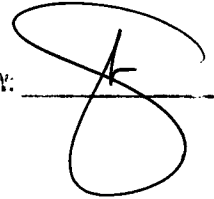


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NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

RECEIVED BY:



S. B. NO. 2467

(In substitution of Senate Bill Nos. 31, 501, and 592)

Prepared and submitted jointly by the Committees on Social Justice, Welfare, and Rural Development; and Finance with Senators Lapid, Revilla Jr., Hontiveros, Marcos and Dela Rosa as authors thereof

AN ACT

ESTABLISHING THE DISABILITY SUPPORT FUND FOR THE EMPOWERMENT, FULL PARTICIPATION AND INCLUSION OF PERSONS WITH DISABILITIES IN SOCIETY AND APPROPRIATING FUNDS THEREFOR

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

- 1 Section 1. *Short Title.* - This shall be known as the "*Disability Support Fund Act*".
- 2 Sec. 2. *Declaration of State Policy.* - The Philippines, as a State Party to the
- 3 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),
- 4 recognizes all the rights of persons with disabilities and shall take effective and
- 5 appropriate measures to respect, protect, and fulfill the full enjoyment by persons with
- 6 disabilities of these rights such as, but not limited to, access to habilitation and
- 7 rehabilitation services, participation in socio-economic activities, access to a range of in-
- 8 home, residential and other community support services, including personal assistance,
- 9 learning and assistive devices, and technology necessary to support living independently
- 10 and inclusion in the community, and to prevent isolation or segregation from the
- 11 community.
- 12 It is the declared policy of the State to adopt the generally-accepted principles of
- 13 international law as part of the law of the land. It is likewise vital that the State advance

1 social justice in order to end poverty in all its forms, particularly the historical deprivation
2 of the support required by persons with disabilities for their effective inclusion and full
3 participation in society.

4 To attain a just and dynamic social order that will ensure the prosperity and
5 independence of the nation and free the people from poverty through policies that
6 provide adequate social services, promote full employment, raises the standard of living,
7 and improve the quality of life, appropriate measures in developing social protection
8 programs and allowances that recognize the additional costs associated with disability
9 shall be undertaken.

10 Towards this end, the State shall establish a Disability Support Fund to augment
11 local government units' assistance for their disability-specific and mainstreamed
12 programs and services, targeting persons with disabilities to support their need to access
13 services and new skills, leading to social and economic productivity and allowing them
14 to gain greater independence and become contributing members in nation-building.

15 In pursuit of these ends, disability support assistance shall be extended to
16 indigent persons with disabilities to cover part of the disability-related extra costs
17 generated by their disability-specific needs and barriers resulting from inaccessibility of
18 facilities and services.

19 *Sec. 3. Definition of Terms. -*

20 a) "Disability" is an umbrella term for impairments, activity limitations and
21 participation restrictions, referring to the negative aspects of interaction
22 between an individual with health condition and contextual factors.

23 b) "Barriers" are anything that hinders persons with disabilities from enjoying or
24 exercising all human rights and fundamental freedoms in the political,
25 economic, social, cultural, civil, or any other field, on an equal basis with
26 others. Barriers in all its forms encompass inaccessible physical environments
27 and transportation; the unavailability of assistive devices and technologies;
28 inaccessible information both in form and content; nonadaptive means of
29 communication; gaps in service delivery such as unavailability of personal
30 assistance and sign language interpretation service; discrimination including

1 denial of reasonable accommodation; attitude, prejudice, and stigma in
2 society; programs, policies, and laws infringing on the rights of persons with
3 disabilities as recognized under the
4 Convention on the Rights of Persons with Disabilities;

5 c) "Indigent" as used in this Act, is a person with disability whose income is
6 insufficient for maintenance medications, treatments, and other disability-
7 related extra costs, as identified based on specific criteria to be formulated by
8 the Department of Social Welfare and Development (DSWD), the National
9 Council of Disability Affairs (NCDA), and representatives from national
10 organizations of persons with disabilities, in accordance with the guiding
11 principles set forth in Section 2;

12 d) "Impairment" is the description of body structures that are diminished,
13 weakened or damaged. Impairments can be divided into primary and
14 secondary:

15 1. Primary impairments are motor behaviors that are directly related to
16 changes in any system. Examples: muscle tone, postural stability,
17 motor coordination. Primary impairments are any impairments that are
18 present at birth such as heart defects, endocrine diagnoses, visual
19 impairments.

