

PIDS' Comments on the Substitute Bill titled "An Act Granting Additional Privileges to Persons with Disability, Amending for the Purpose Republic Act No. 7277, as Amended, Otherwise Known as the Magna Carta for Persons with Disability, and Appropriating Funds Therefor"¹

(Introduced by Reps. Alfred D. Vargas III, Micaela S. Violago, Jose Antonio "Kuya Jonathan" Sy-Alvarado, Dennis P. Laogan, and Emmeline Aglipay-Villar)

We strongly support the proposed bill that aims to provide additional privileges to PWDs in the form of employment, free assistive devices and services, monthly stipend, and lifetime validity of their ID cards. However, we have some comments and/or clarifications on some parts of the said bill.

On Section 2 (Employment):

- It is good to know that the substitute bill will now cover all private organizations (i.e., no longer limited to those engaged in social development) and all positions (i.e., no longer limited to casual and contractual, or non-permanent ones). However, we would like to reiterate our earlier comments, which are as follows:
 - Would there be enough supply to meet the demand in the labor market? There is a need to examine the supply of skills that the PWDs can offer to the labor market. It should be noted that there is a large disparity between the educational profile of the PWDs and the non-PWDs in the Philippines. Official data show that such disparity widens as the level of education goes up (Figure 1). Unfortunately, these statistics may cast doubt on whether there would be a significant proportion of PWDs whose educational profile would be at par with those of, or would emerge as more qualified than, their able counterparts.

¹ Submitted by Christian D. Mina, Philippine Institute for Development Studies.

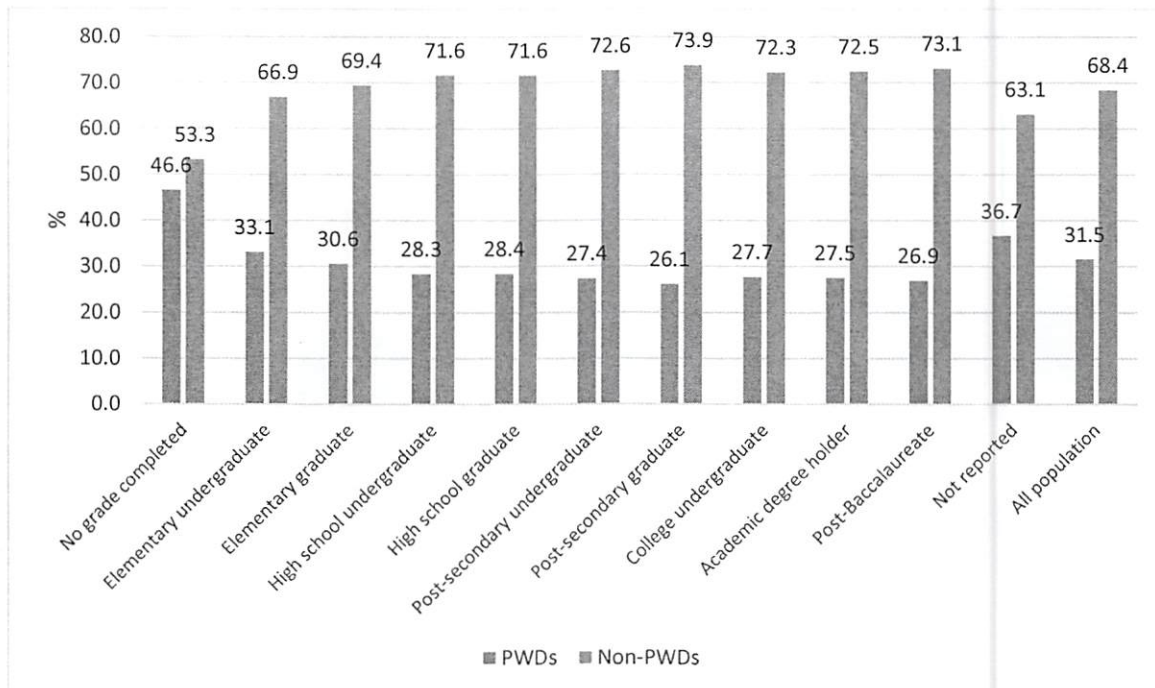


Figure 1. Percentage distribution of sample PWDs and non-PWDs aged 25 and over in the Philippines (%), by highest grade completed, 2010

Source of basic data 2010 Census of Population and Housing, Philippine Statistics Authority (20% sample)

It is thus important to upgrade also the skills of the PWDs by encouraging training institutions like TESDA and vocational rehabilitation centers (under the DSWD) to include programs specifically catering to PWDs to better prepare the PWDs to employment. It is equally important also for the PESO to establish linkages with these training institutions as well as with the private firms to help facilitate employment for PWDs.

