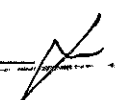


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SENATE

COMMITTEE REPORT NO. 776

RECEIVED BY: 

Submitted jointly by the Committees on Social Justice, Welfare and Rural Development; Local Government; and Finance on DEC 16 2009

RE : S. No. 3560

Recommending its approval in substitution of Senate Bill Nos. 2313, 2323, 2455 2509, and 3259., taking into consideration House Bill No. 1387, with Senators Pangilinan, Legarda, Gordon, Villar, Trillanes IV, and Cayetano P., as authors.

Sponsor : Senator Pia S. Cayetano

MR. PRESIDENT,

The Committees on Social Justice, Welfare and Rural Development; Local Government; and Finance, to which were referred S. B. No. 2313, introduced by Sen. Pangilinan, entitled:

"AN ACT

CREATING THE PERSONS WITH DISABILITIES AFFAIRS OFFICE IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING SECTION 40 OF REPUBLIC ACT NO. 7277 OTHERWISE KNOWN AS 'AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY AND FOR OTHER PURPOSES' "

S. B. No. 2323, introduced by Sen. Legarda, entitled:

"AN ACT

CREATING THE PERSONS WITH DISABILITIES AFFAIRS OFFICE IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING SECTION 40 OF REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS 'AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY AND FOR OTHER PURPOSES' "

S. B. No. 2455, introduced by Sen. Gordon, entitled:

"AN ACT

CREATING THE PERSONS WITH DISABILITIES AFFAIRS OFFICE IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING

SECTION 40 OF REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS 'THE MAGNA CARTA FOR DISABLED PERSONS,' AND FOR OTHER PURPOSES"

S. B. No. 2509, introduced by **Sen. Villar**, *entitled:*

"AN ACT

CREATING THE PERSONS WITH DISABILITIES AFFAIRS OFFICE IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING SECTION 40 OF REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS 'AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTRAM OF SOCIETY AND FOR OTHER PURPOSES' "

S. B. No. 3259, introduced by **Sen. Trillanes IV**, *entitled:*

"AN ACT

CREATING THE PERSONS WITH DISABILITIES AFFAIRS OFFICE IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING SECTION 40 OF REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS 'AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTRAM OF SOCIETY AND FOR OTHER PURPOSES' "

taking into consideration **House Bill No. 1387**, introduced by **Reps. Romualdez, Lim, Dumarpa, et. al.**, *entitled:*

"AN ACT

CREATING THE PERSONS WITH DISABILITIES AFFAIRS OFFICE IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING SECTION 40 OF REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS 'AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY AND FOR OTHER PURPOSES'"

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached **S. B. No. 3560**, prepared by the Committees, *entitled:*

"AN ACT

ESTABLISHING AN INSTITUTIONAL MECHANISM TO ENSURE THE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING REPUBLIC NO. 7277, OTHERWISE KNOWN AS 'THE MAGNA CARTA FOR DISABLED PERSONS,' AS AMENDED, AND FOR OTHER PURPOSES.


be approved in substitution of Senate Bill Nos. 2313, 2323, 2455, 2509, and 3259 taking into consideration House Bill No. 1387, with **Senators Pangilinan, Legarda, Gordon, Villar, Trillanes IV, and Cayetano P.**, as authors thereof

Respectfully submitted:



PIAS. CAYETANO

*Chairperson, Committee on Social Justice, Welfare and Rural Development
Member, Committee on Finance*

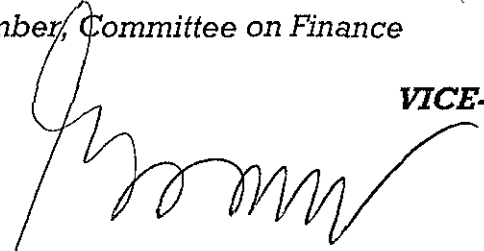


BENIGNO S. AQUINO III
*Chairperson, Committee on Local Government
Member, Committee on Finance*




EDGARDO J. ANGARA
Chairperson, Committee on Finance

VICE-CHAIRPERSONS



GREGORIO B. HONASAN II
*Vice-Chairperson, Committee on Finance
Member, Committee on Social Justice, Welfare & Rural Development*



JOKER P. ARROYO
*Vice-Chairperson, Committee on Finance
Member, Committee on Local Government*

MEMBERS:

