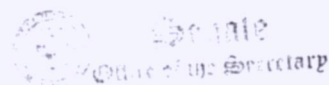


**EIGHTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES**
First Regular Session

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SENATE
S.B. NO. 565

19 JUL 17 P2:46

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.

In the past, 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

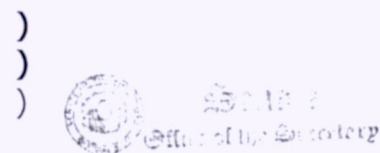
police to bodily drag said PWD who was protesting the treatment of the mall on his person.

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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**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**

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

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

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

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

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

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

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

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

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

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

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

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

"Section 34. Public Transportation. – It shall be considered discrimination for the franchises or operators and personnel of sea, land, and air transportation facilities to charge

1 higher fare or to refuse to convey a passenger, his orthopedic
2 devices, personal effects, and merchandise by reason of his
3 disability.

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5 AN UNREASONABLE DENIAL OF TRANSPORTATION TO
6 GUIDE ANIMALS OF THE CONCERNED PERSON WITH THE
7 DISABILITY SHALL BE CONSIDERED AS AN ACT OF
8 DISCRIMINATION.”

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10 Sec. 5. Section 36 of RA 7277 is hereby amended to read as follows:

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12 “Sec. 36. Discrimination on the Use of Public
13 Accommodations. – (a) No person with disability shall be
14 discriminated on the basis of disability in the full and equal
15 enjoyment of the goods, services, facilities, privileges,
16 advantages or accommodations of any place of public
17 accommodation by any person who owns, leases, or operates a
18 place of public accommodation. The following constitute acts of
19 discrimination:

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21 (1) denying a person with disability, directly or through
22 contractual licensing or other arrangement, the opportunity to
23 participate in or benefit from the goods, services, facilities,
24 privileges, advantages, or accommodations of an entity by
25 reason of his disability;

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27 (2) affording a person with disability, on the basis of his
28 disability, directly or through contractual, licensing, or other
29 arrangement, with the opportunity to participate in or benefit
30 from a good service, facility, privilege, advantage, or

1 accommodation that is not equal to that afforded to other able-
2 bodied persons; and

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4 (3) providing a person with disability, on the basis of his
5 disability, directly or through contractual, licensing, or other
6 arrangement, with a good, service, facility, advantage,
7 privilege, or accommodation that is different or separate from
8 that provided to other able-bodied persons unless such action is
9 necessary to provide the persons with disability with a good,
10 service, facility, advantage, privilege, or accommodation, or
11 other opportunity that is as effective as that provided to others;

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13 (4) DENYING A PERSON WITH DISABILITY, ACCESS OR
14 USE OF PUBLIC ACCOMODATIONS ON THE GROUND THAT HE
15 IS ACCOMPANIED BY A GUIDE ANIMAL.

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17 For purposes of this Section, the term "individuals or
18 class of individuals" refers to the clients or customers of the
19 covered public accommodation that enters into the contractual,
20 licensing or other arrangement.

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22 *Sec. 6. Implementing Rules and Regulations.* – The DSWD in coordination
23 with relevant government agencies shall issue the necessary implementing rules
24 and regulations within ninety (90) days from the approval of this Act.

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26 *Sec. 7. Separability Clause.* – If any provision or part of this Act, or the
27 application thereof to any person or circumstance be held unconstitutional or be
28 invalid, such parts affected thereby shall remain in full force and effect.

1 Sec. 8. *Repealing Clause.* – All laws, decrees, executive orders,
2 proclamations, rules and regulations, and other issuances, or parts thereof
3 inconsistent with the provisions of this Act are hereby repealed or modified
4 accordingly.

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6 Sec. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its
7 complete publication in at least two (2) newspapers of general circulation.

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9 Approved,