- Another issue is whether the Bill would cover all working-age PWDs regardless of type and degree of impairment, as long as they satisfy all the hiring requirements. Compliance would be easier for some firms that would only accommodate PWDs with not-so-severe impairment or those that function closely with non-disabled people, thereby excluding other PWDs who are more qualified but with more severe impairments.
- Can alleged discriminatory hiring processes be investigated? Would it be possible to create sort of a grievance committee or a complaints desk at the NCD for PWDs who think that they are victims of a discriminatory hiring process? Perhaps this can be included in the IRR.
- For some of the PWDs who would not be able to compete to gain an on-site employment, particularly those with severe impairment and/or those who specifically have entrepreneurial skills but do not have the required educational requirements of the firms, some home-based or

entrepreneurial-related assistance can be provided to this group of PWDs. However, a sorting mechanism may be put in place to determine the appropriate interventions for different groups of PWDs with different credentials and aspirations. This can be considered in the future bills that you will be crafting.

- Regarding compliance, we tried requesting data from the NCDA and DOLE and it seems that these are not yet available. Thus, we would like to reiterate our earlier comments regarding this, which are as follows: It would be useful to see if the similar provision in RA 7277, but pertaining to government agencies, offices and corporations, has been complied with. The law was passed in 1992 and the experience with the particular provision of the law would provide useful inputs in crafting the proposed legislation. Who really is monitoring compliance with Section 5 of RA 7277? If the government institutions were not able to comply with this, what were the reasons for this? The proposed bills could take into account the reasons for non-compliance and incorporate remedies for this.

On Section 3 (Incentives for Employers):

- Like what we have mentioned before, it is also important to mention in the bill that the concerned organizations should have the right facilities for PWDs (e.g., braille-ready elevator and/or computers with screen readers for totally blind; sign language interpreter and/or hearing aid for totally deaf; ramps and wheel mobile-friendly comfort room for mobility-impaired). However, this entails cost on the part of the firms because they may need to retrofit their facilities (in case they are not yet compliant of the Accessibility Law) in order to make them PWD-friendly. Based on official data (from DOLE's Bureau of Working Conditions), there are still private establishments that have not yet fully complied with the Accessibility Law. How can you make sure compliance among these firms? How can you make sure that the potential benefits (i.e., fiscal incentives) would outweigh the costs associated with the proposed measure? If the firms believe that the potential cost would be substantially higher than the potential benefits, they may opt to pay for the non-compliance fees, if compliance would really be strictly monitored. The Magna Carta for Disabled Persons already included incentives for employers that would retrofit their facilities for their PWD workers. Would it be possible for this current bill to include the modification in the incentive system?

On Section 4 (Additional Privileges – Monthly Stipend and Free Assistive Devices and Services):

- How did you come up with the amount of the monthly stipend? PHP 500 may not really be sufficient but it is a big help to PWDs, particularly those belonging to financially challenged households. It would be ideal then to prioritize poor PWDs as the amount would be of big help to them.
- Needs assessment would be crucial in the provision of assistive devices and services to PWDs because there are many PWDs that our research team had interviewed who reported that the assistive devices that they have are not really what they need. It is thus important that health

professionals who have expertise in assessing the needs of different groups of PWDs (based on type and severity of impairment) would be involved in this process. This will ensure that assistive devices and services that would be provided to PWDs would really serve their purpose.

- We also found out during our research team's survey operations that the types of impairment of some of our potential respondents were misclassified. This is probably due to lack of trained health professionals in local social welfare offices who can assess the type of impairment of a PWD well. Similar to the earlier point, would it be possible for such professionals with the needed expertise, particularly in the area of mental health, to be involved in the assessment process? Furthermore, would it be possible to add the term "misclassification" to the phrase "and may be replaced in case of loss or damage" of lines 5-6 of item (iii) on page 3 of the substitute bill [regarding the validity of the PWD ID card]?
- In order to address the aforementioned problems, local health officers should be required to undergo trainings so they would have the necessary skills in accurately classifying the types and/or conditions as well as identifying the needs of the PWDs. Since DOH may not have additional health professionals due to budget constraints, would it be possible for para-medical staff to supplement them?

On Section 5 (Appropriations):

- How did you come up with the proposed amount of PHP 300 million? Would the proposed amount be sufficient to cover all PWDs? If not, how would you come up with a priority list of potential beneficiaries? Are you instead planning to select beneficiaries on a first-come, first-served basis?
- One distribution strategy that can also be considered is the adoption of a voucher system. This would be relatively less costly for the government. With this system, the government can get away from the costs associated with identifying, finding for and transporting for the appropriate assistive devices/services for PWD-beneficiaries. Vouchers can be distributed to PWDs so that PWDs themselves would be the one to purchase the assistive device(s) or to avail of the assistive service(s) that they really need. In cases of limited funds, a targeting system must also be in place.
- Do you have an idea on the average annual earnings of PCSO from lotto operations and of PAGCOR, as well as the shares of the proposed amount of PHP 150 million to the said earnings? How would you ensure remittance of funds from PCSO and PAGCOR? Please note that the Philippine Crop Insurance Corporation still has remaining receivables from the PCSO (starting 2013).