



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States  
parties under article 35 of the Convention**

**Initial report of State parties due in 2010**

**The Philippines\* \*\***

[Date received: 24 November 2014]

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\* The present document is being issued without formal editing.

\*\* Annexes can be consulted in the files of the Secretariat.



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## I. Introduction

1. The Convention on the Rights of Persons with Disabilities is the eighth treaty signed by the Government of the Republic of the Philippines on September 25, 2007. The country's ratification of the treaty on April 15, 2008 and entry into force on May 3, 2008 mandates the government to be the primary duty bearer for the promotion and protection of human rights of persons with disabilities (PWD) through legislative, administrative, judicial and other measures. In compliance with Article 35 of the Convention, the Government of the Republic of the Philippines (GPH) presents this report in accordance with the guidelines prescribed by the Committee on the Rights of Persons with Disabilities. Likewise, duty bearers and claim holders look at this opportunity as a venue to share and fine-tune the efforts made by the Philippine government in protecting and promoting the rights of PWDs in the country.

2. Article XIII Section 13 of the 1987 Constitution states that a special agency for the rehabilitation, self-development, self-reliance and integration of persons with disabilities into mainstream society shall be established. Executive Order (E.O.) 232 (July 22, 1987) amended Presidential Decree 1509 (June 11 1978) reorganizing the National Commission Concerning Disabled Persons (NCCDP) into the National Council for the Welfare of Disabled Persons (NCWDP). Initially attached to the Department of Social Welfare and Development, NCWDP was transferred to the Office of the President by Executive Order No. 676 (October 25, 2007) and then reorganized into the National Council on Disability Affairs (NCDA) by E.O. 709. NCDA by virtue of its charter enshrined under E.O. No. 709 issued on February 26, 2008, formulates policies, coordinates and monitors programs and projects for PWDs. In an effort to streamline government services and provide efficient and effective service to the sector with disability, E.O. No. 33 was issued on April 5, 2011 which retains the organization of the Council but transfers its attachment to the umbrella of DSWD from the Office of the President. Data contained in this report were provided by concerned government organizations (GOs) particularly the members of the NCDA Governing Board, partner agencies, and other key stakeholders that include non-government organizations (NGO) and disabled people's organizations (DPOs).

3. This report will serve as the initial report of the State on the implementation of the Convention on the Rights of Persons with Disabilities. Data in this report include the policies, programs, strategies and actions of the State in fulfilling its obligations to the international treaty. Various inter-agency efforts as well as partnerships with various NGOs and DPOs in national, regional, and community level activities are presented.

4. Efforts of the private sector, civic organizations, and organizations for and of persons with disabilities as part of the full realization of the Convention is fully recognized by the State and thus initiatives on making them part of the reporting process have been conducted by the government. Various stake-holders have been oriented with the reporting guidelines, and cooperation has been fully sought by the NCDA.

5. The NCDA, Department of Foreign Affairs (DFA), and Presidential Human Rights Committee (PHRC) worked together in conducting consultative meetings and crafting this report following the format as stated in the reporting guidelines prescribed by the Committee on the Rights of Persons with Disabilities.

## II. Definitions

6. Under Republic Act (R.A.) No. 7277 as amended by Republic Act No. 9442, Section 4 (a) thereof defines "persons with disabilities" as 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. The same section defines “impairment” as any loss, diminution or aberration of psychological, physiological, or anatomical structure or function. Currently based on the implementing rules and regulations (IRR) of the same law, disabilities are classified but are not limited to:

- (a) Ortho/Moving Disabilities;
- (b) Communication Deficits;
- (c) Visual/Seeing Disabilities;
- (d) Learning (Cognitive or Intellectual Disabilities);
- (e) Chronic Illnesses with Disability;
- (f) Mental Disabilities;
- (g) Psychosocial and Behavioral.

7. Full and effective participation and inclusion in society as defined in the Declaration of Policy, under Section 2 (a) of R.A. No. 7277 reads that persons with disabilities are part of Philippine society, and society will give full support in improving their total well-being, integration into mainstream society, and providing policies for rehabilitation, self development, and self reliance to enhance their skills and potential and enable them to compete favourably for available opportunities.

8. Section 2 (b) recognizes respect for differences and acceptance of persons with disabilities, as the declaration reads that persons with disabilities have the same rights as other people to take their proper place in society and, to live freely and independently as possible.

9. On Non-Discrimination, Section 2 (c) of R.A. No. 7277 provides that the State shall advocate for and encourage respect for persons with disabilities. It shall also exert all efforts to remove the social, cultural, economic, environmental, and attitudinal barriers that are prejudicial to persons with disabilities. Furthermore, subsequent sections of the law provides for non-discrimination of persons with disabilities in employment, education, health, auxiliary social services, telecommunications, accessibility, and political and civil rights.

10. On Equality of Men and Women, Section 2 (Declaration of Policy) of R.A. No. 9710 otherwise known as the “Magna Carta of Women” affirms the role of women in nation-building and ensures the substantive equality of women and men, through women empowerment. R.A. No. 9710 provides for the protection against discrimination, exploitation, violence and abuse against women. Furthermore, Section 4 (d) “Marginalized” are (9) “Children” is defined as “those who are below eighteen (18) years of age or over but are unable to fully take care of themselves or protect themselves because of a physical or mental disability or condition”; (11) “Persons with Disabilities” is defined as those who are 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.

11. On Accessibility Section 25 (Barrier-Free Environment) of R.A. No. 7277, enables persons with disabilities access in public and private buildings and other establishments. Section 26 (Mobility) promotes the mobility of persons with disabilities and allow them to drive motor vehicles, subject to rules and regulations issued by the Land Transportation Office (LTO). Section 27 (Access to Public Transport Facilities), provide for the development of programs to assist marginalized persons with disabilities to gain access in the use of public transport facilities.

12. On Reasonable Accommodation, Section 4 (h) of R.A. No. 7277 includes the improvement of existing physical facilities, modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials, company policies, rules and regulations, the provision of auxiliary aids and services and other similar accommodations for persons with disabilities.

### **III. General principles and general obligations**

13. The Philippine Constitution, under Article II, Section 11, states that “The State values the dignity of every human person and guarantees full respect for human rights.”

14. Furthermore, the State acknowledges the rights of persons with disabilities thus paving the enactment of legislative measures and mandates on disability. These include: R.A. No. 7277 otherwise known as the “Magna Carta for Persons with Disabilities;” R.A. No. 9442 titled “An Act Amending R.A. No. 7277...;” Batas Pambansa Bilang (B.P.) 344 better known as the “Accessibility Law;” and R.A. No. 10070 which is “An Act Establishing An Institutional Mechanism to Ensure the Implementation of Programs and Services for Persons with Disabilities....” These laws, along with other Executive Orders and local ordinances were enacted and issued as legal instruments that promote, respect, and protect the rights of persons with disabilities.

15. The Philippines has recognized the inherent dignity, rights and value of persons with disabilities in the country long before the adoption of the Convention on the Rights of Persons with Disabilities which is evident in the existing laws of the country:

- R.A. No. 7277 (March 1992), covers provisions on the non-discrimination of persons with disabilities on employment, education, health, telecommunications, accessibility, political and civil rights and other services provided by the government. The law also provides for their integration into mainstream society and the provision of an accessible and barrier-free environment;
- B.P. 344 (February 1983), covers provisions on the construction and renovation of government and private buildings for public use to have structural and architectural facilities to enhance the mobility and accommodation of persons with disabilities;
- R.A. 8980 (October 2000), an act promulgating a comprehensive policy and National System for Early Childhood Care Development;
- R.A. 8425 (December 1997), an act institutionalizing social reform and poverty alleviation program. Adopting an area-based, sectoral and focused intervention to poverty alleviation wherein every poor Filipino family shall be empowered to meet its minimum basic needs of health, food and nutrition, water and environmental sanitation, income security, shelter and decent housing, peace and order, education and functional literacy, participation in governance, and family care and psycho-social integrity;
- E.O. No. 417 issued in March 22, 2005, provides for the implementation of the economic independence programs for persons with disabilities. This Presidential issuance requires and directs all national government agencies including government-owned and controlled corporations to support and cooperate in the implementation of the Economic Independence Program for persons with disabilities through the enhancement of their social and vocational skills capabilities;

- E.O. No. 437 issued on June 21, 2005, encourages Local Government Units (LGUs) to adopt community based-rehabilitation (CBR) in providing services for persons with disabilities;
- R.A. No. 9288 (April 7, 2004) An Act promulgating a comprehensive policy and a national system for ensuring newborn screening. The act ensures that every newborn has access for certain heritable conditions that result in mental retardation, serious health complications or death if left undetected and untreated;
- R.A. No. 9709 (August 2009) an act establishing a universal newborn hearing screening program for the prevention, early diagnosis and intervention of hearing loss;
- R.A. No. 10070 (April 2010), an act establishing an institutional mechanism to ensure the implementation of programs and services for person with disabilities in every province, city and municipality.

16. Various laws and programs of the Philippine Government were crafted to promote and protect the inherent rights of persons with disabilities specifically those described in the Convention. During the formulation of the National Human Rights Action Plan (NHRAP), consultations were made by the national government with the persons with disabilities sector where a number of main concerns identified were grouped and given utmost priority. These are access to physical environment that includes public transport, information and communication technology; economic development that tackles equal opportunity, equality and non-discrimination, living independently and inclusion in the community, work and employment; right to education, to cover women and children with disabilities; and habilitation, rehabilitation and social protection that includes access and equal recognition to the law, health and adequate standard of living.

17. Consultation, monitoring, and policy formulation mechanisms have been employed by the Philippine Government to address and assist the plight of persons with disabilities. At the highest level in the country, the NCDA remains as the central government agency tasked to formulate policies and propose legislations on the rights of persons with disabilities. E.O. No. 709, Section 2 mandates the NCDA “conduct consultative meetings and prepare symposia with all stake-holders.” In addition, Section 3 thereof provides that the Governing Board of the NCDA will include two (2) persons with disabilities representing legitimate self-help organizations of persons with disabilities as its members. Persons with disabilities are also well represented in all Sub-Committees of the NCDA which formulate policies and develop programs on various persons with disabilities’ concerns.

18. Organizations for and of persons with disabilities are also involved and consulted in the development of programs and legislations for their sector. National and local federations of persons with disabilities involving organizations representing various disabilities as well as disability-based organizations for the visually impaired, hearing impaired, orthopedically handicapped, learning and behavioural disorders, and parents of children with disabilities co-exist and partner with the government in developing and implementing programs.

19. Other existing structures that insure the participation of the persons with disabilities sector in program and policy formulation are as follows:

- National Anti-Poverty Commission (NAPC) – Persons with Disability Sectoral Council: composed of representatives from the seventeen (17) regions and eight (8) national representatives that is composed of one (1) each from the visually impaired, hearing impaired, orthopedically handicapped and parents of children with

disability, and two (2) each for organization of women with disability and cross-disability. A total of twenty-five (25) representatives compose the sectoral council;

- Regional Council on Disability Affairs (RCDA) chaired by the Regional Director of the Department of Social Welfare and Development (DSWD) for all regions except Region XII that is chaired by the Philippine Information Agency (PIA). The members of the council include but does not limit to representatives from regional offices of the Department of Health (DOH), Department of Labor and Employment (DOLE), Department of Education (DepEd), Department of Interior and Local Government (DILG), Department of Trade and Industry (DTI), Department of Public Works and Highways (DPWH), Department of Transportation and Communication (DOTC), Philippine Information Agency, Technical Education and Skills Development Authority (TESDA); Regional Federation of Persons with Disabilities, Women with Disability, and Parents of Children with Disability; Representatives from Provincial Social Welfare Development Offices and City Social Welfare Development Offices; Non-Government Organizations and representatives from the Academe;
- Persons with Disability Affairs Office/Council for provinces, cities and municipalities that exist in a number of local government units (LGUs). The enactment of R.A. No. 10070 (April 2010) provides for the creation of PWD affairs office in LGUs, strengthening existing local disability councils and creating such offices in others.

#### **IV. Report relating to specific rights**

##### **State Party's Responses to Article 5 – Equality and Non-discrimination**

20. Article III Section 1 of the 1987 Philippine Constitution provides that no person shall be denied the equal protection of the laws.

21. Furthermore, Section 2 (b) of R.A. No. 7277 provides that persons with disabilities have the same rights as other people to take their proper place in society. They should be able to live freely and independently as much as possible. Title Three of R.A. No. 7277 further provides legal protection of persons with disabilities against various forms of discrimination specifically on employment, education, health, transportation, and public accommodation.

22. R.A. No. 9442 stipulates the privileges in education of persons with disabilities. The DepEd has issued guidelines on the educational services for children with disabilities and persons with disabilities that ensure non-discrimination in education.

##### **State Party's Responses to Article 8 – Awareness-raising**

23. Under the NCDA Charter, a Sub-Committee on Advocacy chaired by the Philippine Information Agency (PIA) has been created with members representing both GOs and NGOs. The sub-committee continuously promoted the salient provisions of all local laws and international mandates such as the UN-CRPD.

24. Regional Media Fora on Disability were conducted nationwide prior to the adoption of the UN-CRPD up to present. These continuing fora were conducted by NCDA in the cities of Tuguegarao, Baguio, Angeles, Puerto Princesa, Legaspi, Iloilo, Cebu, Tacloban, Zamboanga, Cagayan de Oro, Davao City, and Quezon.



25. The PIA, RCDAs and other NCDA member-agencies also closely collaborated in the conduct of the fora in the said major regional cities. Organizations of and for persons with disabilities were likewise involved as program partners, such as Liliane Foundation Philippines, Simon of Cyrene Children's Rehabilitation and Development Foundation, Hingyap Community-Based Rehabilitation Center, and most importantly, the tri-media in all the involved regions.

26. In addition, the Philippine Government, through Proclamation No. 1870 (June 22, 1979), Proclamation No. 361 (August 19, 2000) and Administrative Order (A.O.) 35 (May 3, 2002) observes annually in the third week of July, the National Disability Prevention and Rehabilitation (NDPR) Week. The NDPR Week directs all government instrumentalities to conduct activities toward disability prevention and rehabilitation and public awareness on the role of every citizen, leading to effective societal integration of persons with disabilities.

27. Other yearly celebrations, participated in by various GOs and NGOs, and PWD sector that aim to educate the general public are as follows:

- Proclamation No. 711 (January 4, 1996) Declaring the Third week of January as Autism Consciousness Week;
- Proclamation No. 157 (February 18, 2001) Declaring the month of February as "National Down Syndrome Consciousness Month";
- Proclamation No. 1385 (February 12, 1975) Designating the Period from February 14 to 20, 1975, and Every Year Thereafter, as "Retarded Children's Week";
- Proclamation No. 467 (October 4, 1965) Declaring the Last Week of February of Every year as Leprosy Control Week;
- Proclamation No. 744 (December 6, 2004) Declaring the Last Monday of March Every year as Women with Disabilities Day;
- Presidential Proclamation No. 40 Celebrating the month of August Every year as Sight Saving Month;
- R.A. no 6759 (September 18, 1989) "An act declaring August one of each year as White Cane Safety Day in the Philippines and for other purposes;
- Proclamation No. 92 (August 28, 2001) Declaring the Third Week of August of Every Year as "Brain Attack Awareness Week";
- Proclamation No. 230 (August 12, 2002) Declaring the First Week of September of Every year as "National Epilepsy Awareness Week";
- Proclamation No. 588 (March 25, 2004) Declaring the Period from September 16 to 22, 2004 and Every Year Thereafter as "Cerebral Palsy Awareness and Protection Week";
- Proclamation No. 452 (August 25, 1994) Declaring the Second Week of October of Every year as "National Mental Health Week";
- Proclamation No. 658 (July 5, 2004) Declaring the 3<sup>rd</sup> Week of October of Every year as "Bone and Joint (Musculo-Skeletal) Awareness Week";
- Proclamation No. 472 (September 18, 2003) Declaring the Third Week of October of Every year as "National Attention Deficit/Hyperactivity Disorder (AD/HD) Awareness Week";
- Proclamation No. 110 (October 8, 2001) declaring the Second Week of November Every year as "National Skin Disease Detection and Prevention Week";

- Presidential Proclamation No. 829 (November 8, 1991) Declaring the Period from November 10-15 of Every year as “Deaf Awareness Week”;
- Proclamation No. 1157 (October 16, 2006) Declaring December 3, 2006 and Every Year Thereafter as “International Day of Persons with Disabilities in the Philippines”.

28. Aside from activities conducted through GOs and NGOs during the celebration of the NDPR Week and other disability related awareness activities, the different government instrumentalities and organizations of and for persons with disabilities have initiated advocacy activities and campaigns that promote the rights of persons with disabilities.

29. The State Party, through the NCDA, continues to publish and distribute various information materials to organizations, schools, libraries, LGUs, and private companies to increase awareness on the Convention and other legislative tools that uphold and promote the rights of persons with disabilities. It has also ventured in facilitating and coordinating the production and airing of three infomercials on equal rights, skills, and abilities of persons with disabilities. Two of these infomercials are being shown in 15 cinemas as free movie plugs. These infomercials are also being aired in to three government-owned television networks, namely: NBN Channel 4, RPN Channel 9 and IBC Channel 13 in coordination with the PIA.

30. The State Party, through the Commission on Higher Education (CHED), conducted various meetings, seminars, and workshops with heads of student affairs and school administrators in line with the advocacy on the rights of persons with disabilities. The CHED also conducted a National Orientation of Student Leaders on November 26, 2010 where about 160 student leaders were educated on PWD matters and copies of NCDA issuances were distributed. An article on how CHED promotes access to higher education for persons with disabilities was also included in the Commission’s newsletter “Commission on Higher Education Link” (December 2008 issue).

31. The State Party, through TESDA, issued memorandum circulars on persons with disabilities’ concerns, activities, programs, and services to all its 126 technology institutes, 17 regional and 86 provincial and district offices. TESDA deemed the information dissemination program needing further enhancement.

32. The private sector has also taken part in the conduct of advocacy, education, and information campaigns to promote the Convention. Organizations for and of persons with disabilities as well as organizations of parents representing children with disabilities have conducted various projects and activities that related to awareness-raising.

