

VII. PHILIPPINES

A. Magna Carta for Disabled Persons

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REPUBLIC ACT NO. 7277

AN ACT PROVIDING FOR THE REHABILITATION,
SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED
PERSONS AND THEIR INTEGRATION INTO THE MAINSTREAM OF
SOCIETY AND FOR OTHER PURPOSES

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

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TITLE ONE

GENERAL PROVISIONS

CHAPTER 1 - Basic Principle

SECTION 1. Title. - This Act shall be known and cited as the "Magna Carta for Disabled Persons."

SECTION 2. Declaration of Policy. - The grant of the rights and privileges for disabled persons shall be guided by the following principles:

- a. Disabled persons are part of Philippine society, thus the State shall give full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society. Toward this end, the State shall adopt policies ensuring the rehabilitation, self-development and self-reliance of disabled persons. It shall develop their skills and potentials to enable them to compete favorably for available opportunities.
- b. Disabled persons have the same rights as other people to take their proper place in society. They should be able to live freely and as independently as possible. This must be the concern of everyone the family, community and all government and non-government organizations. Disabled persons' rights must never be perceived as welfare services by the Government.
- c. The rehabilitation of the disabled persons shall be the concern of the Government in order to foster their capacity to attain a more meaningful, productive and satisfying life. To reach out to a greater number of disabled persons, the rehabilitation services and benefits shall be expanded beyond the traditional urban-based centers to community based programs, that will ensure full participation of different sectors as supported by national and local government agencies.
- d. The State also recognizes the role of the private sector in promoting the welfare of disabled persons and shall encourage partnership in programs that address their needs and concerns.
- e. To facilitate integration of disabled persons into the mainstream of society, the State shall advocate for and encourage respect for disabled persons. The State shall exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to disabled persons.

SECTION 3. Coverage. - This Act shall cover all disabled persons and, to the extent herein provided, departments, offices and agencies of the National Government or non-government organizations involved in the attainment of the objectives of this Act.

SECTION 4. Definition of Terms. - For purposes of this Act, these terms are defined as follows:

- a. *Disabled Persons* are those suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being;
- b. *Impairment* is any loss, diminution or aberration of psychological, physiological, or anatomical structure or function;
- c. *Disability* - shall mean (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment;
- d. *Handicap* - refers to a disadvantage for a given individual resulting from an impairment or a disability, that limits or prevents the function or activity, that is considered normal given the age and sex of the individual;
- e. *Rehabilitation* - is an integrated approach to physical, social, cultural, spiritual, educational and vocational measures that create conditions for the individual to attain the highest possible level of functional ability;
- f. *Social Barriers* - refer to the characteristics of institutions, whether legal, economic, cultural, recreational or other, any human group, community, or society which limit the fullest possible participation of disabled persons in the life of the group. Social barriers include negative attitudes which tend to single out and exclude disabled persons and which distort roles and inter-personal relationship;
- g. *Auxiliary Aids and Services* include:
 1. qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;
 2. qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments;
 3. acquisition or modification of equipment or devices; and
 4. other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability;
- h. *Reasonable Accommodation* include (1) improvement of existing facilities used by employees in order to render these readily accessible to and usable by disabled persons; and (2) modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provision of auxiliary aids and services, and other similar accommodations for disabled persons;
- i. *Sheltered Employment* refers to the provision of productive work for disabled persons through workshops providing special facilities, income-producing projects or homework schemes with a view to giving them the opportunity to earn a living thus enabling them to acquire a working capacity required in open industry.
- j. *Auxiliary Social Services* are the supportive activities in the delivery of social services to the marginalized sectors of society;
- k. *Marginalized Disabled Persons* refer to disabled persons who lack access to rehabilitative services and opportunities to be able to participate fully in socioeconomic activities and who have no means of livelihood or whose incomes fall below the poverty threshold;
- l. *Qualified Individual with a Disability* shall mean an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires. However, consideration shall be given to the employer's judgement as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job;
- m. *Readily Achievable* means a goal can be easily attained and carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include -
 1. the nature and cost of the action;
 2. the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
 3. the overall financial resources of the covered entity with respect to the number of its employees; the number, type and location of its facilities; and
 4. the type of operation or operations of the covered entity, including the composition, structure and functions of the work force of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity;
- n. *Public Transportation* means transportation by air, land and sea that provides the public with general or special service on a regular and continuing basis;
- o. *Covered entity* means an employer, employment agency, labor organization or joint labor-management committee; and
- p. *Commerce* shall be taken to mean as travel, trade, traffic, commerce, transportation, or communication among the provinces or between any foreign country or any territory or possession and any province.

RIGHTS AND PRIVILEGES OF DISABLED PERSONS

CHAPTER 1 - Employment

SECTION 5. *Equal Opportunity for Employment.* - No disabled person shall be denied access to opportunities for suitable employment. A qualified disabled employee shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able bodied person.

Five percent (5%) of all casual, emergency and contractual positions in the Departments of Social Welfare and Development; Health; Education, Culture and Sports; and other government agencies, offices or corporations engaged in social development shall be reserved for disabled persons.

SECTION 6. *Sheltered Employment.* - If suitable employment for disabled persons cannot be found through open employment as provided in the immediately preceding Section, the State shall endeavor to provide it by means of sheltered employment. In the placement of disabled persons in sheltered employment, it shall accord due regard to the individual qualities, vocational goals and inclinations to ensure a good working atmosphere and efficient production.

SECTION 7. *Apprenticeship.* - Subject to the provisions of the Labor Code as amended, disabled persons shall be eligible as apprentices or learners: Provided, That their handicap is not much as to effectively impede the performance of job operations in the particular occupation for which they are hired: Provided, further, That after the lapse of the period of apprenticeship if found satisfactory in the job performance, they shall be eligible for employment.

SECTION 8. *Incentives for Employers.* -

- a. To encourage the active participation of the private sector in promoting the welfare of disabled persons and to ensure gainful employment for qualified disabled persons, adequate incentives shall be provided to private entities which employ disabled persons.
- b. Private entities that employ disabled persons who meet the required skills or qualifications, either as regular employee, apprentice or learner, shall be entitled to an additional deduction, from their gross income, equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to disabled persons: Provided, however, That such entities present proof as certified by the Department of Labor and Employment that disabled persons are under their employ. Provided, further, That the disabled employee is accredited with the Department of Labor and Employment and the Department of Health as to his disability, skills and qualifications.
- c. Private entities that improve or modify their physical facilities in order to provide reasonable accommodation for disabled persons shall also be entitled to an additional deduction from their net taxable income, equivalent to fifty percent (50%) of the direct costs of the improvements or modifications. This section, however, does not apply to improvements or modifications of facilities required under Batas Pambansa Bilang 344.

SECTION 9. *Vocational Rehabilitation.* - Consistent with the principle of equal opportunity for disabled workers and workers in general, the State shall take appropriate vocational rehabilitation measures that shall serve to develop the skills and potentials of disabled persons and enable them to compete favorably for available productive and remunerative employment opportunities in the labor market.

The State shall also take measures to ensure the provision of vocational rehabilitation and livelihood services for disabled persons in the rural areas. In addition, it shall promote cooperation and coordination between the government and nongovernmental organizations and other private entities engaged in vocational rehabilitation activities.

The Department of Social Welfare and Development shall design and implement training programs that will provide disabled persons with vocational skills to enable them to engage in livelihood activities or obtain gainful employment. The Department of Labor and Employment shall likewise design and conduct training programs geared towards providing disabled persons with skills for livelihood.

SECTION 10. *Vocational Guidance and Counseling.* - The Department of Social Welfare and Development shall implement measures providing and evaluating vocational guidance and counseling to enable disabled persons to secure, retain and advance in employment. It shall ensure the availability and training of counselors and other suitably qualified staff responsible for the vocational guidance and counseling of disabled persons.

SECTION 11. *Implementing Rules and Regulations.* - The Department of Labor and Employment shall in coordination with the Department of Social Welfare and Development (DSWD) and National Council for the Welfare of Disabled Persons (NCWDP) shall promulgate the rules and regulations necessary to implement the provisions under this Chapter.

CHAPTER 2 - Education

SECTION 12. *Access to Quality Education.* - The State shall ensure that disabled persons are provided with adequate access to quality education and ample opportunities to develop their skills. It shall take appropriate steps to make such education accessible to all disabled persons. It shall be unlawful for any learning institution to deny a disabled person admission to any course it offers by reason of handicap or disability.

The State shall take into consideration the special requirements of disabled persons in the formulation of educational policies and programs. It shall encourage learning institutions to take into account the special needs of disabled persons with respect to the use of school facilities, class schedules, physical education requirements, and other pertinent consideration.

The State shall also promote the provision by learning institutions, especially higher learning institutions, of auxiliary services that will facilitate the learning process for disabled persons.

SECTION 13. *Assistance to Disabled Students.* - The State shall provide financial assistance to economically marginalized but deserving disabled students pursuing post secondary or tertiary education. Such assistance may be in the form of scholarship grants, student loan programs, subsidies, and other incentives to qualified disabled students in both public and private schools. At least five percent (5%) of the allocation for the Private Education Student Financial

Assistance Program created by virtue of R.A. 6725 shall be set aside for disabled students pursuing vocational or technical and degree courses.

SECTION 14. *Special Education.* - The State shall establish, maintain and support a complete, adequate and integrated system of special education for the visually impaired, hearing impaired, mentally retarded persons and other types of exceptional children in all regions of the country. Toward this end, the Department of Education, Culture and Sports shall establish special education classes in public schools in cities, or municipalities. It shall also establish, where viable, Braille and Record Libraries in provinces, cities or municipalities.

The National Government shall allocate funds necessary for the effective implementation of the special education program nationwide. Local government units may likewise appropriate counterpart funds to supplement national funds.

SECTION 15. *Vocational or Technical and Other Training Programs.* The State shall provide disabled persons with training in civics, vocational efficiency, sports and physical fitness, and other skills. The Department of Education, Culture and Sports shall establish in at least one government-owned vocational and technical school in every province a special vocational and technical training program for disabled persons. It shall develop and implement sports and physical fitness programs specifically designed for disabled persons taking into consideration the nature of their handicap.

SECTION 16. *Non-Formal Education.* - The State shall develop non-formal education programs intended for the total human development of disabled persons. It shall provide adequate resources for non-formal education programs and projects that cater to the special needs of disabled persons.

SECTION 17. *State Universities and Colleges.* - If viable and needed, the State University or State College in each region or province shall be responsible for (a) the development of material appliances and technical aids for disabled persons; (b) the development of training materials for vocational rehabilitation and special education instructions; and (c) the research on special problems, particularly of the visually-impaired, hearing-impaired, speech-impaired, and orthopedically-impaired students, mentally retarded, and multi-handicapped and others, and the elimination of social barriers and discrimination against disabled persons; and (d) inclusion of the Special Education for Disabled (SPED) course in the curriculum.

The National Government shall provide these state universities and colleges with the necessary special facilities for visually-impaired, hearing-impaired, speech-impaired, and orthopedically-impaired students. It shall likewise allocate the necessary funds in support of the above.

CHAPTER 3 - Health

SECTION 18. *National Health Program.* - The Department of Health in coordination with the National Council for the Welfare of Disabled Persons, shall institute a national health program which shall aim to attain the following:

- a. prevention of disability, whether occurring prenatally or post-natally;
- b. recognition and early diagnosis of disability; and
- c. early rehabilitation of the disabled.

SECTION 19. *Rehabilitation Centers.* - The Department of Health shall establish medical rehabilitation centers in government provincial hospitals, and shall include in its annual appropriation the necessary funds for the operation of such centers.

The Department of Health shall formulate and implement a program to enable marginalized disabled persons to avail of free rehabilitation services in government hospitals.

SECTION 20. *Health Services.* - The State shall protect and promote the right to health of disabled persons and shall adopt an integrated and comprehensive approach to their health development which shall make essential health services available to them at affordable cost.

The National Government shall provide an integrated health service for disabled persons which shall include, but not limited to, the following:

- a. prevention of disability through immunization, nutrition, environmental protection and preservation, and genetic counseling; and early detection of disability and timely intervention to arrest disabling condition; and
- b. medical treatment and rehabilitation.

