

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

EIGHTEENTH CONGRESS
First Regular Session

3900
HOUSE BILL NO. _____



INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

EXPLANATORY NOTE


Article XIII, Section I of the 1987 Philippine Constitution provides that:

"the Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good."

This bill seeks to establish the National Commission for Disability Affairs (NCDA) to replace the National Council for Disability Affairs. As a Commission, it shall be able to further strengthen its role as the primary agency responsible for the implementation of policies aimed at fulfilling the rights of the Persons with Disability sector.

The Commission will be mandated to uphold the rights and welfare of the Persons with Disabilities sector through its larger and stronger capacity to monitor the implementation of programs and policies on disability, identify the needs of the sector, and recommend policy measures to address such needs.

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


ALFRED VARGAS

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AN ACT
CREATING THE NATIONAL COMMISSION ON DISABILITY AFFAIRS, DEFINING ITS
POWERS, FUNCTIONS AND RESPONSIBILITIES AND 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 2019*”.

Sec. 2. Declaration of Policy. - The State guarantees full respect for the rights of every human being, regardless of his/her status in life. Likewise, the State recognizes that persons with disabilities (PWDs) are entitled to the same rights as persons without disabilities. It is also the policy of the State to give highest priority to the enactment of measures that will protect, support, and promote the rights of persons with disabilities.

Sec. 3. Creation of the National Commission on Disability Affairs. —There is hereby created the National Commission on Disability Affairs, hereinafter referred to as the Commission. The Commission shall be independent, autonomous and shall have the same status as that of a national government agency attached to the Office of the President.

Sec. 4 . Mandate. —The Commission is the central national government agency that attends to the needs of persons with disabilities, providing them the necessary services, supervision, regulation and guidance in the pursuit of their welfare and wellbeing. Likewise, the Commission is the lead policy-making, planning, monitoring, and coordinating body that develops, formulates and implements programs for the prevention of the causes of disability and rehabilitation and equalizing of opportunities in the concept of rights-based society for persons with disabilities.

Sec. 5. Powers and Functions. - The Commission shall exercise the following powers and functions to carry out its mandate:

- a. Ensure that the status, rights, welfare, and interests of persons with disabilities are upheld, in accordance with the Constitution;
- b. Formulate policies and propose legislations concerning the rights and well-being of persons with disabilities, and lead in the implementation of programs and services concerning the same;
- c. Conduct consultative meetings and symposia with all stakeholders, and undertake program evaluation and monitoring to ensure that comprehensive, relevant and timely programs and services are adequate domestic laws and international commitments benefitting persons with disabilities;
- d. Conduct relevant researches and studies for policy formulation to promote and enhance, at all levels, the rights of persons with disabilities;
- e. Establish, develop, and maintain a data bank on disability through a National Registry of PWDs which shall be obtained through the National Registration Program for PWDs, on a provincial, city, and municipal -wide level, in partnership with concerned government agencies and non-governmental organizations and strengthen referral services to ensure availability of data and stakeholders and services to persons with disabilities including provision of assistive devices; and accessible to persons with disabilities;
- f. Identify and address gaps in the implementation and enforcement of Establish and maintain linkages and networking with local and international organizations, including organizations of and for persons with disabilities to generate resources, maximize utilization of existing resources and achieve a level of convergence most beneficial to persons with disabilities;
- g. Assist in the establishment of self-help organizations and the setting up of specific projects through the provision of technical and financial assistance to draw out the active participation of persons with disabilities in the social and economic development of the country;
- h. Create, organize, restructure, and otherwise manage such offices of the Commission; 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; implementation of policies; and

Submit annual reports to both Houses of Congress on the processes and exercise such powers or perform such other functions as may be delegated or assigned by the President.

Sec. 6. The Composition. - The Commission shall be composed of the following members:

- (a) A Chairperson;
- (b) Seven (7) Commissioners each representing a specific disability, to wit:

1. Learning and Intellectual Disabilities;

2. Development Disabilities;
3. Hearing Impairment;
4. Visual Impairment;
5. Physical and Mobility Impairments;
6. Emotional/Behavioral Disorders; and
7. Multi-handicaps.

The seven (7) Commissioners shall be appointed by the President from among the list submitted by each disability sector they represent. The Chairperson shall also be appointed by the President from at least three (3) nominees submitted by all disability sectors. They shall serve for a term of six (6) years, without reappointment. The Chairperson shall have the rank and privileges of a department undersecretary, and the appointive commissioners shall have the rank and privileges of assistant secretaries of a department.

Sec. 7. Duties and Responsibilities of the Chairperson. - The Chairperson shall have the following duties and responsibilities:

- (a) Direct and supervise the affairs of the Commission in accordance with its policies, programs, rules and regulations;
- (b) Provide leadership direction and overall administration and management of the Commission;
- (c) Call and preside over the meetings of the Commission;
- (d) Monitor the implementation of policies approved by the Commission;
- (e) Sign communications for the Commission and represent the Commission, whenever necessary;
- (f) Solicit and accept, on behalf of the Commission, gifts, grants, or donations in accordance with government rules, regulations and policies;
- (g) Execute contracts in the pursuit of the Commission's objectives as may be authorized by the Commission, in accordance with government rules and regulations; and
- (h) Organize permanent or ad-hoc committees, consisting of members of the Commission or such other experts as are deemed necessary for the full execution of the functions and objectives of the Commission.

