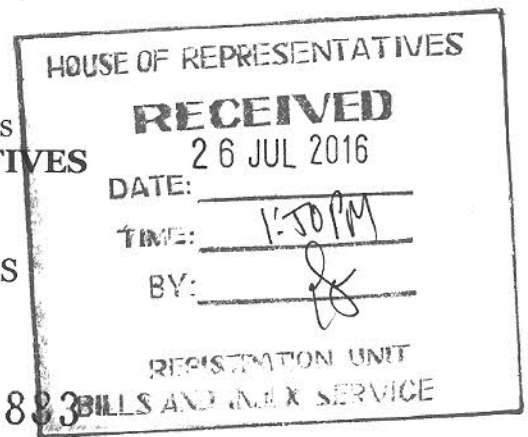


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

SEVENTEETH CONGRESS  
First Regular Session

HOUSE BILL NO. 1883



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**Introduced by Honorable Florida P. Robes**

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**EXPLANATORY NOTE**

The National Council on Disability Affairs (NCDA), in its present state, is the national government agency with a mandate to formulate policies and coordinate all interventions pertaining to the protection and promotion of the rights and welfare of Persons with Disabilities. It is further tasked to monitor the implementation of all disability related local and national laws as well as the compliance of the country in international covenants on disability issues.

The history of the government's intervention on disability matters started in the creation of the National Commission Concerning Disabled Persons by virtue of Presidential Decree No. 1509 issued by former President Ferdinand Marcos. The Commission was composed of the heads of several national government agencies and representatives from the private and disabled sectors. Then, by virtue of Executive Order No. 123 dated 30 January 1987 signed by former President Corazon C. Aquino, the Commission was replaced by the National Council for the Welfare of Disabled Persons and attached to the Department of Social Welfare and Development, with structure and functional organization deemed necessary for effective and efficient delivery of services to PWDs. The Council was transferred from DSWD to the Office of the President when Executive Order No. 676 was issued by Former President Gloria Macapagal-Arroyo on October 25, 2007, but DSWD served as the oversight arm of the president. Later, with the issuance of Executive Order 709, NCWDP was renamed as

NCDA and attached to the Office of the President. During the administration of former President Benigno Aquino III, NCDA was transferred from the Office of the President to DSWD.

Carefully examining the present structure of the Council, the administration of its affairs went a limbo. It should be given some sort of independence and autonomy. Also, there is the dire need to expand its powers and functions in order to fully respond to the needs of the sector. Also, persons with disabilities must actively engage in all activities, programs and projects that will benefit them. They should not just be recipients or passive agents, but as active actors. They must be given the opportunity to do things for themselves. This is the idea of inclusivity. This proposal takes its inspiration in the battle cry of PWDS, " Nothing about Us Without Us." No person can determine what the PWDs need but themselves. In terms of leadership, many of them have the capacity to contribute to nation building. That is why, from its present name, the Council shall become the National Commission on the Empowerment of Persons with Disabilities. Now is the opportune time to trust them with this noble undertaking.

Considering this rationale, the immediate approval of this proposal is earnestly sought.

  
**FLORIDA P. ROBES**

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
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**AN ACT CREATING THE NATIONAL COMMISSION ON THE  
EMPOWERMENT OF PERSONS WITH DISABILITIES, DEFINING ITS  
POWERS, FUNCTIONS AND RESPONSIBILITIES AND APPROPRIATING  
FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

**SECTION 1. Title.** - This Act shall be known as the "National Commission on  
the Empowerment of Persons with Disabilities Act".

**SEC. 2. Declaration of Policy.** - It is henceforth the policy of the State to  
protect and promote the rights and well-being of Persons with Disabilities by giving full  
support to the improvement of their total well-being and their inclusion into the  
mainstream of society through the formulation and adoption of programs and policies  
that will ensure their active participation and involvement in endeavors that address  
their needs and concerns as well in removing all social, cultural, economic,  
environmental and attitudinal barriers with due regard to their disabilities.

