commission whenever necessary;
- e. Solicit and accept, on behalf of the Commission, gifts grants or donations in accordance with government rules, regulations and policies;
- f. Execute contracts in the pursuit of the Commission's objectives as may be authorized by the Commission, in accordance with the government rules and regulations; and
- g. Organize permanent or ad hoc committees, consisting of members of the Commission, or such other experts as are deemed necessary for the discharge of the functions and objectives of the Commission.

The Chairperson shall be assisted by an Executive Director who shall be appointed by the Chairperson of the NCDA upon favorable endorsement by a majority of the Commissioners. S/he shall serve for a term of six (6) years, without reappointment, and shall have the rank and privileges of an undersecretary of a department. S/he must be a **person with a disability**, and **must have been a member of his/her federation or certified by a civil society organization** as having served the sector for the past three (3) years. He/She shall be responsible for the management of the day-to-day affairs, activities and operations of the Commission, in accordance with the policies, standards, rules and regulations adopted and promulgated by the Commission. The Executive Director shall have the following duties and responsibilities:

- a. Administer the affairs of the Commission;
- b. Implement the policies, plans, and programs approved by the Commission;
- c. Exercise direct supervision over all the organization units placed under his/her jurisdiction, including recommending to the Chairperson the appointment of personnel of the Commission, and disciplinary actions as may be necessary for the effective management of the Commission;
- d. Represent the Commission in administrative or legislative bodies and in conferences, seminars or workshops that require the participation of the Commission;
- e. Prepare and submit to the Commission the annual report on the operations of the Commission and such other reports as may be required by the Commission; and
- f. Perform such other functions as may be provided by law.

The ED shall be assisted by two (2) Deputies: a **Deputy Executive Director for operations, programs and projects** and a **Deputy Executive Director for management support services**.

The DEDs shall be appointed by the Chairperson upon favorable endorsement by the Executive Director, with the concurrence of the Commissioners. These shall serve for a **term of six (6) years, without reappointment, unless earlier terminated by appointing authority**. No one may be appointed DED unless they **are themselves persons with disabilities and have served**

**the Persons With Disabilities sector for a minimum of three (3) years, as certified by a civil society organization.**

The **DED for Operations, program and projects** will be responsible for two (2) divisions: (1) program management (which shall include, but not limited to, responsibilities for localization of programs, coordination of PDAOs project management, assistance and other charitable operations, administration of the National Registry of PWDs); and (2) monitoring and evaluation (which shall include responsibilities in strategic planning, program monitoring, project development)

The **DED for Management Support Services** will also be responsible for two (2) divisions: (1) Administration and Finance, (which includes responsibilities in logistics, human resources, purchasing etc.) and (2) Operations Support Services (which includes responsibilities in ICT, database management, media/advocacy etc.). Should any of the **Chairperson, Commissioners, ED, and DEDs** fail to finish his/her term, a nominee from the CSO with similar qualifications shall be appointed by the appropriate appointing authority to fill the post for the duration of the term. The replacement commissioner shall not be eligible for reappointment to a second full term, unless the commissioner she replaces would only have 40% of the term remaining.

The Commission may **create sectoral and industry task forces, technical working groups, advisory bodies or committees for the furtherance of its objectives.** Additional private sector representatives such as from the academe, civil society organizations, federations of private industries directly involved in persons with disabilities as well as representatives from LGUs and government-owned and controlled corporations (GOCC) may be appointed by these working groups. Government Disability affairs professionals may also be tapped to partake in the work of the Commission.

**Section 6. Establishment of Regional Offices.** - There shall be regional offices for the NCDA, headed by a Regional Manager who shall supervise the official activities of all provinces, cities and municipalities under the jurisdiction of the concerned Regional Office. S/he shall be the primary coordinating authority over the Persons With Disabilities Affairs Office (PDAO) duly established by local government units (LGUs). It shall have the following functions:

- a. Implement laws, rules and regulations, policies, plans, programs, and projects of the Commission;
- b. Provide and increase the efficiency and effectiveness of services to its constituents;
- c. Coordinate with regional offices of other departments, offices and agencies;
- d. Coordinate with the LGUs and ensure that each has its established PDAO or has designated a focal persons for the fourth (4th), fifth (5th) and sixth (6th) class municipalities; and
- e. Perform such functions as may be assigned by the Commission.

**Section 7. Advisory Council.** - There shall be an advisory council which shall be composed of the following:

- a. Chairperson of the NCDA, as chairperson;
- b. Secretary of the Department of Health (DOH);
- c. Secretary Social Welfare and Development (DSWD);
- d. Secretary of the Department Education (DepEd);
- e. Secretary of the Department of Labor and Employment (DOLE);
- f. Secretary of the Department of Transportation (DoTr);
- g. Secretary of the Department of Public Works and Highways (DPWH);
- h. Secretary of the Department of Interior and Local Government (DILG);
- i. Chairperson of the Commission on Higher Education (CHED);
- j. Director-General of the Technical Education and Skills Development Authority (TESDA); and
- k. Chairpersons of the Senate Committee on Social Justice, Welfare, and Rural Development and the House of Representatives' Committee on Social Services.

