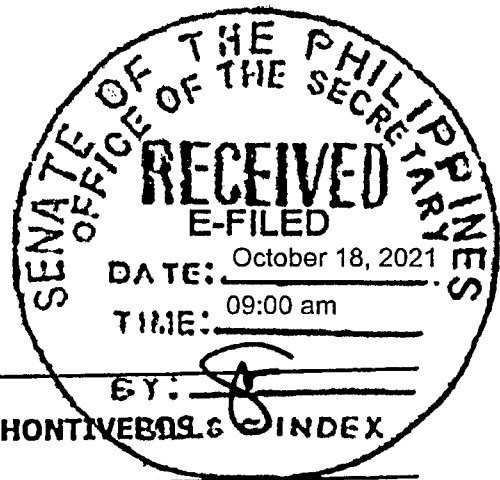


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SENATE

S.B. No. 2437



INTRODUCED BY SENATOR RISA HONTIVEROS

AN ACT
PROVIDING FOR THE UNIVERSAL DISABILITY SUPPORT ALLOWANCE FOR
PERSONS WITH DISABILITIES, APPROPRIATING FUNDS THEREFOR, AND
FOR OTHER PURPOSES

EXPLANATORY NOTE

According to the 2016 National Disability Prevalence Survey, persons with disabilities represent at least 12% of the Philippine adult population. The same study also shows that at 60%, more women than men experience severe disability. In general, persons with disabilities are confronted with challenges in accessing education and healthcare, in fully enjoying their right to citizenship, and exploring economic opportunities. As a result, many of them do not get past primary education, and are more likely to live in poverty as half of them are unemployed, and of those who are, are likely to be employed in the informal sector. Access to the healthcare they need is also a significant obstacle they have to confront. Stigma, poor access to their physical environment, transportation, information and communication, the lack of inclusive policies, support services and social protection also count among the barriers they regularly face.

Trying to overcome these barriers entail extra costs to persons with disabilities and their families. Some of these additional costs are for private transportation, support for information and communication, assistive devices, and human assistance. For those who require personal assistance, the lack of institutional support either limit their mobility and access to services or they have to rely on family members who, in many cases are constrained to stop working to provide the necessary help. Faced with discrimination in education and in the labor market persons, with disabilities tend to work less, and consequently, earn less. With less income and with added disability-related expenses, many are trapped in a cycle of poverty and exposes them to increased vulnerabilities in various aspects of their lives.

The Covid-19 pandemic further exposed weaknesses in our social protection systems as it heightened the vulnerabilities of marginalized sectors including persons with disabilities. The different variations of community lockdown that brought our economy to a slowdown severely limited their income opportunities, most especially because many of them belong to the informal economy. What was already previously difficult to access, such as transportation and other social services became twice as hard to obtain for them.

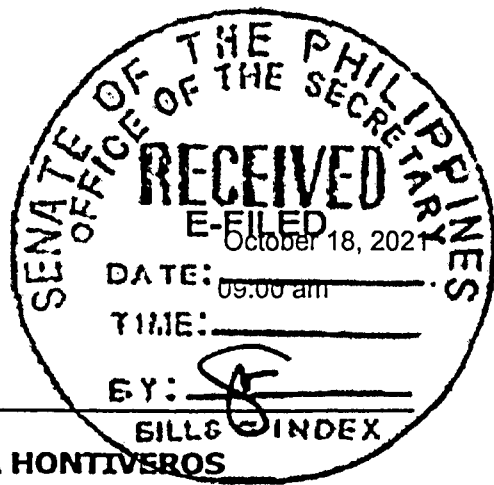
In order to address critical issues persons with disabilities are facing, and to complement existing policies and programs, a universal disability support allowance is essential. A two thousand peso-monthly (Php 2,000) disability support allowance will be able to supplement the basic income of households with persons with disabilities. The bill seeks to establish the Disability Support Allowance Program under the Department of Social Welfare and Development. The program shall be implemented in three (3) phases, with the First Phase giving priority to children and adults with disabilities encountering the most severe barriers and disability-related costs. Phase Two shall include those who have either no income or low level of income, and Phase Three shall begin to progressively include all persons with disabilities.

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


RISA HONTIVEROS
Senator

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**AN ACT
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FOR OTHER PURPOSES**

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

1 Sec. 1. *Short Title.* – This Act shall be known as the "Disability Support Allowance
2 for Persons with Disabilities Act".

3 Sec. 2. *Declaration of Policy.* – It is the declared policy of the State to adopt the
4 generally accepted principles of international law as part of the law of the land. It is
5 likewise vital that the State advance social justice in order to end poverty in all its forms,
6 particularly the historical deprivation of the support required by persons with disabilities
7 for their effective inclusion and full participation in society.

8 To attain a just and dynamic social order that will ensure the prosperity and independence
9 of the nation and free the people from poverty through policies that provide adequate
10 social services, promote full employment, a rising standard of living, and an improved
11 quality of life for all, appropriate measures in developing social protection programs and
12 allowances that recognize the additional costs associated with disability shall be
13 undertaken.

