

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 3796

EXPLANATORY NOTE

Previous bills on sign language, including House Bill 6079 filed during the 15th Congress entitled, "An Act Declaring Filipino Sign Language as the National Sign Language of the Filipino Deaf and the official Language of Government in All Transactions Involving the Deaf, and Mandating Its Use in Schools, Broadcast Media, in All Workplaces," has divided the deaf community, educators, parents and advocates of people with hearing loss.

Said House Bill may have all the good intentions for the Filipino deaf; however, the fact remains that not all Filipino deaf use Filipino Sign Language (FSL). At present, various and differentiated modes of communication for the deaf are made available for them. Aside from sign language, there are other methods including oral, written, gestural, and the use of manually coded English. These methods are used in different educational facilities and in the provision of services for the deaf, providing richer vocabulary and helping bridge the gap that deafness brings about. This fact is what the bill overlooks, utterly leaving the deaf, their teachers, and their interpreters – with only one option, the "Filipino Sign Language." The mandate to use a singular language for the deaf in education and in public services such as the courts, health centers, workplaces, broadcast media limits and hinders communication accessibility. It violates the innate human right for free speech and expression.

Guaranteeing accessibility for all deaf and hard of hearing people must include other forms of communication: Manually Coded English (MCE), signed English, oral/aural communication, Simultaneous Communication (Talking and Signing at the same time), or Filipino Sign Language. All communication needs of any and all individuals with hearing loss must be provided at the request of the individual. This ensures that all deaf individuals can exercise the right to freedom of expression and opinion on an equal basis with others and through all forms of communication of their choice.

This proposed measure seeks to realize the rights of all Filipino deaf and hard of hearing to full and equal participation in society by guaranteeing accessibility and eliminating all forms of discrimination in all public interactions and transactions for them. The UNCRPD has emphasized the importance of Freedom of expression, opinion, and access to information through all forms of communication of the individual's choice. This implies that people with disabilities would have opportunity to choose the best medium they may use to access information and maximize the use of this information for holistic development. Furthermore, this Bill seeks to give effect to the State's obligation to realize the rights of all Filipino deaf and hard of hearing to become productive and responsible citizens, equipped with the essential competencies, skills and values for both life-long learning and employment.

In view of the foregoing, immediate passage of this bill is earnestly request.


RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS)
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HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. **3796**

AN ACT

PROVIDING COMMUNICATION ACCESSIBILITY TO FILIPINO DEAF AND HARD OF HEARING FOR FULL INCLUSION INTO THE MAINSTREAM OF SOCIETY

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 "Communication Accessibility to Filipino Deaf and Hard of Hearing".

SECTION 2: Declaration of Policy. It is hereby declared the policy of the State to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms of persons with disabilities. Thus, national and local state agencies shall uphold respect for their inherent dignity, individual autonomy, and independence by guaranteeing accessibility and eliminating all forms of discrimination in all public interactions and transactions, thereby ensuring their full and effective participation and inclusion in society.

The State shall also take all appropriate measures to provide accessible communication to develop productive and responsible citizens, equipped with the essential competencies, skills and values for both life-long learning and employment.

Pursuance to this, communication accessibility that meets the various needs of a diverse group of Filipinos who are deaf and hard of hearing shall be provided. This accessibility measures shall take into consideration several factors like degree of hearing loss; cognitive, emotional, linguistic, social and academic development; family dynamics and culture.

SECTION 3. Communication Accessibility. Communication accessibility is a legal right of Filipino deaf and hard of hearing to equal access to goods, services and facilities in the community, schools, public transactions in health systems, Courts, Quasi-Judicial Agencies and other Tribunals, broadcast media and workplaces.

Communication accessibility recognizes and respect the right of the Filipino deaf and hard-of-hearing to communicate freely with others. Services and facilities shall promote understanding of communication needs, explore language opportunities, provide communication tools and not to favor any particular communication mode or language over another.

SECTION 4. Definition of Terms.

Communication Accessibility refers to the provision of accommodations in terms of appropriate goods, services and facilities to meet the communication needs of the Filipino deaf and hard-of-hearing to allow them full participation of their functions in the society.

