

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

'04 JUN 30 P9:45

SENATE

S. No. 666

RECEIVED BY: *Adla*

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

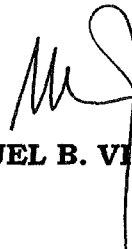
EXPLANATORY NOTE

Our concern for the plight of the disabled and the handicapped should not just manifest itself solely in terms of financial and material assistance that partake the nature of dole-outs. Even more important is the assistance in the area of giving recognition to the continuing capability of many of our disabled to work as their normal counterpart employees in which cases, they are clearly entitled to be compensated and treated as such.

This bill corrects the misimpression that all disabled persons are by reason of their disability, automatically less capable of doing a job satisfactorily. Indeed, there is no reason why a disabled person should be treated differently and discriminated upon with respect to terms and conditions of employment when he is physically or otherwise still able to efficiently perform the work required in accordance with the standards set by the employer.

This bill is consistent with the constitutionally recognized imperative of giving priority to the needs of the disabled and of integrating them into the mainstream of our society.

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


MANUEL B. VILLAR, JR.

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**AN ACT AMENDING ARTICLE SEVENTY-EIGHT, AND CHAPTER ONE, TITLE
THREE, BOOK THREE OF THE LABOR CODE, AS AMENDED, BY GIVING
ADDITIONAL PROTECTION TO HANDICAPPED WORKERS**

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

SECTION 1. Article 78 of the Labor Code, as amended is hereby amended to
read as follows:

“ARTICLE 78. Definition –Handicapped workers are those whose
[earning capacity] WORK PERFORMANCE is impaired OR RENDERED
INADEQUATE by REASON OF age or physical or mental deficiency or
injury. PROVIDED THAT A PERSON SHALL NOT BE CONSIDERED
HANDICAPPED FOR PURPOSES OF ENJOYING THE REGULAR WAGE
RATE WHERE HIS DISABILITY DOES NOT AFFECT HIS JOB
PERFORMANCE OR HIS CAPACITY TO FULFILL THE REQUIREMENTS
SPECIFIED BY THE EMPLOYER.”

SECTION 2. Chapter III, Book Two of the Labor Code is also amended by
inserting Article 79-A after Article 79, to read as follows:

“ARTICLE 55-A. PROHIBITED ACTS. – IT SHALL BE UNLAWFUL
FOR ANY EMPLOYER:

- A) TO REJECT OR DISCRIMINATE AGAINST ANY
HANDICAPPED PERSON WITH RESPECT TO TERMS AND
CONDITIONS OF EMPLOYMENT SOLELY ON ACCOUNT OF
HIS DISABILITY: PROVIDED, THAT AN EMPLOYER MAY
REFUSE TO HIRE A HANDICAPPED PERSON WHERE
THERE IS A PROBABILITY THAT THE APPLICANT,
BECAUSE OF THE EXTENT OF THE DISABILITY AND THE
NATURE OF THE WORK, MIGHT BE UNABLE TO

PERFORM THE TASK INVOLVED IN A SATISFACTORY MANNER OR COULD SUFFER INJURY AS A RESULT OF ATTEMPTING TO PERFORM THEM, PROVIDED, FURTHER, THAT THE BURDEN OF PROOF THAT THE EMPLOYEE IS UNABLE TO PERFORM ADEQUATELY SHALL REST ON THE EMPLOYER.

- B) TO REASSIGN OR TRANSFER A HANDICAPPED EMPLOYEE TO A JOB WHICH THE EMPLOYER KNOWS, OR SHOULD REASONABLY KNOW, THAT THE EMPLOYEE CAN NOT PERFORM DUE TO HIS HANDICAP; AND
- C) TO DISCHARGE OR DISMISS AN EMPLOYEE ON ACCOUNT OF HIS DISABILITY UNLESS IT CAN BE SHOWN THAT THE PARTICULAR HANDICAP PREVENTS OR IMPAIRS PERFORMANCE OF THE WORK INVOLVED.

SECTION 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,