The Department of Health shall field medical personnel specializing in the treatment and rehabilitation of disabled persons to provincial hospitals and, when viable, to municipal health centers. It shall also train its field health personnel in the provision of medical attention to disabled persons. It shall further ensure that its field health units have the necessary capabilities to fit prosthetic and orthotic appliances on disabled persons.

CHAPTER 4 - Auxiliary Social Services

SECTION 21. *Auxiliary Social Services.* - The State shall ensure that marginalized persons are provided with the necessary auxiliary services that will restore their social functioning and participation in community affairs. Toward this end, the Department of Social Welfare and Development shall develop and implement programs on auxiliary social services that respond to the needs of marginalized disabled persons. The components of such a program shall be as follows:

- a. assistance in the acquisition of prosthetic devices and medical intervention of specialty services;
- b. provision of specialized training activities designed to improve functional limitations of disabled persons related to communication skills;
- c. development among disabled persons of a positive self-image through the provision of counseling, orientation and mobility and strengthening daily living capability;
- d. provision of family care services geared towards developing the capability of families to respond to the needs of the disabled members of the family;
- e. provision of substitute family care services and the facilities therefor for abandoned, neglected, abused and unattached disabled persons who need custodial care;
- f. provision of after care and follow-up services for the continued rehabilitation in a community-based setting of disabled persons who were released from

- residential care or rehabilitation centers; and
- g. provision of day care services for disabled children of pre-school age.

CHAPTER 5 - Telecommunications

SECTION 22. *Broadcast Media.* - Television stations shall be encouraged to provide a sign language inset or subtitles in at least one (1) newscast program a day and special programs covering events of national significance.

SECTION 23. *Telephone Services.* - All telephone companies shall be encouraged to install special telephone devices or units for the hearing-impaired and ensure that they are commercially available to enable them to communicate through the telephone system.

SECTION 24. *Free Postal Charges for the Disabled.* - Postal charges shall be free on the following:

- a. articles and literatures like books and periodicals, orthopedic and other devices, and teaching aids for the use of the disabled sent by mail within the Philippines and abroad; and
- b. aids and orthopedic devices for the disabled sent abroad by mail for repair;

Provided, That the aforesaid items are for personal purposes only: Provided further, That the disabled person is a marginalized disabled as certified by the Social Welfare and Development Office of the local government unit concerned or the Department of Social Welfare and Development.

CHAPTER 6 - Accessibility

SECTION 25. *Barrier-Free Environment.* - 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 such other places mentioned in Batas Pambansa Bilang 344, otherwise known as the "Accessibility Law."

The national and local governments shall allocate funds for the provision of architectural facilities or structural features for disabled persons in government buildings and facilities.

SECTION 26. *Mobility.* - The State shall promote the mobility of disabled persons. Disabled persons shall be allowed to drive motor vehicles, subject to the rules and regulations issued by the Land Transportation Office pertinent to the nature of their disability and the appropriate adaptations or modifications made on such vehicles.

SECTION 27. *Access to Public Transport Facilities.* - The Department of Social Welfare and Development shall develop a program to assist marginalized disabled persons 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 disabled persons.

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

SECTION 28. *Implementing Rules and Regulations.* - The Department of Transportation and Communications shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

CHAPTER 7 - Political and Civil Rights

SECTION 29. *System of Voting.* - Disabled persons shall be allowed to be assisted by a person of his choice in voting in the national or local elections. The person thus chosen shall prepare the ballot for the disabled voter inside the voting booth. The person assisting shall bind himself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him. Violation of this provision shall constitute an election offense.

Polling places should be made accessible to disabled persons during national or local elections.

SECTION 30. *Right to Assemble.* - Consistent with the provisions of the Constitution, the State shall recognize the right of disabled persons to participate in processions, rallies, parades, demonstrations, public meetings, and assemblages or other forms of mass or concerted action held in public.

SECTION 31. *Right to Organize.* - The State recognizes the right of disabled persons to form organizations or associations that promote their welfare and advance or safeguard their interests. The National Government, through its agencies, instrumentalities and subdivisions, shall assist disabled persons in establishing self-help organizations by providing them with the necessary technical and financial assistance.

Concerned government agencies and offices shall establish close linkages with organizations of disabled persons in order to respond expeditiously to the needs of disabled persons. National line agencies and local government units shall assist disabled persons in setting up specific projects that will be managed like business propositions.

To ensure the active participation of disabled persons in the social and economic development of the country, their organizations shall be encouraged to participate in the planning, organization and management of government programs and projects for disabled persons.

Organizations of disabled persons shall participate in the identification and preparation of programs that shall serve to develop employment opportunities for

the disabled persons.

TITLE THREE

PROHIBITION ON DISCRIMINATION AGAINST DISABLED PERSONS

CHAPTER 1 - Discrimination on Employment

SECTION 32. *Discrimination on Employment.* - No entity, whether public or private, shall discriminate against a qualified disabled person by reason of disability in regard to job application procedures, the hiring, promotion, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. The following constitute acts of discrimination:

- a. Limiting, segregating or classifying a disabled job applicant in such a manner that adversely affects his work opportunities;
- b. Using qualification standards, employment tests or other selection criteria that screen out or tend to screen out a disabled person unless such standards, tests or other selection criteria are shown to be job-related for the position in question and are consistent with business necessity;
- c. Utilizing standards, criteria, or methods of administration that:
 1. have the effect of discrimination on the basis of disability, or
 2. perpetuate the discrimination of others who are subject to common administrative control;
- d. Providing less compensation, such as salary, wage or other forms of remuneration and fringe benefits, to a qualified disabled employee, by reason of his disability, than the amount to which a non-disabled person performing the same work is entitled;
- e. Favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants, solely on account of the latter's disability;
- f. Re-assigning or transferring a disabled employee to a job or position he cannot perform by reason of his disability;
- g. Dismissing or terminating the services of a disabled employee by reason of his disability unless the employer can prove that he impairs the satisfactory performance of the work involved to the prejudice of the business entity: Provided, however, That the employer first sought to provide reasonable accommodations for disabled persons;
- h. Failing to select or administer in the most effective manner employment tests which accurately reflect the skills, aptitude or other factor of the disabled applicant or employee that such test purports to measure, rather than the impaired sensory, manual or speaking skills of such applicant or employee, if any; and
- i. Excluding disabled persons from membership in labor unions or similar organizations.

SECTION 33. *Employment Entrance Examination.* - Upon an offer of employment, a disabled applicant may be subjected to medical examination, on the following occasions:

- a. all entering employees are subjected to such an examination regardless of disability;
- b. information obtained during the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, Provided, however, That:
 1. supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employees and necessary accommodations;
 2. first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;
 3. government officials investigating compliance with this Act shall be provided relevant information on request; and
 4. the results of such examination are used only in accordance with this Act.

CHAPTER 2 - Discrimination on Transportation

SECTION 34. *Public Transportation.* It shall be considered discrimination for the franchisees or operators and personnel of sea, land, and air transportation facilities to charge higher fare or to refuse to convey a passenger, his orthopedic devices, personal effects, and merchandise by reason of his disability.

CHAPTER 3 - Discrimination on the Use of Public Accommodations and Services

SECTION 35. *Public Accommodations and Services.* - For purposes of this Chapter, public accommodations and services shall include the following:

- a. an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five (5) rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
- b. a restaurant, bar, or other establishment serving food or drink;
- c. a motion picture, theatre, concert hall, stadium, or other place of exhibition or entertainment;
- d. an auditorium, convention center, lecture hall, or other place of public gathering;
- e. a bakery, grocery store, hardware store, shopping center, or other sales or rental establishment;
- f. a bank, barber-shop, beauty-shop, travel service, funeral parlor, gas station, office of a lawyer, pharmacy, insurance office, professional office of a health care provider, hospital or other service establishment;
- g. a terminal, depot, or other station used for specified public transportation;
- h. a museum, gallery, library or other place of public display or collection;
- i. a park, zoo, amusement park, or other place of recreation;
- j. a nursery, elementary, secondary, undergraduate, or post-graduate private school, or other place of education;
- k. a gymnasium, health spa, bowling alley, golf course,; or
- l. other place of exercise or recreation.

SECTION 36. Discrimination on the Use of Public Accommodation. -

- a. No disabled persons shall be discriminated on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation. The following constitute acts of discrimination:
1. denying a disabled person, directly or through contractual, licensing, or other arrangement, the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity by reason of his disability;
 2. affording a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other able-bodied persons; and
 3. providing a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with a good, service, facility, advantage, privilege, or accommodation that is different or separate from that provided to other able-bodied persons unless such action is necessary to provide the disabled person with a good, service, facility, advantage, privilege, or accommodation, or other opportunity that is as effective as that provided to others;
- For purposes of this section, the term "individuals or class of individuals" refers to the clients or customers of the covered public accommodation that enters into the contractual, licensing or other arrangement.
- b. Integrated Settings - Goods, services, facilities, privileges, advantages, and accommodations shall be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.
- c. Opportunity to Participate - Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.
- d. Association - It shall be discriminatory to exclude or otherwise deny equal goods, services, facilities, advantages, privileges, accommodations or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.
- e. Prohibitions - For purposes of this Section, the following shall be considered as discriminatory:
1. the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class or individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, or accommodations being offered;
 2. a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of the goods, facilities, services, privileges, advantages, or accommodations;
 3. failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage or accommodation being offered or would result in undue burden;
 4. a failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, where such removal is readily achievable; and
 5. where an entity can demonstrate that the removal of a barrier under clause (4) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

SECTION 37. Use of Government Recreational or Sports Centers Free of Charge. - Recreational or sports centers owned or operated by the Government shall be used, free of charge, by marginalized disabled persons during their social, sports or recreation activities.

SECTION 38. Implementing Rules and Regulations. - The Department of Public Works and Highways shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

TITLE FOUR

FINAL PROVISIONS

SECTION 39. Housing Program. - The National Government shall take into consideration in its national shelter program the special housing requirements of disabled persons.

SECTION 40. Role of National Agencies and Local Government Units. - Local government units shall promote the establishment of organizations of disabled persons in their respective territorial jurisdictions. National agencies and local government units may enter into joint ventures with organizations or associations of disabled persons to explore livelihood opportunities and other undertakings that shall enhance the health, physical fitness and the economic and social well-being of disabled persons.

SECTION 41. Support from Nongovernment Organizations. - Nongovernment organizations or private volunteer organizations dedicated to the purpose of promoting and enhancing the welfare of disabled persons shall, as they are hereby encouraged, become partners of the Government in the implementation of vocational rehabilitation measures and other related programs and projects. Accordingly, their participation in the implementation of said measures, programs and projects is to be extended all possible support by the Government.

The Government shall sponsor a volunteer service program which shall harness the involvement of private individuals in the provision of assistance to disabled persons.

SECTION 42. Tax Incentives. -

- a. Any donation, bequest, subsidy or financial aid which may be made to government agencies engaged in the rehabilitation of disabled persons and organizations of disabled persons shall be exempt from the donor's tax subject to the provisions of Section 94 of the National Internal Revenue Code (NIRC), as amended and shall be allowed as deductions from the donor's gross income for purposes of computing the taxable income subject to the provisions of Section 29 (h) of the Code.
- b. Donations from foreign countries shall be exempt from taxes and duties on importation subject to the provisions of Section 105 of the Tariff and Customs Code of the Philippines, as amended, Section 103 of the NIRC, as amended and other relevant laws and international agreements.

- c. Local manufacturing of technical aids and appliances used by disabled persons shall be considered as a preferred area of investment subject to the provisions of Executive Order No. 226 otherwise known as the "Omnibus Investments Code of 1987" and, as such, shall enjoy the rights, privileges and incentives as provided in said Code such as, but not limited, to the following:
1. repatriation of investments;
 2. remittance of earnings;
 3. remittance of payments on foreign contracts;
 4. freedom from expropriations;
 5. freedom from requisition of investment;
 6. income tax holiday;
 7. additional deduction for labour expense;
 8. tax and duty exemption on imported capital equipment;
 9. tax credit on domestic capital equipment;
 10. exemption from contractor's tax;
 11. simplification of customs procedures;
 12. unrestricted use of consigned equipment;
 13. employment of foreign nationals;
 14. tax credit for taxes and duties on raw materials;
 15. access to bonded manufacturing/trading warehouse system;
 16. exemption from taxes and duties on imported spare parts; and
 17. exemption from wharfage dues and any export tax, duty, impost and fee.

