

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

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SENATE
S. No. 2166

REC'D: [Signature]

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
CREATING THE NATIONAL COMMISSION ON DISABILITY AFFAIRS,
DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES AND
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article XIII, Section 1 of the 1987 Philippine Constitution provides that “[t]he 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.”

Given the various social, physical, and economic challenges that the Persons with Disabilities (PWD) sector face, policies on PWDs should be geared towards a rights-based approach to disability that provides a comprehensive understanding of disability; obligates the State to address the needs of PWDs by strengthening accountability; and upholds the full participation of the PWDs in society. These will entail the transformation of existing structures into systems that will be inclusive to PWDs.

Despite copious laws safeguarding the welfare of the PWDs, many still do not have access to basic needs such as healthcare, education, employment, and the proper interventions required of their disability. Relative to people without disabilities, the former can be more prone to economic deprivation because of three main reasons: *First*, PWDs have lower earning capacity. *Second*, expenses

attributable to disability create an extra drain on resources, and *Third*, assistance and caring by other family members can reduce available household labor.¹

As of date, there is no single, comprehensive database on PWDs in the Philippines, thus, the need to establish one. While the Census provides a figure for the PWD population, other data sources have different estimates. This shows how the PWD sector is often given low priority and/or is even completely excluded from official statistics. This is evident on the exclusion of the PWD sector in the CENSUS conducted by the Philippine Statistics Authority (PSA) in 2015.² This, despite the Philippines being a signatory to the United Nations Convention on the Rights of PWDs (UNCRPD) which, under Article 31 thereof, directs State parties to “collect appropriate information, including statistical and research data” on disability.³

The last official survey on PWDs in the Philippines was conducted in 2010 which pegged the number of PWDs at 16 for every 1,000 Filipinos. The survey showed that of the 92.1 million household population in the country, 1,443,000 or 1.57 percent had disability. It also said that 3 out of every 5 PWDs belong to the working age group. (PSA, 2013)⁴

In addition, based on the result of the LISTAHANAN second round of assessment implemented in 2015 by the Department of Social Welfare and Development (DSWD) covering 5.5 million targeted poor families or 28.7 million people, 1.1% of the total targeted poor population or 313,574 are persons with disability.⁵

The lack of a comprehensive prevalence study on disability and significant demographic and socio-economic information on the sector could be one of the hindrances to the adoption of policies and programs that address the rights of PWDs.

¹ Glendinning, C. & (1988). The costs of disability. In R. &. (Eds.), *Money matters: Income, wealth and financial welfare*. London: Sage.

² Philippine Statistics Authority.(2013, January 13).Persons with Disability in the Philippines (Results from the 2010 Census). Retrieved from <https://psa.gov.ph/content/persons-disability-philippines-results-2010-census>

³ Article 31, United Nations Convention on the Rights of Persons with Disability (UNCRPD), United Nations Human Rights Office of the Commissioner. Retrieved from <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#8>

⁴ Manjula Marella, A. D. (2016). Rapid assessment of disability in the Philippines: understanding prevalence, well-being, and access to the community for people with disabilities to inform the W-DARE project. *Population Health Metrics*.

⁵ PSA. (2013, January 10). Retrieved from psa.gov.ph: <https://psa.gov.ph/content/persons-disability-philippines-results-2010-census>

It also remains to be one of the major challenges towards disability inclusion in the society and the economy.

This bill seeks to establish the National Commission for Disability Affairs, in replacement of 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 PWD sector.

The Commission shall address the lack of comprehensive data on PWDs which is the vital key for policy formulation, by leading the conduct of a National Registration Program for Persons with Disabilities through the Philippine Statistics Authority, upon which guidelines will be provided in consultation with partner agencies such as the Department of Health, and other experts in the field.

The Commission will also oversee and recommend measures for the effective conduct of a comprehensive assessment program on a provincial, city and municipal level, again in consultation with partner agencies such as the Department of Health and other experts in the field.

The National Commission for Persons with Disabilities shall also serve as the main research arm of the government on PWD concerns and central repository of data on the sector.