33. The NORFIL Foundation, in partnership with the provincial government of Batangas, Oriental Mindoro, and Cebu conducts activities for the above-mentioned celebrations, specifically orientation on R.A. 7277 and R.A. 9442 in cities and municipalities of Regions IV-A, IV-B, and VII. During the said activities, a total of 771 barangay captains (Village Leaders), 389 public school teachers, 2,421 community volunteers and 3,000 parents were oriented on R.A. No. 7277 and R.A. No. 9442. Some 30 NORFIL staff was provided training on Right Based-Programming by the CHR. A number of consultation and planning workshop for persons with disabilities, and self awareness and values enrichment seminars on community based rehabilitation project for children and youth with disability in cities and municipalities of Regions IV-A, IV-B, and VII were attended by 22 adults, and 222 youth with disability.

34. The Alyansa ng may Kampansanang Pinoy (AKAP-Pinoy) conducted advocacy programs to intensify awareness-raising activities amongst persons with disabilities in the sector and in the community. Akap Pinoy has conducted the following activities to promote the Convention: 5 trainers’ trainings for 220 persons with disabilities; 13 orientation and

consultation for 816 persons with disabilities, persons with disabilities organizations and NGO participants; 19 Local Training Seminar-Workshops for 752 participants; 12 advocacy enrichment seminars for 372 Persons With Disabilities; 3 youth person with disability and parents' leadership training for 81 participants; 1 media workshop for 45 persons with disabilities broadcasters and journalist; and 3 National Disability Forum for 310 participants. Fourteen PWD broadcasters were also accredited by the "Kapisanan ng mga Brodkaster ng Pilipinas" (Broadcasters Guild of the Philippines) (KBP) and are actively involved in broadcasting and media work in their respective localities.

35. The Autism Society of the Philippines (ASP), a parent-support organization, has included the Convention as one of the topics in the activities they have recently conducted, namely: 11<sup>th</sup> National Conference on Autism (October 2009) 600 participants; 2<sup>nd</sup> Regional Conference on Autism (October 2010) 350 participants; 2<sup>nd</sup> Chapter Leaders Conference (August 2008) 65 participants; 3<sup>rd</sup> Chapter Leaders Conference (August 2009) 80 participants. The ASP has also conducted various sensitivity trainings in handling children with disability for tenants, and personnel of malls and airlines.

### **State Party's Responses to Article 9 – Accessibility**

36. The, the State party, through the NCDA Sub-Committee on Accessibility of Built Environment and Transportation (SCABET), composed of GOs, NGOs and representatives from the persons with disability sector, formulates and recommends policies and develops programs consistent with existing legislations addressing issues on accessible environment. These programs and policies are carried out with the help of the public and private sectors.

37. R.A. No. 7277, Section 25 stipulates that the State will ensure a barrier-free environment that will enable persons with disabilities to have access in public and private establishments and other places mentioned in B.P. 344 otherwise known as the "Accessibility Law". Likewise, the national and local governments shall allocate funds for the provision of architectural and structural features for persons with disabilities in government buildings and facilities.

38. In addition, Section 1 of RA No. 7277 provides that no license or permit for the construction, repair or renovation of public and private buildings for public use, educational institutions, airports, sports and recreation centers and complexes, shopping centers or establishments, public parking places, work-places, and public utilities shall be granted or issued unless the owner or operator shall install and incorporate in such building, establishment, institution or public utility, such architectural facilities or structural features as shall reasonably enhance the mobility of disabled persons such as sidewalks, ramps, railings and the like. If feasible, all such existing buildings, institutions, establishments, or public utilities may be renovated or altered to enable the persons with disabilities to have access to them. Various issuances of other GOs are in place to supplement the Accessibility Law.

39. The State Party, through the Philippine Health Insurance Corporation (PhilHealth), issued Circular No. 50-2009 "Benchbook Standards". Sections 2.1.2.c.1 and 2.1.2.e.1 of the standards which ensures that health care providers comply with the accessibility law to enable persons, especially those with physical disabilities or who use mobility aids, to easily enter and go around their premises/facilities to access the facility's services. Public and private hospitals applying for accreditation with PhilHealth are required to comply with the cited provisions of the Benchbook Standards.

40. The State Party, through the Bangko Sentral ng Pilipinas, issued to banks and non-bank financial institutions under their regulation and supervision a Circular Letter dated 18 December 2003 reminding the institutions of the provision of B.P. 344 among the

regulations for compliance under Subsection X160.10 of the Manual of Regulations for Banks and under Sections 4657P and 4157 N and Subsections 4651Q.9 and 4657s.9 of the Manual of Regulations for Non-Bank Financial Institutions. Said sections and subsections provide that license or permit to construct, repair or renovate public and private buildings will not be issued unless structural facilities or features that enhance the mobility of disabled persons are provided. Circular Letter No. CL-2008-066 dated 08 October 2008, addressed to all banks and non-bank financial institutions under Bangko Sentral ng Pilipinas regulation and supervision reiterates the need for compliance to B.P. 344.

41. Section 34 of the General Appropriations Act reads “all government facilities, including infrastructure, non-infrastructure and civil works project of government, as well as office buildings, streets and highways, shall provide architectural facilities or structural features and designs that shall reasonably enhance the mobility, safety and welfare of differently-abled persons pursuant to B.P. 344 and R.A. No. 7277.”

42. Auditing the accessibility of existing structures for public use is also a challenge that is being addressed by the State Party. The State Party, through the Department of Public Works and Highways (DPWH), in its access audit found out that in 2010 that, only 1,291 out of 6,285 monitored buildings were found to be accessibility compliant. It that a total of Php 687,000,070.00 is needed to cover cost for full compliance of audited buildings.

43. The DPWH proposed that funds needed be sourced out from the national government for maintenance, repair, and rehabilitation of buildings, or from any available funds for Gender and Development. DPWH also recommended the following courses of action: 1. All Regional and District Engineering Offices are to conduct comprehensive audit of all government buildings/ structures in their areas of jurisdiction to determine whether these are compliant with the provisions of B.P. 344; 2. For those structures that are found not compliant, Regional District Engineering Offices are directed to make recommendations as to the accessibility facilities needed to be installed/ constructed with corresponding estimates; and 3. Per DPWH Secretary’s directive and considering that the recommended amount cannot be released for one year, all DPWH’ Regional Directors (thru a Memorandum) are directed to prepare program/s for 3 to 5 year timeline to attain the target goal of 100% compliance for the audited buildings found not compliant.

44. The DPWH also recommended that new infrastructure projects, accessibility facilities/features must be incorporated in the design plans and corresponding program of work/ detailed cost estimates; and that guidelines relative to the identification of programs/ activities/ projects for persons with disabilities on existing infrastructure projects and allocation of funds as well as its documentary requirements (i.e. approved design plans, approved plan of work/detailed cost estimates) be presented.

45. In 2011, the DPWH directed all City and Municipal Building Officials to fully implement the provisions of B.P. 344 particularly to ensure that all approvals of application for building permits and certificates of building occupancy shall be evaluated in accordance with the Accessibility Law.

46. The State Party has also ventured into other projects with the private sector and foreign funding institutions to address issues of accessibility. The NCDA, in partnership with the Japan International Cooperation Agency has implemented the 4 year Non-Handicapping Environment project started in 2008. The project aims to make public places and its facilities accessible to persons with disabilities. The project has chosen two (2) pilot sites namely: the municipality of Opol in Misamis Oriental Province and the municipality of New Lucena in Iloilo Province. The project is undertaken with the help of other GOs like the DPWH, DSWD, DOTCs, DOLE, LGUs, the academe, NGOs particularly the United Architects of the Philippines, and the organizations of persons with disabilities. The accessibility facilities that were part of the project, was selected as one of the four projects

given the Excellence Award in the 3<sup>rd</sup> International Conference for Universal Design eventually garnering “Grand Award of Universal Design” held in Hamamatsu, Japan on November 1, 2010.

47. In the aspect of transportation, the State Party, through the Department of Transportation and Communications, (DOTC), issued Special Order No. 2007-77 on May 11, 2007, as amended, which established the DOTC Task Force on Accessibility. The Task Force is headed by the DOTC Office of Transportation Cooperatives with members from the Philippine Ports Authority, Maritime Industry Authority, Civil Aeronautics Board, Civil Aviation Authority of the Philippines, Land Transportation Office, Land Transportation Franchising and Regulatory Board, Light Rail Transit Authority, Metro Rail Transit, Philippine Coast Guard, Philippine National Railways, and National Telecommunications Commission. The Task Force has the following objectives: 1. Coordinate all activities pursued by the Department purposely to any commitments on accessibility; 2. Ensure the representation of the Department to meetings, fora, seminars, conferences and activities of the NCDA Sub-Committee on Accessibility of Built Environment and Transportation, Sub-Committee on Information Communication and Technology, Inter-Agency National Working Committees, NCDA – Japan International Cooperation Agency Non-Handicapping Environment, and NCDA Board; 3. Prepare the status/accomplishment reports in connection with the issues brought about by the previous activities; 4. Monitor, survey and conduct ocular inspections relative to the provisions of B.P. 344 and R.A. No. 7277; 5. Prepare all necessary requirements requested by the NCDA, National Government Agencies, LGUs, NGOs and Persons with Disabilities Sector to the Office of the Secretary; 6. Prepare all necessary funding requirements by persons with disabilities sector as part of DOTC’s contributions and advocacies; 7. Prepare annual accomplishment report to the NCDA in connection with the National Decade Plan for Persons with Disabilities 2003-2012; 8. Prepare the projects, programs and funding requirements of the DOTC attached and sectoral agencies for the implementation of B.P. 344 and R.A. No. 7277.

48. Furthermore, the State Party, through the Land Transportation Franchising and Regulatory Board (LTFRB), issued Memorandum Circular 2010-023, which reiterate the provisions of B.P. 344, R.A. No. 7277, and R.A. No. 9442, requiring designated seats for persons with disabilities on public land transportation vehicles. Otherwise, monetary fines and cancellation of public transportation franchise may be imposed against violators.

49. Furthermore, R.A. No. 9442 provides for at least 20% discount on all public utility fares for persons with disabilities. The DOTC attached offices, namely, Land Transportation Franchising and Regulatory Board, Philippine National Railways, Civil Aeronautics Board, Light Rail Transit Authority, Metro Rail Transit, and Maritime Industry Authority have issued guidelines on implementing the abovementioned provision of R.A. No. 9442.

50. In addition, the priority selling lanes on public rail transits exist. There is also a designated coach per train for persons with disabilities, elderly, and pregnant women and children. While the Light Rail Transit 2 is fully accessible, the other rail systems of the country are being modified to comply with the accessibility requirements. Eight out of 10 international airports in the country and two domestic airports are compliant with B.P. 344. Accessibility of port facilities is an issue being addressed by the concerned agencies of the Philippine Government.

51. In relation to the issue of Information Communication Technology, the State Party has already initiated a number of programs, activities, and projects. Along with the NCDA Sub-Committee on Information Communication and Technology’s (ICT) partnership with the private sector, the following events had taken place:

- Introduction of Digital Accessible Information System For All (DAISY) in the Philippines, to promote and advocate the importance of accessible information especially to persons with disabilities the NCDA sent a 4 member delegation to Bangkok, Thailand;
- Conduct of a National Information and Communication Technology Workshop and three Regional Workshops attended by web designers from the GO, NGO and academic institutions to advocate and promote web accessibility for Persons with Disabilities;
- Creation of the Philippine Web Accessibility Group, composed of non-profit, government-registered associations of web designers advocating accessibility.

52. Complementing these initiatives, NCDA Board issued resolutions such as: Board Resolution No. 11 “Adopting Digital Accessible information System (DAISY) and its equivalent as a standard in producing accessible material for Persons with Disabilities”; Board Resolution No. 12 “Enjoining all members of NCDA to employ qualified Persons with Disabilities encoders using available recruitment schemes”; and Board Resolution No. 13 “Requesting the Commission on Information and Communication Technology/ National Computer Center to deputize the Philippine Web Accessibility Group to undertake Web Accessibility Assessment of Websites of Participating Agencies and to Enjoin Member Agencies of NCDA to Comply With Web Accessibility Minimum Requirements.”

53. The NCDA and National Computer Center collaborated and issued Joint Circular No. 1 series of 2010, dated June 29, 2010, instructing all agencies and instrumentalities of the GPH to adopt accessible website designs. The Circular affirms the design guidelines as recommended by the Philippine Web Accessibility Group, and the guidelines on training and sourcing of funds for the program.

54. The NCDA SCABET has conducted various orientation, seminars and talkshops to educate the various sectors of society on accessibility of establishment and services as well as handling persons with disabilities.

55. In March 2008, the First Access 2010 National Conference on Accessible Transportation for Persons with Disabilities was organized and attended by 115 participants from media, national GOs, LGUs, academe, transport and persons with disabilities groups. Accessibility Talk Shops and Audit and Training Personnel in Handling Persons with Disabilities were attended by 225 participants from Manila International Airport Authority, Air Transportation Office, Land Transportation Office, Philippine Ports Authority, Philippine Coast Guard, Metro Rail Transit, and Light Rail Transit Authority. The DOTC also implemented a training course for public utility drivers on the rights of persons with disabilities. Some 66 taxi drivers, 61 public utility jeepney drivers, 733 public utility bus drivers, and 45 school transit drivers benefited from this training course.

56. The DOTC also gathered representatives from the persons with disabilities sector, NCDA, Civil Aeronautics Board and airline companies in a consultation meeting in handling clients with disabilities.

57. The DPWH organized regional orientation seminar on the amended implementing rules and regulations of Accessibility Law (B.P. 344) based on a Memorandum dated February 28, 2010. As of October 2010, these seminars were attended by 355 participants from the DPWH, 290 from LGUs, and 16 from NGOs across the National Capital Region, Cordillera Administrative Region, Region I, Region II, Region III, and Region IV-A. After organizing the seminars in six regions, the Department recommended that a special seminar on the same subject be conducted to all its Regional and District Engineering Offices. The recommendation is aligned with the objective of ensuring that all building and highway project designs comply with the law. All building officials, staff, architects and engineers

who are within the jurisdiction of Regional and District Engineering Offices were enjoined to attend the orientation. The DPWH shall conduct these seminars in eight other regions.

58. Autism Society Philippines, a parent-support organization, provides seminars to personnel of private service providers such as malls, and airlines in the proper handling clients with autism. In 2010 a total of 9,489 personnel of shopping malls across the country and 60 managers and personnel of a local airline participated in these seminars, a total of 568 professionals, parents and students were also given the topics which ranged from various therapies, social inclusion, language, vocational training, home management and others.

59. In addition, the NCDA, working with the largest shopping mall operator in the Philippines is actively engaged in activities to promote a barrier-free environment ranging from renovation of mall structures to sponsorships of various events including sports and skills activities. Another shopping mall operator is implementing a “U-First Priority Shopping” program which provides mobility conveniences for senior citizens and persons with disabilities like wheel chairs and the like.

### **State Party’s response to Article 10 – Right to life**

60. Article III Section 1 of the Philippine Constitution mandates that no person shall be deprived of life, property and liberty without due process of law nor any person shall be denied of the equal protection of the laws. In addition Article II Section 12 of the 1987 Constitution stipulates that the State shall equally protect the life of the mother and the life of the unborn upon conception. Article 40 of the Civil Code of the Philippines provide “the conceived child shall be considered born for all purposes that are favorable to it”. These laws, which are equally applicable to persons with disabilities, ensure that the right to life of persons with disabilities are protected from the point of conception.

61. Even as the State values the right to life it is also cognizant of its objective to provide accessible methods that address heritable conditions in infants that if untreated may result to mental retardation, serious health complications or death. Hence, Section 3 (a) of R.A. No. 8980, provides that one of the objectives of the National Early Childhood Care and Development (ECCD) system is to achieve improved infant and child survival rates by ensuring that adequate health and nutrition programs are accessible to young children and their mothers from the pre-natal period throughout the early childhood years. R.A. No. 9288 (Newborn Screening Act of 2004) provides for the institutionalization of a newborn screening system to ensure that every newborn has access to screening.

62. R.A. No. 7600, otherwise known as “The Rooming-In and Breast Feeding Act of 1992” recognizes the distinct advantages of breast feeding as the first preventive health measure that can be given to a child at birth. In addition, R.A. No. 10028 an act expanding the promotion of breastfeeding, and amending R.A. No. 7600 otherwise known as “Expanded Breastfeeding Promotion Act of 2009” provides for the Establishment of Lactation Stations for all Government and Private, health and non-health facilities. Lactation stations should have sanitation, refrigeration or appropriate cooling facilities for storing breastmilk, electrical outlets should also be provided for breast pumps and other items needed to provide comfort to the nursing employee. The same law provides incentives in putting up such infrastructure in forms of tax incentives for private establishments and additional appropriations for government agencies. A penal clause is also included in these laws to respond to instances of violation and non-compliance of the law.

63. The DOH runs programs on maternal and child health that provide for the survival of the mother and the child. The major public health programs of the Department are: Infant

and Young Child Feeding program, Expanded Program on Immunization, Protein-Energy Malnutrition Prevention and Control, Micro Nutrient Supplementation, Food Fortification, Growth Monitoring and Promotion, Integrated Management of Childhood Illness, Child Injury Prevention and Control, Maternal Care, Newborn Screening and Early Childhood Care and Development.

64. Philippine laws are also in place to protect children from abortion as it is stipulated in R.A. 3815 (Revised Penal Code) Articles 255-259 provides penalty for infanticide, abortion committed by the mother, parents of the mother, or other parties such as midwives, and medical practitioners.

65. The Philippines is also one of the first countries in South East Asia that stopped from implementing death penalty as capital punishment. R.A. No. 9346 (June 2006), an Act Prohibiting the Imposition of Death Penalty in the Philippines, provides for the abolition of the death penalty in the Philippines, and the imposition of life imprisonment for those already sentenced.

