

HONORABLE IMEE R. MARCOS

Chairperson
Committee on Social Justice, Welfare
and Rural Development
Senate of the Philippines
Pasay City

Dear **Senator MARCOS**,

This has reference to the filed **Senate Bill No. 31** entitled: *“An Act Providing for the Social Pension of Indigent Persons with Disability and Providing Funds Therefore,”* introduced by Senator Manuel M. Lapid.

The Department of Social Welfare and Development lauds the author of Senate Bill No. 31, however, we do note that the bill needs to be further reviewed and studied. We are concerned with the long term goal of this bill as it appears that the provision of a monthly subsidy to Persons with Disability would be interpreted merely as another dole-out from the government. Thus, we encourage the author of the bill to also consider the long- term impact of these grants and focus more on capacitating our indigent Persons with Disability to be self-sufficient and independent in the long run through improved programs and innovative strategies.

In addition, the Department respectfully submits the following comments and recommendations to contribute to the bill’s enhancement:

1. Under **Section 3 - Definition of Terms:**

1.1 Adopt the definition of Persons with Disability as specified under Republic Act No. 10524 or the Amendments to the Magna Carta for Persons with Disability and its Implementing Rules and Regulations (IRR) to be read as:

“PERSONS WITH DISABILITY – INCLUDE THOSE WHO HAVE LONG TERM PHYSICAL, MENTAL, INTELLECTUAL OR SENSORY IMPAIRMENTS WHICH IN INTERACTION WITH VARIOUS BARRIERS MAY HINDER THEIR FULL AND EFFECTIVE PARTICIPATION IN SOCIETY ON AN EQUAL BASIS WITH OTHERS.”

1.2 On **item (d) - Indigent Persons with Disability:** The authors should review including this definition, which precludes Persons with Disability with more than one layer of vulnerability from receiving more than one form of pension or other assistance from the government. While it is recognized that government funds for interventions are limited, it must be likewise

acknowledged that a Persons with Disability can have multiple layers of vulnerabilities. They can be a person with a disability and at the same time, senior citizens, indigenous people, or children.

1.3 Include the different types of disability as defined by the Department of Health (DOH), since these are some of the determinants of the needs of Persons with Disability:

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

1.3.2 Disability due to chronic illness - a group of health conditions that last a long time. It may get slowly worse over time or may become permanent or it may lead to death. It may cause permanent change to the body and it will certainly affect the person's quality of life;

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

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

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

1.3.6 Orthopedic disability - disability in the normal functioning of the joints, muscles or limbs; and

1.3.7 Communication disability - and impairment in the process of speech, language or hearing, further broken down into two types: (a) Hearing Impairment is a total or partial loss of hearing function which impede the communication process essential to language, educational, social and/or cultural interaction; and (b) Speech and Language Impairment means one or more speech/language disorders of voice, articulation, rhythm and/or the receptive or and expressive processes of language.

- 1.4 Handicap is no longer used and may entail negative denotation. Consider limiting the terminologies to Persons with Disability; and
 - 1.5 Cancer patients, persons living with cancer and cancer survivors are considered as persons with disabilities under Sec. 25 of Republic Act No. 11215 or the National Integrated Cancer Control Act.
2. Under **Sec. 4. - Coverage:**
- 2.1 The National Council on Disability Affairs (NCDA) should be the lead agency as mandated to formulate policies and coordinate the activities of all agencies concerning disability issues and concerns;
 - 2.2 It may be noted that the Auxiliary Services for Persons with Disability are among the services to be devolved to local government units (LGUs) under Executive Order No. 138. The authors may consider utilizing Persons with Disability Affairs Office (PDAO) as provided for under Republic Act No. 10070 to ensure the implementation of this proposed measure;
 - 2.3 Further, the NCDA should lead a technical working group (TWG) for the creation of eligibility criteria for the qualifications of the word indigent together with the DSWD, PDAO, Department of Health (DOH), and Department of Interior and Local Government (DILG).
 - 2.4 The proposed monthly subsidy of Two Thousand Pesos (P2,000.00) may not be an equitable solution considering the different factors such as the type of disability, family income, household composition, geographical location, and ethnicity, among others that Persons with Disability have to deal with. A needs-based approach wherein the financial assistance is determined on a case to case basis may be considered instead;
 - 2.5 Consider a more comprehensive package for persons with disability to include other disability costs such as fee for rehabilitation services and personal assistant. The package may also include more sustainable interventions such as economic empowerment that would better improve the quality of life of persons with disabilities;
 - 2.6 Moreover, allocation and provision for the subsidy should be within the responsibility of the local government unit (city or municipal) and not the DSWD, in accordance with Section 17 of the Local Government Code as well as the implementation of Executive Order No. 138, series of 2022 relative to the Mandanas-Garcia ruling;
 - 2.7 This section should also state the payment scheme or the available means in which the beneficiaries could easily receive their subsidy. Due consideration and special arrangements should be considered in the