SECTION 43. Continuity Clause. - Should any department or agency tasked with the enforcement or formulation of rules and regulations and guidelines for implementation of any provision of this Act is abolished, merged with another department or agency or modified, such shall not affect the enforcement or formulation of rules, regulations and guidelines for implementation of this Act to the effect that

- a. In case of abolition, the department or agency established to replace the abolished department or agency shall take-over the functions under this Act of the abolished department or agency.
- b. In case the department or agency tasked with the enforcement or formulation of rules, regulations and guidelines for implementation of this Act is merged with another department or agency, the former shall continue the functions under this Act of the merged department or agency.
- c. In case of modification, the department or agency modified shall continue the functions under this Act of the department or agency that has undergone modification.

SECTION 44. Enforcement by the Secretary of Justice. -

- a. Denial of Right
 1. Duty to Investigate the Secretary of Justice shall investigate alleged violations of this Act, and shall undertake periodic reviews of compliance of covered entities under this Act.
- b. Potential Violations If the Secretary of Justice has reasonable cause to believe that -
 1. any person or group of persons is engaged in a pattern or practice of discrimination under this Act; or
 2. any person or group of persons has been discriminated against under this Act and such discrimination raises an issue of general public importance, the Secretary of Justice may commence a legal action in any appropriate court.

SECTION 45. Authority of Court. - The court may grant any equitable relief that such court considers to be appropriate, including, to the extent required by this Act:

- a. granting temporary, preliminary or permanent relief;
- b. providing an auxiliary aid or service, modification of policy, practice or procedure, or alternative method; and
- c. making facilities readily accessible to and usable by individuals with disabilities.

SECTION 46. Penal Clause. -

- a. Any person who violates any provision of this Act shall suffer the following penalties:
 1. for the first violation, a fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court; and
 2. for any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two (2) years but not more than six (6) years, or both at the discretion of the court.
- b. Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than Five thousand pesos (P5,000.00) but not more than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court.
- c. If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefor.
- d. If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

SECTION 47. Appropriations. - The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 48. Separability Clause. - Should any provision of this Act be found unconstitutional by a court of law, such provisions shall be severed from the remainder of the Act, and such action shall not affect the enforceability of the remaining provisions of this Act.

SECTION 49. Repealing Clause. - All laws, presidential decrees, executive orders and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 50. Effectivity. - This Act shall take effect fifteen (15) days after its publication in any two (2) newspapers of general circulation.

Approved.

(Signed)
RAMON V. MITRA
Speaker of the House of
Representatives

(Signed)
NEPTALI A. GONZALES
President of the Senate

This bill which is a consolidation of Senate Bill No. 1286 and House Bill No. 35091, was finally passed by the Senate and the House of Representatives on January 22, 1992 and January 16, 1992, respectively.

(Signed)
CAMILO L. SABIO
Secretary General
House of Representatives

(Signed)
ANACLETO D. BADOY, JR.
Secretary of the Senate

Approved: March 24, 1992

(Signed)
CORAZON C. AQUINO
President of the Philippines

IMPLEMENTING RULES AND REGULATIONS OF THE MAGNA CARTA FOR DISABLED PERSONS

(Republic Act No. 7277)

RULE I

DEFINITION OF TERMS

Abandoned,

an abandoned disabled person is one who has no proper parental care or guardianship, or whose parents or guardians have deserted him for a period of at least six continuous months.

Abused

an abused disabled person is one who has been maltreated, raped, or seduced, exploited and overworked or made to work under conditions not conducive to good health. He/She is made to be in the street or public places, and is exposed to moral danger.

Accreditation

means the Certification given by the Department of Health (DOH) and the Department of Labor and Employment (DOLE) recognizing the disability, skills, and qualifications of a disabled worker.

Adapted Physical Education

therapeutic application of physical education to rehabilitate learners with special needs whose functional deficiencies are amenable to improvement through exercise. Adapted physical education programs should be planned and implemented in coordination with psychological and medical services.

Affordable Cost

the lowest amount charged to a person that meet the criteria for affordability as determined under existing policies of the Department of Health.

Apprentice

means a worker who is covered by a written Apprenticeship Agreement with an individual employer.

Apprenticeable Occupation

means any trade, form of employment or occupation which requires more than three (3) months of practical on-the-job training supplemented by related theoretical instruction.

Apprenticeship

means on-the-job practical training supplemented by related theoretical instruction.

Apprenticeship Agreement

means a written employment contract in which the employer binds himself to train the apprentice and the apprentice in turn agrees to work for the employer.

Auditory Training

the procedure of teaching persons with hearing impairments, to make full use of their residual hearing ability.

Auxiliary

- a. offering, providing help, assistance or support
- b. functioning in a subsidiary capacity; augmenting or available to augment a basic power, potential, or ability; supplementary

Auxiliary Aids and Services include:

1. Qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;
2. Qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments;
3. Acquisition or modification of equipment or devices; and
4. Other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability.

Auxiliary Social Services

are the supportive activities in the delivery of social services to the marginalized sectors of society.

Basic Medical Services

services rendered to disabled patients within the competence and capability of DOH health facilities which include health examinations,

medical/surgical procedures, regular dental care and selected procedures, routine/special laboratory examinations, and ancillary procedures as required.

Cognitive Skills

refers to the ability to see, perceive, understand, and see the relationship between ideas and facts.

Commerce

shall be taken to mean as travel, trade, traffic, commerce, transportation, or communication among the provinces or between any foreign country or any territory or possession and any province.

Community-Based Rehabilitation

rehabilitation measures taken at the community level that use and build on the resources of the community, including the impaired, disabled and handicapped persons themselves, their families, and their community as a whole.

Complete, Adequate and Integrated System of Special Education

educational program that caters to various types of learners with special needs from preschool to tertiary levels and in either formal or nonformal programs that are complementary, mutually reinforcing and of comparable standards.

Covered Entity

means an employer, employment agency, labor organization or joint labor-management committee.

Customized Vehicle

a vehicle manufactured, reconstituted or reassembled to suit the particular user according to his personal requirements, needs or desire.

Depot

an area where facilities for storing, classifying and sorting of goods/cargoes are provided. It may be a part or separate from the terminal and serves as a place for storing of the transport facility, fueling, clearing, inspection, and repair.

Disability

shall mean (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; 2) a record of such an impairment; or 3) being regarded as having such an impairment.

Disabled Gifted

persons who demonstrate superior performance capabilities in intellectual creative, specific academic areas, leadership, or in the arts in spite of physical, sensory or psychosocial disabilities.

Disabled Persons

those suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, in performing an activity in the manner or within the range considered normal for a human being.

Disabled Worker

means a worker whose earning capacity is impaired by mental, physical or sensory deficiency or injury.

Employment Agreement

means the contract of employment entered into between the employer and the disabled worker.

Formal Education

refers to hierarchically structured and chronologically graded learnings organized and provided by the formal school system and for which certification is required in order for the learner to progress through the grades or moved higher level (P.B. 232 Education Act 1982)

Fits/Seizures

a neurologic condition characterized by sudden loss of consciousness coupled with sudden uncontrollable movements.

Functional

- relating directly to everyday needs and interests;
- concerned with application in activity;
- practical;
- performing or able to perform its regular function.

Handicap

refers to a disadvantage for a given individual, resulting from an impairment or a disability, that limits or prevents the function or activity, that is considered normal given the age and sex of the individual.

Handicapped

a disadvantaged individual suffering from an impairment or a disability that limits or prevents a function or activity that is considered normal, given the age and sex of the handicapped individual.

Impairment

is any loss, diminution or aberration of psychological, physiological, or anatomical structure or function.

Income Producing Projects or Homework Schemes

means the work and services that a disabled person can adequately and preferentially do or provide in sheltered workshops or in or about the disabled persons homes that will provide them the opportunity to earn a living and acquire a working capacity required in open industry.

Independent Living

the degree to which a disabled person is able to maintain himself independently in the community and in gainful employment.

Indigent

a disabled person whose level of income falls below the poverty threshold.

Learners

means persons hired as trainees in semi-skilled and other industrial occupations which are non-apprenticeable and which may be learned through practical training on-the-job in a relatively short period of time which shall not exceed three months.

Learner with Special Needs

a person who differs significantly from the average learner in (a) mental characteristics; (b) sensory abilities; (c) neuromuscular or physical characteristics; (d) psychosocial characteristics; or has multiple handicaps or has chronic illness; and or has a developmental lag to such an extent that he requires modified or specialized instruction and services in order to develop to his maximum capability.

Learning Disabled

persons who, although normal in sensory, emotional and intellectual abilities, exhibit disorders in perception, listening, thinking, reading, writing, spelling, and arithmetic.

Learning Institution (LI)

any educational institution managed or owned by the government, a private individual, a corporation or any legal entity which caters to children, youth and adults with special needs. A learning institution may be day or residential in nature and may be based either in the home, hospital, school or community. Included here are rehabilitation agencies, sheltered workshops, day care centers and entities of similar nature.

Local Government Unit

refers to the municipality, city, province or to any political subdivision of the national government as defined by law.

Marginalized Disabled Persons

refer to disabled persons who lack access to rehabilitative services and opportunities to be able to participate fully in socio-economic activities and who have no means of livelihood or whose incomes fall below the poverty threshold.

Mental Disability

disability resulting from organic brain syndromes (example: mental retardation, acquired lesions of the central nervous system, dementia) and mental illnesses (psychotic and non-psychotic disorders).

Multi-handicapped

persons with more than one disability such as those with mental retardation-blindness mental retardation-orthopedic handicap, deafness-blindness and others.

Neglected

a neglected disabled person is one whose basic needs have been deliberately unattended or inadequately attended. As a result, the disabled person is either malnourished, ill clad or without proper shelter.

Nonformal Education

any unstructured educational activity which takes place outside the established formal education system. It is designed to complement or extend as well as provide an alternative to the formal education.

Normalization

a principle in SPED where learners with special needs are provided with an educational and living environment as close as possible to what is ordinarily enjoyed by most people.

Orthopedically Handicapped

persons whose impairment interferes either permanently or temporarily, with the normal functioning of the joints, muscles or limbs.

Persons with Autism

a developmental disability, having onset before 30 months of age which is marked by disturbance in development, language and relationships with persons, activities and objects.

Persons with Behavioral Problems

those who cannot adjust to the socially accepted norms of behavior and, consequently, disrupt their academic progress, the learning efforts of their classmates, and interpersonal relations. Their emotional and social development is so seriously impaired that they cannot benefit from instruction in an ordinary class.

Persons with Hearing Impairment

those with auditory disabilities ranging from mild to profound hearing loss.

Persons with Mental Retardation

those with significant sub-average general intellectual functioning which originates during the developmental period, existing concurrently with deficits in adaptive behavior like maturation, learning and social adjustment.

Persons with Visual Impairment

those with visual disabilities ranging from partial to total loss of vision.

Physiatrist

a doctor of medicine with specialized training in rehabilitation medicine.

Prevocational Skills

refer to preparatory activities designed to equip the learner with readiness skills for formal vocational training.

Private Practitioner

Physicians, physiatrists, physical therapists, occupational therapists, speech therapists, psychologists, and other professionals engaged in private practice.

Program Modification

refers to any adjustments in the educational program and/or services for learners with special needs in order to facilitate their learning. Modifications and adjustments may be done in such aspects as classroom program, services and facilities, class schedule, curricular scope and sequence, teaching objectives, teaching strategies, instructional materials, facilities and equipment.

Psychosocial

comes from the words psychological and social; inter-relationship of the psychological aspects pertaining to the thoughts, feelings, reactions, behavior of a person with the social aspects pertaining to the situation, circumstances, events, relationships, other people which influence or affect the person sometimes to the point of causing distress.