20 2. Secondary impairments develop over time and frequently as a result of
21 the primary impairments. Examples: Decreased range of motion, force
22 production and endurance;

23 e) "Persons with Disability" include those who have long-term physical, mental,
24 intellectual, or sensory impairments which in interaction with various barriers
25 may hinder their full and effective participation in society on an equal basis
26 with others;

27 f) "Community Support Systems" refers to the combination of services, products,
28 and people that assist persons with disabilities to carry out daily life activities
29 and participate in their communities;

1 g) "Disability and Needs Assessment" refers to the process by which disability of
2 an individual is officially recognized for the purpose of eligibility determination
3 to diverse entitlements. It is based on a human rights model of disability, with
4 a focus on functional limitations, support requirements and barriers restricting
5 participation;

6 Persons who may fall in this definition are all other persons under the
7 disability assessment and determination system issued by the Persons with
8 Disability Affairs Office (PDAO) which will be developed under this law and
9 shall also be used in the issuance of the persons with disability ID;

10 h) "Reasonable Accommodation" means the necessary and appropriate
11 modification and adjustments so as not to impose disproportionate or undue
12 burden, and to ensure that persons with disabilities enjoy or exercise on an
13 equal basis all human rights and fundamental freedoms;

14 i) "Rehabilitation" refers to re-gaining skills, abilities or knowledge that may have
15 been lost or compromised as a result of acquiring a disability, or due to a
16 change in one's disability or circumstances. Rehabilitation means restoring
17 capacity and ability. This generally applies to an adult who has to re-adapt to
18 society after acquiring a disability;

19 j) "Habilitation" refers to a process aimed at helping people gain certain new
20 skills, abilities, and knowledge. Habilitation involves learning skills that will
21 enable a person to function in society. These kinds of programmes usually
22 target children born with disabilities;

23 k) "Progressive Realization" means undertaking measures to the maximum of its
24 available resources and, where needed, within the framework of international
25 cooperation, with a view of achieving progressively the full realization of these
26 rights, without prejudice to those obligations contained in the Convention on
27 the Rights of Persons with Disabilities that are immediately applicable
28 according to international law;

29 l) "Reasonable accommodation" means necessary and appropriate modification
30 and adjustments so as not to impose disproportionate or undue burden, and

1 to ensure that persons with disabilities enjoy or exercise on an equal basis all
2 human rights and fundamental freedoms;

3 m) "Disability-related extra costs" are the expenses subjected to a person with
4 disability based on disability-specific needs and barriers resulting from
5 inaccessibility of facilities and services. Refers to the direct (e.g., buying
6 assistive device or paying for personal assistance or sign language
7 interpretation service, or extra health care like medicines, more expensive
8 housing or transportation service, etc.) and indirect (e.g., loss productivity
9 because of longer travel time such as experienced by those who uses
10 wheelchair who need to travel by wheelchair because they cannot use the
11 cheaper public transport, family members who stop working to provide care
12 and support to persons with disabilities, etc.) costs as a result of their disability
13 that drives persons with disabilities in situation of poverty, exposure to
14 vulnerability of exclusion or restriction to participation";

15 n) "Children with Disabilities" include those individuals under the age of eighteen
16 (18) who have long-term physical, mental, intellectual or sensory impairments
17 which in interaction with various barriers may hinder their full and effective
18 participation in society on an equal basis";

19 o) "Disability-related needs" include disability-related medical supplies (e.g.,
20 medicines, catheters, diapers), medical-related services (e.g., rehabilitation
21 services, etc.) assistive products, personal assistance, sign language
22 interpreter, higher cost of accessing services because of lack of accessibility
23 (e.g., transportation cost), and others; and

24 p) "Organization of Persons with Disabilities (OPD) are led, directed and governed
25 by persons with disabilities with a clear majority of their membership being
26 recruited among persons with disabilities themselves. Examples of OPDs
27 include national organizations of women with disabilities, impairment-specific
28 organizations such as national organizations of persons of psychosocial
29 disability, parents representing children with disabilities, cross-disability
30 organizations, specific health conditions recognized under the Philippine law

1 such as patients and survivor of cancer, persons with rare diseases, and all
2 other organizations of persons with disabilities as recognized under the
3 Convention on the Rights of Persons with Disabilities.”

4 **Sec. 4. Disability Support Fund.** - The Disability Support Fund aims to address the
5 gaps in the program implementation currently undertaken at the national and at the
6 local level through programs and projects of the local government and civil society
7 organizations. Local government units and accredited non-government organizations will
8 also be assisted through funding to establish responsive services supporting independent
9 living of persons with disabilities.