The establishment of the Commission aims to address the following gaps:

- (a) The need for more inclusionary/enabling measures to fulfil the multi-dimensional needs of PWDs beyond schooling, to include their work productivity and well-being;
- (b) Conduct of a prevalence study to ensure that there is a clear demographic profile of PWDs in the country according to disability type, age and other aspects. The absence of this study may be hindering the passage of bills to build on current milestones; and
- (c) A rights-based approach to disability that recognizes that the barriers hindering PWDs from enjoying their rights are not their disabilities, but attitudinal and environmental barriers created by society, such as discriminatory policies and practices. A rights-based approach will focus on the elimination of these barriers.

As it seeks to address the aforementioned gaps, 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.

Persons with Disabilities should have stronger protection under the law and ensuring their protection starts with raising awareness of their rights as citizens, and as citizens with special needs.



Leila M. de Lima

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AN ACT
CREATING THE NATIONAL COMMISSION ON DISABILITY AFFAIRS,
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APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

1 Section. 1. **Short Title** – This Act shall be known as the “National Commission
2 on Disability Affairs Act of 2019”.

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

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

14 Sec. 4. **Mandate.** – The Commission is the centralized national government
15 agency that attends to the needs of persons with disabilities, providing them the
16 necessary services, supervision, regulation and guidance in the pursuit of their welfare

1 and well-being. Likewise, the Commission is the lead policy-making, planning,
2 monitoring, and coordinating body that develops, formulates and implements
3 programs for the prevention of the causes of disability and rehabilitation and
4 equalizing of opportunities in the concept of rights-based society for persons with
5 disabilities.

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

- 8 (a) Ensure that the status, rights, welfare, and interests of persons with
9 disabilities are upheld, in accordance with the Constitution;
- 10 (b) Formulate policies and propose legislations concerning the rights and well-
11 being of persons with disabilities, and lead in the implementation of
12 programs and services concerning the same;
- 13 (c) Conduct consultative meetings and symposia with all stakeholders, and
14 undertake program evaluation and monitoring to ensure that
15 comprehensive, relevant and timely programs and services are adequate
16 and accessible to persons with disabilities;
- 17 (d) Identify and address gaps in the implementation and enforcement of
18 domestic laws and international commitments benefitting persons with
19 disabilities;
- 20 (e) Conduct relevant researches and studies for policy formulation to promote
21 and enhance, at all levels, the rights of persons with disabilities;
- 22 (f) Establish, develop, and maintain a data bank on disability through a
23 National Registry of PWDs which shall be obtained through the National
24 Registration Program for PWDs, on a provincial, city, and municipal -wide
25 level, in partnership with concerned government agencies and non-
26 governmental organizations and strengthen referral services to ensure
27 availability of data and stakeholders and services to persons with disabilities
28 including provision of assistive devices;
- 29 (g) Establish and maintain linkages and networking with local and
30 international organizations, including organizations of and for persons with
31 disabilities to generate resources, maximize utilization of existing resources
32 and achieve a level of convergence most beneficial to persons with
33 disabilities;

- (h) 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;
 - (i) Create, organize, restructure, and otherwise manage such offices of the Commission;
 - (j) 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;
 - (k) Submit annual reports to both Houses of Congress on the processes and implementation of policies; and
 - (l) 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
t submitted by each disability sector they represent. The Chairperson shall also
pointed by the President from at least three (3) nominees submitted by all
lity sectors. They shall serve for a term of six (6) years, without reappointment.
Chairperson shall have the rank and privileges of a department undersecretary,
he appointive commissioners shall have the rank and privileges of assistant
aries of a department.

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

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

17 Sec. 8. **Executive Director.** – The Chairperson shall be assisted by the
18 Executive Director, who shall be appointed by the President upon the
19 recommendation of the Chairperson. The Executive Director shall serve for a term of
20 six (6) years, without reappointment, and shall have the rank and privileges of an
21 assistant secretary of a department. He/she shall be responsible for managing the day-
22 to-day affairs, activities and operations of the Commission, in accordance with the
23 policies, standards, rules and regulations adopted and promulgated by the
24 Commission. Likewise, the Executive Director shall have the following duties and
25 responsibilities:

- 26 (a) Advise and assist the Chairperson in the formulation and implementation
- 27 of the objectives, policies, plans and programs of the Commission;
- 28 (b) Implement policies, plans and programs approved by the Commission;
- 29 (c) Exercise direct supervision, control, and disciplinary authority over all the
- 30 organizational units placed under his/her jurisdiction, pursuant to existing
- 31 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.*

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

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

17 Sec. 11. ***Divisions.*** – To achieve the mandates stated above, the Commission
18 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.