Public Transportation

means transportation by air, land and sea that provides the public with general or special service on a regular and continuing basis.

Public Transport Facility

shall be defined as utilities of public transport operators engaged in the transportation of passengers on land, air and water, with or without fixed route of any class or service. Facilities shall include, among others, the conveyances, terminals and other areas where people converge to wait for such conveyances.

Qualified Individual with a Disability

shall mean an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires. However, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

Quality Education

a learning process that makes the individual a better person and prepares him to cope with rapid social change with appropriate skills and positive values leading to productive and meaningful life as a responsible citizen.

Readily Achievable

means a goal can be easily attained and carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include

1. the nature and cost of the action;
2. the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the affect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
3. the overall financial resources of the covered entity with respect to the number of its employees; the number, type and location of its facilities; and
4. the type of operation or operations of the covered entity, including the composition, structure and functions of the work force of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

Reasonable Accommodation

includes 1) improvement of existing facilities used by employees in order to render these readily accessible to and usable by disabled persons; and 2) modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provision of auxiliary aids and services, and other similar accommodations for disabled persons.

Rehabilitation

an integrated approach to physical, psychosocial, cultural, spiritual, educational, or vocational measures that create conditions for the individual to attain the highest possible level of functional ability.

Research on Special Problems

studies conducted on special education and related aspects such as: (a) conducted curriculum for particular types of competencies, learners with special needs, (b) teaching strategies, (c) teachers' competencies, (d) materials development, (e) nature and needs of particular types of learners with special needs, (f) assessment of learners with special needs, (g) programs and services and (h) adaptation in facilities and equipment.

Sheltered Employment

means the provision of productive work for disabled persons through workshops providing special facilities, income-producing projects or homework schemes with a view of giving the disabled the opportunity to earn a living thus enabling them to acquire a working capacity required in open industry.

Sheltered Workshop

refers to the places with special facilities for disabled workers, where income producing projects or homework schemes are available for the disabled to earn a living and acquire a working capacity required in open industry.

Social Barriers

refer to the characteristics of institutions, whether legal, economic, cultural, recreational or other, any human group, community, or society which limit the fullest possible participation of disabled persons in the life of the group. Social barriers include negative attitudes which tend to single out and exclude disabled persons and which distort roles and inter-personal relationships.

Special Class

refers to a class generally for one type of learner with special needs organized within the regular school and taught by a SPED teacher.

Special Education (SPED)

that type of education specifically designed for learners with special needs who can not profit maximally from regular education such that they require trained personnel, modifications in the curricula, teaching methods, instructional materials and adaptations in facilities and equipment.

Special Education Needs

take the form of the need for one or more of the following: (a) the provision of special means of access to the curriculum through special equipment, facilities or resources, modification of the physical environment or specialized teaching techniques; (b) provision of a special or modified curriculum; (c) particular attention to the social structure and emotional climate in which education takes place (UNESCO, World Education Report, 1991)

Special Education Teacher

professionally trained educators teaching learners with special needs.

Special Facilities

means the special environment devoid of architectural and attitudinal or social barriers that further incapacitate a disabled person to function as able as possible. Said facilities, likewise, refer to special equipment, gadgets, machineries and tools of production adapted to the residual capabilities of disabled persons.

Specialty

- a particular, peculiar, or individual circumstance, detail or characteristic;
- a distinctive or sometimes a restrictive mark or quality

State University and Colleges

refer to duly established learning or educational institutions.

Stations

are designated covered or uncovered areas on the road or highways, railways, seaports, and airports along a route structure intended for loading and unloading passengers and cargo/es for a limited period of time where minimum passenger amenities are provided.

Suitable Employment

means the jobs or occupations appropriate to the needs of disabled persons and which enhance their skills and provide them with better opportunities for employment.

Technical Aids

include equipment, devices and appliances that are used in the prevention, treatment and rehabilitation of disabilities.

Terminal

refers to public terminal of different modes usually located at both ends of the route structure and/or part of the turning point where passengers merge to enter/exit from public conveyances and transfer to other modes. It is commonly provided with facilities for lay-over, inspection and repair areas as well as passenger amenities such as restaurants, rest rooms and lounges. Terminals may include airports, ports and harbours, LRT, PNR, bus and jeepney terminals which may vary from a simple shelter to a multi-level structure.

Total Communication Approach

a system of communication which incorporates aural, oral and manual modes of communication involving speech and speechreading, finger spelling and sign language, reading and writing which may be used singly or in multiple combinations to ensure effective interaction with other people and among persons with hearing impairment.

Unattached

an unattached disabled person is one who is without a parent, guardian or custodian, and is dependent upon the public for support.

Vocational Efficiency

level of vocational proficiency and competency which when attained enables a person to work on an equal footing with other people with similar background and training.

Vocational Training

refers to the teaching of relevant occupational skills geared towards gainful employment.

RULE II**SECTION 1. Equal Opportunity for Employment**

1.1 Opportunity for suitable employment. - Opportunity for suitable employment shall be open to all qualified disabled persons. Efforts shall be exerted to provide qualified disabled persons equal opportunity in the selection process based on qualification standards prescribed for appointment to a position.

1.2 Discrimination in employment. - No individual or entity, whether public or private, shall discriminate against a qualified disabled person by reason of disability in regard to job application procedures; the hiring, promotion, or discharge of employees; employee compensation, job training, and other terms and conditions of employment. The following constitute acts of discrimination:

- (a) Limiting, segregating or classifying a disabled job applicant in such manner that adversely affects his work opportunities;
- (b) Using qualification standards, employment tests or other selection criteria that rule out or tend to rule out a disabled person unless such standards, tests or other selection criteria are shown to be job-related for the position in question and are consistent with business necessity;
- (c) Utilizing standards, criteria or methods of administration that:
 1. have the effect of discrimination on the basis of disability; or
 2. perpetuate the discrimination of others who are subject to common administrative control;
- (d) Providing a lower compensation, salary, wage or other forms of remuneration and fringe benefits to a qualified disabled employee by reason of his disability as compared to a worker performing the same type and amount of work but who is not disabled;
- (e) Favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants, solely on account of the latter's disability;
- (f) Re-assigning or transferring a disabled employee to a job or position he cannot perform by reason of his disability;
- (g) Dismissing or terminating the services of a disabled employee by reason of his disability unless the employer can prove that the satisfactory performance of the work involved is impaired by reason of the disability to the prejudice of the business entity; provided, however, that the employer has first exerted effort to provide reasonable accommodations for the disabled worker;
- (h) Failing to select or administer in the most effective manner employment tests which accurately reflect or measure the skills, aptitude or positive traits of the disabled applicant or employee rather than the impaired sensory, manual or speaking capabilities of such applicant or employee, if any; and
- (i) Excluding disabled persons from membership in labor unions or similar organizations.

1.3 Pre-employment medical examination. - Upon an offer of employment, a disabled applicant may be subjected to a medical examination subject to the following conditions:

- (a) All workers to be hired are subjected to such medical examination regardless of whether or not they are disabled;
- (b) Information obtained concerning the medical condition or history of the applicant is collected and maintained in separate forms and in separate medical files and is treated as confidential medical information, provided, however, that:
 1. supervisors and managers may be advised of a medical finding regarding the applicant if it will result in impairment of the work or duties of the employees or will require the installation of special facilities;
 2. first aid and safety personnel may also be informed of the medical finding, when appropriate, if the disability will require emergency treatment;
 3. the Secretary of the Department of Labor and Employment or his duly authorized representative investigating compliance with this Act shall be provided relevant information on request; and
 4. the results of such medical examination shall be used only in accordance with this Act.

1.4 Compensation and other benefits. - The disabled employee shall receive the same compensation, privileges, fringe benefits, incentives or allowances and other employee benefits as any other qualified employee.

1.5 Reserved positions for the disabled. - Subject to existing laws and regulations, the Department of Social Welfare and Development (DSWD); DOH; Department of Education, Culture and Sports (DECS); and other government agencies, offices or corporations engaged in social development, shall reserve five percent (5%) of all their casual, emergency and contractual positions for employment of disabled persons.

SECTION 2. Sheltered Employment

2.1 Provisions of sheltered employment. - The State shall provide sheltered employment to the disabled if suitable employment is not available in the open labor market. In the placement of disabled persons in sheltered employment, their individual qualities, vocational goals and inclinations shall be accorded due regard to ensure a good working atmosphere and efficient production.

2.2 Sheltered workshop. - For the purpose of sheltered employment, DOLE and DSWD shall endeavor to set up sheltered workshops in all regions of the country in consultation and coordination with existing non-government organizations (NGOs) and people's organizations (POs) which provide parallel services to disabled persons.

2.3 Entitlement to sheltered employment. -

- (a) Any disabled person who is literate and/or can follow simple instructions and routine work, provided he has undergone training in any particular work or service, shall be entitled to sheltered employment.
- (b) The DOLE shall provide training in pre-determined preferential trades for the disabled who are bound for sheltered employment.

SECTION 3. Apprenticeship and Learnership

3.1 Qualification for apprenticeship. - To qualify as an apprentice or learner, the handicap of the disabled person should not be such as to effectively impede the performance of job operation in the particular occupation for which he shall be hired.

In addition, the disabled worker shall:

- (a) be at least fourteen (14) years of age;
- (b) possess vocational aptitude and capacity for apprenticeship; and
- (c) possess the ability to comprehend and follow oral and written instructions.

3.2 Apprenticeship agreement. - Every apprenticeship agreement shall include the following:

- (a) the full names and addresses of the contracting parties;
- (b) date of birth of the apprentice;
- (c) name of the trade, occupation or job in which the apprentice will be trained and the dates on which such training will begin and will approximately end;
- (d) the approximate number of hours of on-the-job training as well as of supplementary theoretical instructions which the apprentice shall undergo during his training;
- (e) a schedule of the work processes of the trade/occupation in which the apprentice shall be trained and the approximate time to be spent on the job in each process;
- (f) the graduated scale of wages to be paid the apprentice;
- (g) the probationary period of the apprentice during which either party may summarily terminate the agreement;
- (h) a commitment by the employer to make the apprentice a regular employee if the latter's services are retained upon completion of the apprenticeship period; and
- (i) a clause that if the employer is unable to fulfill his training obligation, he may transfer the agreement, with the consent of the apprentice, to any other employer who is willing to assume such obligation.

The employer shall furnish the concerned Regional Office of DOLE a copy of the apprenticeship agreement five (5) working days from the date of its execution.

3.3 Apprenticeship programs. -

- (a) NMYC shall develop throughout the year apprenticeship programs for disabled persons.
- (b) DOLE shall encourage private companies to develop and implement apprenticeship programs for disabled persons.
- (c) Apprenticeship programs shall include placement assistance with accredited NGOs.

3.4 Learnership agreement. - Any employer desiring to employ learners shall enter into a Learnership Agreement with them, which shall include:

- (a) The name and address of the learner;
- (b) The duration of the learnership period, which shall not exceed three (3) months;
- (c) The wages or salary rates of the learner which shall begin at not less than seventy-five percent (75%) of the applicable minimum wage; and
- (d) A commitment by the employer to employ the learner, if he so desires, as a regular employee upon completion of the learnership. A learner who has been allowed or suffered to work during the first two (2) months shall be deemed a regular employee if training is terminated by the employer before the end of the stipulated period through no fault of the learner.

The Learnership Agreement shall be subject to examination by the Secretary of DOLE or his duly authorized representatives.

3.5 Learners in piece work. - Learners employed in piece or incentive rate jobs during the training period shall be paid in full for the work done.

SECTION 4. Incentives for Employers

4.1 Incentives. -

- (a) Private entities that employ disabled persons who meet the required skills or qualifications either as a regular employee, apprentice or learner shall be entitled to an additional deduction from their gross income equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to disabled persons.
- (b) Private entities that improve or modify their physical facilities in order to provide reasonable accommodation for disabled persons shall be entitled to an additional deduction from their net taxable income, equivalent to fifty percent (50%) of the direct cost of the improvements or modifications. This Section, however, does not apply to improvements or modifications of facilities required under B.P. Blg. 344.
- (c) The DOLE Secretary shall, from time to time, identify and provide other incentives to private entities which employ disabled persons to encourage the active participation of the private sector in promoting the welfare of disabled persons, and to ensure gainful employment for qualified disabled persons.