distribution of the monthly subsidy to beneficiaries, since a number of Persons with Disability may have difficulties in their mobility and even in traveling;

2.8 Certification on the capacity of persons with disability to support his or her own self would be better be implemented through the assessment of social workers at the Local Social Welfare and Development Offices (LSWDOs) of LGUs.

Even in situations that the person with disability has the capacity to support, but given his/her various needs as a person with disability, he/she might still need assistance; and

2.9 Additional documentary requirements should be lodged under the IRR that will be crafted by relevant national agencies.

3. Under **Sec. 5 - Database of Persons with Disability:**

3.1 The DOH has an existing Philippine Registry for Persons with Disabilities (PRPWD): Version 4 that should be maximized instead of creating a new database. In addition, Republic Act No. 7277 or the Magna Carta for Disabled Persons already mandates the DOH and NCDA to create the database for persons with disabilities. To enhance this existing data, the DOH and NCDA may consider including the Philippine Statistics Authority (PSA) as the data required in determining the eligibility of Persons with Disability (i.e. pension availability, permanent source of income, regular support, etc.) may be more appropriately obtained by census.

The PRPWD may be used as the basis for finalizing the list of beneficiaries. Currently, the DILG, NCDA and DOH has an ongoing development of a Joint Memorandum Circular regarding *Encoding of LGU Registered data on Persons with Disabilities to the PRPWD*. This joint issuance aims to ensure that a standard and centralized baseline data is available as reference for addressing concerns of Persons with Disabilities; and

3.2 Include the National Privacy Commission (NPC) in this section to ensure that personal information or other sensitive information will be protected and secured in the implementation of this proposed law as prescribed under RA 10173 or the Data Privacy Act of 2012

4. Under **Sec. 6 - Policy on Persons with Disability Identification Cards:** The authors may also consider reviewing and enhancing existing processes and qualifications in the issuance of persons with disability identification cards in order to properly identify qualified individuals.

5. Under **Sec. 8 - Appropriations:** The Two Billion Pesos (P2,000,000.00) proposed appropriations for this bill may not be enough given that there are accompanying administrative costs in the provision of the monthly subsidy.

6. Under **Sec. 9 - Implementing Rules and Regulations:** The NCDA should be the lead agency in the operationalization of this proposed legislative measure since it is mandated to be the policy-making, planning, monitoring and advocacy body of the government for the prevention of the causes of disability, rehabilitation and equalization of opportunities in the context of a rights-based society for persons with disabilities as provided under Republic Act No. 7277.

7. **General Comments:**


7.1 In view of the Republic Act No. 7160 or the Local Government Code, Executive Order No. 138, and the Mandanas Ruling, direct provision of basic services must be within the purview of the LGUs. It is then recommended to add a section on the implementation of the proposed law upon eventual transfer of basic functions/services to the LGUs;

7.2 Avoid abbreviating Persons with Disability into PWD as recommended during the United Nations Convention on the Rights of Persons with Disabilities in 2018 during the Geneva convention;

This is being submitted for the Chairperson's information and consideration.

Thank you.

Very truly yours,


ERWIN T. TULFO
Secretary
Date: 23 AUG 2022

cf: **HONORABLE MANUEL M. LAPID**
Senator
Senate of the Philippines