

'04 JUN 30 P 4:40

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

RECEIVED BY: Osmeña

SENATE

S. No. 354

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Section 13 Article XIII of the Constitution provides:

"The State shall establish a special agency for disabled persons for their rehabilitation, self-development and self-reliance, and their integration into the mainstream of society."

This bill seeks the creation of the Philippine Disabled Persons Authority which will be mandated with the formulation and implementation of policies, plans and programs responsive to the special needs of disabled persons.

Disabled persons are part of our human resources which is the country's most important endowments. If they have special needs, they also have special talents and special contributions, which have a place in the country's national development.

In view of the foregoing, early passage of this bill is earnestly requested.

S. Osmeña III
SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

)
)
) '04 JUN 30 P4:40

RECEIVED BY:

SENATE

S. No. 354

Introduced by Senator S. R. Osmeña III

AN ACT
RESTRUCTURING THE NATIONAL COUNCIL FOR THE WELFARE OF
DISABLED PERSONS (NCWDP) INTO THE NATIONAL DISABLED PERSONS
AUTHORITY (NDPA) AND STRENGTHENING ITS POWERS, FUNCTIONS
AND RESPONSIBILITIES, APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES

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

1 SECTION 1. **Title.** – This Act shall be known as “**The National Disabled**
2 **Persons Authority (NDA) Act of 2004.**”

3 SEC. 2. **Declaration of Policy.** – The State recognizes its responsibility
4 to provide persons with disabilities the fullest measures of protection and
5 assistance in developing their abilities in all fields of human endeavor and
6 promoting their integration into the mainstream of society. The state also
7 recognizes its primary duty of preventing causes of disabilities.

8 SEC. 3. **Definition of Terms.** – For the purposes of this Act:

9 1) Authority – shall refer to the National Disabled Persons Authority
10 (NDPA) which will replace the existing National Council for the Welfare of
11 Disabled Persons (NCWDP);

12 2) Municipal Disability Office – shall mean a structure in the municipal
13 government to carry out its programs and services for persons with disabilities.
14 The structure shall be linked with the Authority for programs and projects
15 purposes;

1 3) Person with Disability – shall mean any person suffering from any
2 restriction of abilities as a result of physical, mental, sensory, or neurological
3 impairment;

4 4) Regional Clusters – shall refer to the political subdivisions as classified
5 by the DSWD, as follows:

6 Cluster I - Regions I, II, III and CAR

7 Cluster II - Regions IV, V and NCR

8 Cluster III - Regions VI, VII and VIII

9 Cluster IV - Regions IX, X, XII, ARMM and CARAGA

10 5) Self-Help Organization – shall mean an accredited or recognized group
11 or association of persons whose members are generally persons with disabilities,
12 principally devoted to the upliftment of the well-being of the disabled such as the
13 delivery of services and other initiatives toward fully integrating persons with
14 disabilities into the mainstream of society.

15 SEC. 4. **Creation of the National Disabled Persons Authority**
16 **(NDPA).** – Pursuant to Section 2 hereof, the National Council for the Welfare of
17 Disabled Persons (NCWDP) is hereby restructured into the National Disabled
18 Persons Authority (NDPA). It shall be attached to the Office of the President.

19 SEC. 5. **Objectives of the Authority.** – The Authority shall have the
20 following objectives:

21 1) To develop an integrated and comprehensive long-term National Plan
22 for the prevention of disabilities and the rehabilitation and full participation of, and
23 equalization of opportunities for, persons with disabilities;

24 2) To ensure the essential programs and services of government and
25 non-government organizations are adequate, accessible and effectively
26 implemented;

27 3) To act as a consultative, regulatory, advisory and coordinating body in
28 rationalizing the functions and activities of agencies involved in issues affecting
29 persons with disabilities;

1 4) To raise the level of public awareness on disability-related matters
2 through a comprehensive information and advocacy program;

3 5) To undertake continuing researches, monitoring and evaluation on
4 various disability-related issues;

5 6) To facilitate, through government funding institutions, provisions for
6 economic assistance and technical support to development projects of
7 organizations of persons with disabilities and organizations working for the
8 sectors;

9 7) To promote international cooperation on disability concerns.

10 **SEC. 6. *The Governing Board.*** – The authority shall have a governing
11 board composed of the following:

12 a) The Secretaries of the Departments of Social Welfare and
13 Development; Health; Labor and Employment; Education, Culture and Sports;

14 b) Two (2) representatives from non-government organizations actively
15 involved in disability concerns; and

16 c) Four (4) representatives from organizations of persons with disabilities,
17 coming from the four representatives of the four cluster.

18 The Board shall be headed by a Chairman, who shall be a person with
19 disability, appointed by the President for a term of three (3) years without
20 reappointment. The other non-government and cluster representatives in the
21 Board shall likewise be appointed by the President from a list of at least three (3)
22 nominees submitted by a DSWD-approved national and regional cluster (as
23 identified in Section 3) convention of NGOs and disabled persons organizations
24 (POs) respectively. In the initial appointment, one (1) of the NGO
25 representatives and two (2) of the cluster representatives shall serve for two (2)
26 years and the rest for three (3) years. After which, succeeding appointees shall
27 serve for three (3) years.

