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S E N A T E
S. NO. 1602

(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, Dela Rosa, Revilla Jr., Hontiveros and Marcos 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 the House of Representatives of the Philippines in Congress assembled:

- 1 Section 1. *Title.* - This shall be known as "*Disability Support Fund Act*".
- 2 Sec. 2. *Declaration of State Policy.* – The Philippines as a State Party to the United
3 Nations Convention on the Rights of Persons with Disabilities (UNCRPD) recognizes all
4 the rights of persons with disabilities and shall take effective and appropriate measures
5 to respect, protect, and fulfill the full enjoyment by persons with disabilities of these rights
6 such as but not limited to access to habilitation and rehabilitation services, participation
7 in socio-economic activities, access to a range of in-home, residential and other
8 community support services, including personal assistance, learning and assistive devices
9 and technology necessary to support living independently and inclusion in the community,
10 and to prevent isolation or segregation from the community.
- 11 Towards this end, the State shall establish a disability support fund to provide social
12 assistance to persons with disabilities for the support they need, to augment local
13 government units fund for their disability-specific and mainstreamed programs and
14 services targeting persons with disabilities and to support NGOs and organizations of

1 persons with disabilities initiatives on programs and services that are in support of
2 governmental functions relative to development and empowerment of persons with
3 disabilities.

4 *Sec. 3. Definition of Terms.*

- 5 a) Disability is an evolving concept that results from the interaction between persons
6 with impairments and attitudinal and environmental barriers that hinder their full and
7 effective participation in society on an equal basis with others;
8
- 9 b) Barriers are anything that hinders persons with disabilities from enjoying or exercising
10 all human rights and fundamental freedoms in the political, economic, social, cultural,
11 civil, or any other field, on an equal basis with others. Barriers in all its forms
12 encompass inaccessible physical environments and transportation; the unavailability
13 of assistive devices and technologies; inaccessible information both in form and
14 content; non-adaptive means of communication; gaps in service delivery such as
15 unavailability of personal assistance and sign language interpretation service;
16 discrimination including denial of reasonable accommodation; attitude, prejudice, and
17 stigma in society; programs, policies, and laws infringing on the rights of persons
18 with disabilities as recognized under the Convention on the Rights of Persons with
19 Disabilities;
- 20 c) Handicap refers to a disadvantage for a given individual resulting from an impairment
21 or a disability, that limits or prevents the functions or activity, that is considered
22 normal given the age and sex of the individual;
- 23 d) Impairment is any loss, diminution or aberration of psychological, physiological, or
24 anatomical structure of function;
- 25 e) Indigent Person with Disability refers to a person with disability who is frail, sickly,
26 and without pension or permanent source of income, or regular support from his/her
27 relatives to meet his/her basic needs;
- 28 f) Persons with Disability include those who have long-term physical, mental,
29 intellectual, or sensory impairments which in interaction with various barriers may
30 hinder their full and effective participation in society on an equal basis with others.

1 Persons who may fall in this definition are, but not limited to, the following: persons
2 with psychosocial disability, persons with autism, persons with down syndrome,
3 persons who are blind, persons with low vision, persons hard of hearing, the deaf,
4 persons with rare diseases, and all other persons who will be certified under the
5 disability assessment and determination system;

6 i. Psychosocial disability refers to any acquired behavioral, cognitive, emotional, or
7 social impairment that limits one or more activities necessary for effective
8 interpersonal transactions and other civilizing processes or activities for daily
9 living, such as but not limited to deviancy or antisocial behavior;

10 ii. Disability due to chronic illness refers to a health condition that lasts for a long
11 time. It may get slowly worse over time or may become permanent or it may
12 lead to death. It may cause permanent change to the body and will certainly
13 affect the person's quality of life;

14 iii. Learning disability means any disorder in one or more of the basic psychological
15 processes (perception, comprehension, thinking, etc.) involved in understanding
16 or in using spoken or written language;

17 iv. Mental disability is a disability resulting from an organic brain syndrome (i.e.,
18 mental retardation, acquired lesions of the central nervous system, or dementia)
19 and/or mental illness (psychotic or non-psychotic disorder);

20 v. Visual disability is the impairment of visual functioning even after treatment
21 and/or standard refractive correction, with visual acuity in the better eye of less
22 than 6/18 for low vision and 3/60 for blind, or a visual field of less than 10
23 degrees from the point of fixation. A certain level of visual impairment is defined
24 as legal blindness. One is legally blind when the best corrected central visual
25 acuity in the better eye is 6/60 or worse or side vision of 20 degrees or less in
26 the better eye;

27 vi. Communication disability refers to an impairment in the process of speech,
28 language or hearing, further broken down into two types: (a) Hearing

1 Impairment which is a total or partial loss of hearing function which impedes the
2 communication process essential to language, educational, social and/or cultural
3 interaction; and (b) Speech and Language Impairment which means one or more
4 speech/language disorders of voice, articulation, rhythm and/or the receptive or
5 and expressive processes of language.

6 g) Disability Assessment and Determination means the process by which disability of an
7 individual is officially recognized for the purpose of eligibility determination to diverse
8 entitlements. It is based on a human rights model of disability, with a focus on
9 functional limitations, support requirements and barriers restricting participation.

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

14 i) Disability Support Services means support services provided where a condition,
15 disability or illness has been, or is likely to be, present for six (6) months or more,
16 excluding surgical or medical treatment;

17 j) Rehabilitation refers to the action of restoring someone to health or normal life
18 through training and therapy after imprisonment, addiction, or illness; and

19 k) Habilitation means educating people-with functional limitations so that they can live
20 in society more easily.

