

SENATE

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P. S. RES. NO. 534

RECEIVED BY: 

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF IMPLEMENTATION OF BATAS PAMBANSA BILANG 344, OTHERWISE KNOWN AS THE ACCESSIBILITY LAW, AND REPUBLIC ACT NO. 7277, OR THE MAGNA CARTA FOR DISABLED PERSONS

WHEREAS, the Constitution, Article II, Section 11 states that “[t]he State values the dignity of every human person and guarantees full respect for human rights”;

WHEREAS, Batas Pambansa Blg. 344, entitled, “An Act to Enhance the Mobility of Disabled Persons by requiring certain Buildings, Institutions, Establishments and Public Utilities to Install Facilities and other Devices”, otherwise known as the “Accessibility Law”, recognized “the rights of disabled persons to participate fully in the social life and the development of the societies in which they live and the enjoyment of the opportunities available to other citizens”¹;

WHEREAS, in order to promote said rights, B.P. Blg. 344, which took effect on 25 February 1983, provides that “no license or permit for the construction, repair or renovation of public and private buildings for public use, educational institutions, airports, sports and recreation centers and complexes, shopping centers or establishments, public parking places, work-places, public utilities, shall be granted or issued *unless the owner or operator thereof shall install and incorporate in such building, establishment, institution or public utility, such architectural facilities or structural features as shall reasonably enhance the mobility of disabled persons such as sidewalks, ramps, railings and the like....*”²;

WHEREAS, Section 2 further provides that, “[i]f feasible, all such existing buildings, institutions, establishments, or public utilities to be constructed or established for which licenses or permits had already been issued may comply with the requirements of this law: *Provided*, further, That in case of government buildings, street and highways, the Ministry of Public Works and Highways shall see to it that the same shall be provided with architectural facilities or structural features for disabled persons...”;

¹ Section 1, B.P. Blg. 344.

² *Ibid.*, emphasis supplied.

WHEREAS, Republic Act No. 7277, also known as the Magna Carta for Disabled Persons, echoed and expanded on the foregoing, by providing in Section 2(b) thereof that “[d]isabled persons have the same rights as other people to take their proper place in society”, that “[t]hey should be able to live freely and as independently as possible,” that “[t]his must be the concern of everyone – the family, community and all government and non-government organizations,” and that “[d]isabled persons’ rights must never be perceived as welfare services by the Government”;

WHEREAS, Section 2(e) further provides that, “[t]he State shall exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to disabled persons”;

WHEREAS, Chapter 6 of the same law specifically reiterated and reinforced B.P. Blg. 344, which is expressly made supplementary thereto,³ stating in part that “[t]he national and local government shall allocate funds for the provision of architectural or structural features for disabled persons in government buildings and facilities”,⁴ and that “[t]he Department of Social Welfare and Development ... shall also allocate such funds as may be necessary for the effective implementation of the public transport program for the disabled persons”⁵;

WHEREAS, the Philippines has been a state party to the Convention on the Rights of People with Disabilities since 2008;

WHEREAS, according to the latest Persons With Disabilities (PWD) census conducted by the Philippine Statistics Authority (PSA) seven years ago (2010 PWD census), 16 out of 1,000 Filipinos (or 1.57% of the total Philippine Population at the time) have a disability⁶;

WHEREAS, although both B.P. Blg. 344 and R.A. No. 7277, as amended, provide that the State shall ensure the attainment of a barrier-free environment that will enable disabled persons to have access in public and private buildings and establishments and shall promote the mobility of disabled persons, it is nonetheless apparent that most public and private buildings, transportation facilities and other establishments do not comply with the law;

WHEREAS, last 27 March 2015, *Mindanao Times* reported that “[t]he National Council on Disability Affairs scored [local government units (LGUs)] from all over the country a 2 out of 10 in terms of compliance of accessibility laws and the implementation of guidelines governing employment and assistance for persons with disability”⁸;

³ Section 27, R.A. No. 7277.

⁴ Section 25.

⁵ Section 27.

⁶ Persons with disabilities: Status in the Philippines. Retrieved from <http://www.manilatimes.net/many-govt-offices-not-pwd-friendly/158093/>. Accessed 19 September 2017.

⁸ Ocampo, Yas D. “Compliance of Accessibility Law for PWDs Lacking” (*Mindanao Times*). Retrieved from <http://mindanaotimes.net/compliance-of-accessibility-law-for-pwds-lacking/>. Accessed on 25 September 2017.

