

ORDINANCE NO. SP- 1694 , S-2006
(PO2006-93)

AN ORDINANCE GRANTING THE DIFFERENTLY ABLED OR PERSONS WITH DISABILITY, WITH DULY ISSUED IDENTIFICATION CARDS, THE SAME BENEFITS GRANTED TO SENIOR CITIZENS, AND INCORPORATING HEREIN BENEFITS GRANTED UNDER ORDINANCES NUMBERED 512 (SERIES OF 1997), 621 (SERIES OF 1999), AND 1609 (SERIES OF 2005).

Introduced by Councilors AIKO MELENDEZ-JICKAN, WENCEROM BENEDICT C. LAGUMBAY, ELIZABETH A. DELARMENTE, ROMMEL R. ABESAMIS, JOSEPH P. JUICO, WINSTON "Winnie" T. CASTELO, RAMON P. MEDALLA, VOLTAIRE GODOFREDO L. LIBAN III, ERIC Z. MEDINA, JORGE B. BANAL, JR., DIORELLA MARIA SOTTO-DE LEON and ANTONIO E. INTON, JR.

WHEREAS, Article XIII, Section 11 of the Constitution provides that "The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the under-privileged, sick, elderly, disabled, women and children", x-x-x.

WHEREAS, in Article XIII, Section 13 of the Constitution, the rehabilitation of the disabled, as well as their integration into the mainstream of society, are valued by the state as a matter of policy;

WHEREAS, in Section 458 of Republic Act No. 7160, the Local Government Code of 1991, the Sangguniang Panlungsod is empowered to approve legislation that shall provide for the care of disabled persons;

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WHEREAS, in 1999, the Quezon City Council, during its 5th Special Session, passed Resolution No. SP-1156. Urging the Senate and the House of Representatives to Pass Immediately Senate Bills Numbered 494 and 1224 and House Bill No. 811, Granting Disabled Persons The Same Privileges And Incentives Enjoyed By Senior Citizens;

WHEREAS, the City Council, passed Resolution No. SP-1156 because "the discount privileges granted to Persons With Disability (PWDs) are not sufficiently and clearly provided in RA 7277 known as the Magna Carta for Disabled Persons resulting to discontentment and dissatisfaction among the people who should enjoy the benefits provided by law";

WHEREAS, the City Council, passed Resolution No. SP-1156 because Senate Bills No. 494 and 1224 and House Bill No. 811 are needed to boost the morale of the PWDs and lessen the financial burden being experienced by their respective families;

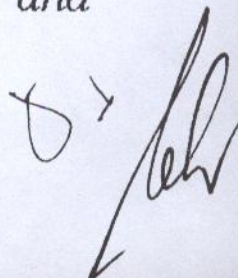
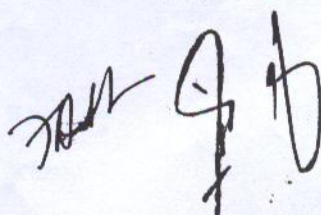
WHEREAS, Senate Bills No. 494 and 1224 and House Bill No. 811 were not passed by both Houses of Congress, resulting to the continued discontentment and dissatisfaction among the people who should be enjoying the same benefits, as those enjoyed by senior citizens;

WHEREAS, the Constitution treats PWDs and the elderly or the senior citizens as similarly situated, by virtue of Article XIII Section 11 thereof, in terms of being afforded essential goods, health and other social services at an affordable cost;

WHEREAS, like senior citizens, PWDs are dependent on the help and support of their families and relatives;

WHEREAS, like senior citizens, PWDs should be motivated and encouraged to contribute to nation-building;

WHEREAS, like senior citizens, the right of PWDs should be recognized to take their proper place in society, and must be the concern of the family, community and government;



WHEREAS, like senior citizens, PWDs should be provided with a comprehensive health care and rehabilitation system to foster their capacity to attain a more meaningful and productive lifestyle;

WHEREAS, the important role of the private sector in the improvement of the welfare of PWDs is recognized, and the private sectors' partnership with the government in the improvement of the welfare of PWDs is actively sought;