### **State party's responses to Article 11 – Situation of risk and humanitarian emergencies**

66. The National Disaster Risk Reduction and Management Council is the State Party's national coordinating body in situations of risk and humanitarian emergencies. Rule 1 Section 3 (b) of the Implementing Rules and Regulations of R.A. No. 10121 also known as the Philippine Disaster Risk Reduction and Management Act of 2010, affirms the State's adherence to and adoption of the universal norms, principles and standards of humanitarian assistance. According to DOH's Health Emergency Management Staff, an implementing arm of the Council, the country adopts the Inter-Agency Standing Committee Guidelines on Mental Health and Psychosocial Support in emergency settings. Based on the Guidelines, disaster management considers the plight of vulnerable groups, including persons with disabilities; ensuring that they are treated in a way that is sensitive of their needs and ensuring that disaster relief is conducted in a way that will promote accessibility for persons with disabilities to the services. This framework for treatment of persons with disabilities under the Guidelines is incorporated in planning and decision-making including preparedness and recovery phase in such disasters.

67. The DSWD's Disaster Relief and Rehabilitation Program provided resource augmentation to LGUs which benefited 1,643,170 families or 7,814,403 individuals who are victims of natural and man-made disasters. This includes relief goods given by the Department consisting of food and non-food items for internally displaced persons due to natural disasters and armed conflict. Other programs of the department relating to situations of risk and humanitarian emergencies are discussed in the succeeding paragraphs.

68. The DSWD has been implementing the Core Shelter Assistance program since 1985. The program aims to provide structurally strong shelter units that can withstand 180-220 kilometer per hour wind velocity to families whose houses were totally destroyed by natural and man-made calamities and who have no capacity to build or construct their own units. A core shelter is provided using locally available materials to family of victims. Modified Shelter Assistance provides limited financial or material assistance to augment resources of family in constructing houses in relocation sites while Emergency Shelter Assistance provides emergency self-build shelter through materials and financial assistance to augment resources of families in constructing and repairing damage houses which were partially or totally destroyed as a result of calamities and disasters. In 2011 the program of DSWD benefited 2,033 families which amounted to Php 137,300,000.00.



69. The DSWD's Cash/Food for Training/Work for the Internally Displaced Persons (IDPs) provide temporary employment to distressed/displaced individuals by participating preparedness, relief, rehabilitation or risk reduction projects and activities in their communities. The program has served a total of 45,861 beneficiaries in December 2011.

70. R.A. No. 9803 "Food Donation Act of 2009" delegates the DSWD and the Philippine Red Cross as coordinating agencies in distributing food for philanthropic, humanitarian and non-profit objectives.

71. A core inter-agency mechanism chaired by the DSWD; vice-chaired by the Philippine Red Cross; together with the Food and Drug Administration, National Nutrition Council, National Meat Inspection Service, Bureau of Fisheries and Aquatic Resources, Office of Civil Defense, Food and Nutrition Research Institute, Hotel and Restaurant Association of the Philippines, DILG, LGUs and Union of Local Authorities of the Philippines facilitate all activities relating to food donation. Activities from donation, storage, sensory and lab testing, creation of allocation plans, and mobilization of distribution mechanisms are being handled by the committee in the national, regional, and local levels.

72. While policies in this regard do not classify beneficiaries, it is the spirit of these directions to respond to the special needs of persons with disabilities thus the assurance of all affirmative action's in all possible occasions.

### **State Party's responses to Article 12 – Equal recognition before the law**

73. It is the prime duty of the government to serve and protect the people and it is in the realization of the law for everyone that this duty is carried out. Article III Section 1 of the Philippine Constitution provides that "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." Likewise, Articles 37-39 of the Civil Code of the Philippines (R.A. No. 386) States that legal capacity is inherent in every natural person; instances of disabilities are mere restrictions on the person's capacity to act. While Article III Section 11 of the 1987 Philippine Constitution provides for the free access to courts, quasi-judicial bodies and legal assistance. Furthermore Section 12 provides that in the event that a person cannot afford the services of a counsel he shall be provided with one.

In the country, the Public Attorney's Office, an independent office attached to the Department of Justice created by virtue R.A. No. 9406 to serve citizens, including PWDs, involved in law proceedings, and extends free legal assistance to citizens in criminal, civil, labor, administrative and other quasi-judicial cases.

74. Legal protection is granted to persons with disabilities on the acquisition and disposition of property under the civil laws and jurisprudence, including through succession, both testate and intestate.

75. The NCDA is at the forefront of a legislative lobby for the installation of Audio Transmission Systems in Automated Teller Machines to facilitate transactions of the visually impaired, this will allow the visually impaired to manage their financial transactions using Automated Teller Machines independently.

76. Equal recognition of the rights of persons with disabilities has always been the theme of publications and education campaigns materials of the NCDA.

### **State Party's Responses to Article 13 – Access to justice**

77. The Department of Justice (DOJ) is part of an inter-agency project called “Access to Justice for the Poor Project (AJPP) *Kaalaman sa Hustisya, Kapangyarihan ng Masa (Knowledge in Justice, Power of the Poor)*.” The Project is implemented in partnership with the Supreme Court, DSWD, DILG, and Alternative Law Groups Inc. The Project addresses the needs of victims of violence and abuse. It aims to strengthen the capabilities of key players of our justice system to empower the vulnerable sector, to pursue justice through increased knowledge of their basic rights and the judicial system. It also launched the Access to Justice website, [www.accesstojustice.dswd.gov.ph](http://www.accesstojustice.dswd.gov.ph), wherein relevant information, education and communication materials produced by member agencies, copies of laws and procedures relating to justice for the vulnerable sector can be found.

78. The Access to Justice for the Poor Project provided trainings for public prosecutors and Public Attorney's Office lawyers in five (5) poor provinces: Oriental Mindoro, Camarines Sur, Capiz, Sultan Kudarat, and Lanao del Norte. The trainings were conducted in 2007 and the activities continued until 2008.

79. Aside from the structural accommodations mandated by the accessibility law, procedural accommodations have also been provided by the legal system. The Supreme Court of the Philippines issued Memorandum Circular No. 59-2004 Authorizing the Court Administrator to act on and approve request of lower courts for the hiring of sign language interpreters.

80. In addition to the initiatives set forth in the preceding paragraphs the National Council on Disability Affairs and the Department of Justice had already placed mechanisms in addressing the plight of persons with disabilities as regards access to justice.

81. The NCDA Board, in addition to its existing Sub-Committees as provided under Executive Order 709 established the Sub-Committee on Access to Justice and Anti-Discrimination chaired by DOJ. The purpose of this sub-committee is to provide policy and program interventions in ensuring that PWDs are able to effectively pursue their concerns through the Philippine justice system. The sub-committee is currently working on two modules namely the “Trainer's Training for Disability Sensitivity of the Philippine National Police” and “Disability Sensitivity and Orientation for Public Attorneys and Public Prosecutors” the documents when accomplished will be integrated in training programs of the concerned agencies for effective handling of PWD clients.

82. The DOJ also issued a directive to the Public Attorney's Office to ensure adequate legal assistance to PWDs. A memorandum therewith was issued by the PAO to address the said matter by designating specific PWD attorney's as focal persons for PWD clients. The designated PWD friendly PAO consistently participates with the activities of the Sub-Committee on Access to Justice and Anti-Discrimination and facilitates referral of clients coursed through NCDA to its LGU counterparts.

### **State Party's Responses to Article 14 – Liberty and security of the person**

83. Article III Section 1 of the Constitution of the Republic of the Philippines mandates that no person shall be deprived of liberty without due process. Furthermore, Section 2 of the same article mandates that people be secured in their persons, house, papers and effects against unreasonable searches and seizures of whatever nature. Along with this, the CHR is mandated by the Constitution to investigate any complaint by any party, all forms of human rights violation ensures the protection and promotion of all civil and political rights.

84. All existing legislations in the country uphold the right to liberty of the people, regardless of age, gender, stature in life, and physical or mental capacity. Furthermore, Article III Section 19 (2) of the Philippine Constitution provides that physical, psychological, or degrading punishment against any prisoner or detainee or substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law.

85. The State Party will take stock of existing structures to enhance its capacity, despite limited resources, to ensure that appropriate physical features and reasonable accommodation that take into account each disability in the correctional facilities of the country are set in place.

### **State Party's Response to Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment**

86. Section 12 (2) of the Bill of Rights says no torture, force violence, threat or any other means which vitiate the free will shall be used against any person under investigation. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited. Furthermore, R.A. No. 9745, otherwise known as the “Anti-Torture Act of 2009” was signed into law on November 10, 2009. The Implementing Rules and Regulations of R.A. No. 9745 have already been signed and duly approved.

87. The measures provided in the preceding paragraph applies universally to all persons sojourning in the Philippine territory without discrimination and the Country, cognizant of the vulnerability of PWDs, has provided stringent procedural and substantive requirements to ensure implementation.

88. On the right of patients to appropriate medical care and humane treatment as well as the right to informed consent; the regulatory agencies of the State Party that deal with health researches including clinical trials are the Philippine National Health Research System-Philippine Health Research Ethics Board, DOH-Food and Drug Administration, and the National Committee on Biosafety of the Philippines. The National Ethical Guidelines for Health Research provide for the protocols in health researches involving human subjects. The guidelines provide for the right to informed consent, protection of children, pregnant, and the incapacitated as well as other protocols to uphold the ethical conduct of research. There are also pending legislations, House Bill 281 and Senate Bill 812, entitled “An Act Declaring the Rights and Obligations of Patients and Establishing a Grievance Mechanism for Violations Thereof and for Other Purposes”.

### **State Party's Responses to Article 16 – Freedom from exploitation, violence and abuse**

89. It is the policy of the State Party to put in place measures to protect its people from all forms of exploitation, violence, and abuse committed by any person, entity, or institution domestic or foreign. In addition, utmost protection is being provided for those who are most vulnerable to abuse, such as marginalized sectors including persons with disabilities, women and children. The following legal instruments have been placed by legislators as measures to aid government instrumentalities in upholding the rights of the people

90. Presidential Decree 603 “Child and Youth Welfare Code” (December 1974), R.A. No. 8043 “Intercountry Adoption Act 1995”, R.A. No. 8552 “Domestic Adoption Act of 1998”, R.A. No. 9523 “Requiring Certification of the DSWD to Declare a Child Legally Available for Adoption” (March 12, 2009), R.A. No. 8369 “Family Courts Act of 1997”, R.A. No. 9344 “Juvenile Justice and Welfare Act of 2006”, and R.A. No. 9775 “Anti Child

Pornography Act of 2009 collectively provides mechanisms to protect women and children from all forms of abuse, neglect, cruelty, exploitation, violence and discrimination.

91. R.A. No. 7610 which is “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes” was enacted for the protection of children from exploitation, violence, and abuse. Section 3 (a) of the said law defines children as “persons below eighteen years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.”

92. R.A. No. 9710, “The Magna Carta of Women” provides for the protection against discrimination, exploitation, violence and abuse against women.

93. R.A. No. 9262 “Anti-Violence Against Women and Their Children Act of 2004” provides protective measures from all form of violence and abuse against women and their children. Section 39 of the aforementioned legislative tool provides for the creation of an Inter-Agency Council on Violence Against Women and their Children that will craft programs and policies in aid of the provisions of the law.

94. R.A. 9208 “Anti-Trafficking in Persons Act of 2003” provides for the establishment of necessary institutional mechanisms for the protection and support of trafficked persons especially women and children, and providing penalties for its violators. Section 3 (a) defines “Trafficking in Persons” as to the recruitment, transportation, transfer or harbouring or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of taking advantage of the vulnerability of the person, or, the giving or receiving of payment or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Furthermore, Section 20 of the aforementioned law provides for the establishment of an Inter-Agency Council Against Trafficking tasked to formulate programs to prevent and suppress the trafficking in persons as well as to monitor and coordinate programs and projects of various GOs to address the issues and problems of trafficking in persons.

95. Republic Acts 7610, 9710, 9262, and 9208 defines “Child” to a person below eighteen (18) years of age or one who is over eighteen (18) but unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

96. R.A. No. 9442 Sections 39-42 also protects persons with disabilities from abuse in the form of verbal, non-verbal ridicule and vilification towards hatred to the person, individuals or group of individuals who violates the provisions of this law are penalized accordingly.

97. The State Party, through the DSWD, also offers services to ensure protection from abuse, neglect, exploitation and to promote welfare and development of children. The Department provides legal guardianship to ensure the child’s welfare. Sole and absolute guardianship, parental authority or legal custody over the child is granted by the court in situations where the parents are legally separated, or have had their marriage annulled. Travel Clearance for a child below 18 years-old who is travelling alone or accompanied by somebody other than his/her parent is also being issued by the Department to ensure protection from abuse, exploitation, and trafficking.

98. While in the process of rehabilitation of persons with disabilities who have experienced neglect, violence, abuse, and other forms of exploitation, the state ensures the proper intervention. The DSWD provides Substitute Family Care Services especially to marginalized persons with disabilities. Elsie Gaches Village a residential care facility supervised by the DSWD, provides care and rehabilitation services to abandoned and

neglected children with disabilities. The DSWD manned Sanctuary Center serves as halfway home to female 18 years old and above who are improving from psychosis and other mental illnesses. These residential centers provide homelife services, educational services, productivity/livelihood services, recreational activities, health services, and dietary services, benefit a total of 771 clients.

### **State Party's Response to Article 17 – Protecting the integrity of the person**

99. As mentioned earlier in this report, measures have already been in place to guarantee that medical and other treatments are given with the free and informed consent. In addition, the Professional Regulation Commission has in place mechanisms to address issues of unethical medical practice. The Philippine Medical Association, a non-stock, non-profit, Securities and Exchange Commission. Registered organization of medical practitioners in the country commits to utmost ethical and effective delivery of health care to patients. An excerpt in Article II Section 5 of the Philippine Medical Association Code of Ethics reads “a physician shall respect the right of the patient to refuse medical treatment... A physician shall obtain from the patient a voluntary informed consent.”

100. The right of the patient to refuse any kind of treatment is upheld in the laws of the country. Forced sterilization on the grounds of disability is prohibited. While abortion is strictly prohibited as the right to life is upheld in the Philippine Constitution, Articles 256-259 of the Revised Penal Code provide for criminal liabilities and penal provisions to those who have committed intentional abortion, may it be the parents of the mother, the mother, and practitioner which have been of aid in committing the criminal act.

### **State Party's Response to Article 18 – Liberty of movement and nationality**

101. Article IV Section 2 of the 1987 Constitution of the Philippines provides that “Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship.” Likewise, Article III Section 6 of the same Constitution stipulates that the right to travel shall not be impaired except in the interest of national security, public safety, or public health as may be provided by law.

102. Presidential Decree No. 651, Section 1, mandates the registration of all babies born in hospitals, maternity clinics, private homes or elsewhere. Births should be reported for registration at the Office of the Local Civil Registrar of the place of birth by the physician, nurse, midwife, “hilot” (*traditional healer/village midwife*), or hospital or clinic administrator who attended the birth or by either parent or a responsible member of the family or any person who has knowledge of the birth within thirty days after birth.

103. Supplementing the above mentioned law, R.A. No. 9288 also ensures that parents recognize their responsibility in protecting their child from preventable causes of disability and death through newborn screening. Section 15 of the same law also mandates the creation of a database of patients tested and a registry of each condition. In the event that a disability is identified, Implementing Rules and Regulations of R.A. No. 7277 Rule IV, Section 6, C. 2 provides the standard procedures in ensuring that the child with disability be reported and registered to the nearest rural health unit.

104. In 2005, the National Statistics Office launched the Birth Registration Project, the second phase of the Unregistered Children Project implemented starting in 2000. The Birth Registration Project aimed to have a 100% birth registration in the country for the period of

2005 to 2010 for target groups, namely; Muslims, Indigenous People and street children. It also aimed to sustain and institutionalize the results gained from the Unregistered Children Project at a larger scale by establishing a Barangay Civil Registration System. Persons with disabilities belonging to the abovementioned target groups benefited from the project.

105. The Barangay Civil Registration System of the National Statistics Office aimed to institutionalize the record of the household members' births, marriages and death registration status in a barangay. The Barangay Civil Registration System is implemented in some LGUs. There are 120 municipalities with pilot barangays that reported the implementation of the system out of 1,512. However, the System's questionnaire does not include questions to obtain data on persons with disabilities.

106. The Philippine Immigration Act of 1940 provides that persons having mental disability and illnesses as excluded from entry our country. Senate Bill 2161 which is an amendment to the law seeks to qualify the aforementioned condition wherein exclusion will be invoked only when the condition or current state of the persons may pose a threat to persons or property in our country.

### **State Party's Response to Article 19 – Living independently and being included in the community**

107. The delivery of services by the government through an independent living scheme and personal assistance system in the country has not yet been realized due to limited resources. In the meantime, the State utilizes various programs and strategies that would aid persons with disabilities in their plight, and provide them with the skills and means to contribute to society through their respective communities.

108. Presidential Decree (P.D.) No. 626 (signed on December 1974) otherwise known as the Employee's Compensation and State Insurance Fund was put in place to promote and develop a tax-exempt employee's compensation program whereby employees and their dependents, in the event of work-connected disability or death, may promptly secure adequate income benefit, and medical or related benefits. At the helm of realizing provisions of this legislation is the Employees' Compensation Commission (ECC), in cooperation with the Social Security System (SSS) and Government Service Insurance System (GSIS).

109. For persons with disabilities living in the community, E.O. 437, Section 1, states that LGUs are encouraged to adopt the Community-Based Rehabilitation strategy in delivering services to their constituents with disabilities. Furthermore, R.A. No. 10070, provides that Persons with Disability Affairs Office (PDAO) shall be created in every province, city, and municipality. The local chief executive shall appoint the Persons with Disability Affairs Officer who shall manage and oversee the operations of the office. Functions of the office include formulation and implementation of policies, plans and programs for the promotion of the welfare of persons with disabilities in coordination with concerned national and local government agencies.

