

SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

SENATE
S.B. NO. 1674



Introduced by Senator Maria Lourdes Nancy S. Binay '18 JAN 31 P5:04

**AN ACT IMPROVING ACCESS OF PERSONS WITH DISABILITY TO PUBLIC
AND PRIVATE FACILITIES, AMENDING FOR THE PURPOSE REPUBLIC
ACT NO. 7277 OTHERWISE KNOWN AS THE MAGNA CARTA FOR
DISABLED PERSONS**

EXPLANATORY NOTE

Persons with Disability (“PWD”) are one of the most vulnerable sectors in the Philippine society. The fact that many of the PWDs are living in poverty and the existence of systemic discrimination against them in the work place, among other institutions, prompted Congress to enact the Magna Carta for Persons with Disability (“Magna Carta”).

The Magna Carta has since undergone several changes in view of the efforts of Congress to safeguard the rights and interests of PWDs and to address problems encountered in the implementation of the Magna Carta.

In the past, a mall chain was accused of discriminatory practices committed against a particular class of PWD. It appears that said mall had barred the entry of a PWD on the ground that he had in his company a guide animal, which is not allowed within the mall premises. Although the dog is not known as a vicious breed, the mall argued that there is still a risk to the safety of other mall patrons. Instead of trying to understand the condition of the PWD, the mall requested the police to bodily drag said PWD who was protesting the treatment of the mall on his person.

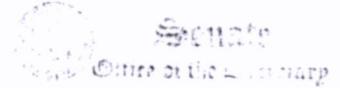
The mall incident is not isolated. It has come to our attention that different establishments, public or private have treated PWDs with guide animals differently.

For the above reasons, there is a need to amend the law to accommodate PWDs needing special assistance of guide animals.

In view of the foregoing, the passage of this bill is earnestly recommended.


MARIA LOURDES NANCY S. BINAY
Senator

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

1 **SECTION 1.** Paragraph (q) is hereby inserted under Section 4 of R.A. 7277 as follows:

2
3 "Q.) *GUIDE ANIMALS* SHALL REFER TO ANIMALS THAT ASSIST PWDS
4 TO COPE WITH THEIR SPECIFIC DISABILITIES."
5

6 **SECTION 2.** Section 25 of R.A. 7277 is hereby amended to read as follows:

7
8 "Sec. 25. Barrier-Free Environment. – The State shall ensure the attainment of a
9 barrier-free environment that will enable persons with disability to have access in
10 public and private buildings and establishments and such other places mentioned
11 in Batas Pambansa Bilang 344, otherwise known as the "Accessibility Law." FOR
12 PURPOSES OF THIS PROVISION, GUIDE ANIMALS ACCOMPANYING
13 PERSONS WITH DISABILITY SHALL SIMILARLY ALSO BE ALLOWED
14 ACCESS.
15

16 The national and local governments shall allocate funds for the provision of
17 architectural facilities or structural features for person with disability in
18 government buildings and facilities."
19

20 **SECTION 3.** Section 27 of R.A. 7277 is hereby amended to read as follows:

21
22 "Sec. 27. Access to Public Transport Facilities. – The Department of Social
23 Welfare and Development shall develop a program to assist marginalized persons
24 with disability gain access in the use of public transport facilities. Such assistance
25 may be in the form of subsidized transportation fare.
26

1 The said department shall also allocate such funds as may be necessary for the
2 effective implementation of the public transport program for the persons with
3 disability.

4
5 IN THE DEVELOPMENT OF ACCESS TO TRANSPORTATION
6 PROGRAMS, THE NEEDS OF PERSONS WITH DISABILITY WHO
7 DEPEND ON GUIDE ANIMALS SHALL BE CONSIDERED.

8
9 The "Accessibility Law", as amended, shall be made suppletory to this Act."

10
11 **SECTION 4.** Section 34 of R.A. 7277 is hereby amended to read as follows:

12
13 "Section 34. Public Transportation. – It shall be considered discrimination for the
14 franchises or operators and personnel of sea, land, and air transportation facilities
15 to charge higher fare or to refuse to convey a passenger, his orthopedic devices,
16 personal effects, and merchandise by reason of his disability.

17
18 AN UNREASONABLE DENIAL OF TRANSPORTATION TO GUIDE
19 ANIMALS OF THE CONCERNED PERSON WITH THE DISABILITY
20 SHALL BE CONSIDERED AS AN ACT OF DISCRIMINATION."

21
22 **SECTION 5.** Section 36 of RA 7277 is hereby amended to read as follows:

23
24 "Sec. 36. Discrimination on the Use of Public Accommodations. – (a) No person
25 with disability shall be discriminated on the basis of disability in the full and
26 equal enjoyment of the goods, services, facilities, privileges, advantages or
27 accommodations of any place of public accommodation by any person who owns,
28 leases, or operates a place of public accommodation. The following constitute acts
29 of discrimination:

30
31 (1) denying a person with disability, directly or through contractual licensing or
32 other arrangement, the opportunity to participate in or benefit from the goods,
33 services, facilities, privileges, advantages, or accommodations of an entity by
34 reason of his disability;

35
36 (2) affording a person with disability, on the basis of his disability, directly or
37 through contractual, licensing, or other arrangement, with the opportunity to
38 participate in or benefit from a good service, facility, privilege, advantage, or
39 accommodation that is not equal to that afforded to other able-bodied persons; and

40
41 (3) providing a person with disability, on the basis of his disability, directly or
42 through contractual, licensing, or other arrangement, with a good, service, facility,
43 advantage, privilege, or accommodation that is different or separate form that
44 provided to other able-bodied persons unless such action is necessary to provide
45 the persons with disability with a good, service, facility, advantage, privilege, or

1 accommodation, or other opportunity that is as effective as that provided to
2 others;

3
4 (4) DENYING A PERSON WITH DISABILITY, ACCESS OR USE OF
5 PUBLIC ACCOMODATIONS ON THE GROUND THAT HE IS
6 ACCOMPANIED BY A GUIDE ANIMAL.

7
8 For purposes of this Section, the term “individuals or class of individuals” refers
9 to the clients or customers of the covered public accommodation that enters into
10 the contractual, licensing or other arrangement.

11
12 **SECTION 6. *Implementing Rules and Regulations.*** – The DSWD in coordination with
13 relevant government agencies shall issue the necessary implementing rules and
14 regulations within ninety (90) days from the approval of this Act.

15
16 **SECTION 7. *Separability Clause.*** – If any provision or part of this Act, or the
17 application thereof to any person or circumstance be held unconstitutional or be invalid,
18 such parts affected thereby shall remain in full force and effect.

19
20 **SECTION 8. *Repealing Clause.*** – All laws, decrees, executive orders, proclamations,
21 rules and regulations, and other issuances, or parts thereof inconsistent with the
22 provisions of this Act are hereby repealed or modified accordingly.

23
24 **SECTION 9. *Effectivity.*** – This Act shall take effect fifteen (15) days after its complete
25 publication in at least two (2) newspapers of general circulation.

26
27 *Approved,*