WHEREAS, on 30 June 2016, *SunStar Baguio* reported that Baguio City Councilors Arthur Allad-iw and Edgar Avila made the observation that they “see a lot of establishments, even public buildings not adhering to the accessibility law,” and that “[e]xisting ramps at City Hall would not suffice to make offices and services accessible to the public particularly the Persons with Disabilities (PWDs) and the elderlies”⁹;

WHEREAS, a study conducted on the mobility of PWDs in Cainta, Rizal revealed that the footbridges, staircases and sidewalks are not PWD-friendly especially for those with crutches, walking canes and other mobility aids¹⁰;

WHEREAS, on 10 August 2017, *Esquire Philippines*, quoted Ed Geronia Jr., a PWD, saying that “[t]here are still obstacles that PWDs have to deal with on a daily basis, not counting the societal barriers,” citing that “[t]here are ramps that are too steep or too narrow for wheelchair users, PWD parking slots that get swiped by the able bodied, PWD toilets that are under lock and key, elevator buttons and signs that lack Braille markings, non-audible pedestrian crossings, and sidewalks without tactile paving and truncated domes”¹¹;

WHEREAS, the same article further stated that, “[i]f a lot of the streets in Metro Manila are quite hostile even for normal pedestrians, imagine how much the dangers are multiplied for PWDs. For every widely spaced, ISO-compliant sidewalk ramp in places such as BGC, there are several hazardous and substandard ramps in other cities that are just made for minimum compliance”¹²;

WHEREAS, a 2015 undergraduate thesis showed that even a state-owned educational institution like the University of the Philippines is non-compliant, “[w]ith most buildings [in the Diliman campus] built before the Accessibility Law passed in 1983 [lacking] structural features for accessibility such as ramps, railings, proper signage, and designated parking spots” and with even some new buildings also being non-compliant¹³;

WHEREAS, there are other countless other illustrations of non-compliance with B.P. Blg. 344 and R.A. No. 7277 all over the country;

WHEREAS, non-compliance by any establishment, and most especially those that render or offer basic and critical services to the public, automatically deprives

⁹ Polonio, Jessa Mardy. “City slammed for PWD inaccessibility” (*SunStar Baguio*). Retrieved from <http://www.sunstar.com.ph/baguio/local-news/2016/06/30/city-hall-slammed-pwd-inaccessibility-482562>. Accessed on 25 September 2017

¹⁰ Pajarin, J.B., Soriano, C.M. and Regidor, J.R. (n.d.) “Assessment of Mobility of Persons with Disabilities (PWDs) in Cainta, Rizal”. Retrieved from <http://ncts.upd.edu.ph/tssp/wp-content/uploads/2017/07/TSSP2017-02-Pajarin-Soriano-and-Regidor.pdf>. Accessed on 29 September 2017.

¹¹ Geronia, Ed Jr. “Life as a PWD in the Philippines” (*Esquire Philippines*). Retrieved from <http://www.esquiremag.ph/culture/lifestyle/the-life-of-a-pwd-in-the-philippines-a1760-20170810-lfrm>. Accessed on 25 September 2017.

¹² *Ibid.*

¹³ Enano, Jhesset Thrina O. “*Padayon U.P. para sa P.W.D: An investigative study on the admission and accessibility of the University of the Philippines Diliman for persons with disabilities*” (2015). Retrieved from <http://iskwiki.upd.edu.ph/flipbook/viewer/?fb=2010-18626-Jhesset-#page-1>. Accessed on 18 September 2017.

persons with disabilities with opportunities to avail of essential services and, ultimately, to “participate fully in the social life and the development of the societies in which they live and the enjoyment of the opportunities available to other citizens;”

WHEREAS, for the sake of our countrymen with disabilities, there is need to examine the level of implementation and enforcement of B.P. 344 and to look into possible corrective legislation to ensure that it is adequately enforced;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved, in view of the foregoing reasons and circumstances, to direct the appropriate committee to conduct an inquiry on the status of implementation of Batas Pambansa Bilang 344, otherwise known as the “Accessibility Law”, and Republic Act No. 7277 also known as the “Magna Carta for Disabled Persons”, with the end in view of legislating measures that will increase accessibility and mobility of PWDs.

Adopted,


LEILA M. DE LIMA