**ARTICLE I**

**CREATION AND COMPOSITION OF THE COMMISSION, AND TERM OF  
OFFICE OF THE COMMISSIONERS**

**SEC. 3. Creation of the National Commission on the Empowerment of  
Persons with Disabilities.** - In pursuance of the abovementioned policy, the  
National Commission on the Empowerment of Persons with Disabilities, hereinafter  
referred to as the Commission, is hereby created.

The Commission, which shall be under the Office of the President, shall take over the functions of the National Council on Disability Affairs (NCDA) under the Department of Social Welfare and Development which is hereby abolished. Its coverage shall be both local and national affairs involving Persons with Disabilities (PWDs) that include the implementation of policy formulations as well as economic, educational, cultural, and infrastructure programs for all disability sectors.

**SEC. 4. Mandate.** - The Commission shall be mandated to be the lead policy-making, planning, monitoring, coordinating and advocating arm of the government in all efforts geared towards the prevention of the causes of disability, rehabilitation and equalization of opportunities in the concept of rights-based society for persons with disabilities and in the implementation of programs and projects pertaining to the welfare of PWDs. As such, the Commission is tasked to steer the course of program development for persons with disabilities and the delivery of services to the sector as well as to monitor the implementation of all disability laws.

**SEC. 5. Composition of the Commission.** - The Commission shall be composed of eight (8) full-time members chosen from among those afflicted with the following disabilities: intellectual, developmental, hearing, speech, visual, physical, and other disabilities or impairments and shall be headed by a Secretary: *Provided*, That not more than two (2) Commissioners shall have the same disabilities at any given time, to ensure a more equitable representation in the Commission. The President shall appoint the regular members of the Commission who shall have attained higher education, completed or not, and shall possess the highest degree of integrity and have a favorable endorsement from their respective sectors.

In no case shall the Commissioners appoint representatives to act on their behalf.

**SEC. 6. Term of Office.** - The Secretary, who shall be the Chief Executive Officer of the Commission with Cabinet- rank, shall attend the Cabinet-level meetings, appointed by the President from among the eight (8) Commissioners, and shall serve for a period of two (2) years without prejudice to reappointment.

For the initial set of Commissioners, the first four (4) Commissioners shall have a term of office of four (4) years and the remaining four (4) shall hold office for two (2) years. Thereafter, the succeeding set of Commissioners shall serve for a full term of four (4) years.

Should a Commissioner fail to complete his/her term, the President shall appoint a successor from the sector the Commissioner represents. The successor will only serve for the unexpired portion of the term.

The Secretary and the Commissioners shall have the same rank, salary, and privileges as those of a Cabinet Secretary and Assistant Secretaries, respectively.

**SEC. 7. Removal from Office.** - The President may remove any member of the Commission before the expiration of his/her term, for cause and after observance of the proper due process required by pertinent laws.

## **ARTICLE II POWERS AND FUNCTIONS**

**SEC. 8. Powers and Functions.** - To accomplish its mandate, the Commission shall have the following powers and functions:

- (a) Provide advice and assistance to the President in the formulation, coordination, implementation and monitoring of policies, plans, programs and projects affecting the disability sector; when so authorized, represent the President on matters concerning disabilities issues and concerns; serve as a link between the President and public or private agencies, internal or external, that are involved in such programs and projects; and recommend such affirmative actions as may be necessary for their efficient and effective implementation;
- (b) Undertake and coordinate development programs and projects for the advancement of Persons with Disabilities (PWDs), including designing, implementing and maintaining centers and facilities for the rehabilitation of PWDs;
- (c) Act as the primary government agency through which PWDs can seek government assistance and redress; serve as the medium through which such assistance may be extended to PWDs; for this purpose, the Commission is hereby authorized, subject to existing auditing rules and regulations, to give grants-in-aid out of its appropriations or other appropriate funds to cooperating government agencies for such programs or projects for their development; provide services including legal assistance, medical aid, relief, rehabilitation, livelihood and other forms of assistance for socioeconomic upliftment of PWDs;
- (d) Enter, subject to existing laws, policies and guidelines, into contracts, agreements or arrangements with government or private agencies/entities as may be necessary to attain the objectives of the Commission;
- (e) Recommend to the Department of Budget and Management (DBM) the proposed expenditure for the development, intervention and rehabilitation of Persons with Disabilities;
- (f) Develop criteria for allocating additional resources for education, economic and cultural development programs of PWDs;
- (g) Monitor and evaluate the performance of all existing policies and development programs of the government that seek to strengthen and uplift the

socioeconomic conditions of PWDs and identify areas that need government intervention and support;