4.2 Requirements for entitlement to incentives. -

The following shall be the requirements for entitlement to the incentives:

A. For employing disabled workers:

- (a) DOH Accreditation as to the type of disability/ies of the disabled workers;
- (b) DOLE (NMYC) Accreditation as to the skills and qualifications of the disabled workers;
- (c) Certification of Employment of the accredited disabled workers from the concerned DOLE Regional Director.

For purposes of Accreditation, DOLE and DOH shall establish a unit in each of their regional offices to facilitate the processing of the accreditation of the disabled persons.

2. For improving or modifying physical facilities for reasonable accommodation for disabled employees:

- (a) Certification from the building inspectors in consultation with the DSWD and other concerned groups in the region where the facilities are located.

SECTION 5. Vocational Rehabilitation

5.1 Principle of equal opportunity. - The principle of equal opportunity for disabled workers shall extend to the provision to develop their skills for livelihood and gainful employment.

5.2 Vocational rehabilitation training. - The NMYC, in coordination with every concerned department, agency or LGU, shall include vocational rehabilitation training of disabled as a component of its continuing human resources development program and shall exert efforts to integrate that thrust into its corporate plans. Such components may take the form of research material production, training design and administration, or evaluation and monitoring.

5.3 Vocational rehabilitation program. - In adopting the component of vocational rehabilitation, each agency or LGU, in coordination with NMYC, shall:

- (a) Prepare a Comprehensive Support Plan based on the assessment of training needs and skills inventory of disabled employees which will be provided by the DSWD.
 - (b) Design, implement and evaluate, a specific and appropriate program which the agency or LGU can manage, direct and control within its organizational framework and capacity. Such programs shall include, but not be limited, to the following:
 1. Orientation Program which is intended to inform disabled employees about the department, agency or LGU programs, thrusts and operations.
 2. Social Adjustment/Personality/Development Program which is intended to equip disabled persons with the dynamics of interpersonal relationships as well as public relations skills and to prepare them for greater responsibilities.
 3. Technical Program in specific areas which is intended to enhance the skills and knowledge of disabled employees for livelihood and gainful employment.
 4. Values Development Program which is intended to generate positive attitudes of disabled persons and to harness service values of participants to be effective employees.
 5. Entrepreneurial Opportunity Program which is intended to familiarize disabled persons who wish to enter into business ventures, the mechanics of business as well as available business opportunities or other productive endeavors.
- Any department, agency or LGU may enter into cooperative undertakings with other departments, agencies or LGUs, as the case may be, to develop and implement an appropriate vocational program for disabled persons.

5.4 Facilities for Vocational Rehabilitation

- (a) Each LGU shall provide adequate and affordable facilities for vocational rehabilitation projects. Said facilities shall include infrastructure, funding and manpower.
- (b) A Livelihood Promotion Committee shall be established in every LGU. Said Committee shall be tasked to develop, implement, monitor and evaluate vocational rehabilitation programs for disabled persons residing in rural areas.
- (c) The Livelihood Promotion Committee shall be comprised of a designated Community Development Officer permanently employed in the LGU, a ranking NGO official, and a disabled person nominated by concerned groups in the LGU involved in livelihood programs.

5.5 Vocational Guidance and Counselling. - The DSWD shall:

- (a) Provide vocational guidance and counselling for disabled persons.
- (b) Ensure the availability of trained counsellors and staff for this purpose.

RULE III

SECTION 1. Quality Education for Learners with Special Needs

1.1 Learning institutions under this rule shall admit all learners with special needs whether in academic, vocational or technical courses and other training programs except in the following instances:

- a. If the learning institutions have already accepted learners with special needs and further acceptance will render the teaching personnel and facilities less effective.
2. If the learning institutions do not meet the criteria set by the Bureau of SPED and are not included in the financial assistance program except for government and state owned learning institutions shall be encouraged and provided necessary assistance to comply with the requirements of this rule and shall be subject to monitoring, supervision and assessment.
3. Teacher training institutions are enjoined to include basic SPED courses at the undergraduate and graduate levels of education and in other related areas. These courses shall equip teachers with the skills needed to modify content and the teaching approaches used in ordinary classrooms so as to give curriculum access to learners with special needs. Skills in identifying and assessing learners with special needs and in working with parents and the specialists shall also be developed.
4. Teacher institutions shall offer scholarship programs to SPED teachers in coordination with the Department of Education, Culture and Sports, Commission on Higher Education and other government and non-government agencies. These programs can be provided through alternative training models to include but not limited to short term courses, distance education, mobile training, and module instruction.

1.2 Formal Education

To provide learners with special needs with access to basic education, learning institutions shall offer integrated education.

In order to ensure that quality education is accessible, the following components namely, curriculum, educational programs, teaching methods and services shall be given importance by learning institutions:

1. For persons with visual impairment in the preparatory, elementary and early secondary levels modified curriculum shall include but not limited to, sensory training, special instruction in braille reading and writing, mathematics, orientation and mobility, music and typing. Preparation for integration and mainstreaming must be worked out in the early years of schooling at the elementary level to assure that visually impaired children just like other children with special needs except those possibly with mental retardation are educated with their nonhandicapped peers to the fullest extent possible. For post secondary vocational to tertiary levels they shall be integrated and mainstreamed and undergo the regular curriculum. Learners with visual impairment in these levels shall be given the necessary service such as: reading, writing braille, record library services, orientation and mobility, optical and medical services, counselling and other assistance.
2. For persons with hearing impairment, modified curriculum shall emphasize communication and language development which is tailored to meet the learners' educational needs. The curriculum shall include special instruction in speech, speechreading, auditory training and rhythm using total communication, multi-sensory and other approaches. They shall be referred to such support personnel as sign language interpreters, audiologists, otologists, speech therapists, auditory trainers and others as needed.
3. For persons with orthopedic handicaps, quality education shall be given in the same manner as those in the regular education except that school facilities and physical environment shall be in compliance with B.P. Blg. 344 and they shall be allowed to attend classes in the ground floors of the school buildings whenever possible. Class schedule and other pertinent considerations shall be made to suit their learning requirements.
4. For persons with mental retardation, modified curriculum shall emphasize training in self-care, socialization, motor, pre-vocational, vocational

and other daily living skills. For those with severe retardation, emphasis shall be on the development of self-care skills.

5. For all types of learners with special needs, teaching strategies shall be creative, multi-dimensional, multi-sensorial and shall involve active participation of the learners.
6. For other types of learners with special needs:
 - a. Those with behavior problems including those with autism, those with learning disabilities and those with multiple handicaps, modified curriculum shall include special activities and instructional techniques for the normalization of behavior, functions and technical, academic skills to prepare them for the world of work.
 2. For disabled gifted persons, the curriculum should emphasize the development of communication skills, positive self-concept, high level abstract thinking, social skills and independent living using creative teaching principles and interdisciplinary approaches.
7. All SPED personnel involved in the education of learners with special needs shall be technically trained. The DECS shall continuously review the possibility of providing incentives to these personnel to attract others to join this profession and prevent the fast turnover of the SPED teachers to high paying jobs.

With the above considerations, learners with special needs shall be afforded appropriate types of special education programs suited to their needs to maximize their potentials.

1.3 Nonformal Education

Alternative special delivery systems to complement formal education shall include but not limited to community-based, church-based, hospital-based, and other non-school based programs and services for learners with special needs.

Radio, TV video, print and other distance teaching approaches shall be utilized to reach out to those who cannot avail of institution-based programs and services.

The participation of persons with special needs, their parents and the community in the delivery of programs and services to this special group must be enhanced through the establishment of peer counselling, volunteerism, community awareness and church support.

SECTION 2. Program Modification and Eligibility for Financial Assistance

2.1 Modified Facilities and Equipment for Learners with Special Needs

The following shall be the minimum requirements which shall facilitate the learning process of persons with disabilities:

- a. For Academic Institutions
 1. For persons with visual impairment sensory and tactile materials, braille books and record materials, braille writing, printing and reading machines, orientation and mobility equipment.
 2. For persons with hearing impairment group or individual hearing aids, speech trainers, tape recorders and speech or language kit containing auditory and language training materials.
 3. For persons with orthopedic handicaps the requirements provided for by B.P. 344 shall be complied with including adjustable desks or chairs and adapted physical education apparatuses.
 4. For persons with mental retardation facilities, equipment and instructional materials for developing skills in self-care, socialization, motor, cognitive and pre-vocational and vocational training.
 5. Other types of learners with special needs: those with behavioral problems including those with autism, those with learning disabilities and those with multiple handicaps instructional devices and equipment for behavior modification, perceptual motor training, daily living skills, language and speech and cognitive skills development.
2. Vocational and Technical Schools and Centers for Learners with Special Needs

To equip learners with special needs with vocational skills for gainful employment, on the job or hands-on training and apprenticeship programs shall be encouraged.

 1. For persons with visual impairment tools and machineries used must have braille marks and sound identifying features and other adaptations.
 2. For persons with hearing impairment signal lights, signs and other adaptations shall be incorporated in the tools and machineries.
 3. For persons with orthopedic handicaps tools and machineries shall have adapted devices which include but is not limited to the following: Hand control for learners with special needs with non-functioning legs and feet; control panels for those with non-functioning hands; and mouth control device for those with non-functioning limbs. Height and size of the machines shall be considered in making adaptations in the teaching-learning environment.
 4. For persons with mental retardation appropriate sheltered workshops, work centers and other similar arrangements.
 5. For other types of learners with special needs those adaptations mentioned in numbers 1, 2, 3 and 4 as needed.
3. Special Education Centers for Learners with Special Needs

SPED Centers shall be established nationwide based on needs assessment and in consultation with leaders of the disabled sectors.

2.2 Eligibility for Financial Assistance

- a. Only those academic institutions and entities, vocational and technical schools and centers and those offering other training programs with modified facilities and equipment mentioned in Section 1 a and b of Rule III shall be eligible for financial assistance under this rule.
2. All learners with special needs regardless of disability, age, sex, religion and creed, shall be qualified for a financial assistance program provided they are Filipino citizens and must have met the requirements set by the Bureau of SPED in accordance with Section V of Rule IV.

SECTION 3. Scope:

- A. The rules shall apply to all government agencies, national or local.
2. Learners with special needs.
3. Learning institutions, public or private, including rehabilitation agencies, sheltered workshops, day care centers, and other institutions and entities of similar nature. With regards to government agencies, it is the accountability of the concerned public official directly involved in the formulation and approval of programs in the province, city or municipality and the head of agencies and bureaus of the National Government.

SECTION 4. Enforcement

The Department of Education, Culture and Sports shall be responsible for the implementation of these provisions in coordination with the Local

RULE IV

SECTION 1. Basic Policy

The following policies shall govern the delivery of health services to disabled persons:

1. The delivery of health services to disabled persons shall be the responsibility and concern of both the government and the private sector and the members of the community at large.
2. Health services for disabled persons should be an integral part of all basic health services.
3. Health services should be accessible, appropriate, acceptable, affordable and timely.

SECTION 2. Scope

These provisions shall apply to the following:

1. Government and private institutions involved in the delivery of health services.
2. Special institutions, both government and private, delivering health services to disabled persons.

SECTION 3. Functions and Areas of Responsibility

A. Department of Health

1. National Health Program for Disabled Persons - The Department shall:

- 1.1 include in its annual budgetary proposals the provision for the funding requirements of the program;
- 1.2 create a division under the Non-Communicable Disease Control Service that shall administer and lead in the implementation of the program;
- 1.3 set up a national registration/reporting system for specific types of disabilities and shall generate and assess data base on the current status, needs and circumstances of disabled persons in the country to provide an effective basis for a national health program plan for disabled persons; and
- 1.4 strengthen its programs on immunization, breastfeeding, maternal and child care, safe motherhood, family planning, pre-employment examination/orientation disease control programs and other relevant programs in support of the National Health Program for Disabled Persons.

