


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

'14 DEC 17 P5:02

SENATE
S.B. NO. **2519**

RECEIVED BY: 

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT IMPROVING ACCESS OF PERSONS WITH DISABILITY TO PUBLIC AND PRIVATE FACILITIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277 OTHERWISE KNOWN AS THE MAGNA CARTA FOR DISABLED PERSONS

EXPLANATORY NOTE

Persons with Disability (“PWD”) are one of the most vulnerable sectors in the Philippine society. The fact that many of the PWDs are living in poverty and the existence of systemic discrimination against them in the work place, among other institutions, prompted Congress to enact the Magna Carta for Persons with Disability (“Magna Carta”).

The Magna Carta has since undergone several changes in view of the efforts of Congress to safeguard the rights and interests of PWDs and to address problems encountered in the implementation of the Magna Carta.

Recently, a mall chain was accused of discriminatory practices committed against a particular class of PWD. It appears that said mall had barred the entry of a PWD on the ground that he had in his company a guide animal, which is not allowed within the mall premises. Although the dog is not known as a vicious breed, the mall argued that there is still a risk to the safety of other mall patrons. Instead of trying to understand the condition of the PWD, the mall requested the police to bodily drag said PWD who was protesting the treatment of the mall on his person.

The mall incident is not isolated. It has come to our attention that different establishments, public or private have treated PWDs with guide animals differently.

For the above reasons, there is a need to amend the law to accommodate PWDs needing special assistance of guide animals.

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



MARIA LOURDES NANCY S. BINAY
Senator



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2 PRIVATE FACILITIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277
3 OTHERWISE KNOWN AS THE MAGNA CARTA FOR DISABLED PERSONS
4

5 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
6 *assembled:*
7

8 SECTION 1. Paragraph (q) is hereby inserted under Section 4 of R.A. 7277 as follows:
9

10 "Q.) *GUIDE ANIMALS* SHALL REFER TO ANIMALS THAT ASSIST
11 PWDS TO COPE WITH THEIR SPECIFIC DISABILITIES."
12

13 SECTION 2. Section 25 of R.A. 7277 is hereby amended to read as follows:
14

15 "Sec. 25. Barrier-Free Environment. — The State shall ensure the attainment
16 of a barrier-free environment that will enable persons with disability to have
17 access in public and private buildings and establishments and such other
18 places mentioned in Batas Pambansa Bilang 344, otherwise known as the
19 "Accessibility Law". FOR PURPOSES OF THIS PROVISION, *GUIDE*
20 *ANIMALS ACCOMPANYING PERSONS WITH DISABILITY* SHALL
21 *SIMILARLY ALSO BE ALLOWED ACCESS.*
22

23 The national and local governments shall allocate funds for the provision of
24 architectural facilities or structural features for persons with disability in
25 government buildings and facilities."
26

27 SECTION 3. Section 27 of R.A. 7277 is hereby amended to read as follows:
28

29 "Sec. 27. Access to Public Transport Facilities. — The Department of Social
30 Welfare and Development shall develop a program to assist marginalized
31 persons with disability gain access in the use of public transport facilities.
32 Such assistance may be in the form of subsidized transportation fare.
33

34 The said department shall also allocate such funds as may be necessary for the
35 effective implementation of the public transport program for the persons with
36 disability.
37

1 IN THE DEVELOPMENT OF ACCESS TO TRANSPORTATION
2 PROGRAMS, THE NEEDS OF PERSONS WITH DISABILITY WHO
3 DEPEND ON GUIDE ANIMALS SHALL BE CONSIDERED.
4

5 The "Accessibility Law", as amended, shall be made suppletory to this Act."
6

7 SECTION 4. Section 34 of R.A. 7277 is hereby amended to read as follows:
8

9 "Sec. 34. Public Transportation. — It shall be considered discrimination for
10 the franchisees or operators and personnel of sea, land, and air transportation
11 facilities to charge higher fare or to refuse to convey a passenger, his
12 orthopedic devices, personal effects, and merchandise by reason of his
13 disability.
14

15 AN UNREASONABLE DENIAL OF TRANSPORTATION TO GUIDE
16 ANIMALS OF THE CONCERNED PERSON WITH THE DISABILITY
17 SHALL BE CONSIDERED AS AN ACT OF DISCRIMINATION."
18

19 SECTION 5. Section 36 of RA 7277 is hereby amended to read as follows:
20

21 "Sec. 36. Discrimination on the Use of Public Accommodations. — (a) No
22 persons with disability shall be discriminated on the basis of disability in the
23 full and equal enjoyment of the goods, services, facilities, privileges,
24 advantages or accommodations of any place of public accommodation by any
25 person who owns, leases, or operates a place of public accommodation. The
26 following constitute acts of discrimination:
27

28 (1) denying a person with disability, directly or through contractual, licensing,
29 or other arrangement, the opportunity to participate in or benefit from the
30 goods, services, facilities, privileges, advantages, or accommodations of an
31 entity by reason of his disability;
32

33 (2) affording a person with disability, on the basis of his disability, directly or
34 through contractual, licensing, or other arrangement, with the opportunity to
35 participate in or benefit from a good service, facility, privilege, advantage, or
36 accommodation that is not equal to that afforded to other able-bodied persons;
37 and
38

39 (3) providing a person with disability, on the basis of his disability, directly or
40 through contractual, licensing, or other arrangement, with a good, service,
41 facility, advantage, privilege, or accommodation that is different or separate
42 form that provided to other able-bodied persons unless such action is
43 necessary to provide the persons with disability with a good, service, facility,
44 advantage, privilege, or accommodation, or other opportunity that is as
45 effective as that provided to others;
46

47 (4) DENYING A PERSON WITH DISABILITY, ACCESS OR USE OF
48 PUBLIC ACCOMMODATIONS ON THE GROUND THAT HE IS
49 ACCOMPANIED BY A GUIDE ANIMAL.
50

1 For purposes of this Section, the term "individuals or class of individuals"
2 refers to the clients or customers of the covered public accommodation that
3 enters into the contractual, licensing or other arrangement.

4
5 X X X.”

6
7 SECTION 6. *Implementing Rules and Regulations.* The DSWD in coordination with relevant
8 government agencies shall issue the necessary implementing rules and regulations within
9 ninety (90) days from the approval of this Act.

10
11 SECTION 7. *Separability Clause.* If any provision or part of this Act, or the application
12 thereof to any person or circumstance be held unconstitutional or be invalid, such parts not
13 affected thereby shall remain in full force and effect.

14
15 SECTION 8. *Repealing Clause.* All laws, decrees, executive orders, proclamations, rules and
16 regulations, and other issuances, or parts thereof inconsistent with the provisions of this Act
17 are hereby repealed or modified accordingly.

18
19 SECTION 9. *Effectivity.* This Act shall take effect fifteen (15) days after its complete
20 publication in at least two (2) newspapers of general circulation.

21
22 Approved,