(h) Provide direction to and coordinate and monitor the activities of government, non-government, and people's organizations involved in the prevention of the causes of disability, rehabilitation, and equalization of opportunities in partnership with persons with disabilities

(i) Acquire, lease or own property or assets in whatever form as may be necessary, and sell or otherwise dispose of the same, and serve as the custodian or administrator of such lands or areas and other properties or assets the President may reserve for the benefit of PWDs;

(j) Solicit and accept grants, donations and gifts, in cash or in kind, in whatever source, in coordination with the appropriate agency for the benefit of PWDs, and administer the same in accordance with the terms thereof, or in the absence of any condition, in such manner consistent with the interest of PWDs as well as existing laws;

(k) Undertake researches and studies relevant to formulated policies to promote and enhance at all levels the rights of persons with disabilities;

(l) Assist the National Statistics Office (NSO) in conducting census on the actual population of Persons with Disabilities in the country;

(m) Establish, develop and maintain a data bank on disability in partnership with concerned government agencies and non-government organizations and strengthen the referral services to ensure availability of data to stakeholders and services to persons with disabilities including provision of assistive devices;

(n) 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;

(o) Establish and maintain linkages and networking with local and international organizations, including organizations of and for persons with disabilities to generate resources and to maximum utilization of existing resources and for purposes of convergence;

(p) Serve as a national working body to promote and monitor implementation of national laws and international commitments;

(q) Assist in the establishment of self-help organization 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;



(r) Promulgate such rules and regulations and exercise such powers and functions as may be necessary to carry out the purposes and objectives outlined in this Act; and

(s) Perform such other functions as may be necessary for its effective operations and continued enhancement as a government entity.

**SEC. 9. Administrative Supervision and Control.** - The administrative supervision and control over the personnel, except the Commissioners, and the properties of the Commission shall be vested in the Secretary. Except for presidential appointees, the appointment of and imposition of disciplinary measures on the same personnel shall likewise be vested in the Secretary who shall accomplish the same in consultation with the Commissioners, except that when the administrative charge entails, considering the circumstances alleged in the complaint, the penalty of dismissal from the service, the decision thereon shall be by the majority of all the members of the Commission. The Secretary shall exercise administrative supervision over the Commissioners. The Commissioners shall assist the Secretary in the performance of his/her functions, who may assign or delegate specific, substantive or administrative responsibilities to any of them.

**SEC. 10. The Advisory Council.** The Commission shall have a council of advisers to be composed of:

- (a) Representative from the Office of the President
- (b) Chairperson of the Senate Committee on Social Justice, Welfare and Development;
- (c) Chairperson of the House of Representatives Committee on Social Services
- (d) Secretary of the Department of Social Welfare and Development
- (e) Secretary of the Department Education
- (f) Secretary of the Department of Health
- (g) Secretary of the Department of Transportation
- (f) Secretary of the Department of Public Works and Highways
- (h) Secretary of the Department of Environment and Natural Resources
- (i) Secretary of the Department of Labor and Employment
- (j) Secretary of the Department of Trade and Industry
- (k) Chairperson of the Commission on Higher and Technical Education
- (l) Director General of the Technical Education Skills Development Authority
- (m) Secretary of the Presidential Communications Office
- (n) Secretary of the Department of Justice
- (o) Secretary of the Department of Foreign Affairs

(m) Three representatives from disabled people's organizations who shall be selected and appointed by the Secretary of the Commission.

The Council shall advise the Commission on matters pursuant to the Commission's mandate. The Commissioners shall also sit in the council.

**SEC. 10. Organizational Structure.** - The Commission shall be composed of the offices of the Secretary, the Commissioners, the Executive Director and the Deputy Executive Director and their immediate staff, the Divisions, Services, Regional Offices, Field Offices and Sub-offices.