2. Establishment of Medical Rehabilitation Centers at the Provincial Level - The Department shall:

- 2.1 initiate the establishment of medical rehabilitation centers at the provincial level and shall request for the necessary capital and equipment outlay needed for this purpose;
- 2.2 program the establishment of medical rehabilitation centers at the provincial level through a reasonable phasing scheme that will ensure a nationwide coverage within a ten year period, subject to availability of funds;
- 2.3 formulate policies and standards governing the operations of such medical rehabilitation centers;
- 2.4 institute a manpower development program to ensure adequate manpower support for the centers; and
- 2.5 monitor and assess regularly the operations of the centers to ensure that standards are strictly followed.

3. Training of Personnel

- 3.1 The Department of Health shall organize training programs for care of disabled persons and, in consultation with the National Council for the Welfare of Disabled Persons and other specialists in the field, shall recommend standards for accreditation of training centers, trainers and training programs for the rehabilitation of disabled persons to ensure availability of quality health manpower necessary to operate rehabilitation centers nationwide.
- 3.2 It shall integrate into the existing training programs the Disability Management Training Programs.
- 3.3 The training should involve expertise from both government and private.

4. Other Health Services

- 4.1 The Department of Health shall set the standard requirements and capabilities for care of disabled persons appropriate for each level of health care facility.
- 4.2 It shall develop in coordination with the National Council for the Welfare of Disabled Persons, a mechanism to monitor and enforce standards of care for disabled persons as embodied in the National Health Program for Disability, in both government and private health institutions in order to promote and protect the right to health of disabled persons.
- 4.3 It shall develop standards on technical aids produced locally.

2. Local Government Units It shall:

1. provide rehabilitation services within the scope and capability of the center at affordable cost;
2. allocate or construct a room within or adjacent to the provincial hospital building with a dimension of at least 100 square meters to house the medical rehabilitation center;
3. provide adequate funding for the proper maintenance and operation of the center;
4. create positions and provide funding for salaries of permanent and casual personnel assigned to the center; and
5. tap the services of local nongovernment organizations, private practitioners and other government agencies in the area, whenever feasible.

SECTION 4. Health Program for Disability

A. Institution of a National Health Program - For the purpose of instituting a national health program for disability, an ad-hoc inter-agency committee is hereby created, to be composed of the following:

Chairman - Department of Health (DOH)

Co-Chairman - National Council for the Welfare of Disabled Persons (NCWDP)

Members:

Department of Social Welfare and Development (DSWD)

Department of Labor and Employment (DOLE)
 Department of Education, Culture and Sports (DECS)
 Nongovernment Organizations (NGOs)
 University of the Philippines - Manila
 A representative each from League of cities, provinces and municipalities
 Other multidisciplinary and multisectoral team of specialists or agencies that DOH and NCWDP may enlist

Functions:

1. The committee shall develop a master plan for a national health program for disability which shall be comprehensive in nature, integrated in health service delivery, and shall have the basic premise of integrating disabled persons into the mainstream of society.
2. A national rehabilitation center shall be established under the program which will function as a national training, research and rehabilitation center in the country.
3. The committee shall formulate the program within one year from the approval of these Rules and Regulations. Operational expenses of the committee shall be charged against the funds of the Department of Health.
4. The committee shall be responsible in determining the amount necessary for the initial implementation of the program

2. Scope

The National Health Program for Disability shall address health promotion, prevention, early detection and rehabilitation of disabilities/conditions which shall include but not limited to the following:

1. ortho/moving disabilities
2. communication deficits
3. visual/seeing disabilities
4. learning (cognitive or intellectual) disabilities
5. chronic illnesses with disability
6. mental disabilities
7. psychosocial and behavioral

3. Implementing Agencies

1. The Department of Health, in coordination with the National Council for the Welfare of Disabled Persons, shall be the lead agency in the implementation of the the program.
2. The following government agencies shall actively participate in the implementation of the program:
 - 2.1 Local Government Units
 - 2.2 Department of Social Welfare and Development
 - 2.3 Department of Labor and Employment
 - 2.4 Department of Education, Culture and Sports
 - 2.5 Other government/nongovernment agencies which the Department of Health and the National Council for the Welfare of Disabled Pesons may enlist.
3. All health equipment, facilities and personnel under the local government units shall be made available for the implementation of the program.
4. The Department of Health shall develop the mechanism for the effective participation of the above agencies.

SECTION 5. Establishment of Medical Rehabilitation Centers at the Provincial Level

A. Operational Guidelines for Provincial Medical Rehabilitation Centers

1. The Medical Rehabilitation Center shall be attached to the Department of Medicine of the Provincial Hospital. It shall be under the administrative supervision of the chief of the Department of Medicine.
2. The Medical Rehabilitation Center shall provide, as a minimum, the services of a physical therapist and/or an occupational therapist on a permanent basis.
3. The basic minimum requirements for equipment and supplies for a provincial medical rehabilitation center shall consist of the following appropriate technological devices:
 - 3.1 Hydrocollator with pack
 - 3.2 Treatment table with pelvic traction (optional)
 - 3.3 Cervical traction (optional)
 - 3.4 Therapeutic ultrasound
 - 3.5 Portable electrical stimulator
 - 3.6 Therapeutic gym
 - 3.6.1 Parallel bar with postural mirror
 - 3.6.2 Overhead pulley
 - 3.6.3 Weights
 - 3.6.4 Stairs and ramp
 - 3.6.5 Bicycle with ergometer
 - 3.6.6 Toys
 - 3.7 Evaluation kits
 - 3.8 Mats
 - 3.9 Adapted tables and chairs
 - 3.10 Stove and water heater
4. The minimum services to be provided by provincial medical rehabilitation centers shall be physical and psychosocial rehabilitation. Other services, such as but not limited to occupational and speech rehabilitation, may be provided depending on the capability of the center. Services beyond the area of expertise of the center shall be referred to higher centers.
5. To maintain the continuity of services, patients who have undergone rehabilitation at the provincial medical rehabilitation centers shall be referred to their respective local government units for any appropriate community-based rehabilitation services and for follow-up.
6. The Medical Rehabilitation Center shall be a training ground for field health personnel in the provision of rehabilitation services to disabled persons.
7. Regional Hospitals and Regional/Medical Centers with physiatrists and other health professionals shall develop a mechanism for regular periodic visits of such specialists to provincial medical rehabilitation centers within their catchment areas. Expenditures arising from such visits shall be borne by the recipient local government unit.

SECTION 6. Health Services

A. Scope

The following types of health services shall be made available to disabled persons at affordable cost:

1. Primary, secondary and tertiary health care
2. Health education and counseling services
3. Referral to other centers, both government and non-government organizations for further/special care when necessary

2. Availment of Services

1. All disabled/handicapped persons shall receive, without prejudice to their condition, the appropriate out-patient and in-patient health services available in any government/private health institutions.
2. Health services available in any government health facility shall be provided;
 - free to indigent disabled handicapped patients
 - at discounted rates for other disabled/handicapped patients, according to conditions to be set by the Department of Social Welfare and Development and the Department of Health

3. Specific Health Services

1. Basic health services for the prevention, early diagnosis, timely intervention, and early rehabilitation of disability shall be provided to disabled persons such as, but not limited to the following:
 - 1.1 Control of communicable and noncommunicable diseases
 - 1.2 Nutrition
 - 1.3 Environmental sanitation
 - 1.4 Maternal/child health services
 - 1.4.1 Prenatal counseling
 - 1.4.2 Safe delivery
 - 1.4.3 Child care and immunization
 - 1.4.4 Control of diarrheal diseases
 - 1.4.5 Breastfeeding
 - 1.4.6 Premarital/genetic counseling
 - 1.5 Control of environmental hazards and occupational safety
 - 1.6 Dental care
 - 1.7 General health and medical services
 - 1.8 Physical and psychosocial rehabilitation
2. Disability Screening
 - 2.1 All health personnel attending to birth, whether private or public, shall screen for and report disabilities to the nearest rural health unit within seven (7) days.
 - 2.2 Screening at the barangay level using the approved screening tool to be developed shall be done by the midwife and/or barangay health worker (either the barangay health worker, barangay nutrition scholar or the like).
 - 2.3 Any child identified/suspected with a disability during the process of immunization or Operation Timbang shall be referred to the nearest government health care facility for confirmation of findings.
 - 2.4 Confirmation of disability shall be done by a rural health physician/district hospital physician/provincial hospital physician or regional hospital physician/private physician as the case maybe, for work-up and specific treatment, management and rehabilitation.
 - 2.5 All confirmed disability cases shall be recorded and reported in accordance with the Department of Health's guidelines.
 - 2.6 All primary and secondary schools, both public and private, shall integrate disability screening during the annual physical examination utilizing the approved forms to be developed.
 - 2.7 The school physician/nurse/teacher shall make a report of all suspected disabilities to the principal, who in turn shall inform, advice and make appropriate medical referrals through the parents.
 - 2.8 All cases of disability diagnosed and confirmed in any health care facility whether government and private shall be reported to the Department of Health.
4. **Promotive and Preventive Health Measures**
 1. The Department of Health shall strengthen its immunization program for all infants and children.
 2. All health centers at various levels shall provide genetic, prenatal and premarital counseling.
 3. Provincial hospitals shall assign appropriate health professionals who shall act as genetic counselor after appropriate training.

SECTION 7. Training of Personnel

A. The government shall cause to provide training to health personnel providing service to disabled persons.

1. The Department of Health, in collaboration with the National Council for the Welfare of Disabled Persons, shall ensure and undertake training of all appropriate health personnel involved in the delivery of disability-related services. Such health personnel would include, but not be limited to the following:
 - 1.1 Medical Personnel
 - Physicians - Rural health physicians/municipal health physicians, district/provincial hospital physicians
 - 1.2 Health Personnel
 - Occupational therapists
 - Speech therapists
 - Physical therapists
 - Nurses
 - Midwives
 - Nutritionist - dietician
 - Social workers
 - Other rehabilitation workers
 - 1.3 Community Health Workers
 - Barangay health workers
 - Volunteer health workers
 - Barangay nutrition scholar

Community-based rehabilitation field worker (local supervisors)

The training should include, but shall not be limited to, the following:

1. Early Detection and Identification of Disabilities
2. Immunization
3. Family Care Program for the Disabled in the Community
4. Psychosocial Concerns of Disabled Persons: Detection and Management of Psychosocial Problems Among Disabled Persons
5. Nutrition Education
6. Genetic Counselling
7. Psychiatric and Medical Emergencies: Identification and Management of Psychiatric Emergencies
8. Rehabilitation Procedures Including Dangers and Precautions
9. Interdisciplinary Approach; Transdisciplinary Awareness and Role Functioning
10. Environmental Hazards
11. Referral Network
12. Safe Motherhood
13. Safe Drugs

RULE V

SECTION 1. Auxiliary Social Services

The State shall ensure that marginalized persons are provided with the necessary auxiliary services that will restore their social functioning and participation in community affairs. Toward this end, the Department of Social Welfare and Development shall develop and implement programs on auxiliary social services that respond to the needs of marginalized disabled persons.

With the implementation of the Local Government Code of 1991, the Department of Social Welfare and Development devolved the above services except the provision of substitute family care services for abandoned, neglected, abused and unattached disabled members of the family to the municipal and city government.

The responsibility for provision of these services shall rest on the mayor who shall assign the implementation of these services to the DSWD devolved social worker in the municipality/city. When there are no social workers among devolved staff, the mayor should hire at least one to ensure effective implementation of these services.

The DSWD shall develop the standards of these services, and assist in building the capability of the assigned social worker through training and technical consultation and regular monitoring of these services.