10 The Disability Support Fund shall provide individuals with disabilities the
11 opportunity to avail of disability related services and have access to government
12 assistance and services for all. The Disability Support Fund shall have the following
13 components, such as, but not limited to the following:

- 14 1. Local Government Unit Establishing a Comprehensive Disability Support
15 Services through Provincial, City and Municipal Persons with Disabilities Affairs
16 Office;
- 17 2. Development of affordable and accessible Disability Support Services managed
18 by organizations of persons with disabilities; and
- 19 3. Individual Support Allowance for qualified persons with disabilities, identified
20 by the National Disability Assessment and Determination System which shall
21 be developed by a Technical Working Group led by the DSWD, DOH, DEPED,
22 and the DOLE with diverse representations from Organizations of Persons with
23 Disabilities.

24 This support shall cover expenses related to disability such as, but not limited to,
25 augmentation to transportation services, food and nutrition, disability support services
26 provided by human interventions, maintenance medicines, rehabilitation services,
27 educational needs, such as but not limited to assistive devices, technology and support
28 equipment, pre-employment and during employment services and access to
29 government assistance and services for all.

1 The Disability Support Fund shall aim to provide a regular stipend to indigent
2 persons with disabilities based on the eligibility criteria to be formulated by the DSWD,
3 the NCDA and representatives from national organizations of persons with disabilities.
4 The initial amount of Two Thousand Pesos (Php 2,000.00) a month per individual
5 beneficiary is set for the Disability Support Fund, which will be indexed to inflation to
6 preserve its positive impact on the standards of living and participation of people with
7 disabilities. This would contribute, in combination with existing social protection programs
8 and discounts to address the higher cost of transportation, housing, nutrition, hygiene
9 and temporary human assistance requirements, among others. For working age adults
10 out of work, it will provide a basic income security and will help cover disability related
11 costs for finding and keeping work.

12 The Program shall be implemented in two (2) phases starting with the existing
13 master list of LGUs who already have the ID:

- 14 a) Phase 1 - The initial phase of the Disability Support Fund Program, to be
15 implemented in the first three (3) years, shall prioritize provision of stipends
16 to:
- 17 i. Children with disabilities;
 - 18 ii. Adults with moderate and severe disability, who are facing the highest
19 barriers and disability-related costs; and
 - 20 iii. Persons with disabilities who are recipients of social protection and
21 economic empowerment programs such as but not limited to the Social
22 Pension for Indigent Senior Citizens.
- 23 b) Phase 2 - The second phase of the Program, to be implemented in the next
24 three (3) years, shall include all persons with disabilities certified as indigent
25 by the DSWD, based on the eligibility criteria to be formulated under this Act.

26 Provided, That the abovementioned programs and services on
27 counseling, capability-building of social workers, both local and national, and
28 provision of assistive equipment and devices, such as wheelchairs, and
29 prosthetic devices, among others, may be given in addition to the
30 abovementioned Program to indigent persons with disabilities.

1 Sec. 5. *Coverage.* - All indigent persons with disabilities, as certified by the DSWD,
2 based on a human rights approach, shall be covered by the provisions of this Act. Priority
3 shall initially be given to children with disabilities and adults with significant disabilities
4 who are facing the highest barriers and disability-related costs.

5 However, the aim is to eventually cover all registered persons with disabilities
6 who have either no income or have low levels of income as well as persons with
7 disabilities who face disability-related extra costs that deprive them of an adequate
8 standard of living.

9 Sec. 6. *Eligibility.* - In determining eligibility to avail of the Disability Support
10 Fund, the Disability and Needs Assessment System shall be considered, with a focus
11 on functional limitations, support requirements, and barriers to participation.

12 In recognition of the multiple forms of poverty and the extent of disability-related
13 costs required for basic participation, eligibility of persons with disabilities to avail of
14 the Disability Support Fund will be compatible, insofar as practicable, with eligibility and
15 benefits from different social protection and economic empowerment programs such
16 as, but not limited to, the Social Pension for Indigent Senior Citizens, the Fund acting
17 as a top-up for subsidizing disability-related extra costs.

18 Provided, That the DSWD may, in its discretion, adopt additional bases to achieve
19 the objectives of this Act.

20 Sec. 7. *Role of the Department of Social Welfare and Development (DSWD).* -
21 The DSWD shall be the administrator of the Disability Support Fund. All applications for
22 availing of the Fund shall be lodged with the DSWD. In partnership with the NCDA,
23 organizations of persons with disabilities, all concerned government agencies, local
24 government units thru the PDAO, and non-government organizations shall implement
25 programs and services targeting persons with disabilities.