28 The Chairman and the representative of the organization of persons with
29 disabilities shall be natural born citizens of the Philippines, at least 30 years of

1 age at the time of their appointment(s), shall possess executive and
2 management experience in organizations, institutions, programs and projects
3 relating to persons with disabilities, shall not have been previously convicted of
4 any crime involving moral turpitude. They must be persons with disability.

5 SEC. 7. **Functions of the Board.** – The following are the functions of the
6 Board:

7 1) To formulate policies, plans and programs for the full integration and
8 development of people with disabilities;

9 2) To direct and regulate concerned agencies in the implementation of
10 policies affecting persons with disability;

11 3) To establish appropriate institutional mechanisms in government
12 agencies to ensure the implementation, monitoring and updating of plans and
13 programs for persons with disability;

14 4) To enter into contracts or agreements, solicit and accept grants,
15 donations, gifts, legacies and bequests;

16 5) To submit an annual report to the President of the Republic of the
17 Philippines and to the Congress on the activities of the Authority;

18 6) To set standards and regulations for accreditation of organizations of
19 persons with disabilities and regulate their activities in accordance with rules and
20 regulations promulgated by the Authority; and

21 7) To organize permanent or ad hoc committees consisting of members
22 of the Board or such other experts as are deemed necessary for the discharge of
23 the functions of the Authority.

24 SEC. 8. **Functions of the Chairman.** – The Chairman shall call and
25 preside over the meetings of the Board. He shall ensure that the decisions and
26 policies of the Board are implemented. He shall be the signatory to whatever
27 official dealings and transactions the Authority may enter.

28 SEC. 9. **Secretariat.** – The Board shall be assisted by a secretariat
29 which shall serve as the machinery to coordinate functions, organize services

1 and evaluate programs as may be required by the Board. It shall be headed by
2 an Executive Director, to be assisted by a Deputy Executive Director, both of
3 whom shall be appointed by the President.

4 1) The following shall be the offices/divisions of the Secretariat:

- 5 a) Office of the Executive Director
- 6 b) Finance and Administrative Division
- 7 c) Information, Education and Communication Division
- 8 d) International Cooperation Division
- 9 e) Research and Planning Division
- 10 f) Program Assistance Division
- 11 g) Monitoring and Evaluation Division

12 SEC. 10. **Meetings.** – The Board shall meet once a month, or as often
13 as may be determined by the Chairman.

14 SEC. 11. **Authority to Receive Donations, Grants, Financial Aids,**
15 **Gifts, Bequests and Legacies.** – The Authority shall be authorized to receive
16 grants, donations, contributions and gifts which shall be administered or
17 disbursed for the purpose for which they were given or in the absence of such, as
18 the Board may determine. All donations, grants, financial aids, bequests and
19 legacies which may be made to, or in the name of, the Authority shall be allowed
20 as a deductible contribution from the income of the donor for income tax
21 purposes and shall be exempt from donor's taxes.

22 SEC. 12. **Financial Gifts.** – The Chairman and the representatives of
23 the four (4) regional clusters shall be entitled to compensation to be determined
24 by the Board; the other members of the Board shall be entitled to honorarium for
25 meetings actually attended, subject to existing DBM rules and regulations.

26 SEC. 13. **Creation of City/Municipal Disability Office (C/MDO).** – All
27 city/municipality government units shall establish an office for persons with
28 disabilities under the Office of the Mayor. It shall be headed by the
29 City/Municipal Councilor in charge of the Committee on Social Services. The

1 said office shall be staffed by people with disabilities to be appointed by the
2 mayor, upon the recommendation of a duly accredited and recognized self-help
3 organization of persons with disabilities in the area. The municipal government
4 shall allocate the necessary funds for the operations of this office.

5 The C/MDO shall serve as the implementing arm of the municipal
6 government on matters concerning persons with disabilities. It shall be assisted
7 by the authority to effectively carry out its programs and projects.

8 SEC. 14. **Appropriation.** – Upon the effectivity of this Act, all funds of
9 the former National Council for the Welfare of Disabled Persons (NCWDP) shall
10 be transferred to the newly created National Disabled Persons Authority (NDPA).
11 Thereafter, any sum as may be necessary to augment its capital outlay shall be
12 included in the General Appropriations Act.

13 SEC. 15. **Repealing Clause.** – All laws, ordinances, rules and
14 regulations, other issuances or parts thereof which are inconsistent with this law
15 are hereby repealed or modified accordingly.

16 SEC. 16. **Effectivity.** – This Act shall take effect fifteen (15) days after
17 its publication in a newspaper of general circulation. Immediately thereafter, the
18 NCWDP will convene an inter-agency committee work on the Implementing
19 Rules and Regulations within sixty (60) working days to restructure the NCWDP,
20 strengthen its powers, functions and responsibilities.

Approved,