

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2017



INTRODUCED BY REPRESENTATIVE ALFRED VARGAS


EXPLANATORY NOTE

The State recognizes the remarkable contributions of persons with disabilities (PWDs) in our development as a nation. In line with this, the country has enacted Batas Pambansa (B.P.) Blg. 344, otherwise known as the "Accessibility Law" in 1983. This piece of legislation has initially facilitated the inclusion of PWDs into the mainstream of Philippine society.

However, after 35 years of its implementation, it has been observed that the Accessibility Law does not cater fully to the accessibility needs of PWDs. For one, B.P. 344 does not provide the sanctions for the unauthorized use and obstructions of parking spaces reserved for PWDs. As such, these parking spaces are frequently used by persons without disability, thereby preventing PWDs from being able to access essential services.

This bill seeks to address this particular shortcoming of the Accessibility Law mandating the provision of exclusive parking for PWDs, defining the prohibited acts, and providing the penalties in cases of violation.

In the thrust of ensuring the attainment of a barrier-free environment for PWDs, the immediate passage of this bill is sought.


ALFRED VARGAS

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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 the 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 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."

SEC. 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 FOR 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."

SEC. 3. Section 4 of Batas Pambansa Blg. 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 (Php2,000.00) to five thousand pesos (Php5,000.00) 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 BE PAY A FINE OF NOT LESS THAN TEN THOUSAND PESOS (PHP10,000.00) BUT NOT MORE THAN FIFTY THOUSAND PESOS (PHP50,000.00).
- (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 (PHP75,000.00) BUT NOT MORE THAN TWO HUNDRED THOUSAND PESOS (PHP 200,000.00)

SEC. 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."

SEC. 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.

SEC. 6. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

SEC. 7. *Repealing Clause.* – All laws, executive orders, presidential decrees, presidential proclamations, letters of instruction, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 8. *Effectivity.* – This Act shall take effect within fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation in the Philippines.

Approved,