110. Under Rule IX, Section 5 of P.D. 626 and through the primary program for workers with disability, the KAGABAY program "Katulong at Gabay Sa Mangagawang may Kapansanan" (help and assistance for workers with disability), was initiated by the ECC to provide rehabilitation services to the Occupationally Disabled Workers. Services consist of medical-surgical management, hospitalization, necessary appliances and supplies, vocational training and assistance for placement. Transportation allowances between place of residence and the rehabilitation facility, lunch, and dormitory allowances in appropriate cases may be included in the extent of services subject to the actuarial stability of the state insurance fund.

111. The participants in the KAGABAY are drawn from a list provided by the SSS and the GSIS containing the names of workers with approved employee compensation claims for disabilities. A letter of invitation is sent to the occupationally disabled workers by the ECC including an Assessment Form which should be accomplished and returned to the Commission. The SSS and GSIS, after evaluation of their Medical Department may also directly refer Occupationally Disabled Workers to the ECC for initial assessment to determine their physical and functional capacities that will qualify them for physical rehabilitation, skills or entrepreneurship training. The training, whether acquiring new skills for re-employment or for entrepreneurship, is done by ECC accredited training institutions located near the occupationally disabled workers' residence. For occupationally disabled workers, in need of free Physical and Occupational Therapy services, the Employee's Compensation Commission has a list of accredited hospitals such as the Philippine General Hospital, Philippine Orthopedic Center and Rizal Medical Center, all of these in Metro Manila area. For skills or entrepreneurial training, the ECC has forged Memorandum of Agreement with training schools where occupationally disabled workers are referred for free training.

112. During the period 2007 to 2010, a total of 4,324 invitation letters were sent to the Occupationally Disabled Workers. Of the letters sent, 207 were returned leaving a total of 4,117 recipients of which 359 or 8.7% responded through phone or by personal appearance. Of the 359 responders, 177 or 49.3% participated in the KAGABAY. From 2007 to 2010, the KAGABAY has provided physical restoration (PT and/or OT) to 95 Occupationally Disabled Workers and skills and/or entrepreneurial training to 98 Occupationally Disabled Workers. Twenty-five (25) of those who trained first availed of physical restoration under the program. Provision of prosthetic devices was started in 2010 during which 3 Occupationally Disabled Workers were provided with prosthesis (1 upper limb and 2 lower limbs) while 4 are scheduled for application of upper limb prosthesis and 1 for provision of a pair of orthopaedic shoes.

113. The State Party, through the ECC, also conducts a yearly event called "Kumustahan" wherein Occupationally Disabled Workers participate and describe their experiences under the KAGABAY program. In 2009 to 2010, the age range of Occupationally Disabled Workers in the physical restoration program ranges from 22-60 years old with 51% in the age bracket 20-40 years old, where 88% are males. The age range in the training program is 23-61 years old with 53% in the age bracket 20-40 years old, 90% are males.

114. For occupationally disabled workers in Mindanao, the ECC has accredited the Davao Medical Center for physical restoration services and in the Visayas, the Vicente Sotto Memorial Medical Center. Regional advocacies to promote the program are done in the regional areas: four (4) in 2008 – Cagayan de Oro City, Iloilo City, Davao City and Laguna; 3 in 2009 – Baguio City, Davao City and Cebu City; and 6 in 2010 – Iloilo, Bacolod (2 seminars), La Union, Davao and Legaspi. All regional activities include press coverage through TV and radio. In addition, the staffs of the Information and Production Assistance Division participate and give lectures on Employee Compensation programs in monthly regional advocacies of the Occupational Safety and Health Center. In 2011, a schedule of monthly regional advocacies is set by Employee's Compensation Commission.

115. Aside from the KAGABAY program, the DSWD maintains the National Vocational and Rehabilitation Center as well as Rehabilitation Sheltered Workshops that are non residential facilities which provide programs, services, and productive employment to persons with disabilities among others. These institutions provide social services, homelife services, educational services, practical skills development, health, economic productivity, recreational activity, dental services, and spiritual services. It is also constantly enclosed in

all policies that participation in habilitation and rehabilitation programs and projects be voluntary.

116. Service providers are also taken into account by programs of rehabilitation, under the provisions of P.D. 626, hospitals or rehabilitation facilities and physicians and specialists are accredited by the ECC to provide rehabilitation services. As stated in the rules on accreditation, hospitals and rehabilitation facilities, physicians and specialists must provide adequate services on a non-discriminating basis. In addition a series of monthly education lectures are provided to ECC staff implementing the Commission programs for Occupationally Disabled Workers by rehabilitation specialists and other experts on stress management and human relations.

### **State Party's Response to Article 20 – Personal Mobility**

117. One of the roles of the DSWD in helping persons with disabilities is the provision of auxiliary services. Section 21 of R.A. 7277 states that the DSWD will provide assistance in the acquisition of prosthetic devices and medical intervention for marginalized persons with disabilities.

118. DSWD Memorandum Circular 1-2008 provides guidelines on the comprehensive program for persons with disabilities. Included in the aforementioned circular is the delivery of auxiliary social services which includes assistance for physical restoration, such as assistive devices, prosthesis, visual and hearing devices. This is an expansion and successor of DSWD Administrative Order No. 59, Series of 2003 which provides the guidelines for the implementation of auxiliary social services for persons with disabilities.

119. In manufacturing quality and affordable assistive devices, it is stated that manufacturing of technical aids and appliances used by persons with disabilities is considered as a preferred area of investment and as such Section 42 (c) of R.A. No. 7277 grants privileges and incentives to local manufacturers of these products. In addition, Section 105 (u) of the Tariff and Customs Law of the Philippines provides conditional-free importation for articles donated to public or private institutions established solely for charitable, health, relief, philanthropic or religious purposes for free distribution among, or exclusive use of the needy.

120. On training professionals, Rule IV 3 of the Implementing Rules and Regulations of R.A. No. 7277 mandates the training of personnel for care of persons with disabilities. The DOH is tasked to organize appropriate disability-related training programs for its health personnel, volunteers, local government health workers and other concerned groups in consultation with the NCDA and other specialists in the field. The program addressing the preceding policy is still in the development stage.

121. In the working population of the country, as mentioned earlier in the report, the ECC is the lead tasked to deal with work connected contingencies such as sickness, injury, disability. ECC employs the KAGABAY program to address the needs of occupationally disabled workers. Part of the KAGABAY program is providing assistive devices to occupationally disabled workers. The accredited specialists of the KAGABAY ensure the mobility and proper use of prosthetic devices by occupationally disabled workers, and the provision of specialized personal assistive devices and mobility. The accredited specialist, act as diplomats their respective professional organizations and are required to undergo continuous medical education and training in their respective field of medical specialty. Such trainings are supported by the Philippine Medical Association, Philippine Academy of Rehabilitation Medicine, Philippine Neurological Association, Philippine College of Surgeons, Philippine Orthopedic Association, and other professional medical organizations.



122. More than 4,000 wheelchairs were donated by the Latter-Day Saints Charities-Phils., Inc. to NCDA and distributed in partnership with Alyansa ng Maykapansanang-Pinoy, Tahanang Walang Hagdanan, Art Borjal Foundation and some LGUs. A total of 100 white canes were provided to blind students in Quezon City through the Rotary Club of Quirino Quezon City, and Alyansa ng Maykapansanang-Pinoy.

123. The Lilianie Foundation, with the help of its active partner organizations around the country provides ortho shoes, assistive devices, wheelchairs, crutches, artificial legs, canes, Braille papers, eye glasses, special chairs, and braces through its rehabilitation programs and services.

124. With respect to implementation, Section 26, Title II, chapter 6, of R.A. No. 7277 provides the issuance of driver's license to persons with disabilities based on the rules and regulations of the Land Transportation Office. A total of 192,619 driver's licenses were issued to persons with disabilities; 183,186 for those wearing corrective lenses; 718 for those with special equipment for upper limbs; 2,282 for lower limbs; 6,004 for daylight driving, and 429 drivers who must be accompanied by persons without disabilities.

125. Other policies and programs that relate to the mobility of persons with disabilities such as the Non-Handicapping Environment Project, allotted seats in public transportation, signage, and others were mentioned earlier in this report, specifically in Article 9.

126. Another implement of the State Party, though the DSWD, that serves as an avenue in providing services are the different vocational rehabilitation centers which the department maintain. The National Vocational Rehabilitation Center (NVRC), and three Area Vocational Rehabilitation Centers located in Regions II, VII, and IX provides mobility training to PWDs. Other functions and services provided by the centers are discussed more thoroughly in the subsequent articles particularly under habilitation and rehabilitation.

### **State Party's Response to Article 21 – Freedom of expression and opinion, and access to information**

127. Article III Section 5 of the Philippine Constitution provides that no law shall be passed to suppress the right to freedom of speech and expression.

128. R.A. No. 7277 Section 22 stipulates that broadcast media will be encouraged to provide a sign language inset or subtitles in at least one newscast program a day and special programs covering events of national significance. Rule VI A. Of the implementing rules and regulations of the law task the National Telecommunications Commission to coordinate with the Kapisanan ng mga Brodkaster sa Pilipinas (Broadcasters Guild of the Philippines), and T.V. Stations to provide sign language inset or subtitles in its newscast program.

129. In addition amendments to section 22 are being sought through House Bill 356 which was filed in the 16<sup>th</sup> congress. Providing for the mandatory provision of sign language insets or sub-titles to selected programs in television. Furthermore another law is sought to be enacted by House Bill 450 which seeks to establish Filipino Sign Language as the official Language of Government Transactions.

130. Initiatives of the State Party to advocate and disseminate their programs in an accessible manner were done by the DepEd Alternative Learning System which employed the Radio-Based Instruction Program. The program is an alternative delivery mode utilizing Alternative Learning System accreditation and equivalency system through broadcast. Radio Based Instruction Program is distinct from other forms of distance education/learning because its primary goal is the improvement of education utilizing radio broadcast as an alternative delivery mode. It hopes to provide a viable delivery system for basic education.

It also expands access in education, increase equity in both formal and non-formal educational settings. It is operational in 44 provinces and component cities distributed in 15 regions of the country.

131. The State Party, through the Social Security System (SSS, also administers a Tri-Media Information Drive in providing members information about programs services and other issuances by the said agency. Social Security System also hold Pensioner's Day Celebration for socio-cultural enhancement every 4th Friday of the month in all branches wherein forums on various topics like communicable diseases and ailments are done.

132. As mentioned earlier in the report, the NCDA and the National Computer Center issued a joint circular to make the websites of the executive branches accessible, taking into account all disabilities as prescribe by the Web Accessibility Initiative Guidelines. The Philippine Web Accessibility Group is a partner in this endeavour. The project will definitely provide accessible information on government services and initiatives.

133. A Joint Circular issued by the NCDA and the National Computer Center contains the technical information to be used as guide in making government websites accessible. In addition the DAISY project is one of the state's thrust in making websites accessible and providing access to information for the visually impaired.

134. Another triumph in ensuring access to information for the visually impaired is R.A. 10372 "amending the Intellectual Property Code". This law amends Section 184 of the Code on limitations on copy right and reads "the reproduction or distribution of published articles or materials in a specialized format exclusively for the use of the blind, visually and reading impaired persons: provided that such copies and distribution shall be made on a non-profit basis and shall indicate the copy right owner and the date of the original publication." The amendment provides that such form of reproductions is beyond the copy right of an author or publisher.

135. Signing Exact English is widely used in schools for the deaf established in the country. The Philippine Registry of Interpreters for the Deaf and the Philippine Association of Interpreters for Deaf Empowerment. are the two deaf interpreters associations in the Philippines that are of broad scope and non government in nature.

### **State Party's Response to Article 22 – Respect for privacy**

136. Article III Section 3 of the Philippine Constitution protects the privacy of communication and correspondence of every citizen except upon lawful order of the court or in instances that concern public safety and order.

137. The Pending Bill 812 at the Senate of the Philippines also reserves the right of the patient to privacy and confidentiality, except in cases when information is demanded by the court, when the information is an issue of public health and safety, and when the patient waives his right.

138. The Philippine Medical Association, the medical practioners organization having the broadest scope in membership of the medical community in the country has guidelines on patient privacy. Article II, Section 6 of the Code of Ethics of the Association reads "the physician should hold as sacred and highly confidential whatever may be discovered or learned pertinent to the patient even after death except when required in the promotion of justice, safety and public health."

## State Party's Response to Article 23 – Respect for home and the family

139. According to E.O. 209 otherwise known as “The Family Code of the Philippines”, Articles 1 to 5, and Articles 37 and 38, state that no discrimination on the ground of having disabilities shall not permit any male or female of eighteen years or above hinder the person from entering a marriage. The table below shows the total number persons with disabilities disaggregated by marital status and type of disability based on the 2000 Philippine Census.

### Persons with Disability disaggregated by marital status and type of disability (Census 2000)

Type of Disability	Persons with Disability	Marital Status					
		Single	Married	Widowed	Divorce/ Separated	Common Law/Live-In	Unknown
Total Blindness	38,090	13,743	14,570	7,262	602	1,604	309
Partial Blindness	68,306	16,576	34,062	13,028	1,024	3,125	491
Low Vision	343,089	34,385	212,848	77,782	4,693	12,141	1,240
Total Deafness	30,421	17,077	7,714	3,916	363	936	415
Partial Deafness	37,389	9,792	15,024	10,346	556	1,358	313
Hard of Hearing	43,356	6,533	18,486	15,925	642	1,462	308
Oral Defect	39,419	26,618	8,752	1,599	504	1,429	517
Loss of one/both arms/hands	29,302	11,179	13,537	1,953	495	1,750	388
Loss of one/both legs	39,246	17,127	15,502	3,802	798	1,667	349
Quadriplegic	47,642	23,727	15,660	5,441	830	1,471	513
Mentally Retarded	55,682	47,949	3,839	1,345	656	982	911
Mentally Ill	56,939	35,714	13,152	2,942	2,071	1,770	1,290
Multiple Impairment	23,706	10,116	8,964	3,037	501	812	276
<b>Total</b>	<b>852,587</b>	<b>270,536</b>	<b>382,111</b>	<b>148,378</b>	<b>13,735</b>	<b>30,507</b>	<b>7,320</b>

140. The data shows that out of almost 853,000 persons with disabilities 44.82% were married while 31.73% were single. Widowed, separated and those with other marital arrangement account for the remainder. The same census also stated that 34.44% of households with persons with disabilities were headed by the persons with disabilities. Of this percentage, 73.59% is headed by male persons with disabilities, while 26.05% by female persons with disabilities.

141. Section 21 (d) of R.A. No. 7277 mandates the DSWD to develop programs which will cater to the provision of family care services geared towards developing the capability of families to respond to the needs of members of the family with disabilities. Such services is also included in DSWD Memorandum Circular 1-2008 which provides guidelines on the comprehensive program for persons with disabilities

142. R.A. No. 8980 Section 3 (f) provides for the enhancement and sustainability efforts of communities to promote Early Childhood Care and Development programs and ensure that special support is provided for poor and disadvantaged communities. One of the strategies employed by the Early Childhood Care and Development Council is a Home-Based Program. Home-Based Programs refer to services at the family level undertaken at home or in the neighbourhood, such as neighbourhood-based play groups, Parent

Effectiveness Service (PES), family day care programs or child-minding homes, parent education and home visiting programs.

143. The State Party, through the DSWD, also conducts family support programs, such as Empowerment and Reaffirmation of Paternal Abilities (ERPAT), Parent Effectiveness Services (PES), and Marriage Counselling. The ERPAT is a community-based program that seeks to organize fathers and gives emphasis on the development and expansion of knowledge, skills and appropriate attitude of fathers in performing their paternal roles and responsibilities. The PES provides couples and caregivers with parenting knowledge and skills to be able to respond to parental duties and responsibilities, behaviour management of children and other challenges of parenting.

144. In September 2009, the Early Childhood Care and Development (ECCD) Council initiated a 6-month demonstration project to promote home-based ECCD to reach out to a growing number of children who have limited or no access to facilities offered by the project. The demonstration project was initiated in the Cities of Malabon, Valenzuela and Aurora province for the rural setting. A total of 41 barangays were targeted, 21 in Malabon, 10 in Valenzuela, and 10 barangays in 4 municipalities of the Aurora Province

145. Legislations are also in place to provide measures in assisting parents such that separation from their child is averted. R.A. No. 8972, "Solo Parents' Welfare Act of 2000" Sections 3 (a) (4) defines "Solo Parent" as a parent left alone with the sole responsibility of parenthood due to physical and/or mental incapacity of spouse as certified by a public medical practitioner. Section 3 (b) of the same law further defines "Children" as those living with and dependent upon the solo parent for support, who are unmarried, unemployed and not more than eighteen (18) years of age, or even over eighteen (18) years but are incapable of self-support because of mental and/or physical defect/disability.

146. Section 5 of RA 8972 states that a comprehensive package of social development and welfare services will be developed by the DSWD and other GOs. Section 6 states that a flexible working schedule shall be provided by the employer. Section 7 guarantees that a solo parent is protected from any form of work discrimination on the account of his or her status. Section 8 provides for a parental leave of seven (7) working days in addition to leave privileges under existing law. Section 9 provides for educational benefits such as scholarship programs and non-formal education programs appropriate for solo parents and their children. Section 10 provides for allocation for housing projects by the government. Section 11 provides that the DOH shall develop a comprehensive health care program for solo parents and their children.

147. The private sector also helps in assisting families with members that are PWDs. One such group is the NORFIL which is at the forefront of "AKAPIN" an organized parent support group. Some 3,000 parents attended the AKAPIN training on how to handle children with disabilities. Parents-support groups for children with epilepsy, hearing impairment, mental retardation, and cerebral palsy were also organized. NORFIL conducts home-based special education and therapy programs where parents and locally based workers and volunteers are involved. A total of 3,127 were served by the home-based special education program, while 1,424 in cities and municipalities of Regions IV-A, IV-B, and VII availed of the home-based therapy program.

148. The Katipunan ng Maykapansanan sa Pilipinas (KAMPI) through its project, Breaking Barriers for Children and Young Adults with Disabilities, has established 19 Stimulation and Therapeutic Activity Centers (STAC) and 119 satellite centers nationwide in partnership with 138 cities, municipalities and partner agencies. The program is conducted to assess the situation of the family in order to provide appropriate intervention. Eighty percent of these Centers have been turned over to and are now sustained by local government units. A total of 25,735 home visits and counselling were provided to families

of children with disability, with 31,414 parent's training program sessions conducted throughout the duration of the project.