14 In pursuance to this end, social protection measures such as the grant of disability
15 support allowance shall be extended to persons with disabilities to support their
16 independent living.

17 Sec. 3. *Definition of Terms.* – For the purposes of this Act, these terms are defined
18 as follows:

- 19 a) Persons with Disabilities include those who have long-term physical, mental,
20 Intellectual, or sensory impairments which in interaction with various
21 barriers may hinder their full and effective participation in society on an

- 1 equal basis with others, Persons who may fall in this definition -are but not
2 limited to- the following: persons with psychosocial disability, person with
3 autism, person with down syndrome, persons who are blind, person with
4 low vision, person with hard of hearing, deaf, person with rare diseases,
5 and all other persons who will be certified under the disability assessment
6 and determination system;
- 7 b) Disability is an evolving concept that results from the interaction between
8 persons with Impairments and attitudinal and environmental barriers that
9 hinder their full and effective participation in society on an equal basis with
10 others;
- 11 c) Barriers are anything that hinders persons with disabilities from enjoying or
12 exercising all human rights and fundamental freedoms in the political,
13 economic, social, cultural, civil, or any other filed, on an equal basis with
14 others. Barriers in all its forms encompass inaccessible physical
15 environments and transportation; the unavailability of assistive devices and
16 technologies; inaccessible information both in form and content; non-
17 adapted means of communication; gaps in service delivery such as
18 unavailability of personal assistance and sign language interpretation
19 service; discrimination including denial of reasonable accommodation;
20 attitude, prejudice, and stigma in society; programs, policies, and laws
21 infringing the rights of persons with disabilities as recognized under the
22 Convention on the Rights of Persons with Disabilities;
- 23 d) Reasonable accommodation means necessary and appropriate modification
24 and adjustments so as not to impose disproportionate or undue burden,
25 and to ensure that persons with disabilities enjoy or exercise on an equal
26 basis all human rights and fundamental freedoms;
- 27 e) Progressive Realization means undertaking measures to the maximum of its
28 available resources and, where needed, within the framework of
29 international cooperation, with a view of achieving progressively the full
30 realization of these rights, without prejudice to those obligations contained
31 in the Convention on the Rights of Persons with Disabilities that are
32 immediately applicable according to International law;
- 33 f) Disability Assessment and Determination means the process by which
34 disability of an individual is officially recognized for the purpose of eligibility
35 determination to diverse entitlements. It is based on a human rights model

1 of disability, with a focus on functional limitations, support requirements
2 and barriers restricting participation.

3 **Sec. 4. Coverage.** – All persons with disabilities, as certified under the Disability
4 assessment and determination system that is based on a human rights approach shall be
5 covered by the provisions of this Act. In line with the progressive realization principle, the
6 priority will initially be given to children with disabilities and adults with significant
7 disabilities who are facing the highest barriers and disability related costs. However, the
8 aim is to eventually cover all registered persons with disabilities who have either no
9 income or low level of income and as well as persons with disabilities who face disability-
10 related extra costs which negatively affect adequate standard of living.

11 **Sec. 5. Disability Support Allowance Program.** – There shall be established a
12 Disability Support Allowance Program under the Department of Social Welfare and
13 Development (DSWD), in consultation with the National Council on Disability Affairs and
14 a representative organization of persons with disabilities, designed to serve as a social
15 protection measure and support the needs of persons with disabilities in their integration
16 to society. The Disability Support Allowance Program shall aim to provide regular stipend
17 to persons with disabilities based on the eligibility criteria of the DSWD.

18 The initial amount of Two Thousand Pesos (Php2,000.00) a month per individual
19 beneficiary is set for the disability support allowance, which will be indexed to inflation
20 to preserve its impact on the standards of living and participation of people with
21 disabilities. This would contribute, in combination to existing social protection programs
22 and discounts to address the higher cost of transportation, housing,
23 nutrition, hygiene and temporary human assistance requirements, among others. For
24 working age adults out of work, it will provide a basic income security and will help
25 cover disability related costs for finding and keeping work.

26 The Program shall be implemented in three (3) phases;

27 a) Phase 1 - The initial phase of the Disability Support Allowance Program,
28 to be implemented within three (3) years, shall prioritize provision of
29 stipends to:

- 30 i. Children with disabilities;
- 31 ii. Adults with significant disabilities who are facing the highest
32 barriers and disability-related costs;
- 33 iii. Persons with disabilities who are recipients of social protection
34 and economic empowerment programs such as but not limited to
35 the Pantawid Pamilya Pilipino Program (4Ps) and Social Pension for
36 Indigent Senior Citizens.

1 b) Phase 2 – The second phase of the Program, to be implemented in the
2 next three (3) years, shall include all registered persons with disabilities
3 who have either no income or low level of income and as well as persons
4 with disabilities who face disability-related extra costs which negatively
5 affects adequate standard of living.

