

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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04 JUN 30 P9 57

SENATE

RECEIVED BY: Atlu

S. No. C76

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

“Movement is a law of animal life. As to man, in any event, nothing could be more essential to personality, social existence, economic opportunity -- in short, to individual well-being and integration into the life of the community -- than the physical capacity, the public approval and the legal right to be abroad in the land.” (Broek, The Right to Live in the World: The Disabled in the Law of Torts, 54 Calif. L. Rev. 841, (1996))

It has been suggested that this should be the slogan for the disabled for it illustrates the importance of mobility, an advantage, of which the disabled are too often deprived.

Truly, much of our physical environment is designed for the “normal” and “healthy” user and is relatively inaccessible to the disabled. Statistical data on the number of physically disabled are not readily available but they are estimated to number more than five million all over the Philippines.

Architectural barriers confront the handicapped in places of residence, employment, recreation, entertainment, public accommodation and public transportation. Thus, the members of the 1986 Constitutional Commission addressed themselves specifically to the plight of the handicapped. Art. XIII of the 1987 Constitution provides that “there shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children” (Sec. 11) and “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” (Sec. 13).

The articulation in the Constitution of this public policy toward the social integration of the disabled is not enough. It will be impossible for the disabled to achieve equal employment and full independent lives when they are effectively denied entrance to privately and publicly owned restaurants, theaters, shopping malls, department stores, places of employment and other establishments generally open to the public.

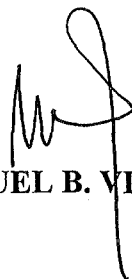
In this context, the solution to inaccessibility, although essentially an apolitical issue is commonly perceived to be technologically and financially impractical. However, reports on similar laws (such as the “Architectural Barriers of 1968” of the United States) state that the cost of providing barrier-free design in new construction has been estimated to be between one-tenth of one percent and one-half of one percent of the total construction cost of new buildings. In addition, the cost of making completed structures accessible to the disabled when such structures are undergoing major renovation is estimated to range from 0.66 to 2.4 percent of the total cost of renovation.

While we can impose the removal of barriers in "public" buildings to accommodate the physically handicapped -- since, after all, the cost of accessibility shall be borne by the taxpayer -- we can only "encourage" owners of private buildings to help achieve the social goal of this proposed law. Since private owners are perceived to be reluctant to pay the additional sums necessary to make their buildings accessible to the disabled, a tax incentive is hoped to be a good alternative.

Indeed, physical or architectural-barriers are a primary obstacle in limiting the ability of the disabled to live full meaningful lives. In employment, for instance, anti-discriminatory statutes enacted for the benefit of the handicapped will be of little practical value when the employer can evade compliance with the law by arguing that the applicant cannot get into the place of employment in the first place. In effect, there is a need to first establish "access" in order to achieve the goal of equal employment opportunity.

The policy, therefore, of integrating the handicapped in society would continue to remain just that, a "state of policy" unless physical barriers to their mobility are removed in the near future. While legislation is admittedly not, and perhaps will never be a cure -- all for the disabled, to minimize or eradicate those physical and structural barriers that limit their mobility and existence -- this will perhaps be the first "step" that we in the legislative branch can help them take.

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



MANUEL B. VILLAR, JR.

THIRTEENTH CONGRESS OF THE
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RECEIVED BY: Adia

SENATE

S. No. 676

INTRODUCED BY HON. MANUEL B. VILLAR JR.

**AN ACT PROVIDING FOR THE DESIGN AND CONSTRUCTION OF PUBLIC
BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED**

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

SECTION 1. Declaration of Policy. - It is hereby declared a policy of the State to fully integrate the disabled into the mainstream of society by instituting measures that will minimize, if not eradicate, physical barriers or obstacles to their mobility.

SECTION 2. All buildings, as defined in Section 3 (a) of this Act, shall be designed, constructed and/or equipped to ensure, whenever possible, that physically handicapped persons shall have ready access to, and use of, such buildings.

SECTION 3. Definitions -

(a) The term "building" in this Act shall mean any structure or facility constructed out of public funds by the Philippine Government or any of its agencies, subdivisions or instrumentalities, including government-owned or controlled corporations, and the intended use of which will either require that such structure or facility be accessible to the public or may result in the employment or residence therein of physically handicapped persons.

(b) The term "rehabilitation" shall include the repair, alteration, conversion or improvement of existing structures or facilities.

SECTION 4. Standards for Design and Construction. - For the purpose of carrying into effect the policy declared by this Act, the Secretary of Public Works and Highways, in

consultation with the Secretary of Health, the Secretary of, Social Services and Development and the National Council for the Welfare of the Disabled, shall prescribe standards for the design and construction of buildings covered by this Act: Provided, That if an existing building is under rehabilitation and the cost of such rehabilitation is less than thirty percent (30%) of buildings market value, the standards set by the Secretary of Public Works and Highways in compliance with this Section need not be complied with: Provided, further, That if the cost of rehabilitation exceeds fifty percent (50%) but less than seventy percent (70%) of the buildings market value there shall be, in accordance with the rules and regulations issued by the Secretary of Public Works and Highways under Section 9 of this Act, at least a change or modification of entrance facilities, toilet facilities and vertical access facilities in the building.

SECTION 5. Award of Contract subject to Standards. - No contract for the design or construction of a building as defined in Sec. 3 (a) with the standards established by the Secretary of Public Works and Highways in compliance with Section 3 of this Act.

SECTION 6. It shall be the duty of the Secretary of Public Works and Highways, including the district engineers, to see to it that the requirements of this Act are faithfully complied with. Failure of any and government officials to comply with the provisions of this Act shall subject them to disciplinary action under existing Civil Service laws.

SECTION 7. Reportorial Requirement - The Secretary of Public Works and Highways shall report to Congress every January of each year regarding implementation of this Act.

SECTION 8. Application - The provision of this Act shall apply to all structures and facilities the contracts for planning and/or design or renovation of which were awarded subsequent to the enactment of this Act.

SECTION 9. Rule-making Power. - The Secretary of Public Works and Highways, in consultation with the Secretary of Health, Secretary of Welfare of the Disabled, is hereby empowered to promulgate such rules and regulations as may be necessary to carry into effect the purposes of this Act.

SECTION 10. Incentive to Privately-owned Buildings - Buildings not covered by Section 3 (a) of this Act, the owners or proprietors of which cater or offer services, facilities or goods to or

solicit patronage from the general public are hereby encouraged to design and construct their buildings in accordance with Section 2 of this Act. Fifty percent (50%) of the construction costs of entrance from and/or mobility of handicapped persons in the buildings referred to in this Section may be declared as deductible expenses by the owner or proprietor during the taxable year that such costs were incurred.

SECTION 11. Effectivity - This Act shall take effect fifteen (15) days following its publication in the Official Gazette.

Approved,