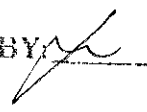


'11 MAY 26 P5:25

SENATE

S.B. No. **2847**

RECEIVED BY 

Introduced by SENATOR MANNY VILLAR

EXPLANATORY NOTE

In Article XIII of the 1987 Philippine Constitution, the State is mandated to promote the self-development and integration of persons with disabilities (PWDs), into the mainstream of society. The genius of the said provision is that it affords not just compliance with the policy that "those who have less in life must have more in law," but it encourages and recognizes PWDs as participants in nation-building. It is in this light that this bill is submitted.

For most people, the importance of communication is usually taken for granted. But for individuals constrained by hearing or faced with audiological impairment, the insufficiency of communication systems and the lack of support can cause great injustice and disparity.

For instance, data from the Philippine Deaf Resource Center (PDRC) show that one out of three deaf women is a victim of rape while 65 to 70% of deaf children are molested. Of the 82 cases they monitored, 67% of deaf complainants lodged rape complaints while 32% of deaf respondents were accused of theft.

With the high incidence of criminal cases involving deaf persons, there is an unquestionable need for interpreters during investigative and judicial proceedings. Unfortunately, the current system does not have a clear procedure for such. Oftentimes, the deaf individual is left to find and pay a suitable interpreter. Without a proper system, finding an interpreter may also delay proceedings.

The proposed bill addresses all of these problems. It is the responsibility of the State to provide for interpreters during any government proceeding, be it for police investigations, court or public hearings. Hired interpreters are also entitled to sufficient payment and rest.

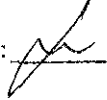
In view of the foregoing, the immediate approval of the bill is highly recommended.


MANNY VILLAR

'11 MAY 26 P5:25

SENATE

S.B. No. 2847

RECEIVED BY: 

Introduced by SENATOR MANNY VILLAR

AN ACT
PROVIDING FOR INTERPRETERS IN ALL JUDICIAL,
QUASI-JUDICIAL, INVESTIGATIVE PROCEEDINGS AND PUBLIC HEARINGS
INVOLVING DEAF INDIVIDUALS

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

SECTION 1. Declaration of Policy. – The State shall give full support to the integration of persons with disabilities into mainstream society and “exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial” to them, pursuant of Republic Act No. 7277 or the “Magna Carta for Persons with Disabilities.” It is also a declared policy of the State that all persons shall be given equal opportunity, due process and speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

SECTION 2. Definition. For purposes of this Act, the following terms shall mean:

- a. *Person with disabilities* – a person who has a restriction or limitation in personal mobility, communications, development and others resulting from the interaction between person with impairments and attitudinal and environmental barriers that hinders his/her full and effective participation in society on equal basis with others;
- b. *Disability* – an activity limitation or restriction as a result of the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on equal basis with others;
- c. *Impairment* - any loss, diminution or aberration of psychological, physiological, or anatomical structure or function;
- d. *deaf-* means a person who has an audiological impairment that makes him / her unable to hear, or experience difficulty in hearing. *Deaf* in uppercase D specifically refers to a person who uses the visual language of the community as his /her primary means of communication in daily life, and supports its goals and values as a linguistic and cultural minority. This Act primarily refers to individuals who acquired hearing loss in the early years of life, and not Senior Citizens;
- f. *Hard of hearing* - means a person who can understand words only if spoken very loud or close to the ear and has severe difficulties if there are other sources of noise. People who are hard of hearing include those who can be helped with a hearing aid;

g. *Linguistically isolated deaf* - a deaf individual who has extremely poor overall communication skills. This individual usually has had minimal or no schooling and uses only home signs or gestures (i.e., uses signs different from the signs commonly used in the community); and, has extremely limited vocabulary and finger spelling skills;

h. *Deaf interpreter or Deaf relay interpreter* - an interpreter who is deaf and relays information between a linguistically isolated deaf client and a hearing interpreter;

i. *Consecutive interpreting* - process of interpreting wherein the interpreter transmits information into the target language after the speaker / signer pauses upon completing one or more ideas from the source language;

j. *Simultaneous interpreting* - process of interpreting into the target language at the same time the source language is being delivered;

k. *Manual communication* – various forms of visual-spatial communication utilizing the hands, face and body. For the Philippines, this includes: the natural sign language, Filipino Sign Language; Manually Coded English systems, and nonstandard gestures.

SECTION 3. Hiring of interpreters. – All courts, quasi-judicial bodies, agencies and government institutions conducting investigations and public hearings shall hire interpreters for proceedings involving individuals ascertained to be deaf through accepted clinical standards and procedures. However, a deaf individual may waive the right to an interpreter. The concerned body that hired the services of the interpreter shall provide the budget for the prompt payment of interpreters which shall be on a per appearance basis, including travel, board/lodging as well as other expenses before the case is filed in court.

SECTION 4. Qualifications of interpreters. – Until an official and national testing mechanism and certification procedure is developed for interpreters and recognized by the government, a qualified interpreter shall be selected on the basis of the following:

a. Endorsement under oath by registered deaf organizations / federation that the interpreter has interpreting experience of at least four (4) years (for hearing interpreters), or one (1) year (for deaf interpreters);

b. Empirical demonstration of his/her language competencies and interpreting ability.

Supplementary documentation on language competency and interpretation ability of hearing interpreters includes interpreter training, work-related interpreting experience, sign language instruction and relationship to Deaf family members.

Selection of the appropriate qualified interpreter(s) should be based on language competency which matches that of the deaf client.

A person related within the third degree of affinity or consanguinity to any of the parties, witnesses, and other participants of the case cannot be appointed as the interpreter.

Deaf counselors who have previously worked with the deaf or the hard of hearing party, witness, or participant cannot be appointed as interpreter for the case.

SECTION 5. *Guidelines.* – To protect the rights of the deaf individual and the interpreter/s, the following guidelines shall be observed:

- a. Appointed interpreters provide a service equally to the deaf clients and the hearing members of the court. Thus they shall interpret the entire proceeding and not only the testimony of the deaf party. For cases of sexual abuse, the interpreter/s should be the same gender as the offended party. Accommodations should be procedurally and age-appropriate, and also gender-sensitive and non-discriminatory;
- b. For linguistically isolated deaf, the court shall appoint a hearing interpreter and a Deaf relay interpreter;
- c. To address interpreting fatigue, the interpreter must be given adequate rest after 30 minutes of continuous interpreting, according to medically accepted standards for the prevention of Repetitive Strain Injury;
- d. All interpreters are bound by the common duty to observe confidentiality and neutrality before, during, and after the proceedings;
- e. In cases where there is more than one deaf party, witness or participant, and these deaf individuals have been ascertained to have different communication and interpreting needs, then separate interpreters with the required skills shall be appointed;
- f. Consecutive interpreting shall be used when the deaf is linguistically isolated, or in other situations when this would be more effective than simultaneous interpreting;
- g. Interpreting should also be provided during the administration of justice by police and prison staff.

SECTION 6. *Orientation of Interpreters.* – Qualified interpreters shall be trained in ethical responsibilities, terms and legal concepts under a program to be established by the Supreme Court and the Department of Justice, in partnership with groups such as the Philippine Federation of the Deaf.

SECTION 7. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Department of Social Welfare and Development, the National Council on Disability Affairs, the Department of Justice, the Supreme Court and other concerned government bodies and shall work together, in coordination with non-government organizations and schools concerned with the deaf and Deaf interpreting, and promulgate and issue the rules and regulations for the implementation of this Act.

SECTION 8. *Constitutionality.* – Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SECTION 9. *Repealing Clause.* – All laws, decrees, letters of instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,