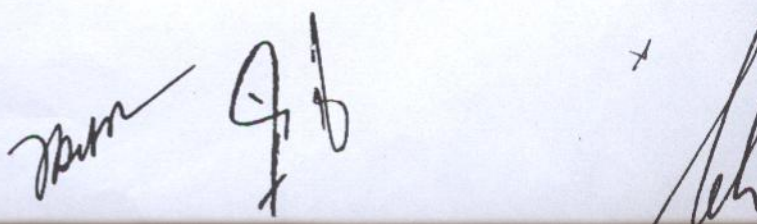
WHEREAS, measures whereby PWDs are assisted and appreciated by the community as a whole should be adopted;

WHEREAS, a program which is beneficial to the PWDs, the families, and the rest of the community they serve shall be established, and community-based health and rehabilitation programs in every political unit of society, as well;

WHEREAS, Ordinance No. SP-512, Series of 1997, requires all recreation centers, shopping malls, hotels, lodging houses and similar establishments operating in Quezon City, to provide appropriate grab handle bars in their comfort rooms/toilets for the use of the elderly and disabled persons patronizing their business;

WHEREAS, Ordinance No. SP-621, Series of 1998, requires proprietors of cinemas, theaters, coliseums and other similar establishments, to provide for a section exclusively for the handicapped and/or disabled persons and providing penalties for violation thereof;

WHEREAS, Ordinance No. SP-1609, Series of 2005, grants disabled persons twenty percent (20%) fare discount on all Tricycle Operators and Drivers Associations (TODA) transport in Quezon City.

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NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. Title – This Ordinance shall be known and cited as the "Local Code for the Differently Abled."

SECTION 2. Declaration of Policy – It is hereby declared the policy of the local government of Quezon City that the Differently Abled or the Persons With Disability (PWDs) are entitled to the same benefits granted to senior citizens, being similarly situated citizens, as priority beneficiaries of goods, health and other social services at affordable costs.

SECTION 3. Definition of Terms - As used in this Ordinance, the following terms, words and phrases shall be construed to mean as follows:

- a. Persons With Disability (PWDs) are those suffering from restriction or different abilities as a result of a mental, physical, or sensory impairment, to perform an activity in the manner or within the range considered normal for human being;
- b. Differently Abled is proposed as a substitute for "disabled" or "handicapped" and it emphasizes the fact that many people with disabilities are quite capable of accomplishing a particular task or performing a particular function, only in a different manner or taking more time or effort than people without the disability in question or it can also be taken to mean that a person who is capable of one act may nevertheless be capable of many or even most others;
- c. Senior Citizens are those Philippine residents who are at least sixty (60) years old;

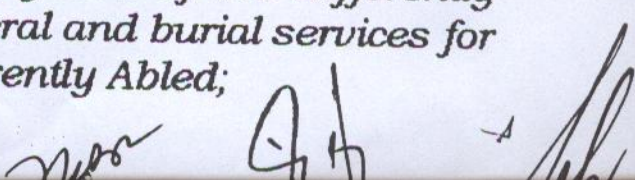
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- d. *Rehabilitation is an integrated approach to physical, social, cultural, spiritual, educational, and vocational, measures that create conditions for the individual to attain the highest level of functional ability;*
- e. *Expanded Senior Citizens Act is Republic Act No. 9257, enacted in 2003, which grants benefits and other privileges to senior citizens;*
- f. *Charitable Institutions are facilities that provide essential goods or services, such as food, housing, clothing, counseling aid, or assistance to those in need, for no fee or compensation or at a fee recognized as being significantly less than that charged by profit-making organizations;*
- g. *Magna Carta for the Disabled is Republic Act No. 7277, enacted in 1992, which provides for the rehabilitation, self-development and self-reliance of disabled persons and their integration into the mainstream of the society.*

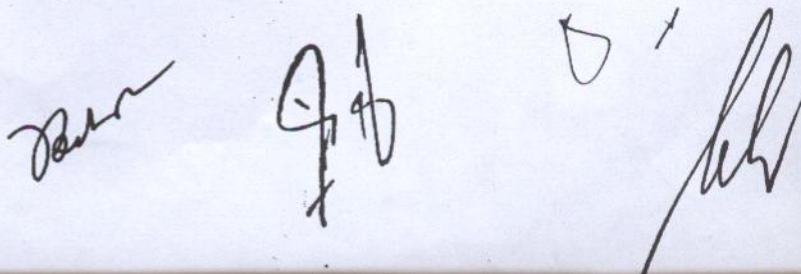
SECTION 4. Coverage/Scope - All the privileges provided for in Section 4 and the Government Assistance provided for in Section 5 of the Expanded Senior Citizens Act shall be extended to the Differently Abled or the PWDs, who are Quezon City residents regardless of their annual income.