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

27 The Disability Support Fund shall aim to provide a regular stipend to persons with
28 disabilities based on the eligibility criteria to be formulated by the DSWD. The initial
29 amount of Two Thousand Pesos (Php2,000.00) a month per individual beneficiary is set

1 for the disability support fund, which will be indexed to inflation to preserve its positive
2 impact on the standards of living and participation of people with disabilities. This would
3 contribute, in combination with existing social protection programs and discounts to
4 address the higher cost of transportation, housing, nutrition, hygiene and temporary
5 human assistance requirements, among others. For working age adults out of work, it
6 will provide a basic income security and will help cover disability related costs for finding
7 and keeping work.

8 The Program shall be implemented in three (3) phases:

9 a) Phase 1 - The initial phase of the Disability Support Allowance Program, to be
10 implemented in the first three (3) years, shall prioritize provision of stipends to:

- 11 i. Children with disabilities;
- 12 ii. Adults with moderate and severe disability, who are facing the highest
13 barriers and disability-related costs;

14
15 Persons with disabilities who are recipients of social protection and
16 economic empowerment programs such as but not limited to the Pantawid
17 Pamilya Pilipino Program (4Ps) and Social Pension for Indigent Senior
18 Citizens.

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

23 c) Phase 3 The third phase, to be realized six (6) years after the start of the
24 Program's implementation, shall endeavor to progressively cover all persons with
25 disabilities.

26 Sec. 5. *Coverage.* - All persons with disabilities, as certified under the Disability
27 Assessment and Determination System, that is based on a human rights approach, shall
28 be covered by the provisions of this Act. Priority shall initially be given to children with

1 disabilities and adults with significant disabilities who are facing the highest barriers and
2 disability-related costs.

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

7 *Sec. 6. Eligibility.* - Eligibility to the disability support fund will be based solely on
8 Disability Assessment and Determination with a focus on functional limitation, support
9 requirements, and barriers to participation, irrespective of income, work status or access
10 to other social protection benefits.

11 In recognition of the multiple forms of poverty and the extent of disability-related
12 costs required for basic participation, eligibility of persons with disabilities to the disability
13 support fund will be compatible with eligibility and benefits from different social
14 protection and economic empowerment programs such as but not limited to the
15 Pantawid Pamilya Pilipino Program (4Ps) and Social Pension for Indigent Senior Citizens,
16 the disability allowance acting as a top-up for subsidizing disability-related extra costs.

17 *Provided,* That the DSWD, in consultation with the NCDCA, may, in its discretion,
18 adopt additional bases to achieve the objectives of this Act.

19 *Sec. 7. Role of National Council on Disability Affairs as Administrator for the*
20 *Disability Support Fund.* - The National Council on Disability Affairs (NCDCA) shall be the
21 administrator of the Disability Support Fund. In partnership with organizations of persons
22 with disabilities, all concerned government agencies, local government units thru Persons
23 with Disability Affairs Office (PDAO), non-government organizations shall implement
24 programs and services targeting persons with disabilities.

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

27

1 *Sec. 8. Disability Data Management System.* - To effectively implement social
2 protection measures targeting persons with disabilities, a Disability Data Management
3 System shall be put up and shall be linked to the Community-Based Monitoring System
4 (CBMS) which aid in the development of poverty-reduction programs from local to the
5 national level. Linkage to the National ID System, and the DOH Persons with Disability
6 Registry, which is mirrored with the PhilHealth Database System shall also be done to
7 provide real-time disability data and subsidized enrolment to PhilHealth insurance.

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

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

15 a. Any PWD, or his/her parent or his/her relative of any degree of consanguinity
16 or affinity, or any third person found to be deliberately committing any fraudulent act of
17 enrolling a PWD to the program when said person is not indigent shall suffer the
18 following:

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

21 ii. For any subsequent violation, a fine of not less than Fifty thousand pesos
22 (Php 50,000) but not exceeding One hundred thousand pesos (Php
23 100,000).

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

1 similar juridical entity, the officials directly involved and responsible shall be liable
2 therefor.

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

6 Sec. 12. *Appropriations.* - The amount necessary for the implementation of this
7 Act shall be included in the annual General Appropriations of the year following its
8 enactment into law and thereafter. The initial amount of which shall be determined by
9 the Department of Social Welfare and Development (DSWD), the National Council of
10 Disability Affairs (NCDA), and representatives from other major stakeholders including
11 organizations of persons with disabilities. The allocated budget for the first year of its
12 operation shall gradually increase in fulfillment of the progressive realization principle.

13 Sec. 13. *Implementing Rules and Regulations.* - Within one hundred and twenty
14 (120) days from the affectivity of this Act, the Department of Social Welfare and
15 Development, in consultation with the National Council on Disability Affairs, Department
16 of Interior and Local Government, Department of Health, Philippine Statistics Authority,
17 Organizations of Persons with Disabilities, and other relevant stakeholders from
18 government agencies and non-government organizations, shall issue the necessary rules
19 and regulations to implement the provisions of this Act.

20 Sec. 14. *Report to Congress.* - The Department of Social Welfare and Development
21 and National Council on Disability Affairs shall annually submit a report to Congress on
22 the status of the implementation of this Act for the purpose of review and
23 recommendation of additional measures necessary for the attainment of the objectives
24 of this Act.

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

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

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

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

10 *Adopted,*

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