Inclusion refers to the enrolment of Filipino deaf and hard-of-hearing in regular classrooms with the necessary accommodations and support services.

Deaf refer to those individuals whose hearing is non-functional for ordinary purposes in life

Hard of Hearing refer to those individuals who have a defective sense of hearing but are still functional with or without a hearing aid.

Oral Communication is a method in educating deaf and hard-of-hearing children using only the spoken language, speech reading, and voice training.

Signed Communication uses manual communication and body language to convey meaning, as opposed to acoustically conveyed sound patterns. This can involve simultaneously combining hand shapes, orientation and movement of the hands, arms or body, and facial expressions to fluidly express a speaker's thoughts.

SECTION 5. *Communication Access in Education.* Every deaf and hard-of-hearing individual is entitled to an education in which his/her language and communication mode is acknowledged, respected, assessed, developed and fully utilized.

- (1) **Language of Instruction.** The Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), Early Childhood and Development Council (ECCD) and all other national and local government agencies involved in the education of the deaf and hard of hearing are tasked to develop systems of communication that meet the needs and potentials of Filipino deaf and hard of hearing. These systems shall include oral and signed communication.
- (2) **Training of Teachers.** In-service training shall include upgrading of competencies on philosophies of education for the deaf and hard of hearing, different communication modalities, approaches, methods in teaching learners who are deaf and hard of hearing.
- (3) **Support Services.** All education institutions shall provide augmentative and alternative communication (computer-aided transcription services, telephone handset amplifiers, assistive listening devices, hearing aids, open and closed captioning, videotext displays, others), properly trained and qualified oral and signed interpreters, notetakers and others.

SECTION 6. *Communication Access in Public Transactions, Services and Facilities.* All national and local government agencies are hereby directed to deliver their services in the most appropriate languages and modes and means of communication for the individual.

SECTION 7. *Communication Access in All Workplaces.* Every government office shall take all reasonable measures that would provide an environment sensitive and responsive to the communication needs of the Filipino deaf and hard of hearing.

SECTION 8. *Communication Access in Broadcast Media.* Television stations shall provide communication access through subtitles or signed communication to Filipino deaf and hard of hearing.

SECTION 9. *Advocacy and Promotion of Communication Access.* The DepEd, CHED, TESDA, ECCD, and other national and local agencies shall take appropriate steps to propagate access to goods, services and facilities. Basic Education institutions that enroll deaf and hard-of-hearing students are urged to use oral or signed communication or both with appropriate alternative and augmentative communication depending on their needs and potentials. State Universities and Colleges are directed to undertake research on education and communication access for the deaf and hard of hearing and to include courses on different forms of communication in their Special Education curriculum.

SECTION 10. *Standards for Oral and Sign Language Interpreting.* The DepED and CHED shall develop standards for oral and sign language interpreting involving deaf individuals, teachers with experience in the education of the deaf and parents of the deaf.

SECTION 11. *Implementing Rules.* The DepEd, CHED, TESDA, ECCD, PRC, NCDA, Supreme Court, DOJ, and other relevant agencies shall, within 30 days after its effective date, promulgate the necessary rules and regulations. For this purpose, all stakeholders of all units in the community serving individuals who are deaf and hard of hearing shall be involved. Also included are teachers with knowledge and experience in all spectra of educational services for learners with hearing loss.

SECTION 12. *Monitoring of the Implementation of the Act.* The NCDA, in collaboration with representatives of all communities with hearing loss, is hereby tasked to convene an Inter-Agency Committee including individuals and institutions with knowledge and experience in oral and signed communication and their use, to make an annual assessment of the implementation of this Act. The report of this Inter-Agency Committee shall be transmitted annually to the House Committee on Basic Education and Culture and Senate Committee on Education, Arts, and Culture and published in accessible formats in their respective websites and through other means necessary.

SECTION 13. *Appropriations.* Implementation of this Act shall derive its funding from the 1% appropriations for Persons with Disabilities as provided in the General Appropriations Act.

SECTION 14. *Repealing Clause.* All laws and executive issuances inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 15. *Separability Clause.* If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectiveness of its other provisions.

SECTION 16. *Effective Date.* This Act shall take effect fifteen days after its publication in the Official Gazette or one newspaper of general circulation.

Approved,