RODOLFO BIAZON
Committees on Finance; Local Government

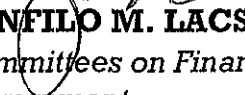


FRANCIS "CHIZ" G. ESCUDERO
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MIRIAM DEFENSOR SANTIAGO
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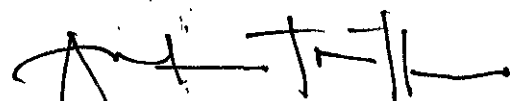
M. A. MADRIGAL
*Committees on Finance; and
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*Committees on Finance, Local
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& Rural Development*




MAR A. ROXAS
*Committees on Finance; and Local
Government*

FRANCIS PANGILINAN
Committee on Finance

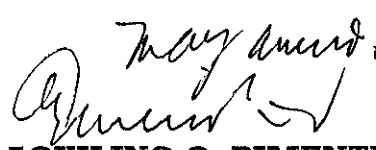


ANTONIO "SONNY" F. TRILLANES IV
*Committees on Local Government;
Finance; and Social Justice, Welfare &
Rural Development*



MANNY B. VILLAR
*Committees on Finance; Local
Government*

EX- OFFICIO MEMBERS:



AQUILINO Q. PIMENTEL JR.
Minority Leader



JUAN MIGUEL F. ZUBIRI
Majority Leader



JINGGOY EJERCITO ESTRADA
Senate President Pro-Tempore

JUAN PONCE ENRILE
*Senate President
Pasay City*

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SENATE

S. B. No. 3560

RECEIVED BY _____

(In Substitution of S. B. Nos. 2313, 2323, 2455, 2509, and 3259
taking into consideration H. B. No. 1387)

Prepared by the Committees on Social Justice, Welfare and Rural Development; Local Government; and Finance, with Senators Pangilinan, Legarda, Gordon, Villar, Trillanes IV, and Cayetano P., as authors thereof

AN ACT

ESTABLISHING AN INSTITUTIONAL MECHANISM TO ENSURE THE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR DISABLED PERSONS", AS AMENDED, AND FOR OTHER PURPOSES

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

1 **Section 1.** Section 40 of Republic Act No. 7277, as amended, is hereby
2 further amended to read as follows:

3 "Section 40. Role of National Agencies and Local Government Units –

4 (A) Local government units shall promote the establishment of organizations
5 of [disabled persons] **PERSONS WITH DISABILITIES (PWDs)** in their
6 respective territorial jurisdictions. National agencies and local government
7 units may enter into joint ventures with organizations or associations of
8 [disabled persons] **PWDs** to explore livelihood opportunities and other
9 undertakings that shall enhance the health, physical fitness and the
10 economic and social well-being of [disabled persons] **PWDs**.

11 **(B) LOCAL GOVERNMENT UNITS SHALL ORGANIZE AND ESTABLISH**
12 **THE FOLLOWING:**

13 **(1) PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO)**

1 A PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO)
2 SHALL BE CREATED IN EVERY PROVINCE, CITY AND
3 MUNICIPALITY. THE LOCAL CHIEF EXECUTIVE SHALL APPOINT
4 A PWD AFFAIRS OFFICER WHO SHALL MANAGE AND OVERSEE
5 THE OPERATIONS OF THE OFFICE, PURSUANT TO ITS MANDATE
6 UNDER THIS ACT. PRIORITY SHALL BE GIVEN TO QUALIFIED
7 PWDS TO HEAD AND MAN THE SAID OFFICE IN CARRYING OUT
8 THE FOLLOWING FUNCTIONS:

9 (a) FORMULATE AND IMPLEMENT POLICIES, PLANS AND
10 PROGRAMS FOR THE PROMOTION OF THE WELFARE OF
11 PWDS IN COORDINATION WITH CONCERNED NATIONAL
12 AND LOCAL GOVERNMENT AGENCIES;

13 (b) COORDINATE THE IMPLEMENTATION OF THE
14 PROVISIONS OF THIS ACT, *BATAS PAMBANSA BLG. 344*,
15 OTHERWISE KNOWN AS THE ACCESSIBILITY LAW, AND
16 OTHER RELEVANT LAWS AT THE LOCAL LEVEL;

17 (c) REPRESENT PWDS IN MEETINGS OF LOCAL
18 DEVELOPMENT COUNCILS AND OTHER SPECIAL
19 BODIES;

20 (d) RECOMMEND AND ENJOIN THE PARTICIPATION OF
21 NGOS AND POS IN THE IMPLEMENTATION OF ALL
22 DISABILITY-RELATED LAWS AND POLICIES;