149. In instances that warrant adoption and substitute care, the DSWD, in accordance with R.A. No. 8552 or the Domestic Adoption Act of 1998, provides technical assistance in processing legal adoption wherein a permanent family is provided to a child whose parents have voluntarily or involuntarily relinquished parental authority over the child. The child is also assisted in obtaining foster family care wherein substitute parental care is provided by a licensed foster family when the biological parents cannot care for the child. The DSWD also maintains foster homes for abandoned, neglected, abused and unattached persons with disabilities.

150. Forced sterilization on the grounds of disability is prohibited in the country. If such a procedure is absolutely necessary, it is carried out with free and informed consent of the patient.

### **State Party's Response to Article 24 – Education**

151. Article XIV section 1 of the Philippine Constitution provides that the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.

152. R.A. 9155, "Governance of Basic Education Act of 2001", institutes the framework of governance for basic education reorganizing the Department of Education Culture and Sports, to the Department of Education (DepEd). Section 2 of the law declares the policy of the State to protect and promote the right of all citizens to quality basic education and to make such education accessible to all by providing all Filipino children free and compulsory education in the elementary and secondary levels. Alternative learning systems for out-of-school youth and adult learners are also provided.

153. R.A. No. 7277, Chapter 2, ensures persons with disabilities to have access to quality education. The provisions include appropriate actions to make education accessible to as many PWDs as possible, such as rendering special education programs attuned to the various types of disabilities. In particular, the DepEd issued Department Order 26-1997 institutionalizing Special Education programs in all schools, specifically mandating all divisions to have at least one Special Education Center for children with special needs. These centers adopt either the inclusive education concept or the Special Education programs as suited to the needs of the learners. These Centers shall function as a venue to support the integration into regular schools of children with disabilities, assist in the conduct of in-service trainings, produce appropriate teaching materials, and conduct continuous assessment of children with disabilities. In relation to this issuance, Department Order 11-2000 provided guidelines in the setting up of Special Education Centers in regular schools, specifically for schools that have yet to organize these Centers.

154. DSWD A.O. No. 61, series of 2003, was issued implementing the Tuloy-Aral Walang Sagabal (TAWAG) – (*Continuous Education to Mainstream Children with Disabilities*) program which offers psychiatric, physical, and medical examinations, counselling, early intervention activities, occupational therapy, physical therapy, case management, and the provision of assistive devices for special cases.

155. In 2008 and 2009, the State Party, through the DSWD, assisted 3,126 children with disabilities through center- and home-based rehabilitation and medication programs prior to directing them to mainstream education institutions. In 2009 and 2010, the DSWD conducted capability-building programs for 127 day-care workers in cooperation with 40 LGUs, which have since developed and implemented their own programs.

156. Complementary to TAWAG, the State Party, through the DSWD also employs an early detection, early intervention and education program to raise the effectiveness and efficiency of providing education to children with disabilities. In 2008, 2009, and 2010, capability training programs were provided for 232, 210, and 90 intermediaries, respectively, comprising of LGU workers, barangay workers, and parents of children with disabilities.

157. In addition, a Memorandum of Agreement was forged between the DepEd, NCDA, and the Philippine Council of Cheshire Homes for the Disabled, Inc. (now known as the Leonard Cheshire Disability Philippines Foundation Incorporated) to intensify the implementation of the inclusive education program for children with disabilities in the Philippines. The agreement targets 1,500 out-of-school children with disabilities to be placed in regular public elementary schools nationwide by 2012.

158. The State Party, through the DepEd, is conducting a multi-year program known as the Special Education Caravan participated in by Government agencies, parents' groups, academe, and NGOs. The program ensures that educational services for persons with disabilities are brought to the communities where they reside. Primarily an awareness-raising program, the Special Education Caravan aims to capacitate direct partners. The Caravan was conducted in Regions I and II, with 65 participating schools. Some 800 teachers, administrators, supervisors, parents and representatives from LGUs, DSWD, DPWH and DOH participated, and a total of 750 children with disabilities were identified and assessed.

159. The Department has also conducted a separate conference in 2009 on developmental delays and another conference on learning disabilities to provide updates in special education to around 500 special education teachers, administrators and supervisors. Both conferences enabled the participants to exchange ideas and experiences of best practices in implementing Special Education.

160. Distance Education Program is also being employed by the DepEd to serve children with disabilities residing in far flung areas in the provinces of Laguna and Quezon. Modules are made available for the family members, relatives, and volunteers cooperating in the education of the child. Some 52 distance education implementers from 15 pilot schools have been trained.

161. The DepEd issued on May 17, 2010, Department Order No. 50, s. 2010, entitled "Strengthening Special Education Program at the Basic Education Level," which provided financial support to 222 regular Secondary Schools offering Special Education programs. The financial support amounting to Php150,000 per school was utilized for training/professional upgrading of teachers and school heads; purchase of assistive devices, instructional, psychological, and IQ tests materials; student development, leadership training, educational visits and student participation in Special Education related activities; conduct of sign-language inset in the development of instructional materials and evaluation of learning; and travel expenses relative to participation in conferences, study visits, and other activities relevant to the implementation of the program. Funds earmarked for each amounted to 50% of the total appropriation for the said program. Recipient schools have to submit reports on the statistics on population and the number of special education classes conducted to avail of the remaining 50% of earmarked funds. More aggressive follow-ups are being undertaken on the reporting as only 43 schools out of the 222 beneficiaries have submitted their reports.

162. DepEd Order No. 116, s. 2010, issued on December 8, 2010, revised the guidelines on the use of the financial support fund to the secondary schools' Special Education Program, with reference to Department Order No. 50, s. 2010. Half a million pesos was allotted for each of the 43 secondary schools that submitted the enrolment data as required

by Department Order No. 50 s. 2010. Fifty percent of the amount of the financial support was released for school-year 2011-2012. The release of the balance is ongoing based on the number of enrollees as finalized in the enrolment report. The continued fund support for the recipient schools are dependent on the liquidation reports to be submitted to the Bureau of Secondary Education.

163. The State Party, through the Commission on Higher Education (CHED), issued Memorandum Order 23, s. 2000, entitled “Quality Education for Learners with Special Needs” has the following provisions bearing on reasonable accommodation: 1. Public Higher Education Institutions shall admit all learners with special needs whether in academic, vocational or technical courses and other training programs, except those which have already accepted but whose facilities do not warrant additional enrollees. Private Higher Education Institutions are likewise encouraged to do the same as part of their educational services to qualified tertiary level students with special needs. 2. Teacher training institutions are enjoined to include Special Education courses at the undergraduate and graduate levels of education and in other related areas, and to offer scholarship programs to qualified Special Education teachers whenever possible in coordination with the CHED and other government and non-government agencies. 3. To provide facilities as minimum requirements for (a) persons with visual impairment, sensory and tactile materials, Braille books and record materials, Braille writing, painting and reading machines, orientation and mobility equipment; (b) persons with hearing impairment, group or individual hearing aids, speech trainers, tape recorders and speech or language kit containing auditory and language training materials; (c) persons with orthopaedic impairments, the requirements provided in B.P. 344 including adjustable desks or chairs and adopted physical education apparatuses; for students with intellectual disability, facilities, equipment and instructional materials for developing skills in self-care, socialization, motor, cognitive and pre-vocational and vocational training; and (d) other types of learners with special needs such as those with behavioural problems including those with autism, those with learning disabilities and those with multiple disabilities, instructional devices and equipment for behaviour modification, perceptual motor training, daily living skills, language and speech and cognitive skills development. Some services, however, such as those for the deaf, would highly depend on the offerings and capability of the educational institutions. Notably, Miriam College and the College of Saint Benilde have fully accommodated deaf students.

164. The State Party, through CHED, has also disseminated Memorandum Order No. 21, s. 2006, where section 32.10 on “Services for Students with Special Needs” requires Higher Education Institutions to ensure that academic accommodation is made available to persons with disabilities and learners with special needs. The same Order ensures that provision of programs for life skills training, such as conflict management, counselling or testing referrals shall be made available as necessary. Memorandum Order No. 40, s. 2008, section 87, on the “Manual of Regulations for Private Higher Education” Section encourages Private Higher Education Institutions to admit students with disabilities whether in degree, vocational or technical courses and other training programs. This Memorandum also enjoins Institutions with “Teacher Training Programs” to include Special Education courses in undergraduate and graduate levels, as well as in other related programs, and providing, whenever possible, scholarships to qualified Special Education teachers, in coordination with CHED and other GOs. Section 88 of the issuance encourages the provision of modified educational facilities and equipments as per described in the same Memorandum Order.

165. The CHED, in partnership with the NCDA, developed the Guidelines in the Admission of Students with Disabilities in Higher Education and Post-Secondary Institutions. The Commission conducted a public hearing on enhancing the said guidelines in September 2010. The Guidelines serve as a reference material for administrators and

coordinators, and other school personnel, on the proper response to the needs of students with disabilities. The Guidelines was endorsed by the Chairperson of the Commission on Higher Education thru a Memorandum (December 2010) to its Regional Directors, Officers-in-Charge, Presidents/Heads of Public and Private Higher Education Institutions.

166. The State Party, through CHED, also assists persons with disabilities through various student financial assistance programs. All regular students' financial assistance programs of CHED are open to all qualified beneficiaries including persons with disabilities. However, the Private Education Student Fund Assistance Program and the Regional Scholarship Program specifically identify PWDs as one of its grantees. Summarized in the succeeding tables is the actual and ongoing slot distribution of persons with disabilities grantees for the school years 2008-2011.

**Actual/ongoing slot distribution of person with disability grantees  
school year 2008-2009**

<i>Region</i>	<i>No. of slot</i>	<i>Type of disability</i>			
		<i>Orthopedic</i>	<i>Deaf</i>	<i>Visually Impaired</i>	<i>Speech Deformity</i>
I	9	6	3		
II	0				
III	9	7	2		
IV-A	25	10	2	11	2
IV-B	8	7		1	
V	13	10		3	
VI	12	5		4	3
VII	0				
VIII	14	14			
IX	11	5		6	
X	15	6		9	
XI	7	4	1	2	
XII	19	12	5	2	
NCR	8	3	5		
CAR	8	3		5	
CARAGA	16	8		7	1
ARMM	0				
<b>Total</b>	<b>174</b>	<b>100</b>	<b>18</b>	<b>50</b>	<b>6</b>

**Actual/ongoing slot distribution of person with disability grantees  
school year 2009-2010**

<i>Region</i>	<i>No. of slot</i>	<i>Type of disability</i>			
		<i>Orthopedic</i>	<i>Deaf</i>	<i>Visually Impaired</i>	<i>Speech Deformity</i>
I	1	1			
II	26	8	3	15	
III	3	3			
IV-A	11	10		1	



<i>Region</i>	<i>No. of slot</i>	<i>Type of disability</i>			
		<i>Orthopedic</i>	<i>Deaf</i>	<i>Visually Impaired</i>	<i>Speech Deformity</i>
IV-B	2	2			
V	13	10		3	
VI	9	5		2	2
VII	11	9	2		
VIII	10	10			
IX	7	3		4	
X	4			4	
XI	5	4	1		
XII	6	6			
NCR	3	3			
CAR	12	3		9	
CARAGA	3	2		1	
ARMM	7	4	1	1	1
<b>Total</b>	<b>133</b>	<b>83</b>	<b>7</b>	<b>40</b>	<b>3</b>

**Actual/ongoing slot distribution of person with disability grantees  
school year 2010-2011**

<i>Region</i>	<i>No. of slot</i>	<i>Type of disability</i>			
		<i>Orthopedic</i>	<i>Deaf</i>	<i>Visually Impaired</i>	<i>Speech Deformity</i>
I	2	2			
II	9		3	6	
III					
IV-A	5	4		1	
IV-B	1	1			
V	10	7		3	
VI					
VII	1	1			
VIII	14	14			
IX	5	3		2	
X	5			5	
XI	1		1		
XII	2	2			
NCR	2	2			
CAR	3	3			
CARAGA					
ARMM					
<b>Total</b>	<b>60</b>	<b>39</b>	<b>4</b>	<b>17</b>	

167. The DepEd's Bureau of Alternative Learning System (BALS) has its Alternative Learning System (ALS) program for out-of-school youth and adults with disability employing sign language and Braille. Surveys on out-of-school persons with disabilities have been conducted and a series of meetings and observations of classes in agencies and institutions implementing special education for the hearing impaired have been done. Basic Literacy Learning Materials are also being converted in Braille format. As of date, a total of 33 materials have already been translated.

168. The program was tested in the whole of Region IV-A and in three cities of the National Capital Region. The DepEd is set to expand the implementation of the said program in the other regions of the country starting with one division per region.

169. The DepEd's Bureau of Alternative Learning System is also administering the Alternative Learning System Accreditation and Equivalency Test for successful examinees with a certification of learning achievements in primary and secondary levels. The test targets Filipino out-of-school youth, and other sectors, such as the unemployed and underemployed adults, members of cultural minorities, inmates, and persons with disabilities. Examinees are prepared for the Alternative Learning System Accreditation and Equivalency test through a Learning Support Delivery System designed to help equip the prospective examinees with the necessary competencies in preparation for the test. The test passer becomes eligible to enrol in post secondary courses, technical or baccalaureate, as well as gain access to skills trainings provided by other GOs and the opportunity of to acquire eligibility for government employment.

170. The examination has been accessible to persons with physical and hearing impairments, with the administration of the exam for the visually impaired warranting a different approach. In response to the latter, the DepEd, in 2010, developed an Accreditation and Equivalency test for the visually impaired. The examination for elementary and secondary levels was converted to Braille and was tested with selected elementary and secondary level students with visual impairment in Metro Manila, Baguio City, Cebu City and Davao City from February to March 2010. The pilot implementation of the test was conducted in October 2011 after the release of the Examiner's Manual on Test Administration and Accreditation and the Equivalency Learning Modules in Braille.

171. The Liliane Foundation, a non-government organization with its partner organizations, namely Manila Christian Computer Institute for the Deaf, AKAPIN, CBR Foundation, Brothers of Charity and the Inocencio Magtoto Memorial Foundation, employs the Computers Trainers Education for the Deaf (CTED) as a multi-stakeholder effort to produce deaf computer teachers to teach computer courses to their fellow deaf youth. The CTED Project is a 3-year course designed to address the need for post-secondary education of deaf youth who graduated from secondary education but has no access to either college or vocational courses. It is designed to initially equip deserving young people with hearing impairments with the skills, knowledge, and attitudes needed to teach computer literacy to fellow deaf youth. Its implementation started in 2010, benefiting some 25 deaf youth scholars from Central and Northern Luzon.

According to the DepEd's Bureau of Elementary Education, a total of 195,783 students were enrolled in Special Education Centers; 101,702 fast learners and 94,081 children with disabilities were enrolled for School Year 2008-2009. However, disaggregated data on gender has not been included as was practiced in the past years. Disaggregated data for boys and girls will be done starting School Year 2011-2012. The table below illustrates disaggregation by region and disability.<sup>172</sup>

**Enrolment of children with disabilities-SY 2008-2009 (Elementary and Secondary)**

<i>Region</i>	<i>LD</i>	<i>HI</i>	<i>VI</i>	<i>ID</i>	<i>BD</i>	<i>OH/ PH</i>	<i>AU</i>	<i>SD</i>	<i>CI</i>	<i>CP</i>	<i>Total CWDs</i>	<i>FL</i>	<i>Total Enrolees</i>
I	10,875	323	201	323	904	75	33	527	28	2	13,291	3,180	16,471
II	938	73	139	34	7	5	9	9	6	3	1,223	2,312	3,535
III	14,671	764	135	677	18	7	167	6	3	6	16,454	14,012	30,466
IV-A	335	1,129	108	800	32	12	10	15	4	5	2,450	5,198	7,648
IV-B	108	368	44	257	45	8	21	10	4	6	871	1,462	2,333
V	4,916	449	129	1,035	264	55	63	76	8	10	7,005	1,803	8,808
VI	1,156	714	153	948	156	6	144	14	7	24	3,322	5,486	8,808
VII	1,346	2,142	278	1,361	247	49	114	49	3	3	5,592	2,801	8,393
VIII	6,786	219	58	94	138	7	34	5	4	4	7,349	15,025	22,374
IX	615	198	34	18	46	12	54	17	4	3	1,001	2,750	3,751
X	274	402	68	115	30	8	112	4	2	2	1,017	1,722	2,739
XI	1,033	785	326	641	58	205	109	39	1	2	3,199	9,000	12,199
XII	1,946	218	84	214	74	6	70	1	2	1	2,616	3,955	6,571
XIII	778	256	26	138	74	2	55	1	1	2	1,333	10,174	11,507
CAR	1,624	189	148	450	99	1	24	2	1	0	2,538	14,810	17,348
ARMM	267	6	11	59	8	0	10	1	1	1	364	142	515
NCR	3,628	3,804	733	5,955	4,037	412	5,512	236	130	9	24,456	7,870	32,326
<b>Grand Total</b>	<b>51,296</b>	<b>12,039</b>	<b>2,675</b>	<b>13,119</b>	<b>6,237</b>	<b>870</b>	<b>6,541</b>	<b>1,012</b>	<b>209</b>	<b>83</b>	<b>94,081</b>	<b>101,702</b>	<b>195,783</b>

*Legend:* LD: Learning Disability; HI: Hearing Impaired; VI: Visually Impaired; ID: Intellectual Disability; BD: Behavioral Disability; OH/PH: Orthopedically/Physically Handicapped; AU: Autism; SD: Speech Defective; CI: Chronically Ill; CP: Cerebral Palsy.

173. Initiatives in developing programs to promote access to education of persons with disabilities have been continuously addressed by the State Party. R.A. No. 7277, Section 12, stipulates that the State shall ensure that persons with disabilities are provided with adequate access to quality education and ample opportunities to develop their skills. Furthermore, Section 12 stipulates that the State shall take into consideration the special requirements of persons with disabilities in the formulation of educational policies and programs.