6 c) Phase 3 – The third phase of the Program, to be implemented after six
7 (6) years from the beginning of the implementation, shall endeavor to
8 progressively cover all persons with disabilities.

9 Sec. 6. *Eligibility.* – Eligibility to the disability support allowance will be based
10 solely on disability assessment and determination with a focus on functional limitation,
11 support requirements, and barriers to participation, irrespective of income, work status
12 or access to other social protection benefits.

13 In recognition of the multiple forms of poverty and the extent of disability-related costs
14 required for basic participation, eligibility of persons with disabilities to the disability
15 support allowance will be compatible with eligibility and benefits from different social
16 protection and economic empowerment programs such as but not limited to the
17 Pantawid Pamilya Pilipino Program (4Ps) and Social Pension for Indigent Senior Citizens,
18 the disability allowance acting as a top-up for subsidizing disability-related extra costs.
19 *Provided,* That the DSWD, in consultation with the NCDA, may, in its discretion, adopt
20 additional bases to achieve the objectives of this Act.

21 Sec. 7. *Disability Data Management System.* – To effectively implement social
22 protection measures targeting persons with disabilities, a Disability Data Management
23 System shall be put up and shall be linked to the Community-Based Management System
24 (CBMS) which aid in the development of poverty-reduction programs from local to
25 national level. Linkage to the National ID System, and the DOH Persons with Disability
26 Registry, which is mirrored with the PhilHealth Database System shall also be done to
27 provide real-time disability data and subsidized enrolment to PhilHealth insurance.

28 Sec. 8. *Policy on Disability Identification Cards.* – The issuance of Disability
29 Identification Cards pursuant to Republic Act No. 7277, otherwise known as the
30 "Magna Carta for Persons with Disabilities," as amended, along with other relevant laws,
31 administrative issuances and local ordinances, shall incorporate the
32 information necessary for the granting of the monthly disability support allowance to
33 eligible persons with disabilities.

34 Sec. 9. *Penal Provisions.* – The penalties shall apply to the following:

1 a) Any person who through fraud or misrepresentation applies for, or aids
2 in the application for benefits under this law without being a qualified
3 person with disability entitled thereto shall suffer the following penalties:

4 i. For the first violation, a fine of not less than Twenty-five thousand
5 pesos (Php 25,000.00) but not exceeding Fifty thousand pesos (Php
6 50,000.00); and

7 ii. For any subsequent violation, a fine of not less than Fifty thousand
8 pesos (Php 50,000.00) but not exceeding One hundred thousand
9 pesos (Php 100,000.00).

10 b) Any person violating any provision of this Act and its implementing rules
11 and regulations, except violations pertaining to Subsection (a) of this
12 Section, shall be penalized with a fine of not less than Fifty Thousand Pesos
13 (Php 50,000.00) but not exceeding One Hundred Thousand Pesos (Php
14 100,000.00).

15 *Sec. 10. Appropriations.* – The amount necessary for the implementation of the
16 Act shall be included in the annual General Appropriations of the year following its
17 enactment into law and thereafter. The initial amount of which shall be determined by
18 the Department of Social Welfare and Development (DSWD), the National Council of
19 Disability Affairs (NCDA), and representatives from other major stakeholders including
20 organizations of persons with disabilities. The allocated budget for the first year of its
21 operation shall gradually increase in view of progressive realization.

22 *Sec. 11. Implementing Rules and Regulations.* – Within one hundred and twenty
23 (120) days from the effectivity of this Act, the Department of Social Welfare and
24 Development, in consultation with the National Council on Disability Affairs, Department
25 of Interior and Local Government, Department of Health, Philippine Statistics Authority,
26 Organizations of Persons with Disabilities, and other relevant stakeholders from
27 government agencies and non-government organizations, shall issue the necessary
28 rules and regulations to implement the provisions of this Act.

29 *Sec. 12. Report to Congress.* – The Department of Social Welfare and
30 Development and National Council on Disability Affairs shall annually submit a report to
31 Congress about the status of the implementation of this Act for the purpose of review
32 and recommendation of additional measures necessary for the attainment of the
33 objectives of this Act.

34 *Sec. 13. Separability Clause.* – If, for any reason, any provision of this Act is
35 declared unconstitutional or invalid, parts or provisions of this Act which are not affected
36 shall continue to be in full force and effect.

1 Sec. 14. *Non-Impairment Clause.* – Nothing in this Act shall be construed as to
2 diminish, impair, or repeal rights recognized, granted, or made available to
3 disadvantaged, marginalized, or specific sectors under existing laws.

4 Sec. 15. *Repealing Clause.* – All laws, executive orders, presidential decrees,
5 Implementing Rules and Regulations inconsistent with this Act are hereby repealed or
6 modified accordingly.

7 Sec. 16. *Effectivity.* – This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,