**SEC. 11. The Secretariat.** - The Commission shall organize a Secretariat that shall assist the Secretary in the performance of his/her functions and shall serve as the technical arm of the Commission. It shall be headed by an Executive Director who shall be appointed by the President. The Executive Director shall execute the policies and programs of the Commission and shall be responsible for the efficient and effective day-to-day management of the operations of the Commission.

The Executive Director shall recommend to the Secretary, for approval of the Commission, the budget of the Secretariat, its staffing pattern, position classification and compensation scheme, and the appointment of its personnel subject to existing laws, rules and regulations.

The Executive Director shall be appointed by the President and shall enjoy security of tenure and may only be removed for cause in accordance with law.

**SEC. 12. The Bureaus.**- The Bureaus of the Commission shall consist of the Programs Management Bureau, Information, Education and Communication Bureau, Technical Cooperation Bureau and Regional Offices Coordinating Bureau. Each of these Bureaus shall be headed by a Director who shall hold the same rank, salary, and privileges of a Staff Bureau Director. The Bureau Director shall be appointed by the President from among the names or nominees submitted by the Commission to the President.

**(1) Programs Management Bureau (PMB)** - The Bureau shall plan, develop and evaluate programs and projects in support of policies formulated by the Board as well as national programs on the prevention of the causes of disabilities, rehabilitation and equalization of opportunities. It shall also prepare concept papers, project proposals and technical reports and other activities, develop and strengthen national linkages concerning the welfare of persons with disabilities, conduct technical assistance through trainings and other related activities concerning disability and researches on disability-related areas.

**(2) Information, Education and Communication Bureau (IECB)**- The Bureau shall plan and develop/evaluate comprehensive public information programs on disability issues, disseminate information through the use of publications, tri-media, audio-visual materials and other IEC projects, provide



IEC support to all programs and projects of the Council and concerned agencies and establish information linkages and networks.

**(3) Technical Cooperation Bureau(TCB)** - The Bureau shall establish, maintain linkages and networking with concerned international organizations and facilitate resource exchange on disability-related concerns; plan, develop and evaluate technical cooperation programs to promote resource generation for local organizations of and for persons with disabilities; plan, develop and maintain the Commission's Management Information System (MIS); promote technology transfer of current international disability trends/standards and approaches to local GOs, NGOs and POs; and conduct researches on international disability issues and trends in support of the Commission's policymaking function.

**(4) Legal Service Bureau (LSB)** -The Legal Affairs Bureau shall be responsible for assisting Persons with Disabilities in case of litigation involving their persons or interests; act as the legal counsel of the Commission; and investigate cases involving its personnel and submit appropriate recommendations pertaining thereto. The Bureau shall also investigate valid complaints brought before the Commission for the institution of proper legal action.

**SEC. 13. Services.** - The Services of the Commission shall consist of the Administrative Service, Finance and Management Service and Planning Service, each of which shall be headed by a Staff Director with the same rank, salary, and privileges of an Assistant Staff Bureau Director.

(a)Administrative Service. - This Service shall be responsible for providing the Commission with efficient and effective staff services relating to personnel, information, records, supplies, equipment, collection, disbursement, security and custodial work.

(b)Finance and Management Service. - This Service shall be responsible for providing the Commission with efficient and effective staff advice and assistance on budgetary, financial and management matters.

**SEC. 14. The Sub-Committees.-** The Commission shall have nine (9) sub-committees which shall be headed by the eight (8) Commissioners based on their specific areas of concern and the members of which shall chosen from among the members of the Council of Advisers and other agencies. These are :

1. Sub-Committee on Accessibility on Built Environment and Transportation
2. Sub-Committee on Training, Employment and Livelihood
3. Sub-Committee on Auxilliary Social Services
4. Sub-Committee on Health
5. Sub-Committee on Information, Communications and Technology
6. Sub-Committee on Advocacy
7. Sub-Committee on Education

8. Sub-Committee on International Disability Network
9. Sub-Committee on Policy Development

Furthermore, the Commission may create additional sub-committees and task forces as may be deemed necessary to carry out its functions.