174. The DepEd Caravan program is a project that located and identified children with disabilities in pilot regions, including the assessment of children with disabilities. The early intervention program for children with disabilities utilizes the Philippine Portage Guide for Early Education.

175. The State Party, through DepEd, Issued Department Order No. 12-1999 providing for Textbook Production for Learners with Visual Impairment. The Department Order aims to maximize access to learning of visually impaired students by transcribing textbooks and other materials used by regular students into Braille for blind students and large text format for students with low vision. The Principals of schools with Special Education program upon recommendation of Special Education teachers are made to submit the list of textbooks and materials to be transcribed.

176. The State Party has also consistently sought development of programs to enrich the knowledge and skills of the educators and service providers in the education system. The DepEd training programs in special education include daily living and entrepreneurial skills. This is a continuing program implemented upon the request of regions, divisions, and schools that directly need such training. A transition program was conceptualized and implemented to provide basic entrepreneurial skills for children with disabilities. Sign language training is also provided to teachers and parents to be able to communicate with children with hearing impairment. Limited financial capability has constrained the frequency of these training programs.

177. The DepEd's Bureau of Elementary Education has also been conducting training for Special Education Teachers across the country during summer. The Summer Training Program for Teachers of Visually Impaired and the Multiple Disability and Visual Impairment Training for Teachers have been conducted from 2007 to 2009. This program was made possible with the support of NGOs, such as Resources for the Blind Inc., Christoffel Blinden Mission, Dark and Light Foundation and the Hildeshimer Foundation. Stipends were given to participants from the public education system, while private institutions offering programs on Special Education were encouraged to participate in the training. The trainings, seminars, and conferences were conducted by DepEd to ensure the adequate number of teachers trained in handling disability.

There are also a number of higher education institutions in the State Party offering courses and programs on to professionals on the field of Special Education. Distribution by region and courses offered are summarized in the table below.178.

#### **Number of courses on special education offered by higher education institutions**

<i>Region</i>	<i># of Schools</i>	<i>Programs offered</i>					
		<i>BS SPED</i>	<i>BEED SPED</i>	<i>BSED SPED</i>	<i>MA SPED</i>	<i>MA ED SPED</i>	<i>PH D SPED</i>
I	7	0	6	0	0	2	0
II	4	1	2	0	1	0	0
III	5	0	4	0	2	0	0
IV-A	19	0	18	0	0	1	0
IV-B	1	0	1	0	0	0	0
V	6	1	3	1	0	3	0
VI	9	4	6	0	0	4	0
VII	21	8	17	1	3	6	0
VIII	7	0	7	0	0	0	0
IX	3	0	2	0	0	2	0
X	7	0	6	1	0	0	0
XI	9	0	7	2	0	1	0
XII	1	0	1	0	0	0	0
XIII	3	0	3	0	0	0	0

Region	# of Schools	Programs offered					
		BS SPED	BEED SPED	BSED SPED	MA SPED	MA ED SPED	PH D SPED
NCR	29	1	18	2	1	8	1
<b>Total</b>	<b>131</b>	<b>15</b>	<b>101</b>	<b>7</b>	<b>7</b>	<b>27</b>	<b>1</b>

*Legend:* BS SPED: Bachelor of Science in Special Education; BEED SPED: Bachelor of Elementary Education Major in Special Education; BSED SPED: Bachelor of Secondary Education Major in Special Education; MA SPED: Masters in Special Education; MA ED SPED: Masters of Education Major in Special Education; PH D SPED: Doctor of Philosophy in Special Education; NCR: National Capital Region.

179. Data from the CHED reveals that 247 persons with disabilities were enrolled in 67 fields of study particularly in education, information and technology, sociology, music, environmental management, fisheries and business administration. The students were distributed in 77 tertiary education institutions in eight of the country's 17 regions.

180. It has been a policy maintained by the State Party that programs on education, to be maximized and effective must entail a government-private sector partnership. One of these organizations is the Liliane Foundation which has worked with 120 active partner organizations around the country and has extended funding support to an average of 10,000 children and youngsters. The foundation provides supplemental funds related to SPED, Day Care, Elementary, High School, College, Vocational and other incidental expenses incurred in studying.

### **State Party's Response to Article 25 – Health**

181. R.A. No. 7277, Section 18, mandates the creation of a National Health Program for the prevention of disability, whether occurring prenatally or postnatal; recognition and early diagnosis of disability; and early rehabilitation of persons with disabilities. Section 20 ensures that the protection and promotion of the right to health of persons with disabilities, including the adoption of an integrated and comprehensive approach to their health development, shall make essential health services available at an affordable cost. Implementing Rules and Regulations Rule IV, Section 6 B, implies that all persons with disabilities receive, without prejudice to their condition, the appropriate out-patient and inpatient services available in any government or private health institutions. Furthermore, health services available in any government health facility shall be provided free to indigent persons with disabilities, and at discounted rates for other persons with disabilities according to conditions set by the DSWD and DOH. DOH Administrative Order No. 51-A S. 2000 sets the Implementing Guidelines on Classification of Patients and on Availment of Medical Social Services in Government Hospitals.

182. In addition, R.A. No. 7875, the "National Health Insurance Act of 1995" as amended by R.A. No. 9241 institutes a National Health Insurance Program for all Filipinos likewise creating the Philippine Health Insurance Corporation to serve as the mechanism in providing health insurance for all. The policy aims to establish a sustainable mechanism in providing health insurance for all Filipinos.

183. Rule IV, Section 7, of the Implementing Rules and Regulation of R.A. No. 7277, provides for the continuing training and education of health personnel delivering services to persons with disabilities. Such training is underscored in the State's latest health agenda.

184. Legislative measures have also been put up to address the issue of early identification and intervention in the case of persons with disabilities. Section 3 (h), of

R.A. No. 8980, provides for the establishment of an efficient system for early identification, prevention, referral and intervention for development disorders and disabilities in early childhood. In addition, R.A. No. 9288 aims to ensure that every newborn have access to newborn screening for certain heritable conditions that may result to mental retardation, and R.A. No. 9709 aims for the identification, and early intervention programmes for newborn children who are deaf or hard-of-hearing.

185. Currently the Newborn Screening Reference Center is an office under the National Institute of Health, University of the Philippines, Manila, which was created under R.A. No. 9288, functions to properly implement laws on detection and early intervention of disabilities. The Newborn Screening Reference Center provides technical assistance to the DOH-National Institute of Health to screen newborns for common heritable disorders which result to death and disabilities. In addition, a comprehensive newborn care program is also being implemented by the Family Health Office of the National Center for Disease Prevention and Control of the DOH that includes eye screening for congenital causes of blindness and other avoidable causes of blindness.

186. A number of public health programs have also been ongoing through the DOH. Programs on family health include supplements for early childhood care and development, nutrition, immunization, newborn screening, growth monitoring and promotion, as well as maternal care, family planning, men's health and reproductive health. Recipients of these programs, like other treatments and procedures, are subjected to voluntary and informed consent.

187. State Party's information, education, and advocacy materials pertaining to public health campaigns that promote the health projects mentioned above are accessible to persons with disabilities except for the blind and hearing impaired. The Department is currently developing materials on communicable diseases in Braille and in other accessible formats.

### **State Party's Response to Article 26 – Habilitation and rehabilitation**

188. R.A. No 7277, otherwise known as the "Magna Carta for Persons with Disabilities" contains provisions on the rehabilitation, self-development and self-reliance of persons with disabilities and their integration into the mainstream of society.

189. As mentioned earlier in the report, E.O. 437 was issued to strengthen the adoption of Community-Based Rehabilitation as a strategy in delivering services. A manual, published through the joint venture of CBM-CBR and NCDA with contributions from the academe, CSOs, NGOs, and DPOs, is being distributed to LGUs and other organizations as a guide in their activities in the community.

190. It is also worth noting that the private sector has been working in the grass roots in partnership with LGUs in the provincial, city, and municipal levels to further the cause and the end that community-based rehabilitation seeks. NORFIL, Breaking Barriers for Children and Young Adults with Disabilities (BBCY), among others, have been partners in this undertaking.

191. The State Party, through the DSWD has also conducted capability-building programs on CBR for 338 LGU workers and intermediaries in 52 LGUs from 2008 to 2010. The group of trainees include social workers, PWDs, parents of and youth with disabilities.

192. R.A. 1179 the "Vocational Rehabilitation Act" signed into law on June 19, 1954 provides for the promotion of vocational training for the blind and other persons disabled by natural and or accidental causes resulting in job handicap in the form of physical or

mental impairment. The law provides for their rehabilitation and return from dependency to active participation and contribution to the society.

193. DSWD Memorandum Circular 1-2008, provides guidelines on the Comprehensive Program for Persons with Disabilities. The Memorandum provides for Community-Based Services, such as prevention, restoration, and rehabilitation services which encompass employment, education, family support and others. It also requires the provision of Center-Based services mentioned earlier in Article 16 of this report.

194. The DSWD maintains non-residential facilities for persons with disabilities. These facilities are operated to train PWDs in various socio-economic activities that will help them to live independent and productive lives. By 2010, these facilities include the Rehabilitation Sheltered Workshop (RSW), 55 residents; National Vocational Rehabilitation Center (NVRC), 93 residents; Area Vocational Rehabilitation Center I (AVRC) in Region I, 86 residents; Area Vocational Rehabilitation Center II (AVRC) in Region VII, 134 residents; and Area Vocational Rehabilitation Center III (AVRC) in Region IX, 82 residents.

195. Other residential care facilities operated by the State Party, through the DSWD, which provide care and rehabilitation services to Persons with disabilities are: Elsie Gaches Village for abandoned and neglected children with disabilities; Marilac Hills for abused young girls age 7-17; and Haven for Women for female residents 18 years-old and above who are recovering from psychosis and other mental challenges.

### **State Party's Response to Article 27 – Work and Employment**

196. A National Disability Summit (NDS) was held in September 2009. During the Summit, the National Economic and Development Authority (NEDA) reported that 40% of persons with disabilities live under the poverty line, and 18% do not have monetary income. Furthermore, based on the data gathered on employed Persons with Disabilities, 41% are self-employed, 23% work in private firms, 13% earn as self-help groups, and 12% work in public organizations.

197. In addition, the State Party, through the Department of Trade and Industry (DTI) in consultation with persons with disabilities groups and stakeholders came up with a Framework for Persons with Disabilities Economic Empowerment. The framework aims to increase Persons with Disabilities' self-worth, confidence and competency, employment and engagement in entrepreneurship. The Department through its attached bureaus continuously issues directives and conducts programs for persons with disabilities.

198. The primary legislative tool to protect all workers from any form of discrimination in the Philippines regardless of disability is Presidential Decree No. 442, otherwise known as the Labor Code of the Philippines. Supplementing protective measures in the Labor Code is R.A. No. 7277, Section 5, of which implies that no person with disability shall be denied access to opportunity for suitable employment. R.A. No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003," also serves as a legal safeguard against all forms of exploitation. In addition, a qualified employee with disability shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowance given to a qualified able-bodied person. Section 5, of R.A. No. 7277, further specifies that five percent (5%) of all casual, emergency and contractual positions in the DSWD, DOH, DepEd, and other government agencies, offices or corporations engaged in social development shall be reserved for persons with disabilities. To further promote the right to employment of persons with disabilities, the NCDA is pushing for the amendment of the provision cited in the aforementioned law. The NCDA proposes that five percent (5%) of all position in all

government agencies including government-owned corporations and financial institutions, state universities and colleges and LGUs be reserved to qualified persons with disabilities. The amendment also includes provisions for the State to enjoin private sector to reserve at least five percent (5%) of all positions in their respective businesses to qualified persons with disabilities as part of their corporate social responsibility.

199. R.A. No. 7277, Section 9, mandates the government to create appropriate training and assistance in developing vocational technical programs for developing skills which may help persons with disabilities acquire technical knowledge. Likewise, entrepreneurial opportunity programs will be introduced to those interested in business ventures and opportunities.

200. Programs to aid persons with disabilities in self employment and employment in the regular market are in place. The DSWD runs the Sustainable Livelihood Self-Employment Assistance Kaunlaran program which seeks to enable the poor to have access to credit, promote entrepreneurship, increase understanding on values of honest work, pay debts, social responsibility and increase of income. The program is community-based and provides capacity building to improve participant's socio economic status. The program is carried out through support given to microenterprises, directing these ventures to become more organizationally and economically viable. Many recipients of the program are persons with disabilities. The program is directed to the general impoverished population which includes persons with disabilities; however, disaggregated data on the number of PWD recipients of this program has not yet been accounted for.

201. The State Party, through the DSWD, also maintains the National Vocational and Rehabilitation Center as well as Rehabilitation Sheltered Workshops that are non-residential facilities which provide programs, services, and productive employment to persons with disabilities and other marginalized groups. These institutions provide social services, homelife services, educational services, practical skills development, health, economic productivity, recreational activity, dental services, and spiritual services.

202. The Bureaus of the Department of Labor and Employment (DOLE), particularly the Bureau of Local Employment implemented micro-enterprise projects for persons with disabilities from 1995 to 2009 under the "Tulong Alalay sa Taong May Kapansanan" (Help and Assistance for Persons with Disabilities) or TULAY Project. Since January 2010, implementation of TULAY has been transferred to the Bureau of Workers with Special Concerns. TULAY projects, implemented nationwide through the DOLE Kabuhayan Program are classified as training and/or financial assistance aimed to engage Persons with Disabilities in sustainable self-employment through easy to learn livelihood undertakings. Participants in TULAY projects were given the following capacity building services: short-period training skills with the provision of livelihood tools, materials, and inputs. Persons with Disabilities who are introduced to a new set of training skills were given start-up or livelihood formation projects. On the other hand, persons with disabilities with existing skills that can be improved by training were given financial assistance for livelihood enhancement. Skills trainings include simple house-to-house or service-oriented technical and vocational trainings on massage, plumbing, cosmetology, electrical servicing, welding, native snack preparation, car wash, motorcycle repair, cellular phone repair, appliance repair and upholstery repair.

203. The TULAY program which provides skills training on technical, vocational and entrepreneurship abilities of persons with disabilities, has served a total of 4,144 persons with disabilities from the period of 2008 to 2010.

204. The TESDA, in partnership with DOLE and private training institutions, provided trainings for PWDs on needed priority skills identified. On the other hand, existing skills of persons with disabilities beneficiaries can be improved through short-period formal training



in TESDA. Moreover, TESDA conducts competency assessment of its trained graduates, issues Competency Assessment Certificates, and provides data on certificate holders who are still unemployed. The Training for Work Scholarship Program is open to both persons with disabilities and non-persons with disabilities. These measures, as of September 2010, were able to help 1,678 scholars with disability nationwide.

205. The NOVA Foundation has provided specialized training in Information and Communications Technology to persons with disabilities which resulted in more persons with disabilities being able to qualify for and acquire jobs in large companies, including those in the business processing/outsourcing industries as well as in government. A NOVA training center has already produced a total of 504 graduates, 310 of whom are now gainfully employed.

206. In addition, the DTI, in line with other government programs for the development of entrepreneurial skills among persons with disabilities, has developed a Directory of Persons with Disabilities Entrepreneurs and Enterprise Organizations. The department also conducted consultations in selected provinces to realize appropriate intervention and business development services assessed towards strengthening the PWD Economic Empowerment Program.

207. The DTI conducted initial consultations in Regions IV, Misamis Oriental, Nueva Ecija and Ifugao, other lined up provinces are Palawan and Ilocos Sur. These consultations were coordinated by the Product Development and Design Center of the Philippines (PDDCP), Bureau of Domestic Trade (BDT), Cottage Industry Technology Center (CITC), Small Business Corporation (SBC), Bureau of Small and Medium Enterprise Development (BMSMED), Philippine Trade Training Center (PTTC), Regional Operations Development Group (RODG), Bureau of Export Trade Promotion (BETP), and Office of Special Concerns (OSC).

208. The Directory, divided according to product and service sectors, compiles primary data on 1,070 persons with disabilities enterprises across the country. It has been disseminated to industry associations, producers, and exporters for partnerships with persons with disabilities groups for subcontracting, supplier of inputs, and market-matching. It is used to promote products and services of persons with disabilities organizations and individuals.

209. In order to promote the cooperatives and start-ups organized by persons with disabilities, the DTI issued a Circular for DepEd to purchase tables and chairs made of engineered bamboo. Through the Circular, DTI was also able to conduct skills training on engineered bamboo slots making in Aklan and Guimaras. However, such undertaking has yet to be adopted by the cooperatives of persons with disabilities transacting with DepEd due to unavailability of facilities and equipment to capacitate them.

210. Persons with disabilities enterprises, through Likhang Persons with Disability, were able to generate Php 99,165.00 from cash sales and book orders. Likhang Persons with Disability, a three-day trade fair organized in 2009, was participated by 17 persons with disabilities enterprises. Although it was able to raise funds, Likhang Persons with Disability encountered a low turnout of participants from Persons with disabilities enterprise. Based on the outcome of the fair, the DTI recommended that most of the products from persons with disabilities enterprises need upgrading to be more attractive in the market. In order to help persons with disabilities enterprises, the DTI can also help in skills training, product design and development, financing, and marketing. Other activities and programs were also conducted at the regional level.

211. DTI's various attached agencies has been tapped to assist persons with disabilities enterprises. The Product Development and Design Center of the Philippines (PDDCP) endeavours to improve existing products and services of persons with disabilities. The

Bureau of Domestic Trade (BDT) improves market access of persons with disabilities products and services, through market information, market-matching subcontracting, and opportunities in local trade fairs and exhibits. The Cottage Industry Technology Center (CITC) provides special technical and skills-trainings to trainers and mainstream persons with disabilities in existing Community-Based Enterprise programs. The Bureau of Export Trade Promotion (BETP) includes qualified persons with disabilities enterprises in its export promotions services. Bureau of Small and Medium Enterprise Development (BSMED) undertakes policy support and advocacy of persons with disabilities enterprise-related concerns. The Philippine Trade Training Center (PTTC) provides relevant training and counselling. The Small Business Corporation (SBC) facilitates access to credit of eligible persons with disabilities cooperatives and organizations. The DTI Regional Operations and Development Group (RODG) identify persons with disabilities enterprises eligible for Micro, Small, and Medium Enterprises programs and services. They then coordinate delivery of these services at the local level. The DTI, in partnership with the Regional Operations Development Group, was able to accomplish a skills training on engineered bamboo and processing of fish products to 23 persons with disabilities in Region VI.