The Social Worker shall provide these services through the following procedures:

- A. Provide subsidized program for the acquisition of prosthetic devices and Medical Intervention on Specialty Services. This service shall assist the marginalized disabled person to improve his physical residual capacity through medical intervention and/or use of technical devices. The City/Municipal Social Worker shall undertake the following steps:
1. Inform the community of the availability of the assistance for physical restoration services for disabled persons.
 2. Refer the client to a doctor in the Regional Hospital or any other government hospital specializing in the provision of physical restoration devices for medical and physical assessment to determine the need for physical restoration.
 3. Consult and coordinate with attending physician the need for prosthetic devices and/or medical intervention to restore residual physical capacities. Specification of prosthetic devices shall be recommended by the medical specialist.
 4. Mobilize resources of the family, the community and coordinate with government and non-government agencies involved in disabled persons to assist in hospitalization and other needs while client is undergoing prosthesis fitting and medical intervention services.
 5. Discuss with the disabled person and his family upon recommendation for prosthetic and/or medical intervention by the doctor, the advantages and disadvantages of the intervention.
 6. Motivate and counsel client to undergo the treatment.
 7. Refer the client to the government hospital to avail of prosthetic devices and/or surgical intervention.
 8. Whenever necessary, the transportation assistance shall be provided to enable the disabled person to travel to and from the hospital.
- The Department of Health shall adopt a standard on technical aids produced in the country both by local and foreign manufacturers.

- B. Provision of auxiliary aids and services.

The following services shall be provided by appropriate government and non-government agencies:

1. Services of qualified interpreters and readers shall be provided by the organizing agency when these services are necessary in their projects or activities.
2. Training program shall be provided for direct service workers of agencies where services of interpreters or readers would facilitate communication.
3. Program for training of specialist to facilitate the learning process of people with mental disability.
4. Acquisition or modification of equipment or devices, like voice synthesizer, to facilitate communication.

- C. Provision of specialized training activities designed to improve functional limitations of disabled persons related to communication skills. This service shall assist the marginalized disabled person with hearing and/or speech and visual impairment. The goal of the service is to enable the client to communicate his needs and ideas through skills learned and improve his social interaction with people. The following procedures shall be undertaken by the city/municipal social worker:

1. Identify disabled persons with communication skills problem and if feasible, group them together. If this is not possible, individualized training

shall be provided. These disabled persons shall include:

- a. visually impaired persons who need to learn braille reading and writing for social and economic functions;
 - b. disabled person who has hearing and/or speech impairment and has not developed a language to communicate and relate with other persons to enable him to participate in family and community life;
 - c. other disabled persons such as cerebral palsy shall be provided these services if and when necessary.
2. Identify the pool of resource persons who will train the above-mentioned disabled persons e.g. trained DSWD workers in Community Based Project for Hearing Impaired (CBPHI) for the deaf or in Rehabilitation of Rural Blind workers for the visually impaired, Special Education teachers from the DECS and NGOs involved in the development of communication skills for the disabled persons.
 3. Refer to the proper venue for the training as specified by Sec. 14 of the Code e.g. Day Care Centers, Day Centers for the Elderly, Barangay halls and others.
 4. Set training schedule which is convenient and shall accommodate not only disabled person but his family member/s as well. It is important for family members to attend and learn in order for the whole family to be able to communicate with disabled member. This is especially true for hearing impaired person. The length of training will depend on the ability of the disabled person to learn the skills.
When necessary, in addition to braille reading and writing or total communication skills, these clients shall undergo social-academics which includes development of knowledge and understanding of weights, measures, time, signing of name, use of public facilities such as telephones, post office and public transportation.
Disabled persons with speech impairment not secondary to deafness, e.g. stroke victims, trauma, harelip etc., shall be referred to speech training.

D. Development among disabled persons of a positive self-image through the provision of counseling, orientation and mobility and strengthening of daily living capability.

1. Individual and Group Counseling

The disabled person who is willing to undergo physical, social, vocational rehabilitation shall be provided counseling services by the social worker either through individual or group sessions. The goal of the service is to encourage disabled persons to share their problems in order to have a greater understanding of their causes. From this understanding they will commit themselves to taking action that will solve their problems. As a result, they will gain confidence in their ability to decide and find solutions to their problems. When necessary, the social worker shall conduct and refer the client to existing government and non-governmental agencies providing counseling services in the area.

2. Orientation and Mobility Training The Social Worker shall help the disabled person identify resource persons in the community, who can assist blind persons and mentally retarded persons learn to travel independently and safely.

3. Daily Living Skills The Social Worker shall help the disabled person develop skills in daily living activities (DLA). She can do this by direct teaching of the clients or through a member of the family. DLA Training include skills in bathing, getting dressed, washing clothes, cleaning the house and other things that people do from the time they wake up to the time they sleep.

4. If skills of the Social Worker is inadequate to meet the training needs of the disabled person, he shall assist the client identify persons or agencies in the community who can respond to these needs.

E. Provision of Family Care Services is geared towards assisting the disabled person who is not adequately cared for due to rejection or inadequate knowledge and skills of the family in taking care of a disabled person. To achieve this goal, the Social Worker shall undertake the following activities:

1. The Social Worker shall assist the family determine their strengths and weaknesses in coping with the problems brought about by the client's disability.
2. The Social Worker shall work with the disabled person and his family, develop a plan of activities aimed at meeting the care giving needs of the disabled person. Where knowledge and skill of the family in care giving is lacking, the Social Worker shall help tap resources, such as the health authorities or other members of the community to teach any family member of the disabled person, the necessary care needed.
3. The Social Worker shall see to it that plans are implemented. Follow-up shall be conducted to encourage the family and provide the moral support needed thus helping reduce any stress that may arise as a result of prolonged care by family members.

F. Provision of after care and follow-up services for the continued rehabilitation on a community based setting of disabled persons who were released from residential care or rehabilitation centers. This service is a continuation of the rehabilitation process within the family and in community setting after the disabled person is released from institutional care. The Social Worker shall assist in the reintegration process by the disabled person into his family and community, become productive, self-reliant and contributing member of society.

1. The Social Worker shall work with the family of the disabled person in preparation for his release upon receipt of referral notice from the referring institution.
2. The Social Worker shall prepare the family for the eventual return of the disabled person utilizing her skills in case management.
3. Resources of the community should be mobilized to provide necessary resources to help in the integration of the disabled in his family and community.

G. Provision of Day Care Services for disabled children of pre-school age. It is the aim of this service to reintegrate the disabled child with existing day care services in order for him to grow as normal a child as possible in spite of his disabilities. The normal children in the center shall be helped to be more understanding of the plight of the disabled child by letting him participate in every day activities. The following activities shall be undertaken by the social worker:

1. Prepare the disabled child and his family for integration in a regular day care center nearest his residence. Advise them on what to expect, activities to be done and the people the disabled child will be learning, playing and enjoying with.
2. Coordinate with day care worker on how to handle a disabled child and what activities can be given so that all the children can participate in. Assist the day care worker in developing these skills.
3. Assist Day Care Worker in encouraging parents of disabled children to participate in Day Care projects/activities.

H. Provision of Substitute family care services and the facilities therefor for abandoned, neglected, abused and unattached disabled persons who need custodial care. Substitute parental and family care shall be provided by the State to abandoned, neglected, unattached, marginalized disabled persons in residential care facilities.

1. Applicants or referrals from the field shall be assessed by the Social Welfare Development Officer to ensure that the disabled person meets the

- criteria. The disabled person shall be referred to the nearest available residential care facility where he resides.
2. The residential care shall provide rehabilitation services with the aim of acquiring skills on self-care, socialization and independent living for eventual re-integration to the community.
- The local government unit shall make sure that the necessary funds are available for the implementation of the above services.

RULE VI

- A. The National Telecommunications Commission shall coordinate with the Kapisanan ng mga Brodkaster as Pilipinas, as far as those TV stations that are members thereof, or to the concerned TV stations as far as those that are not members thereof the implementation of the provision of SECTION 22, CHAPTER 5 of R.A. No. 7277.
- B. The TV stations, at its option, may decide as to whether they shall provide a sign language inset or subtitles in its newscast program.
- C. The TV stations shall have the sole discretion as to the time of the day that they shall provide either a sign language inset or subtitles in their newscast program.
- D. On special programs covering events of national significance, the TV stations shall likewise have the sole discretion to provide a sign language inset or subtitles in the coverage thereof.
- E. All TV stations, whether KBP members or not, shall inform the National Telecommunications Commission their willingness to cooperate in the implementation of this noble undertaking through the prescribed form that can be secured from the National Telecommunications Commission Office.
- F. The National Telecommunications Commission, through its regulatory power over the broadcast media, shall encourage all TV stations to provide a sign language inset or subtitles in at least one (1) newscast program a day and special programs covering events of national significance. It shall also encourage all radio and television stations and national dailies to allot a percentage of free air time/space for information dissemination on disability and its prevention. The NCWDP in coordination with other agencies shall develop key messages for this purpose and monitor the same.
- G. The National Telecommunications Commission shall coordinate with the telephone operators all over the country, the implementation of the provision of SECTION 23, CHAPTER 5 of RA No. 7277.
- H. All telephone operators in the country upon request of the agencies/institutions concerned with the welfare of disabled persons shall provide type approved special telephone devices and improvisations for the hearing-impaired or handicapped persons at the offices of the said agencies or institutions.
- I. The National Telecommunications Commission through its regulatory power of the telephone operators shall encourage the said operators to put up telephone devices, services and improvisations for the disabled persons to enable them to communicate through the telephone system.
- J. For purposes of the provision of SECTION 24, CHAPTER 5 of RA No. 7277, the words "postal charges" shall mean all forms of postal charges, whether the same is ordinary or special. Provided, that the articles, parcels, and/or packages are for personal uses or purposes only.
- K. The following articles, parcels and/or packages free of postal charges are as follows, inclusive:
 - a. articles and literatures like books and periodicals, orthopedics and other devices, and teaching aids for the use of the disabled persons sent by mail within the Philippines and abroad; and
 - b. aids and orthopedic devices for the disabled persons sent abroad by mail for repair.
- L. The following are the requirements for the availment of this privilege, to wit:
 1. That the disabled person is a Filipino citizen.
 2. That the disabled person is a marginalized disabled person as certified to by the Social Welfare and Development office of the municipality or city government unit where the disabled person is a resident or by the representative of the Department of Social Welfare and Development in the municipality or city government unit where the disabled person is a resident.
 3. That the disabled person either as the sender/or addressee has the necessary accreditation certificate as such issued by the Postmaster General or his representative of the Philippine Postal Corporation.
 4. That the definition of marginalized disabled person as referred to in this article is one who lack access to rehabilitation services and opportunities to be able to participate fully in socioeconomic activities and who have no means of livelihood or whose income fall below the poverty threshold.
 5. That it is understood that the articles and literatures like books and periodicals, orthopedic and other devices, teaching aids, are for the exclusive use of the disabled person and that the same when mailed is unsealed and may be opened for postal inspection and does not contain commercial advertising materials.
 6. That the envelop or wrapper of the franked mail shall bear on the left upper corner the name of the sender with its complete address and on the upper right corner the words "Free Matter for Disabled Person". Private or unauthorized use to avoid payment of postage is penalized by a fine or imprisonment or both.

RULE VII

SECTION 1. Mobility

The State shall promote the mobility of disabled persons. Disabled persons shall be allowed to drive motor vehicles, subject to the rules and regulations issued by the Land Transportation Office pertinent to the nature of their disability and the appropriate adaptations or modifications made on vehicles.

1.1 Rules and Regulations in the Application of Driver's License for Disabled Persons

A. Scope and Application

Any disabled person who desires to apply for a driver's license shall file with any Land Transportation Office (LTO) licensing center or district office an application form prescribed by the LTO containing certain information and compliance with the requirements hereinafter set forth.

2. Requirements

The requirements that have to be complied with by an applicant/disabled person for driver's license are the following:

1. Medical Certificate/Recommendation from a government accredited physician;
2. The applicant/disabled person must take and pass written and practical examinations;
3. New applicant must secure student permit and undergo driving instruction for 60 days;
4. All disabled drivers/applicants may use a customized vehicle provided that it meets the standard/specifications set and duly requested at

LTO.

3. Who May apply for License
 1. Partially blind person with poor visual acuity due to partial loss of vision/sight.
 2. Orthopedically Impaired person with amputated left or right leg; amputated left or right arm; post-polio victims; paralyzed legs; weak legs but not paralyzed.
 3. Speech and Hearing Impaired person unable to speak but can hear; can partially hear.

