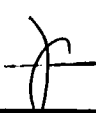


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



'16 JUL 20 P 3:28

SENATE
S.B. No. 681

RECEIVED BY: 

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

AN ACT REORGANIZING THE NATIONAL COUNCIL ON DISABILITY AFFAIRS INTO THE NATIONAL COMMISSION ON DISABILITY AFFAIRS, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

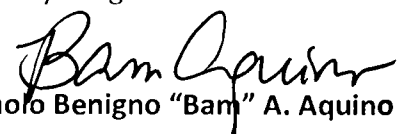
About 1.5% of our population is reported as persons with disabilities. Although 1.5% appears to be a small number, our fast growing population of over 100 million means that over 1.5 million Filipinos are living with disabilities or conditions that require special assistance or accommodation.

Our fellow citizens with disabilities are currently represented by the National Council on Disability Affairs (NCDA), which was created in 1981 and tasked with overseeing the implementation of policies related to Persons with Disability (PWD). NCDA operates under the Office of the President, following an Executive Order by the President in 2008.

This bill seeks to reorganize the National Council on Disability Affairs to a National Commission on Disability Affairs. The leap from council to commission will institutionalize the mandate of the government agency to address the concerns and needs of persons with disabilities. With Commissioners from DOH, DSWD, DepEd, CHED and TESDA, as well as Regional Directors for each region in the country, a National Commission on Disability Affairs will have a larger capacity and more support to collect data, identify needs and formulate policies relating to PWDs. Through this Commission, the policies formulated and recommended would be more holistic through consultations with all stakeholders and would better serve the needs of our PWDs throughout different stages of integration into society.

PWDs benefit greatly from having a stable institution that looks after their well-being and holistic integration in society at all stages of life. Our nation can certainly benefit from harnessing the talents that PWDs have to offer, if only they are properly supported and given the assistance they need to be productive citizens.

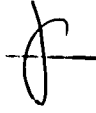
In view of the foregoing the passing of this bill is earnestly sought.


Senator Paolo Benigno "Bam" A. Aquino IV

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

1 **SECTION 1. Short Title.** — This Act shall be known as the "*National Commission on*
2 *Disability Affairs Act.*"

3 **SEC. 2. Declaration of Policy.** — The State recognizes that persons with disabilities
4 are part of Philippine society and are thus entitled to the same rights as other people. It is
5 hereby declared the policy of the State to support, protect, and promote the rights of
6 persons with disabilities. Towards this end, the State shall establish a National Commission
7 on Disability Affairs to formulate policies and coordinate activities for persons with
8 disabilities.

9 **SEC. 3. National Commission on Disability Affairs.** — There is hereby created a
10 National Commission on Disability Affairs, hereinafter referred to as the Commission. It shall
11 be attached to the Office of the President.

12 **SEC. 4. Mandate.** — The Commission shall be the national government agency to
13 formulate policies and coordinate activities of all agencies, whether public or private,
14 concerning disability issues and concerns. It shall be the lead agency tasked to steer the
15 course of program development for persons with disabilities and the delivery of services to
16 the sector.

17 **SEC. 5. Powers and Functions.** — The Commission shall exercise the following
18 powers and functions to carry out its mandate:

19 (a) Prepare and adopt an integrated and comprehensive long-term National
20 Rehabilitation Plan, which will ensure the formulation and implementation of programs and
21 projects to promote the rehabilitation, self-reliance, and development of persons with
22 disabilities;

1 (b) Conduct consultative meetings and prepare symposia with all stakeholders, and
2 undertake program evaluation and monitoring to ensure that comprehensive,
3 relevant and timely programs and services are adequate and accessible to persons
4 with disabilities;

5 (c) Identify and immediately address gaps in the implementation of programs and
6 laws benefitting persons with disabilities, especially the Magna Carta for Disabled
7 Persons, as amended;

8 (d) Formulate strategic interventions and provide an expeditious response to address
9 the immediate concerns of persons with disabilities;

10 (e) Propose new policies and new legislation, or amendments to existing ones, that
11 will ensure the attainment of its objectives;

12 (f) Act as overall coordinating body to rationalize the functions and activities of
13 government agencies, private entities, and international organizations operating in
14 the Philippines, and the enforcement of laws related to and affecting persons with
15 disabilities;

16 (g) Establish, develop, and maintain a data bank on disabilities in partnership with
17 concerned government agencies and non-government organizations and strengthen
18 the referral services to ensure availability of data to stakeholders and services to
19 persons with disabilities including provision of assistive devices;

20 (h) Act as a national consultative and advisory body to the President on matters
21 within its competence;

22 (i) Facilitate the conduct of fund-raising activities and formulate innovative schemes
23 to ensure funding support for major activities for the sector;

24 (j) Educate and reorient the general public in its attitude and thinking with regards to
25 persons with disabilities;

26 (k) Submit quarterly reports to the Congress.

27 **SEC. 6. Composition.** — The Commission shall be composed of the following
28 members:

29 (a) A Chairperson who shall be appointed by the President;

30 (b) The Secretaries of the following Departments who shall sit in the Commission as
31 *ex-officio* members: Department of Health (DOH), Department of Social Welfare and
32 Development (DSWD), Department of Education (DepEd), Technical Education and
33 Skills Development Authority (TESDA), and Commission on Higher Education (CHED).

34 The Secretaries mentioned are authorized to designate an Undersecretary to
35 represent them.

1 (c) Private sector representatives selected from the following sectors:

2 (1) Learning Disabilities;

3 (2) Intellectual Disabilities;

4 (3) Developmental Disabilities;

5 (4) Hearing Impairment;

6 (5) Visual Impairment;

7 (6) Physical and Mobility Impairments;

8 (7) Emotional/Behavioral Disorders;

9 (8) Multi-handicaps;

10 (9) Pervasive Developmental Disorders.