212. At the Cordillera Administrative Region (CAR), the DTI provided technical assistance and referrals to the Department of Environment and Natural Resources for business registration and sourcing of raw materials for furniture production. The Department has also provided technical assistance to clients with disability in business name registration and Philippine Contractors Accreditation Board licensing. The Department also maintains an express lane for persons with disabilities.

213. The DTI Region V has also provided the following assistance: organizational development seminar for 37 persons with disabilities; consultancy on financing; business counselling; product development; market-matching; bayong (Straw Bag) enhancement training; finishing techniques for bayong; provision of business info through film showing; skills enhancement training (referrals); consumerism & gender and development seminar.

214. The DTI Region X provided skills trainings and other activities to 91 recipients. The activities include bayong bag-making, wing bean processing, entrepreneurial training, small- and medium-enterprise development, and marketing promotion, product and market-matching, product development, and beads plus fashion accessories making.

215. There have also been a number of programs that are designed to provide students with disabilities the necessary skills in joining the general labor market. The Working Youth Center (WYC) Technology Ready Project for the youth is spearheaded by DOLE. The project was piloted in Davao City and it served 14 persons with disabilities each earning about Php 6,000 to Php 11,000 monthly income through home-based work opportunities via computer internet communication. The project was documented and is recommended to be replicated in other regions.

216. The DTI, through its Personal Computers for Public Schools Project (PCPS), have provided computers to public high schools. Personal Computers for Public Schools Project provide special computer classes to hearing impaired students.

217. Information Technology Literacy Program for Out-of-School Youth and Youth with Disability (SCALA Program) is a community-based basic computer literacy program that aims to enhance the employment opportunities of disadvantaged youth. It includes installation of training facilities with appropriate equipment. The program is implemented in partnership with Engineers without Borders of Canada and the LGUs. Pilot sites of the said project are located in Regions I, III, IV, V, VI, VII, VIII and Cordillera Administrative Region.

218. To supplement the provision of R.A. No. 7277 pertaining to the employment of PWDs in the civil service, the State Party, through the Civil Service Commission (CSC), issued Memorandum Circular No. 23, s. 1999 that directs all government agencies to provide employment opportunities to qualified persons with disabilities in their respective agencies

219. A survey on the number of employed persons with disabilities in the government was conducted by NCDA in 2006. Survey results conclude that there are about 4,373 persons with disabilities employed in the public sector, of which 2,373 are employed in National Government Agencies. This includes soldiers with disabilities, 202 in government owned and controlled corporations, 93 in state universities and colleges, 105 in government hospitals, and 1,595 in the local government units.

220. In instances of persons who suffer work related disability, as mentioned earlier in this report, the issue is being addressed primarily by the ECC. Again the KAGABAY program of the Civil Service Commission aids persons with disabilities to be reintegrated into the economic mainstream through physical restoration, vocational skills, entrepreneurial training, job placement, and assistance in setting up micro-enterprise or home-based business.

221. Presidential Decree 626, section 10, defines job placement of a rehabilitee as an integral part of the rehabilitation program. Section 11 provides incentives to participating employers offering on-the-job training and possible employment of the rehabilitee. The following is the mode of payment of wages of the placed rehabilitee:

- (1) 50% of the wages for the first two weeks after the start of the on-the-job training;
- (2) 25% of the wages for the third and fourth weeks of the on-the-job training;
- (3) 10% of the wages for the fifth and sixth weeks of the on-the-job training;
- (4) 0% of the wages for the rest of the period of the on-the-job training.

222. In 2008-2010, there were 19 occupationally disabled workers rehired by their former employers, 21 occupationally disabled workers finding new employment and 21 occupationally disabled workers who have generated income from their small businesses. Many of those rehired by their former employers were more than 41 years old or older. The program in some way encouraged employers to re-employ their former employees who have become occupationally disabled workers. All of those who have found new employment, rehired, and those who have generated income from their small business managed to do so within two years or less from entry to the program. Thus, breaking the period or cycle of long term unemployment. Seventeen (17) occupationally disabled workers have signified that they were either starting or contemplating to start a small business or seek a new job.

223. The ECC formed the ECC Quick Response Team Program that ensures immediate presence of the Team during work-related contingencies. The Quick Response Team Program provides prompt and responsive employee compensation related assistance to workers in disasters and calamities in the form of psychosocial counselling, facilitation of prompt release of Employee Compensation related benefits and possible return to work of covered victims after being disabled. During the period 2008-2010, the Quick Response Team Program has served a total of 55 work-related contingencies assisting a total of 518 victims of which 371 or 72% have already received their Employee Compensation benefits.

## State Party's Response to Article 28 – Adequate standard of living and social protection

224. The agency of the State Party at the helm of securing and enabling Filipino people to acquire housing facilities is the Housing and Urban Development Coordinating Council (HUDC). The agencies composing the council are: National Housing Authority, Home Guaranty Corporation, National Home Mortgage Finance Corporation, Housing and Land Use Regulatory Board, Social Security System, Government Service Insurance System, and Home Development Mutual Fund. Other support agencies and two representatives from the NGOs and Private Developers are also included.

Section 39 of R.A. No. 7277 provides that the National Government shall take into account special housing requirements of persons with disabilities in its national shelter program. The table below shows the total households with persons with disabilities by tenures status of the lot and region based on the 2000 census. 225.

### The Total Households with Persons with Disabilities by Tenures Status of the Lot and Region Based on the 2000 Census.

<i>Region</i>	<i>Total household with PWDs</i>	<i>Owned/ being Amortized</i>	<i>Rented</i>	<i>Rent-free with Consent of Owner</i>	<i>Rent-free without Consent of Owner</i>	<i>Not Reported</i>	<i>Not Applicable</i>
Philippines	733,078	418,752	61,512	194,516	19,025	19,998	19,275
NCR	78,415	39,109	17,779	9,447	5,372	2,601	4,107
CAR	14,110	11,108	728	1,438	91	460	285
I	42,884	31,293	1,218	8,218	209	1,296	650
II	28,203	20,535	965	5,400	258	582	463
III	67,100	43,156	5,005	14,112	1,411	2,093	1,323
IV	112,669	67,095	8,487	28,111	2,713	2,973	3,290
V	58,581	31,341	3,211	20,327	1,210	1,206	1,286
VI	71,307	30,086	4,411	31,318	1,662	1,961	1,869
VII	66,446	38,992	5,262	17,779	1,153	1,921	1,339
VIII	49,964	26,311	3,917	16,561	829	1,207	1,139
IX	23,926	12,760	1,551	8,103	355	569	588
X	23,895	13,789	1,395	7,156	455	585	515
XI	45,409	25,014	3,747	12,689	1,689	1,044	1,226
XII	17,629	9,099	1,480	5,577	533	511	429
ARMM	9,030	6,351	236	1,510	146	502	285
CARAGA	23,456	12,675	2,116	6,766	936	486	477

226. It must also be noted as reported in the 2000 census of household population with disability that out of 935,551 households, 322,186 were headed by the person with disability, 164,410 were spouse of the family head, 45,282 were either father or mother of the family head, and the rest account for brother, sister, daughter, son, and other relations.

227. R.A. No. 7277, Section 21, mandates the creation and implementation of programs on auxiliary social services that respond to the needs of marginalized persons with disabilities. The programs should include subsidies on the acquisition of prosthetic and technical devices needed to improve the person with disability's physical residual capacity. As mentioned earlier in the report, supporting the abovementioned policy is DSWD

Memorandum Circular Series of 2008, included in the Guidelines on the Comprehensive Program for Persons with Disabilities is mechanisms on the provision of auxiliary services.

228. The Kapit Bisig Laban sa Kahirapan (Joint Arms in Fighting Poverty) – Comprehensive and Integrated Delivery of Social Services or KALAHY-CIDSS is the State's forefront poverty alleviation project implemented by the DSWD with financial support from the World Bank and other foreign aid. The community-driven development program places the poor, which are in need of social services, in a position to help develop, plan, and implement the various stages of the project. Funds are directly transferred to the community's bank account for allocation and disbursement. The LGUs of the pilot sites of this project have also given their support by providing counterpart funding and commitment on projects and sub-projects identified by the community. The program has covered a cumulative 4,583 barangays of 200 municipalities in the 42 poorest provinces of the country's 12 regions. Poverty incidence in these sites are at an average of 53%, based on estimates of the National Statistical Coordination Board. The program resulted to 5,876 community sub-projects which benefited 1,345, 767 households.

229. Another program by the DSWD is the Pantawid Pamilyang Pilipino Program (poverty alleviation for the Filipino family program) or 4Ps that started in 2008 as a poverty reduction and social development strategy which provides conditional cash grants to extremely poor households to improve their health, nutrition and education, particularly families with members aged 0-14. Beneficiaries are selected from the poorest municipalities based on the National Statistical Coordinating Board. These cover households whose economic condition is equal to or below the provincial poverty threshold; those which have children 0-14 years old and/or have a pregnant woman at the time of the assessment; and households that agree to meet conditions specified in the program. The program is directed to the generally impoverished population, which may include persons with disabilities. A total of 104,339 household with persons with disabilities benefited from the program, as of December 31, 2011.

230. The DSWD developed a convergence strategy in 2010 to harmonize three of the DSWD's core social protection programs at both program and operational levels, namely: the Pantawid Pamilya, KALAHY-CIDSS, and Sustainable Livelihood programs. It sought to enhance the Department's contribution in the achievement of a more sustainable and tangible impact on poverty reduction.

231. DSWD's Sustained Intervention in Poverty Alleviation and Convergence (SIPAG) initiated in 2011 used the updated the Social Welfare Indicators or SWI, as a tool to assess the level of well-being of poor households/beneficiaries and monitor changes in their socio-economic condition after a package of services had been delivered. The SWI describes a set of conditions and situations which indicates whether a household is at survival, subsistence, or self-sufficiency level. Through the SWI, service providers now have a chance to generate the profile of household members and arrive at more detailed intervention plans to correspond to their unique and specific needs. Since the SWI will also be administered on a regular basis, service providers will have a basis on the general well-being of households and their individual members. As of 2011, SWI administration already covered 23,971 households.

232. The DSWD also implements the Social Pension program which provides an additional Php 500 monthly stipend or government assistance for older indigent persons. The program covers older persons 60 years old and above who are frail, sickly or with disability, without any pension or permanent source of income or regular support from families or relatives to meet their basic needs. The program's implementation strategy prioritized indigent senior citizens aged 77 years old and above, subject to the availability of funds. As of December 2011, 122,678 indigent senior citizens were given social pension.

233. The Social Security System provides for the replacement of income lost on account of contingencies such as disability, sickness, maternity, old-age and death. The grants vary based on contributions of the member and percentage of body impairment as determined through medical and functional assessments. Supplemental allowance is also given as carer's allowance.

### **State Party's Response to Article 29 – Participation in political and public life**

234. Article V Section 1 of the 1987 Constitution of the Philippines provides that the right to Suffrage may be exercised by all Filipino citizens not otherwise disqualified by law, and who are at least eighteen years of age and has been residing in the Philippines for at least one year. Section 117 of B.P. 881 otherwise known as the Omnibus Election Code of the Philippines reiterates the abovementioned provision of the Constitution on the qualifications of a voter. Section 118 of B.P. 881 cites that the following grounds for disqualifying the voter: "(a) Any person who has been sentenced by final judgement to suffer imprisonment for not less than one year ... however, that any person disqualified to vote under this paragraph shall automatically reacquire the right to vote upon expiration of five years after service of sentence."; "(b) Any person who has been adjudged by final judgement by competent court or tribunal of having committed any crime involving disloyalty to duly constituted government... unless restored to his full civil and political rights in accordance with law: Provided, that he shall regain his right to vote automatically upon expiration of five years after service of sentence."; "(c) Insane or incompetent persons as declared by competent authority."

235. R.A. No. 8189 "The Voter's Registration Act of 1996" provides for the participation of all Filipinos including persons with disabilities in the electoral process of the country. Section 9 provides that all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen (18) years of age, and who shall have resided in the Philippines for at least one (1) year, and in the place wherein they propose to vote, for at least six (6) months immediately preceding the election, may register as a voter.

236. Section 14 of the same law provides for the registration of Illiterate or Disabled Applicants. Persons with Disabilities may register with the assistance of the Election Officer or any member of an accredited citizen's arms. The persons with disabilities will be placed under oath, asked questions, and record the answers given in order to accomplish the application form in the presence of majority of the members of the Board. The Election Officer or any member of an accredited citizen's arm shall read the accomplished form aloud to the person with disability assisted and ask him if the information given is true and correct. The accomplished form shall be subscribed by the applicant in the presence of the Election Board by means of thumb mark or some other customary mark, which shall be attested by the majority of the members of the board.

237. The disqualification as regards "insane and incompetent persons" provided under B.P. 881 and R.A. 8189 is also reiterated in R.A. 9189 otherwise known as "Overseas Absentee Voters Act of 2003" particularly under Section 5, 5. However, be it noted that the aforementioned disqualification is always subject to the "declaration by competent authority" which is by court proceedings. The state recognizes the right of suffrage and such provisions of law are placed only to protect the sanctity of the ballot and the PWD who may have mental incapacity against exploitation.

238. Commission on Elections (COMELEC) Resolution No. 8514, (November 12, 2008), Section 10, provides guidelines for registrants who accomplish application forms for persons with disabilities. The person with disability may be assisted in the preparation of

his application form by any relative within the fourth civil degree of consanguinity or affinity, or if he has none, by any person of confidence who belongs to the same household, or by the Election Officer.

239. COMELEC Resolution No. 9005 (July 19, 2010) Section 7, reiterates the guidelines given in COMELEC Resolution No. 8514, for voter's registration for the barangay elections.

240. A memorandum by COMELEC (December 2, 2008) was also issued to provide an express lane and to give preferential treatment to persons with disabilities, senior citizens, and heavily pregnant women in the voter's registration process.

241. Commission on Elections Resolution 10-0326 dated March 9, 2010 directs election officers to provide preferential treatment and express lanes for senior citizens, pregnant women and persons with disabilities on Election Day.

242. Commission on Elections Resolution 09-0676, a response to the request of Parish Pastoral Council for Responsible Voting (PPCRV) declared October 16, 2009 as Special Registration Day for PWDs in six (6) cities in the country, namely: Cagayan De Oro City, Davao City, Cabanatuan City in Nueva Ecija, Zamboanga City, Iloilo City, and City of San Fernando in Pampanga. The Commission on Elections also directed election officers to make special arrangements on election day for voters who are persons with disabilities and who are unable to walk and whose polling precinct is located at the 2nd floor of the polling center to be able to vote without having to be carried.

243. To further aid the PWDs right to suffrage, the Philippine Congress passed R.A. 10366 or "*An Act Authorizing the COMELEC to Establish Precincts Exclusively for Persons with Disabilities*". The law addresses the physical accessibility of polling places with provisions for reasonable accommodation in order that PWDs may exercise their right to suffrage without hesitation when they take into account physical difficulties faced in inaccessible polling places.

244. Section 29 of R.A. No. 7277, allows persons with disabilities to be assisted by a person of his choice in voting in the national or local elections. The person to prepare the ballot is to fill it out strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him.

245. Commission on Elections Resolution No. 8786 dated March 4, 2010 Section 31 provides guidelines for voters with disability. The Resolution provides that: a person with disability may be assisted by a relative within the fourth civil degree of consanguinity and affinity, a person of his confidence who belongs to the same household or any member of the Board of Election Inspectors provided that the assistants are of voting age. A person that is physically impaired to use the automated election system may also be assisted in feeding his ballot into the Precinct Count Optical Scanner. The assistor shall ensure that the contents of the ballot are not displayed during the feeding of the same into the Precinct Count Optical Scanner.

246. Section 32 of the abovementioned resolution provides that all polling places of precincts where there are PWD voters shall be located at the ground floor of the voting centers, unless not feasible. The Election Officer shall coordinate with the proper school or building officials.

247. Sections 34 and 35 of the Commission on Elections Resolution No. 9030 dated September 21, 2010 reiterates the guidelines stated in Section 31 and 32 of Resolution No. 8786 respectively for voters with disability in the barangay elections.

248. Section 30 of R.A. No. 7277 provides that the State shall recognize the rights of persons with disabilities to participate in processions, rallies, parades, demonstrations,

public meetings and assemblages or other forms of mass or concerted action held in public. In addition, Section 31 implies the State's recognition of the right of persons with disabilities to form organizations or associations that promote their welfare and advance or safeguard their interest. The national government through its agencies, instrumentalities and subdivisions, shall assist persons with disabilities in establishing self-help organizations by providing them with the necessary technical and financial assistance. Accreditation and recognition of PWD organizations is lodged primarily with the various local government units from every province, city, and municipality through their respective social welfare offices. In the directory compiled by the NCDA a total of 330 PWD organizations were identified in the different localities throughout the country.

249. The DSWD has also issued Administrative Order No. 13 Series of 2008 to provide guidelines in organizing persons with disabilities into self-help groups. The Administrative Order contains provisions on assisting organizations of persons with disabilities through capacity building, assistance in networking, and defining the roles and responsibilities of municipal, city, and provincial social welfare and development offices.

250. The persons with disabilities sector also sought to participate in the party-list system, R.A. No. 7941, signed on March 1995, otherwise known as the "Party-List System Act" which provides seats in the House of Representatives for organizations representing marginalized and under-represented sectors. AKAPIN, a sectoral party for persons with disabilities, registered under the COMELEC as an eligible candidate for the Party-list System and sought seats in the House. Unfortunately, the Party failed to garner adequate votes for the last 2 elections. By virtue of Sections 6 of the Party-List System Act, the registration of the sectoral party was thereafter cancelled.