SECTION 5. Privileges for the Differently Abled. - The Differently Abled shall be entitled to the following:

- (a) *the grant of twenty percent (20%) discount from all establishments in Quezon City relative to the utilization of services in hotels, and similar lodging establishments, restaurants and recreation centers, and purchase of medicines in all establishments in Quezon City for the exclusive use or enjoyment of the Differently Abled, including funeral and burial services for the death of the Differently Abled;*



- (b) a minimum of twenty percent (20%) discount on admission fees, charged by theaters, cinema houses and concert halls, circuses, carnivals and other similar places of culture, leisure and amusement within Quezon City for the exclusive use or enjoyment of the Differently Abled;
- (c) exemption from training fees for socioeconomic programs;
- (d) free medical and dental service, diagnostic and laboratory fees such as, but not limited to x-rays, computerized tomography scans and blood tests, in all Quezon City government facilities, subject to guidelines issued by the City Health Office;
- (e) the grant of twenty percent (20%) discount on medical and dental services, and diagnostic and laboratory fees provided under Section 5 (d) hereof, including professional fees of attending doctors in all private hospitals and medical facilities in Quezon City, in accordance with the rules and regulations to be issued by the City Health Office, in coordination with the Philippine Health Insurance Corporation;
- (f) by virtue of Ordinance No. SP-1609, Series of 2005, the grant of twenty percent (20%) fare discount on all Tricycle Operators and Drivers Association (TODA) transport in Quezon City. However, if the Differently Abled is at the time a senior citizen or a student, he/she is entitled to only one discount card;



- (g) educational assistance to the Differently Abled to pursue primary, secondary, tertiary, post-tertiary, as well as vocational or technical education in both private and public schools in Quezon City through provision of scholarship, grants, financial aid, subsidies and other incentives to qualified Differently Abled, including support for books, learning materials, and uniform allowance, to the extent feasible: Provided, that, the Differently Abled shall meet the minimum admission requirements;
- (h) to the extent possible, the Quezon City government may grant special discounts in special programs for the Differently Abled on purchase of basic commodities within Quezon City establishments, subject to the guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA);
- (i) provision of express lanes for the Differently Abled together with the senior citizens in all commercial and government establishments within Quezon City; in the absence thereof, priority shall be given to them.

In the availment of the privileges mentioned above, the Differently Abled may submit as proof of his/her entitlement thereto an identification card issued by the Quezon City's Office of The City Mayor through the Disabled Persons Affairs Office (DPAO).

However, while Ordinance No. SP-1141, Series of 2002 (Providing For the Structural and Functional Reorganization of the Disabled Persons Affairs Office), is not yet implemented, the guidelines for the issuance of identification cards will be issued by the Disabled Persons Affairs Committee (DPAC) in coordination with the City Health Office and to be facilitated and administered by the Quezon City Social Services Development Department (SSDD) and the City Health Office.

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The establishment may claim the discounts granted under (a), (b), (d), and (e) as local tax deduction based on the net cost of the goods sold or services rendered: Provided the cost of the discount shall be allowed as deduction from gross income in the same taxable year that the same discount is granted. Provided, further, that the total amount of the claimed locals tax deduction net of the value added tax, if applicable, shall be included in their gross sales receipts for tax purposes and shall be subject to proper documentation and to the provisions of the Quezon City Revenue Code.