Sec. 8 . Executive Director. - The Chairperson shall be assisted by the Executive Director, who shall be appointed by the President upon the recommendation of the Chairperson. The Executive Director shall serve for a term of six (6) years, without reappointment, and shall have the rank and privileges of an assistant secretary of a department. He/she shall be responsible for managing 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. Likewise, the Executive Director shall have the following duties and responsibilities:

- (a) Advise and assist the Chairperson in the formulation and implementation of the objectives, policies, plans and programs of the Commission;

(b) Implement policies, plans and programs approved by the Commission;

(c) Exercise direct supervision, control, and disciplinary authority over all the organizational units placed under his/her jurisdiction, pursuant to existing civil service rules;

(d) Prepare and submit to the Commission the annual report of operations of the Commission and such other reports as may be required by the Commission; and

(e) Perform such other functions as may be provided by the Commission En Banc.

Sec. 9 . Deputy Executive Directors. - The Executive Director shall have three (3) deputies: a Deputy Executive Director for Finance and Administration, a Deputy Executive Director for Policy and Programs, and a Deputy Executive Director for Information and Research. The Deputy Executive Directors shall be appointed by the President upon the recommendation of the Chairperson; Provided, that at least one (1) Deputy Executive Director shall be a career officer.

Sec. 10. Qualifications. - No person shall be appointed Chairperson, Executive Director, or Deputy Executive Director of the Commission unless he or she is a citizen and resident of the Philippines, of good moral character, of known probity, of proven integrity, and with at least seven (7) years of understanding, expertise, competence and experience in delivering services to persons with disabilities.

Sec. 11. Divisions. - To achieve the mandates stated above, the Commission shall have the following Divisions:

(a) Finance and Administrative Division - This Division shall be responsible for providing efficient and effective services relating to personnel, information, records, supplies, equipment, collection, disbursement, security and other matters.

(b) Policy Formulation and Research Division - The Policy Formulation and Research Division shall be responsible for the formulation of policy recommendations based on surveys, researches and studies relating to disability-related issues and concerns. In line with this, the Division shall undertake a continuing research, study and statistics updating on persons with disabilities issues, with the purposes of recommending reliable policy reforms, development programs, administrative and legislative measures that will address the economic, social and cultural rights of persons with disabilities and further enhance their quality of life. This Division shall be the repository of all processed data concerning disability topics and shall maintain a National Registry for PWDs.

(c) Program and Project Division - The Programs and Project Division shall plan, conduct and evaluate national programs on the prevention of the causes of disabilities and rehabilitation and equalization of opportunities.

The Division shall provide technical assistance through trainings and other related activities concerning disability. It shall likewise develop strategic framework, guidelines and standards on program/project development, management, monitoring and evaluation.

The Division 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, federation of private industries directly involved in persons with disabilities as well as representatives from LGUs and government-owned and controlled corporations (GOCCs) may be appointed by these working groups. Government disability affairs professionals may also be tapped to partake in the work of the Commission. id)Public Information Division — The Public Information Division shall develop and maintain a public information system, and such facilities that would educate and orient the public regarding the Commission's policies and advocacies. It shall advocate, communicate and disseminate national and regional plans, policies, thrusts and priorities of the Commission. This Division shall coordinate closely with the Policy Formulation and Research

Division in maintaining a National Registry of PWDs.

Sec. 12. Establishment of Regional Offices. - There shall be Regional Offices for the NCDA. Each Regional Office shall be 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. He/she shall be the primary coordinating and overseeing authority over the Persons with Disability Affairs Office (PDAO) duly established by local government units (LGUs).

A Regional Office for PWDs shall have, within its administrative region, the following functions:

- (a) Implement laws, rules and regulations, policies, plans, programs and projects of the Commission;
- (b) Increase the efficiency, effectiveness, and synchronicity of the Commission through coordination with local government units;
- (c) Coordinate with the LGUs and ensure that each has its established PDAO or has designated Focal Persons for the fourth (4th), fifth (5th), and sixth (6th) class municipalities; and
- (d) Perform such other functions as may be assigned by the Commission.

Sec. 13. Advisory Council. - There shall be an Advisory Council which shall be composed of the Chairperson of the Commission, as Chairperson; the Secretaries of the Department of Health (DOH); the Department of Social Welfare and Development (DSWD); the Department of Education (DepEd); the Department of Labor and Employment (DOLE); the Department of Transportation (DOTr); the Department of Public Works and Highways (DPWH); the

Department of Interior and Local Government (DILG); the Chairperson of the Commission on Higher Education (CHED); the Director General of the Technical Education and Skills Development Authority (TESDA); and the Chairpersons of the Senate Committee on Social Justice, Welfare and Rural Development and the House of Representatives Committee on Social Services. The Secretaries mentioned are authorized to designate an Undersecretary to represent them.

The Council shall meet once every three (3) months, or as often as may be necessary, upon 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.

Sec. 14. 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:

- (a) Identification of causes that result in the increase or decrease in the number of PWDs;
- (b) Assessment of the legal mechanisms of existing institutions in providing adequate protection and services for PWDs;
- (c) Recommendations for legal, legislative, and institutional reforms for greater promotion and protection of the rights of PWDs;
- (d) 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.

Sec. 15. 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 and amusement taxes collected by other national and local government agencies, and contributions from the private sector.

Sec. 16. Transitory Provisions. - The National Council on Disability Affairs (NCDA) is 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.

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 the NCDA shall not be eligible for reappointment to or employment in the Commission, whether 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.

Sec. 17. Appropriations. - The funds needed to initially implement this Act shall be included in the current fiscal year's appropriation of the National Council on Disability Affairs. Thereafter, the amount needed for the operation and maintenance of the Commission shall be included in the General Appropriations Act.

Sec. 18. Implementing Rules and Regulations. - Within sixty (60) days from the approval of this Act, the Commission and other relevant government agencies, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Sec. 19. Separability Clause. - Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

Sec. 20. 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.

Sec. 21. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,