### **State Party's Responses to Article 30 – Participation in cultural life, recreation, leisure and sport**

251. Article XIV, Section 18 of the Philippine Constitution provides that the State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities. Section 19 of the same Article provides that the State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competitions.

252. Section 35 of R.A. No. 7277, defines Public Accommodations and Services which are used by persons with disabilities. Section 36 of the same law clearly states the promotion of rights of persons with disabilities in equal footing with the rights of others in the use of services and accommodation for cultural life, recreation, leisure and sport. Section 37 of R.A. No. 7277, provides that recreational or sports centers owned or operated by the government shall be used free of charge, by marginalized persons with disabilities during their social, sports or recreation activities.

253. On October 1, 2010, the DPWH created a national and local Memorandum titled "Audit of All National Government Sports Centers on Accessibility to Persons and Athletes with Disabilities." In order to execute the Memorandum effectively, the DPWH recommended the following courses of action: 1. All DPWH Regional, District Engineering Offices are directed to conduct comprehensive audit of all government sports centers in terms of Accessibility Law compliance; and 2. All DPWH Regional District Engineering Offices are directed also to submit their recommendations (how to upgrade the facilities) and the corresponding budgetary requirements for future planning and budgetary consideration. The DPWH submitted the consolidated report to NCDA and as of December 2010, 10 out of 16 Regional Offices had already submitted their respective reports. A total



of 311 infrastructures serving as sports centers were inspected, and the budgetary cost estimate in making these facilities accessible amounted to a total of Php 116,627,838.00.

254. To further encourage persons with disabilities' participation in cultural life, recreation, leisure and sports, Section 32 of R.A. No. 9442 provides at least twenty percent (20%) discount from all establishments relative to the utilization of all services in hotels and similar lodging establishments, restaurants and admission fees on theatres and other recreation and amusement centers, and transportation fare in land, sea, and air.

255. The State Party, through the Department of Tourism (DOT), has issued Memorandum Circular 2011-04 adopting the guidelines on the grant of special discounts to persons with disabilities pursuant to the provisions of R.A. No. 9442. The Memorandum Circular directs all accredited establishments of the Department to comply with the provisions of R.A. No. 9442; the circular implies that failure of compliance will be a ground for review of the Department's accreditation of the establishment.

256. The NCDA has also been conducting rehabilitative and recreational activities for Persons with disabilities through sports. The NCDA, in coordination with the Philippines Sports Commission; Philippine Sports Association for the Differently-Abled, National Paralympic Committee – Philippines; DSWD; LGUs, GOs, and NGOs, has been conducting chess competitions for the blind. Currently, training and tournaments for ten-pin bowling is being conducted with visually impaired, hearing impaired, and mobility impaired players.

257. The NCDA supports other agencies, non-government organizations, in conducting local tournaments to expose and prepare persons with disabilities for international engagements. In the past years, the Country has sent delegates to the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup>, ASEAN Para Games in 2005, 2008, and 2009 respectively. During the said competitions, a total of 39 gold medals, 10 silver medals, and 3 bronze medals have been awarded to Filipino athletes with disabilities. In addition, with the cooperative effort of the State and the private sector, a delegation was also sent in 2010 to China for the ASIAN Para Games.

258. NCDA continues to dialogues with legislators for legislative policies which will provide greater incentives for Filipino athletes with disabilities, their coaches and trainers, and their immediate family.

259. The State Party, through the National Commission for Culture and the Arts (NCCA), has conducted cultural care giving services for persons with disabilities from 2008-2009. Services include modules on visual and theater arts, dance, music, literary, media, and creative arts.

## **V. Report relevant to specific situation of boys, girls, and women with disabilities**

### **State Party's Response to Article 6 – Women with Disabilities**

260. The State Party is also a state party to the Convention on the Elimination of All Forms of Discrimination against Women. There are also a number of legislative measures employed to eliminate abuse and promote equal rights amongst women, including women with disabilities. These legislative tools are: R.A. No. 7877 "The Anti-Sexual Harassment Act of 1995"; R.A. No. 9262 "The Anti-Violence Against Women and their Children Act of 2004"; and R.A. No. 9710 "Magna Carta for Women signed in August 2009. Some organizations of persons with disabilities are headed by women. Women with disabilities have already represented the country in events and competitions such as international abilympics. In the year 2000, 5 athletes won medals in different events. This is evidence

that women with disabilities enjoy the same civil, political, economic, social, and cultural rights that their male counterparts have.

261. R.A. No. 9710 also provides for social protection and women empowerment programs. The Philippine Commission on Women is the State Party's forefront agency in developing policies and programs for the advancement of women.

### **State Party's Response to Article 7 – Children with disabilities**

262. The Council for the Welfare of Children (CWC) is the State Party's agency tasked in developing programs and policies for children's protection, welfare and development in the Philippines. The CWC has a Committee on Children in Need of Special Protection as well as a Sub-Committee on Children with Disabilities. The NCDA is the vice-chair of the said sub-committee. The CWC and NCDA with other GOs and NGOs formulate policies and programs to address the concern of children with disabilities.

263. The CWC conducted a Philippine National Children's Conference on August 28 to 30, 2009 in Manila; wherein children with disabilities actively shared their thoughts and opinions on issues such as child labor and child trafficking, adolescent reproductive health and other issues involving children. The conference served as a preparatory activity of the Philippines for the ASEAN Children's Forum, the regional voice for children in the ASEAN and a channel where children can express their views on urgent regional issues and how these can be resolved by governments with children and young people's participation. The NCDA assisted one participant children with disability, Ferdinand Ian Lopez representing the Autism Society of the Philippines. He was chosen as a delegate to the First ASEAN Children's Forum held in the Philippines on October 19-22, 2010.

264. Questions were raised during a consultative meeting on why the conference did not have representation for all types of disability. NORFIL, one of the members of the sub-committee on children with disabilities, replied that the shortcoming was due in part to the small membership of the committee which they were still trying to enlarge.

265. Based on the report of NCDA Regional Programs Coordinators, the following projects were conducted for children with disabilities: Strengthening of family and related parent of children with disabilities organizations; Supplemental feeding by providing one kilo of rice per day to improve the nutrition of children with disabilities under the Food for School Program implemented by the DSWD, DILG, DepEd, and the National Food Authority (NFA) in all regions; assistive devices were also provided by NCDA and other government agencies in partnership with non-government organizations and local government units.

266. The DSWD's Supplementary Feeding program provides food in addition to regular meals of enrolled day care children as part of the contribution to the ECCD program of the government. Food Supplementation was implemented in the form of hot meals to be served during break/snack time in the morning session or during the break/snack time in the afternoon session to children in day care centers five (5) days a week. As of 31 December 2011, the Supplemental Feeding Program has served a total of 1,687,793 children in 50,366 day care centers in 1,564 LGUs nationwide.

267. Parents of children with disabilities are now organized to represent the concerns of their children like Autism Society Philippines, AD/HD Society, Down Syndrome Association of the Philippines, Parents of Visually Impaired Children, Parents Mobilization Action Group, AKAPIN and the Federation of Parents of Children with Disability. Initiatives have been taken by the government to include children with disabilities in dialogues to represent themselves in forums and other activities.

## V. Report relevant to specific obligations

### State Party's Response to Article 31 – Statistics and data collection

268. The 2000 Census of Population and Housing collected data on Persons with Disability using the following questions:

1. Does \_\_\_ have any physical or mental disability?
2. What type of disability does \_\_\_ have?

269. Data on persons with disabilities based on the 2000 census is disaggregated based on gender, while classification of disability was referred to total blindness, partial blindness, low vision, total deafness, partial deafness, hard of hearing, oral defect, loss of one or both upper limbs, loss of one or both lower limbs, quadriplegic, mentally retarded, mentally ill, and multiple impairment.

270. The National Statistics Office has participated in pilot testing of survey questions to use in disability surveys. These pretests used the World Health Organizations framework on functional difficulty. These tests were funded jointly by the United Nations Economic and Social Commission for Asia and the Pacific and Washington Group on Disability Statistics. The most recent round of pretesting was under the improvement of Disability Measurement and Statistics in Asia and the Pacific. It consisted of cognitive testing of the question set. The Philippines is one of five countries where the field test was conducted to about one thousand sample households.

271. The National Statistics Office also collected data on disability using the following short set questions:

On Disability

- Does \_\_\_ have any physical or mental disability?

On Functional Difficulty:

- Does \_\_\_ have any difficulty/problem in
  - (a) Seeing, even when wearing eyeglasses?
  - (b) Hearing, even when using a hearing aid?
  - (c) Walking or climbing steps?
  - (d) Remembering or concentrating?
  - (e) Self-caring (bathing or dressing)?
  - (f) Communicating using his/her usual language?

272. The DSWD has also developed a unified, objective and transparent targeting system to ensure that the poor are provided government assistance. National Household Targeting System for Poverty Reduction (NHTS-PR) is an information management system that identifies who and where the poor are. Household assessments were conducted from March 2009 to March 2010. NHTS-PR has identified 4,466,649 poor household members who are PWD's as of February 28, 2011. Executive Order No. 867, issued in 2010, directs all National Government Agencies to use the NHTS-PR Data as basis in identifying the beneficiaries of the social protection program.

273. The State recognizes the valuable contribution of the private sector in the realization of the Convention in the country. Organizations of persons with disabilities, organizations of parents of children with disabilities, non-government organizations, organizations of

professionals, and representatives from the academe have taken part in the formulation of this report. A series of consultative meetings was conducted by the National Council on Disability Affairs in partnership with the Department of Foreign Affairs and the Presidential Human Rights Committee to discuss the reporting process and present the working draft of the report formulated through initial correspondence of the Council with other government agencies.

## **State Party's Response to Article 32 – International cooperation**

### **State parties as donor countries or beneficiaries of international cooperation should report on:**

274. The State Party, cognizant of the plight of the poor and other vulnerable sectors had always taken into account the advantages of international cooperation and engagement with international partners. Foreign funders have steadily invested in the development and well being of the poor. Aid is given for infrastructure, employment, health care, education and other areas involving the urban poor, women, children, and other vulnerable sectors. However, data and studies on how foreign funded programs reach and impact persons with disabilities are not yet available.

275. The State Party, through the NCDA, and the Japanese Government through the Japan International Cooperation Agency, entered into an agreement for the Non-Handicapping Environment (NHE) project which aims to build an inclusive community and society responsive to the need of persons with disabilities for an accessible and barrier free environment. The project is implemented in two pioneering municipalities: New Lucena in Iloilo Province, Region VI; and Opol in Misamis Oriental Province, Region X. The project period is four years from October 2008 to September 2012.

276. The NHE project looks into the aspect of physical and social accessibility in the rural areas of the Philippines. The project promoted the concept of Universal Design and gained international recognition. The NHE works with the persons with disabilities as the center of the project. Activities are created to empower the persons with disabilities. The bulk of the budget for this project went to capacity development, including training and advocacy within the community to promote their rights and privileges.

277. The NHE project framework is anchored in five components. First, the implementing mechanism, wherein project management and sustainability, orientation, team building, creation of monitoring system, and entering into Memorandum of Agreements between Stakeholders were carried out. Second, Profiling wherein baseline survey and data on persons with disabilities were gathered, audit of Accessible Infrastructures, and attitudinal survey in the community were carried out to aid in policy making. Third, Capacity Development where personality, leadership, peer-support, and livelihood skills were developed through trainings and seminars. Fourth, Advocacy where awareness raising campaigns in the community and mass-media were carried out to promote the project and the rights of persons with disabilities. Fifth, Networking where the project was promoted in other local government units, national agencies and, and international organizations.

278. Persons with disabilities are being consulted in the design, development and evaluation of the project. The NHE project has a Core Group for the national level composed of representatives from the NCDA, JICA, DPWH, DILG, DOLE, DepEd, DSWD, DOTC, United Architects of the Philippines (UAP), Community Based Rehabilitation – Christopher Blinden Mission, and the University of the Philippines College of Social Work and Development. The project has three project management teams. The first team was composed of interveners, namely: NCDA, JICA, representatives from NGAs,

UAP, Academe, and one representative from the two selected municipalities in new Lucena, Iloilo and Opol, Misamis Oriental with their Municipal Mayors acting as chairmen. The second project management team based in New Lucena, Iloilo consisted of municipal department heads as focal persons for programs designed for persons with disabilities and a representative from a local organization representing persons with disabilities. The third project management team located in Opol, Misamis Oriental, consisted also of the municipal department head as the focal person for programs designed for persons with disabilities, a representative from the local organization representing persons with disabilities and a representative from the local parent organization of children with disabilities. Consultative meetings, program design, and development are carried out with the involvement of the community.

279. Monitoring of capacity development trainings is conducted in a regular basis by the three program management teams. The mid-term review of the project was carried out on December 2010 where information, experiences, best practices, and effectiveness of the programs was reviewed, evaluated, and realigned based on the feedback from the two communities.

280. To ensure further exchange of ideas, best practices, and development, efforts were made to ensure sustainability of the project in the pilot sites after the project's duration and to replicate the project in other rural communities in the country.

281. It was also notable that during the 19<sup>th</sup> ASEAN Summit in Bali, Indonesia on November 17, 2011, the ASEAN Leaders adopted the Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community. The Philippines, as a founding member of the ASEAN, was of the view that the disability is a cross-cutting concern in all ASEAN Member States and that the Declaration could highlight this concern in the mainstream ASEAN Community.

### **State Party's Response to Article 33 – National implementation and monitoring**

282. Section 1 of E.O. 417 "Directing the Implementation of the Economic Independence Program for Persons with Disabilities" states that all national government agencies including government-owned and controlled corporations are enjoined to support and cooperate in the implementation of the Economic Independence Program for Persons with Disabilities.

283. The DTI spearheaded the preparation of the Persons with Disability Economic Empowerment Program which outlines the assistance to be provided to persons with disabilities entrepreneurs under the DTI's mandate. The program is composed of three (3) major components, namely: enterprise level assistance, enabling environment and policy advocacy.

284. Section 32 of the General Appropriations Act explicitly provides funding mechanisms for programs and project of persons with disabilities and their organizations, earmarking at least one percent (1%) of the total yearly budget of all national government agencies and instrumentalities, including government financial institutions and government-owned and controlled corporations.

285. The State Party, through the Department of Budget and Management (DBM) and the DSWD, issued Joint Circular No. 2003-01 setting implementing guidelines for "Setting aside one percent of government agency budget for programs/projects related to persons with disabilities". The guidelines suggest a number of activities and projects for persons with disabilities; a reporting mechanism was also included in the circular.

The National Council on Disability Affairs by virtue of Executive Order 709 serves as a national working body to promote and monitor implementation of national laws and international commitments affecting PWDs. The Presidential Human Rights Committee, by virtue of A.O. 163, s. 2002, works as the primary adviser of the President on human rights concerns and is tasked to ensure the Government's compliance to all its international treaty obligations. The Commission on Human Rights, on the other hand, monitors the State's compliance with international treaty obligations on human rights.<sup>286</sup>

## References

### Terms

Accessibility Law	Refers to Batas Pambansa 344
AJPP	Refers to Access to Justice for the Poor Project
Bangko Sentral ng Pilipinas	Refers to the central bank of the Philippines
Batas Pambansa	Refers to National Laws issued from 1978-185
Children	Refers to those under 18 years of age or over eighteen (18) years but are not capable of fully protecting or supporting themselves because of mental and/or physical defect/disability
Constitution	Refers to the 1987 Constitution of the Republic of the Philippines
Convention	Refers to the Convention on the Rights of Persons with Disabilities
KBP	Refers to the “Kapisanan ng mga Brodkaster sa Pilipinas” (Broadcasters Guild of the Philippines)
KAGABAY	Refers to the “Katulong at Gabay Sa Mangagawang may Kapansanan” (help and assistance for workers with disability) Program
KALAHI-CIDSS	Refers to the “Kapit Bisig Laban sa Kahirapan” (Joint Arms in Fighting Poverty) – Comprehensive and Integrated Delivery of Social Service Program
State	Refers to the Government of the Republic of the Philippines
TULAY	Refers to “Tulong Alalay sa Taong May Kapansanan” (Help and Assistance for Persons with Disabilities) Program
4Ps	Refers to the “Pantawid Pamilyang Pilipino Program” (poverty alleviation for the Filipino family program)

**Acronyms**

B.P.	Batas Pambansa
CHED	Commission on Higher Education (attached to the Office of the President)
CHR	Commission on Human Rights
COMELEC-	Commission on Elections
CSC	Civil Service Commission
CWC	Council for the Welfare of Children
DAISY	Digital Accessible Information System For All
Dep Ed	Department of Education
DFA	Department of Foreign Affairs
DILG	Department of Interior and Local Government
DOH	Department of Health
DOLE	Department of Labor and Employment
DOTC	Department of Transportation and Communication
DPWH	Department of Public Works and Highways
DSWD	Department of Social Welfare and Development
DTI	Department of Trade and Industry
ECC	Employees' Compensation Commission (Attached to DOLE)
ECCD	Early Childhood Care and Development
GO	Government Organizations, Agencies, and Instrumentalities
GPH	Government of the Republic of the Philippines
GSIS	Government Service Insurance System
JICA	Japanese International Cooperation Agency
LGU	Local Government Unit
LTO	Land Transportation Office (attached to the DOTC)
NAPC	National Anti Poverty Commission (attached to the Office of the President)
NCC	National Computer Center (attached to the Department of Science and Technology)
NCDA	National Council on Disability Affairs (attached to the DSWD)
NDPR	National Disability Prevention and Rehabilitation
NGO	Non-Government and Civic Organizations
NHE	Non-Handicapping Environment
NHRAP	National Human Rights Action Plan
PDAO	Persons with Disability Affairs Office



PHILHEALTH	Philippine Health Insurance Corporation
PHRC	Presidential Human Rights Committee
PIA	Philippine Information Agency (attached to the Office of the President)
R.A.	Republic Act
RCDA	Regional Committee on Disability Affairs
SCABET	Sub-Committee on Accessibility and Built-In Environment and Transportation (Under the NCDA)
SSS	Social Security System
TESDA	Technical Education and Skills Development Authority

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