The Secretaries are may appoint an official alternate with a rank of an Undersecretary or its equivalent. The official alternate shall possess the same powers as the Heads of the above-named government agencies and whose acts shall be considered as acts of the heads of office being represented.

The Council shall meet every quarter, or as often as may be necessary, upon the call of its Chairperson. It shall advise and be consulted by the Commission on important matters relating to the Commission's mandate. The Council may form task forces which shall convene between the meetings of the Council. The Commission shall provide the technical support required by the Council to function according to this Act.

**Section 8. Annual Report.** - The Commission shall prepare an annual report on the findings of its monitoring activities with regard to the state of the country's compliance with its international obligations concerning persons with disabilities. The report shall include, but not be limited, to the following:

1. Identification of causes that result in the increase or decrease in the number of persons with disabilities;
2. Assessment of the legal mechanisms of existing institutions in providing adequate protection and services for PWDs;
3. Recommendations for legal, legislative and institutional reforms for greater promotion and protection of the rights of PWDs;
4. Statistics and data indicating the total number of PWDs in the country as culled from the National Registry for PWDs, in coordination with other government agencies.

**Section 9. Disability Support Fund.**- A Disability Support Fund shall be established under this Act. It shall make funds available for individuals with disabilities to access rehabilitation and disability support services, and to support disability-related activities at the local community through programs and projects of the local government units and civil society organizations.

The fund shall be sourced from the operations of the Philippine Charity Sweepstakes Office (PCSO), Philippine Amusement and Gaming Corporation (PAGCOR), one (1) percent from the collections arising from the Sin Tax, Road Users Tax and amusement taxes collected by other national and local government agencies and contributions from the private and non-government sector.

**Section 10. Personnel Requirement** - Subject to the approval of the Department of Budget and Management (DBM), the Commission shall determine its organizational structure and create new divisions or units as it may deem necessary, and shall appoint officers and employees of the Commission in accordance with Civil Service Law, rules and regulations

**Section 11. Transitory provisions** - The National Council on Disability Affairs (NCDA) shall be deemed abolished upon the creation of the Commission. All the powers, functions, assets, liabilities, capital, accounts, contracts, equipment and facilities of the NCDA which are owned by the government shall be transferred to the Commission.

All regular or permanent employees of the NCDA shall be absorbed or transferred to the Commission: Provided, that they possess the necessary qualifications, and shall not suffer any loss of seniority or rank or decrease in salaries and emoluments. The Executive Director of the NCDA at the time of its abolition shall automatically become the chairperson of the Commission and shall remain its transition chairperson for the next three years. After the said three years, he may be reappointed to serve a regular, full term of six years, without further reappointment. Employees separated from the service as a result of the abolition of the NCDA under the provisions of this Act shall, within three (3) months from their separation from service, receive a separation pay in accordance with existing laws, rules, and regulations. In addition, those who are qualified to retire shall be allowed to retire and be entitled to all benefits provided under existing retirement laws. The funds of the Commission may be used for this purpose.

Employees separated and/or retired from NCDA shall not be eligible for reappointment to or employment in the Commission, whether on a permanent, temporary, casual or contractual status within a period of three (3) years after separation or retirement.

The Chairperson shall recommend to the Commission a work program that shall include the organizational plan and structure, staffing pattern and compensation plan, budget, programs, projects and activities of the Commission within ninety (90) days from the approval of this Act. Said work program shall be implemented by the Chairperson within thirty (30) days after its approval by the Commission.

**Section 12. *Implementing Rules and Regulations*** - Within sixty (60) days from the effectivity of this Act, the National Council on Disability Affairs (NCDA), the Department of Budget and Management (DBM) and other relevant government agencies shall promulgate the necessary rules and regulations for the effective implementation of this Act.

**Section 13. *Appropriation*** - The amount of five hundred and fifty million pesos (500,000,000) or such sum or sums as may be needed to carry out the provisions of this Act shall be appropriated and carried generally under the Office of the President in the General Appropriations Act. Thereafter, the amount needed for the operation and maintenance of the Commission shall be included in the General Appropriations Act.

**Section 14. *Grants and donations*** - The Commission shall have the authority to receive donations of monetary value or goods for purposes of the provision of services for PWDs. The Commission may grant tax incentives such as deductions or exemptions in return for such grants and donations.

**Section 15. *Repealing clause*** - All laws, decrees, orders, rules and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**Section 16. *Separability clause*** - Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

**Section 17. *Effectivity*** - This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,