All applications approved and granted by LTO shall be valid for three (3) years starting 1993 using prescribed credit cardtype driver's license for disabled persons. Those previously issued licenses may apply for its conversion.

SECTION 2. Access to Public Transport Facilities

The Department of Social Welfare and Development shall develop a program to assist marginalized disabled persons gain access in the use of public transport facilities. Such assistance may be in the form of subsidized transportation fare. The following guidelines shall govern a subsidized transportation scheme:

A. Scope

This section shall cover only marginalized disabled persons which is so defined in the Act as disabled persons who lack access to rehabilitative services and opportunities to be able to participate fully in socio-economic activities and who have no means of livelihood or whose incomes fall below the poverty threshold.

- a.1 Lacking in access to rehabilitative services would mean those who have limited or no ability to obtain medical, social, educational, vocational and livelihood opportunities.
- a.2 Poverty threshold means income cutoff for a family of six (6) based on NEDA findings.
The subsidized transportation scheme can only be availed of by:
- a.3 Marginalized disabled persons who will be undergoing training on vocational and/or livelihood skills enhancement programs in vocational rehabilitation centers managed by government and non-government agencies.
- a.4 Marginalized disabled persons who want to resettle in their place of origin with the intention of finally residing there.
- a.5 Marginalized disabled persons who are to avail of prosthetic devices, surgical intervention and other domestic travels related for educational needs.

2. Provisions

- b.1 These provisions are limited to domestic travels only.
- b.2 The social welfare officer or any officer designated to implement social welfare services in the municipality shall determine:
 - b.2.1 Nearest venue for education, training or hospital which will provide the prosthetic devices;
 - b.2.2 Practical and most convenient mode of air, land or sea transportation to be used by the disabled persons.
- b.3 The DSWD managed rehabilitation centers giving the training shall provide for transportation assistance to disabled persons during the period of training.
- b.4 Except those who are receiving transportation assistance in DSWD vocational rehabilitation centers, the disabled person seeking this can avail of it from the Office of the Mayor of the municipality of his residence. The local social welfare development officer or any other officer designated to implement social welfare services shall facilitate the giving of transportation assistance to qualified disabled persons.
- b.5 The eligibility requirements on the provision of vocational training and/or prosthetic devices given to disabled persons are provided for in the implementing rules and regulations of Chapter 1 (Employment) Section 9 and Chapter 4 (Auxiliary Social Services) Section 21 Letter (1) respectively of this Act.
- b.6 The local government unit shall make sure that necessary funds for the transportation assistance to be given to the disabled persons are included in their budget. Exception to this provision are those disabled persons who are undergoing training in DSWD managed vocational rehabilitation centers and other non-government managed centers.

RULE VIII

SECTION 1. System of Voting

1.1 Registration

- a. On the day specified by law for registration, a qualified disabled person may register as a voter by accomplishing the required voter's affidavit, and such other forms as may be required by the Commission on Elections with respect to need of assistance and access.
2. The voter's affidavit of a disabled person may be prepared by:
 1. Any relative within the fourth civil degree of consanguinity or affinity; or
 2. Any member of the board of election inspectors.
3. Any person above-mentioned who assists a disabled person in the preparation of the voter's affidavit shall:
 1. Prepare the vote's affidavit in accordance with the data supplied by the applicant; and
 2. Take an oath before the board of election inspectors that he shall fill up such affidavit in accordance with the instructions given by said disabled person.
4. The fact of disability and/or the inability of a registrant to prepare the voter's affidavit and/or vote and the name of the person assisting in the preparation of the form shall be duly recorded in the Minutes of Registrations.
5. When circumstances so warrant, the Chairman of the Board may authorize the registration of a disabled person in designated accessible areas within the same polling place. No person shall be denied registration by reason of the inaccessibility of the precincts.

1.2 Voting

- a. A disabled person shall be allowed to be assisted by a person of his choice in the preparation of the ballot provided that such assistor is:
 1. A relative, by affinity or consanguinity within the fourth civil degree;
 2. Any person of his confidence, whether or not belonging to the same household; or
 3. Any member of the board of election inspectors.
2. A disabled voter shall be allowed to vote with the assistance of another person when the fact of the inability to vote is indicated in the voter's

registration record.

3. No person may assist disabled persons in voting more than three (3) times except members of the board of election inspectors.
 4. The person chosen to assist a disabled voter shall prepare the ballot for the disabled voter inside the voting booth.
 5. The person assisting shall bind himself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared.
 6. The fact of voting with the assistance of another person and the oath taken by the assistor shall be indicated in the Minutes of Voting and Counting of Votes.
 7. The proper election officer shall designate accessible areas within the polling place where disabled voter's may cast their votes. No person shall be denied the right to vote by reasons of the inaccessibility of the precinct or polling place.
- 1.3 The Commission on Elections shall promulgate rules and regulations, incorporating new methods and technologies, which shall facilitate and enhance the exercise of the right of suffrage by disabled citizens.

SECTION 2. Right To Assemble

Consistent with the provisions of the Constitution, the State shall recognize the right of disabled persons to participate in processions, rallies, parades, demonstrations, public meetings, and assemblages or other forms of mass or concerted action held in public.

SECTION 3. Right To Organize

The State recognizes the right of disabled persons to form organizations or associations that promote their welfare and advance or safeguard their interests. The National Government, through its agencies, instrumentalities and subdivisions, shall assist disabled persons in establishing self-help organizations by providing them with the necessary technical and financial assistance.

Concerned government agencies and offices shall establish close linkages with organizations of disabled persons in order to respond expeditiously to the needs of disabled persons. National line agencies and local government units shall assist disabled persons in setting up specific projects that will be managed like business propositions.

To ensure the active participation of disabled persons in the social and economic development of the country, their organization shall be encouraged to participate in the planning, organization and management of government programs and projects for disabled persons.

Organizations of disabled persons shall participate in the identification and preparation of programs that shall serve to develop employment opportunities for the disabled persons.

RULE IX

SECTION 1. Discrimination on Employment

The public or private sector shall not discriminate against a qualified disabled person by reason of disability in regard to job application procedures, the hiring, promotion or discharge of employees, employees' compensation, job training, and other terms, conditions and privileges of employment.

1.2 Acts of Discrimination

The following shall constitute acts of discrimination:

- a. limiting, segregating or classifying a disabled job applicant in such a manner that adversely affects his work opportunities;
2. using qualification standards, employment test or the selection criteria that screen out or tend to screen out a disabled person unless such standards, test or the selection criteria are shown to be job related for the position in question and are consistent with business necessity;
3. utilizing standards, criteria or methods of administration that:
 1. have the effect of discrimination on the basis of disability; or
 2. perpetuate the discrimination of others who are subject to common administrative control;
4. providing less compensation, such as salary, wage or other forms of remuneration and fringe benefits, to a qualified disabled employee, by reason of his disability, than the amount to which a non-disabled person performing the same work is entitled;
5. favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants solely on account of the latter's disability;
6. re-assigning or transferring a disabled employee to a job or position he cannot perform by reason of his disability;
7. dismissing or terminating the services of disabled employee by reason of his disability unless the employer can prove that he impairs the satisfactory performance of the work involved to the prejudice of the business entity; provided that the employer first sought to provide reasonable accommodations for disabled persons;
8. failing to select or administer in the most effective manner employment test which accurately reflects the skill, aptitude or other factors of the disabled applicant or employee that such test purports to measure, rather than the impaired sensory, manual or speaking skills of such applicant or employee, if any; and
9. excluding disabled persons from membership in labor unions or similar organizations.

SECTION 2. Employment Entrance Examination

2.1 The disabled person, upon an offer of employment, will be subjected to medical examination on the following occasions:

- a. all entering employees are subjected to such an examination regardless of disability;
2. information obtained during the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, provided that:
 1. supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employees and necessary accommodations;

2. first aid and safety personnel may be informed, when appropriate, if the disability may require emergency treatment;
3. government officials investigating compliance with this Act shall be provided relevant information on request; and
4. the results of such examination may be used only in accordance with this Act.

SECTION 3. Discrimination on the Use of Public Accommodations and Services

1. For purposes of this section, public accommodations and services, please refer to the Implementing Rules and Regulations of Batas Pambansa Blg. 344, otherwise known as the Accessibility Law.
2. Discrimination on the use of a terminal, depot or other stations used for specified public transportation.
The discrimination on disabled persons referred in this section, is the impartial treatment of the owner, lessee or operator of public transport terminals, stations and depot or the partial or non-provision of services, facilities, privileges, advantages or accommodations to disabled passengers on the basis of disability which are afforded to able-bodied individuals. The following constitute acts of discrimination whether directly or through contractual, licensing or other arrangement, to wit:
 1. denying the disabled passenger to enter the terminal, station or depot premises; purchase travel tickets; prepare waybills; secure boarding passes; claim tags for baggages and other transactions which an able-bodied passenger may do.
 2. failure to provide accessibility features such as ramps, signages and stickers inside the terminal, station or depot.
 3. failure to designate seats in the waiting area for disabled passengers if there are seats available.
 4. denying the disabled passenger to use the toilet/washroom or failure to make such facilities accessible.

RULE X

ENFORCEMENT

SECTION 1. Investigation

The Secretary of Justice shall investigate alleged violations of the Act and shall undertake periodic reviews of compliance of covered entities under the Act.

SECTION 2. Commencement of Legal Action

If the Secretary of Justice has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of discrimination under this Act; or any person or group of persons has been discriminated against under this Act and such discrimination raises an issue of general public importance the Secretary of Justice may commence a legal action in any appropriate court.

SECTION 3. Court Authority

The Court may grant any equitable relief that such court considers to be appropriate including to the extent required by the Act:

- a. granting temporary, preliminary or permanent relief;
2. providing an auxiliary aid or service, modification of policy, practice or procedure, or alternative method; and
3. making facilities readily accessible to and usable by individuals with disabilities.

SECTION 4. Penalties

Any person who violates any provision of the Act shall suffer the following penalties:

1. Any person who violates any provision of the Act shall suffer the following penalties:
 - a. for the first violation, a fine of not less than fifty thousand pesos (P50,000.00) but not exceeding one hundred thousand pesos (P100,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court; and
 2. for any subsequent violation, a fine of not less than one hundred thousand pesos (P100,000.00) but not exceeding two (2) hundred thousand pesos (P200,000.00) or imprisonment for not less than two (2) years but not more than six (6) years, or both at the discretion of the court.
2. Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than five thousand pesos (P5,000.00) but not more than fifty thousand pesos (P50,000.00), or both at the discretion of the court.
3. If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefor.
4. If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

RULE XI

MONITORING

The National Council for the Welfare of Disabled Persons shall monitor the implementation of these Implementing Rules and Regulations (IRR) of the Magna Carta for Disabled Persons. A monitoring scheme machinery shall be formulated to provide regular and up-to-date information on the progress of its enforcement.

RULE XII

EFFECTIVITY

These rules and regulations shall take effect thirty (30) days after the date of publication in the Official Gazette promulgated by:

(SGD) HON. JUAN M. FLAVIER M.D. MPH Secretary Department of Health	(SGD) HON. CORAZON ALMA G. DE LEON Secretary Department of Social Welfare and Development
(SGD) HON. MA. NIEVECONFESOR Secretary Department of Labor and Employment	(SGD) HON. RICARDO T. GLORIA Secretary Department of Education, Culture and Sports Chairman Commission on Higher Education
(SGD) HON. RAFAEL ALUNAN III Secretary Department of Interior and Local Government	(SGD) HON. JESUS B. GARCIA, JR. Secretary Department of Transportation and Communications
(SGD) HON. FRANKLIN M. DRILON Secretary Department of Justice	(SGD) HON. GREGORIO R. VIGILAR Secretary Department of Public Works and Highways
(SGD) HON. CHRISTIAN MONSOD Chairman Commission on Elections In Coordination with: The National Council for the Welfare of Disabled Persons By: (SGD) HON. CORAZON ALMA G. DE LEON	

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- 7. Philippines(A) -**

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