26 All policies concerning programs and services for persons with disabilities shall be
27 reviewed and enhanced for clarity of operationalization at the local level by the DSWD.

28 Sec. 8. *Disability and Needs Assessment System.* - To effectively implement social
29 protection measures targeting persons with disabilities, a Disability Data Management
30 System shall be created and managed by the DSWD, in coordination with the

1 Department of Information and Communications Technology (DICT), and shall be linked
2 to the Community-Based Monitoring System (CBMS) which aid in the development of
3 poverty-reduction programs from local to the national level. Linkage to the National ID
4 System, and the DOH Persons with Disability Registry, which is mirrored with the
5 PhilHealth Database System shall also be done to provide real-time disability data and
6 subsidized enrolment to PhilHealth insurance.

7 *Sec. 9. Policy on Disability Identification Cards.* - The issuance of Disability
8 Identification Cards pursuant to Republic Act No. 7277, otherwise known as the "Magna
9 Carta for Persons with Disabilities," as amended, along with other relevant laws,
10 administrative issuances and local ordinances, shall incorporate the information
11 necessary for the granting of the monthly Disability Support Fund allocation to eligible
12 persons with disabilities.

13 *Sec. 10. Penal Provisions.* — The penalties shall apply to the following:

14 a. Any Person With Disability, or his/her parent or his/her relative of any degree
15 of consanguinity or affinity, or any third person found to be deliberately
16 committing any fraudulent act of enrolling a Person With Disability to the when
17 a person is not eligible shall suffer the following:

18 i. For the first violation, a fine of not less than Twenty-five thousand pesos
19 (Php 25,000) but not exceeding Fifty thousand pesos (Php 50,000);

20 ii. For any subsequent violations, a fine of not less than Fifty thousand pesos
21 (Php 50,000.00) but not exceeding One hundred thousand pesos (Php
22 100,000.00); and

23 iii. For a third and fourth violation, a revocation of any license or business
24 permit;

25 b. Any person, natural or juridical, violating any provision of this Act and its IRR,
26 except violations pertaining to Subsection a of this Section, shall be penalized
27 with a fine of not less than Fifty thousand pesos (Php 50,000.00) but not
28 exceeding One hundred thousand pesos (Php 100,000.00). If the violator is a
29 corporation, organization or any similar juridical entity, the officials directly
30 involved and responsible shall be liable therefor.

1 Sec. 11. *Monitoring.* - The DSWD, in collaboration with representatives of the
2 Organizations of Persons with Disabilities, is hereby tasked to convene an Inter-Agency
3 Committee to make an annual assessment of the implementation of this Act.

4 Sec. 12. *Appropriations.* - The amount necessary for the implementation of this
5 Act shall be included in the annual General Appropriations of the DSWD in the year
6 following its enactment into law and thereafter. The allocated budget shall gradually
7 increase in fulfillment of the progressive realization principle.

8 Sec. 13. *Implementing Rules and Regulations.* - Within one hundred and twenty
9 (120) days from the affectivity of this Act, the Department of Social Welfare and
10 Development (DSWD), in consultation with the Department of the Interior and Local
11 Government (DILG), Department of Health (DOH), Philippine Statistics Authority (PSA),
12 National Council for Disability Affairs (NCDA), National Anti-Poverty Council (NAPC),
13 representative/s from registered Organizations of Persons with Disabilities, and other
14 relevant stakeholders from government agencies and non-government organizations,
15 shall issue the necessary rules and regulations to implement the provisions of this Act.

16 Sec. 14. *Report to Congress.* - The DSWD shall annually submit a report to
17 Congress on the status of the implementation of this Act for the purpose of review and
18 recommendation of additional measures necessary for the attainment of the objectives
19 of this Act.

20 Sec. 15. *Suppletory Clause.* — The provisions of Republic Act No. 7277, otherwise
21 known as the "Magna Carta for Persons with Disabilities," as amended by Republic Act
22 No. 10754 and Republic Act No. 9442, have suppletory effect to the provisions of this
23 Act.

24 Sec. 16. *Separability Clause.* — If any provision of this Act is held invalid or
25 unconstitutional, the remainder of the law or the provision not otherwise affected shall
26 remain valid and in effect.

27 Sec. 17. *Repealing Clause.* — Any law, presidential decree or issuance, executive
28 order, letter of instruction, administrative order, rule or regulation contrary to or
29 inconsistent with the provision of this Act is hereby repealed, modified, or amended
30 accordingly.

1 **Sec. 18. *Effectivity Clause.*** — This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in two (2) newspapers of general circulation.

3 **Adopted,**