23 (e) GATHER AND COMPILE RELEVANT DATA ON PWDS IN
24 THEIR LOCALITIES;

25 (f) DISSEMINATE INFORMATION INCLUDING, BUT NOT
26 LIMITED TO, PROGRAMS AND ACTIVITIES FOR PWDS,

1 STATISTICS ON PWDS, INCLUDING CHILDREN WITH
2 DISABILITY, AND TRAINING AND EMPLOYMENT
3 OPPORTUNITIES FOR PWDS;

4 (g) SUBMIT REPORTS TO THE OFFICE OF THE LOCAL CHIEF
5 EXECUTIVE ON THE IMPLEMENTATION OF PROGRAMS
6 AND SERVICES FOR THE PROMOTION OF THE WELFARE
7 OF PWDS IN THEIR RESPECTIVE AREAS OF
8 JURISDICTION;

9 (h) ENSURE THAT THE POLICIES, PLANS AND PROGRAMS
10 FOR THE PROMOTION OF THE WELFARE OF PWDS ARE
11 FUNDED BY BOTH THE NATIONAL AND LOCAL
12 GOVERNMENT;

13 (i) MONITOR FUNDRAISING ACTIVITIES BEING CONDUCTED
14 FOR THE BENEFIT OF PWDS; AND

15 (j) SEEK DONATIONS IN CASH OR IN KIND FROM LOCAL OR
16 FOREIGN DONORS TO IMPLEMENT AN APPROVED
17 WORKPLAN FOR PWDS, IN ACCORDANCE WITH
18 EXISTING LAWS AND REGULATIONS.

19 (k) PERFORM SUCH OTHER FUNCTIONS AS MAY BE
20 NECESSARY FOR THE PROMOTION AND PROTECTION
21 OF THE WELFARE OF THE PWDS.

22 **(2) FOCAL PERSON**

23 IN CONSIDERATION OF BUDGET RESTRAINTS, LOCAL CHIEF
24 EXECUTIVES OF FOURTH, FIFTH AND SIXTH CLASS
25 MUNICIPALITIES, MAY, IN LIEU OF THE CREATION OF A PDAO,
26 DESIGNATE A FOCAL PERSON, WHO SHALL PERFORM THE

1 **FUNCTIONS OF THE PDAO. PRIORITY IN APPOINTMENT SHOULD BE**
2 **GIVEN TO A PWD WITH EXPERIENCE IN PROVIDING SERVICES TO**
3 **PWDS.**

4 **THE ESTABLISHMENT OF A PDAO OR THE APPOINTMENT OF A FOCAL**
5 **PERSON, AS THE CASE MAY BE, SHOULD BE DONE IN CONSULTATION AND**
6 **COORDINATION WITH THE NATIONAL COUNCIL ON DISABILITY AFFAIRS**
7 **(NCDA), NON-GOVERNMENT ORGANIZATIONS (NGOS) AND PEOPLE'S**
8 **ORGANIZATIONS (POS).**

9 **Sec. 2.** References to the term "Disabled Persons" on the Title and other
10 sections of the same Act are hereby amended to read as "Persons with Disabilities
11 (PWDs)."

12 **Sec. 3.** Within three years after the effectivity of this Act, appropriate
13 agencies, headed by the DSWD, in consultation with the NCDA and relevant NGOs
14 and POs, shall review its implementation and recommend to Congress the need to
15 mandate the establishment of a PDAO in 4th, 5th and 6th class municipalities.

16 **Sec. 4.** "In order to effectively carry out the objectives of RA 7277, the National
17 Government, through the DSWD, shall ensure that the annual budget includes
18 provisions to fund programs and provide support for PWDs.

19 Local government units shall likewise ensure that the necessary fund from any
20 available local revenues is allocated for the implementation of this Act for the benefit
21 of PWDs in their jurisdictions."

22 **Sec. 5. Repealing Clause.** – All laws, presidential decrees, executive orders,
23 and rules and regulations inconsistent with the provisions of this Act are hereby
24 repealed or modified accordingly.

25 **Sec. 6. Separability Clause.** — If any provision of this Act is declared
26 unconstitutional, the same shall not affect the validity and effectivity of the other
27 provisions hereof.

1 **Sec. 7. Effectivity.** – This Act shall take effect fifteen (15) days after its
2 publication in two (2) newspapers of general circulation or the *Official Gazette*,
3 whichever comes first.

Approved,