(d) *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 within the jurisdiction of the concerned Regional Office. He/she shall be the primary coordinating and overseeing authority over the Persons with Disability Affairs Office (PDO) 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.

7 Sec. 13. **Advisory Council.** – There shall be an Advisory Council which shall
8 be composed of the Chairperson of the Commission, as Chairperson; the Secretaries
9 of the Department of Health (DOH); the Department of Social Welfare and
10 Development (DSWD); the Department of Education (DepEd); the Department of
11 Labor and Employment (DOLE); the Department of Transportation (DOTr); the
12 Department of Public Works and Highways (DPWH); the Department of Interior and
13 Local Government (DILG); the Chairperson of the Commission on Higher Education
14 (CHED); the Director General of the Technical Education and Skills Development
15 Authority (TESDA); and the Chairpersons of the Senate Committee on Social Justice,
16 Welfare and Rural Development and the House of Representatives Committee on
17 Social Services. The Secretaries mentioned are authorized to designate an
18 Undersecretary to represent them.

19 The Council shall meet once every three (3) months, or as often as may be
20 necessary, upon call of its Chairperson. It shall advise and be consulted by the
21 Commission on important matters relating to the Commission's mandate. The Council
22 may form task forces which shall convene between the meetings of the Council. The
23 Commission shall provide the technical support required by the Council to function
24 according to this Act.

25 Sec. 14. ***Annual Report.*** – The Commission shall prepare an annual report on
26 the findings of its monitoring activities with regard to the state of the country's
27 compliance with its international obligations concerning persons with disabilities. The
28 report shall include, but not be limited, to the following:

- 29 (a) Identification of causes that result in the increase or decrease in the number
30 of PWDs;

31 (b) Assessment of the legal mechanisms of existing institutions in providing
32 adequate protection and services for PWDs;

(c) Recommendations for legal, legislative, and institutional reforms for greater promotion and protection of the rights of PWDs; and

(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.

6 **Sec. 15. *Disability Support Fund.*** – A Disability Support Fund shall be
7 established under this Act. It shall make funds available for individuals with
8 disabilities to access rehabilitation and disability support services, and to support
9 disability-related activities at the local community through programs and projects of
10 the local government units and civil society organizations.

11 The fund shall be sourced from the operations of the Philippine Charity
12 Sweepstakes Office (PCSO), Philippine Amusement and Gaming Corporation
13 (PAGCOR), one (1) percent from the collections arising from the Sin Tax and
14 amusement taxes collected by other national and local government agencies, and
15 contributions from the private sector.

16 Sec. 16. ***Transitory Provisions.*** - The National Council on Disability Affairs
17 (NCDA) is deemed abolished upon the creation of the Commission. All the powers,
18 functions, assets, liabilities, capital, accounts, contracts, equipment, and facilities of
19 the NCDA which are owned by the government, shall be transferred to the
20 Commission.

21 All regular or permanent employees of the NCDA shall be absorbed or
22 transferred to the Commission: *Provided*, that they possess the necessary
23 qualifications, and shall not suffer any loss of seniority or rank or decrease in salaries
24 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.

1 Employees separated and/or retired from the NCDA shall not be eligible for
2 reappointment to or employment in the Commission, whether on a permanent,
3 temporary, casual or contractual status within a period of three (3) years after
4 separation or retirement.

5 The Chairperson shall recommend to the Commission a work program that
6 shall include the organizational plan and structure, staffing pattern and compensation
7 plan, budget, programs, projects and activities of the Commission within ninety (90)
8 days from the approval of this Act. Said work program shall be implemented by the
9 Chairperson within thirty (30) days after its approval by the Commission.

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

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

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

21 Sec. 20. **Repealing Clause.** – All laws, decrees, orders, rules, and regulations
22 or other issuances or parts inconsistent with the provisions of this Act are hereby
23 repealed or modified accordingly.

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

Approved,