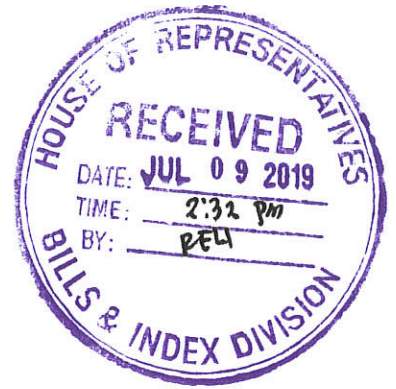


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1736



Introduced by HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

EXPLANATORY NOTE

The State recognizes the needs of the differently-abled in the country and have supported them with legislation such as Republic Act No. 7277, or the "Magna Carta for Disabled Persons", and Batas Pambansa (BP) Bilang 344, or the Accessibility Law for Persons with Disabilities (PWDs). These laws gave PWDs access to basic government services such as health, and acknowledged their specific physical environment needs. It marked a framework for the country to help the over 1.4 million differently-abled Filipinos integrate into society without hassle and discrimination.

However, there are still gaps in laws such as the Accessibility Law that need to be addressed. BP 344 lacks necessary sanctions for the obstruction or use of parking spaces allotted for PWDs by non-PWDs. The proposed bill proposes to mandate the provision of exclusive parking for PWDs. Likewise, it proposes to penalize violation of this provision as well as prohibit any person to obstruct or use parking spaces for PWDs. This aims to ensure that they are able to go to government and private establishments without being inconvenienced.

The Department of Trade and Industry has expressed its commitment to enhance access to the physical environment for PWDs and has likewise enjoined government offices to help empower them by enforcing existing policies such as the law on accessibility. This bill follows the same wisdom and intent in ensuring that our PWDs are provided the privileges they require.

The approval of this bill is earnestly sought.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

Republic of the Philippines
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EIGHTEENTH CONGRESS
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HOUSE BILL NO. **1736**

Introduced by HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

**AN ACT MANDATING THE PROVISION OF EXCLUSIVE PARKING
SPACE FOR PERSONS WITH DISABILITY AND PENALIZING THE
UNAUTHORIZED USE THEREOF, AMENDING FOR THE PURPOSE
BATAS PAMBANSA BLG. 344, OTHERWISE KNOWN AS THE
ACCESSIBILITY LAW**

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

SECTION 1. Section 1 of Batas Pambansa Blg. 344 is hereby amended to read as
follows:

"SECTION 1. In order to promote the realization of the rights of [disabled] persons WITH DISABILITY to participate fully in the social life and the development of the societies in which they live and the enjoyment of the opportunities available to other citizens, no license or permit for the construction, repair or renovation of public and private buildings for public use. Educational institutions, airports, sports, and recreation centers and complexes, shopping centers or establishments, public parking places, work-places, public utilities, shall be granted or issued unless the owner or operator thereof shall install and incorporate in such building, establishment, institution or public utility, such architectural facilities or structural features as shall be reasonable enhance the mobility of [disabled] persons WITH DISABILITY such as sidewalks, ramps, railings, and the like. If feasible, all such existing buildings, institutions, establishments, or public utilities, may be renovated or altered to enable the [disabled] persons WITH DISABILITY to have access to them:

Provided, however, that buildings, institutions, establishments, or public utilities to be constructed or established for which licenses or permits had already been issued may comply with the requirements of this law: Provided, further, that in case of government

buildings, street and highways, the [Ministry] SECRETARY of Public Works and Highways shall see to it that the same shall be provided with architectural facilities or structural features for [disabled] persons WITH DISABILITY.

In the case of the parking place of any of the above institutions, buildings, or establishment, or public utilities, the owner or operator shall reserve sufficient and suitable space for the EXCLUSIVE use of [disabled] persons WITH DISABILITY."

SECTION 2. A new Section 2A is hereby added to Batas Pambansa Blg. 344, to read as follows:

"SEC. 2A. PROHIBITION ON PARKING. - IT IS UNLAWFUL:

- a. FOR ANY PERSON WITHOUT DISABILITY TO USE, BLOCK OR OTHERWISE OBSTRUCT THE PARKING SPACES IN ANY GOVERNMENT AND PRIVATE ESTABLISHMENTS, BUILDINGS, AND STRUCTURES EXCLUSIVELY RESERVED PERSONS WITH DISABILITY (PWDS);
- b. FOR ANY PERSON IN THE EMPLOY OF GOVERNMENT ESTABLISHMENTS, BUILDINGS AND STRUCTURES TO TOLERATE OR ALLOW THE USE OF THESE RESERVED PARKING SPACES BY PERSONS WITHOUT DISABILITY.

ANY VEHICLE OPERATOR WHO IS WITHOUT DISABILITY SHALL NOT USE THE RESERVED EXCLUSIVE PARKING SPACES FOR PWDS UNLESS A PWD IS A PASSENGER OF THE VEHICLE."

SECTION 3. Section 4 of the Batas Pambansa Big. 344 is hereby amended to read as follows:

[SEC. 4. Any person violating any provision of this Act or of the rules and regulations promulgated hereunder shall, upon conviction by a court of competent jurisdiction, suffer the penalty of imprisonment of not less than one month but not more than one year or a fine of two thousand pesos (Php 2,000.00) to five thousand pesos (Php 5,000.00) or both, at the discretion of the court: Provided, that in the case of corporations, partnerships, cooperatives or associations, the president, manager or administrator, or the person who has charge of the construction, repair or renovation of the building, space or utilities shall be criminally responsible for any violation of this Act and/or rules and regulations promulgated pursuant thereto.]

SEC. 4. PENALTY CLAUSE. -

1. ANY PERSON WHO VIOLATES ANY OF THE PROVISION OF THIS ACT SHALL PAY A FINE OF NOT LESS THAN TEN THOUSAND PESOS (PHP 10,000.00) BUT NOT MORE THAN FIFTY THOUSAND PESOS

(PHP 50,000.00);

2. ANY ESTABLISHMENT COVERED UNDER SECTION 3 OF THIS ACT WHO FAILS TO PROVIDE THE REQUIRED PARKING SPACE FOR PWDS SHALL PAY A FINE OF NOT LESS THAN SEVENTY-FIVE THOUSAND PESOS (PHP 75,000.00) BUT NOT MORE THAN TWO HUNDRED THOUSAND PESOS (PHP 200,000.00).

SECTION 4. The title of Batas Pambansa Blg. 344 is hereby amended to read as "An Act to Enhance the Mobility of Persons with Disability by Requiring Certain Buildings, Institutions, Establishments, and Public Utilities to Install Facilities and Other Devices," and all references on the said law to "disabled persons" shall likewise be amended to read as "persons with disability".

SECTION 5. Implementing Rules and Regulations. — The Secretary of Public Works and Highways and the Secretary of Transportation, in coordination with the Executive Director of the National Council on Disability Affairs, shall promulgate and issue the implementing rules and regulations within sixty (60) days upon approval of this Act.

SECTION 6. Separability Clause. — Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SECTION 7. Repealing Clause. — All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 8. Effectivity Clause. — This Act shall take effect in fifteen (15) days after publication in the Official Gazette or in one (1) newspaper of general circulation in the Philippines.

Approved,