11 The incumbent members of the Commission, however, shall continue in office unless
12 replaced or removed from office by the President.

13 **SEC. 7. Chairperson.** — The Chairperson shall be appointed by the President, subject
14 to confirmation by the Commission on Appointments. The Chairperson shall have the
15 following duties and responsibilities:

16 (a) Call and preside over the meetings of the Commission;

17 (b) Manage and administer the affairs of the Commission;

18 (d) Monitor the implementation of policies approved by the Commission;

19 (e) Sign communications for the Commission and represent the Commission
20 whenever necessary;

21 (f) Solicit and accept, on behalf of the Commission, gifts, grants, or donations in
22 accordance with government rules, regulations and policies;

23 (g) Execute contracts in the pursuit of the Commission's objectives as may be
24 authorized by the Commission, in accordance with government rules and
25 regulations; and

26 (h) Organize permanent or ad-hoc committees, consisting of members of the
27 Commission or such other experts as are deemed necessary for the discharge of
28 functions and objectives of the Commission.

1 **SEC. 8. Executive Director.** The Chairperson shall be assisted by an Executive
2 Director, who shall be appointed by the Chairperson. The Executive Director shall
3 have the following duties and responsibilities:

4 (a) Administer the affairs of the Commission;

5 (b) Implement policies, plans, and programs approved by the Commission;

6 (c) Exercise direct supervision and control over all the organizational units placed
7 under his/her jurisdiction including recommending to the Chairperson the
8 appointment of personnel of the Commission and disciplinary actions as may be
9 necessary for the effective management of the Commission;

10 (d) Represent the Commission in administrative and legislative bodies and in
11 conferences and seminars that require the participation of the Commission;

12 (e) Prepare and submit to the Commission the annual report on the operations of
13 the Commission and such other reports as may be required by the Commission;
14 and

15 (f) Perform such other functions as may be provided by law.

16 **SEC. 9. Deputy Executive Directors.** — The Executive Director shall be assisted by
17 two Deputies: a Deputy Executive Director for Administration and a Deputy
18 Executive Director for Operations. The Deputy Executive Directors shall be appointed
19 by the Chairperson.

20 **SEC. 10. Qualifications.** — No person shall be appointed Chairperson, Executive
21 Director, or Deputy Executive Director of the Commission unless he or she is a citizen
22 and resident of the Philippines, of good moral character, of proven integrity, and
23 with at least seven (7) years of competence and expertise in delivering service to
24 persons with disabilities.

25 **SEC. 11. Regional Directors.** — The Commission shall have one Regional Director for
26 every region who shall supervise the official activities of all provinces, cities, and
27 municipalities under the jurisdiction of the concerned region. He/she shall be the
28 primary coordinating and overseeing authority over the Persons with Disability
29 Affairs Office (PDAO) established by local government units (LGUs). The Regional
30 Director may be assisted by one (1) Assistant Regional Director. The Regional
31 Director shall have, within their respective administrative regions, the following
32 functions:

33 (a) Implement laws, policies, plans, programs, projects, rules, and regulations of the
34 Commission;

35 (b) Provide efficient and effective service to the people;

1 (c) Coordinate with regional offices of other departments, offices, and agencies;

2 (d) Coordinate with the LGUs and their PDAOs; and

3 (e) Perform such other functions as may be provided by law or assigned by the
4 Chairperson.

5 **SEC. 12. Sectoral and Industry Task Forces.** — The Commission may create sectoral
6 and industry task forces, technical working groups, advisory bodies, or committees
7 for the furtherance of its objectives. Additional private sector representatives, such
8 as from the academe, civil society organizations, and federation of private industries
9 directly involved with persons with disabilities, as well as representatives of other
10 LGUs and government-owned and -controlled corporations (GOCCs) may be
11 appointed to these working groups. Government disability affairs professionals may
12 also be tapped to partake in the work of the Commission through these working
13 groups.

14 **SEC. 13. Structure and Staffing Pattern.** — Subject to the approval of the
15 Department of Budget and Management (DBM), the Commission shall determine its
16 organizational structure and create new divisions or units as it may deem necessary,
17 and shall appoint officers and employees of the Commission in accordance with the
18 civil service law, rules, and regulations.

19 **SEC. 14. Implementing Rules and Regulations.** — Within sixty (60) days from the
20 effectivity of this Act, the National Council on Disability Affairs (NCDA), Department
21 of Budget and Management (DBM) and other relevant government agencies, shall
22 promulgate the necessary rules and regulations for the effective implementation of
23 this Act.

24 **SEC. 15. Appropriations.** — The funds needed to initially implement this Act shall be
25 included in the current fiscal year's appropriation of the National Council on
26 Disability Affairs. Thereafter, the amount needed for the operation and maintenance
27 of the Commission shall be included in the General Appropriations Act.

28 **SEC. 16. Separability Clause.** — Should any provision herein be declared
29 unconstitutional, the same shall not affect the validity of the other provisions of this
30 Act.

31 **SEC. 17. Repealing Clause.** — All laws, decrees, orders, rules, and regulations or
32 other issuances or parts inconsistent with the provisions of this Act are hereby
33 repealed or modified accordingly.

34 **SEC. 18. Effectivity.** — This Act shall take effect fifteen (15) days after its publication
35 in the Official Gazette or in any two (2) newspapers of general circulation in the
36 Philippines.

37 *Approved,*