**SEC. 14. *Regional Offices, Field Offices, Sub-Offices.*** - The Commission is hereby authorized to establish, operate, and maintain Regional Offices in such appropriate administrative regions of the country, each of which shall be headed by a Regional Director.

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

- (a) Implement laws, rules, regulations, policies, programs. and projects of the Commission;
- (b) Establish regional and provincial disability coordinating and monitoring units;
- (c) Provide efficient and effective service to Persons with Disabilities;
- (d) Coordinate with regional offices and agencies of the Executive Department;
- (e) Coordinate with Persons with Disability Affairs Office of every local government units; and
- (f) Perform such other functions as may be provided by law.

The Commission is likewise authorized to establish, operate, maintain, and determine the functions of field offices and sub-offices, whenever necessary, appropriate and feasible.

**SEC. 16. *Devolution of Programs.*** - The creation, establishment and management of all programs for the intervention and rehabilitation of Persons with Disabilities provided by existing laws shall be devolved to the Commission.

**SEC. 17. *Other Offices.***- The Commission shall have the power to create additional offices as it may deem necessary subject to existing rules and regulations.

### **ARTICLE III**

#### **APPROPRIATIONS, MANAGEMENT AND ADMINISTRATION**

**SEC. 18. *Appropriations.*** - The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the National Council on Disability Affairs. However, to carry out the additional functions and powers of the Commission as provided in this Act, an additional amount of Two hundred million pesos (Php 200,000,000.00) is hereby appropriated.

Thereafter, such sums as may be needed for the continued implementation of this Act shall be included in the annual General Appropriations Act.

**SEC. 19. Record of Transaction.** - The Commission shall keep proper accounts and records of all its transactions and affairs, and shall exert all efforts to ensure that all payments made out of its moneys are correctly made and properly authorized, and that adequate control is maintained over the assets of, or in the custody of the Commission and the expenditures it may incur. The Commission shall be subject to audit by the Commission on Audit.

**SEC. 20. Civil Service Law Coverage for Employees.** - The hiring, appointment, employment, promotion, disciplinary control, separation, and other terms and conditions of the service of all employees of the Commission and such other matters affecting its employees shall be consistent with the provisions of the Civil Service Law and the Civil Service Commission's rules and regulations.

**SEC. 21. Government Service Insurance System (GSIS) Coverage for Employees.** - All employees of the Commission shall be deemed members of the GSIS and shall enjoy all the benefits of said System.

**SEC. 22. Transitory Provisions.** - The 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.

During the transition period, which begins upon approval of this Act, the President may appoint the incumbent Executive Director of the NCDA as Acting Secretary of the Commission until the regular Secretary of the Commission shall have been appointed.

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 emoluments.

No officer or employee in the career service shall be removed except for a valid cause and after due notice and hearing. A valid cause for removal exists when, pursuant to a *bona fide* reorganization, a position has been abolished or rendered redundant or there is a need to merge, divide or consolidate positions in order to meet the exigencies of the service, or other lawful causes allowed by the Civil Service Law.

Employees separated and/or phased-out from the service as a result of the abolition of the NCDA under the provision of this Act shall, within three (3) months from their separation and/or phase-out from the 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 fund of the Commission may be used to fund this purpose.

Employees separated and/or retired from the Commission 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 Secretary 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 Secretary within thirty (30) days after its approval by the Commission and the President.

**SEC. 23. Periodic Performance Evaluation.** - The Secretary is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Commission and submit the same annually to the President and to the Congress of the Philippines.

**SEC. 24. Implementing Rules and Regulations.** - The National Commission on the Empowerment of Persons with Disabilities (NCEPD) and the Department of Budget and Management shall issue the implementing rules and regulations ninety (90) days after the effectivity of this Act.

**SEC. 25. Separability Clause.** - If for any reason, any section or provision of this Act. is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**SEC. 26. Repealing Clause.** - Executive Order No. 709 which amended Executive Order No. 676 is hereby repealed. All other acts, decrees, instructions, rules and regulations or parts thereof inconsistent with the provisions of this Act are also hereby repealed or modified accordingly.

**SEC. 27. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,