Section 6. Government Assistance – The Quezon city Government shall provide the following:

(a) Employment

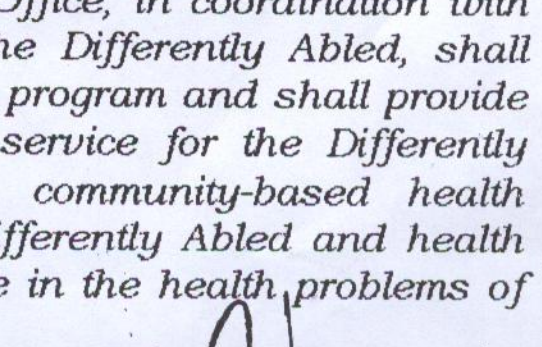
The Differently Abled who has the capacity and desire to work, to be employed or re-employed, shall be provided information and matching services to enable them to be productive members of society. Terms of employments shall conform to the provisions of the Labor Code, as amended, and other laws, rules and regulations.

(b) Education

The local offices of the Department of Education (DepEd) Technical Education and Skills Development Authority (TESDA), and the Commission on Higher Education (CHED), in consultation of non-government organizations (NGOs) and People's Organization (POs) for the Differently Abled, shall institute a program that will ensure access to formal and non-formal education.

(c) Health

The City Health Office, in coordination with NGOs and POs for the Differently Abled, shall institute a local health program and shall provide an integrated health service for the Differently Abled. It shall train community-based health workers among the Differently Abled and health personnel to specialize in the health problems of the Differently Abled.



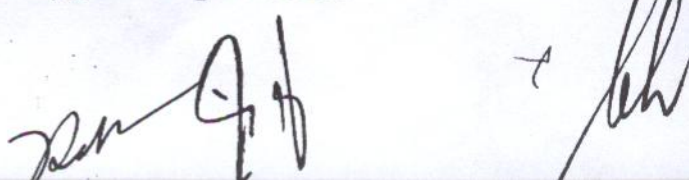
Individuals or NGOs establishing homes, residential communities, or retirement villages solely for the Differently Abled shall be accorded the following:

- 1) realty tax holiday for the first five (5) years of operation: Provided, however, that said NGOs, if established for the benefit of the Differently Abled shall be exempt from taxation, by virtue of Article VI Sec 28 (3) of the Constitution;
- 2) Priority in the building and/or maintenance of the national government or City roads leading to the aforesaid home, residential community, or retirement village.

(f) Accessibility to Facilities and Establishments

By virtue of the following enacted City Ordinances, the following are accorded:

- 1) Ordinance No. SP-512, Series of 1997 - All establishments and recreation centers, shopping malls, hotels, lodging houses and similar establishments operating in Quezon City, are hereby required to provide appropriate grab bars in their comfort rooms/toilets for the use of the elderly and disabled persons patronizing their businesses.
- 2) Ordinance No. SP-621, Series of 1998 - All proprietors/owners of theaters, coliseums, cinemas, and other similar establishments shall provide a special section, exclusively for handicapped or disabled persons. The subject area or section shall be located near or approximately near the fire exits or other exits accessible to them during emergencies.

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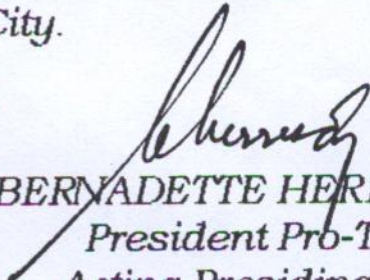
Section 7. Fines and Sanctions – Any person who violates any provision of this Ordinance shall be penalized with a fine of P5,000.00. This is without prejudice to the administrative sanctions that maybe imposed upon the violator by the City government.

SECTION 8. Repealing Clause – All existing ordinances, resolutions, local executive orders, rules, and regulations inconsistent herewith are hereby repealed and superseded or modified accordingly.

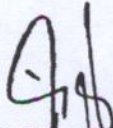
SECTION 9. Seperability Clause – Should any provision of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, the provisions not affected thereby shall continue to be in full force and effect.

SECTION 10. Effectivity – This Ordinance shall take effect fifteen (15) days after publication in any newspaper of general circulation in Quezon City.

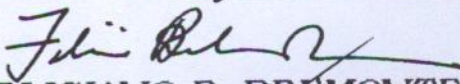
ENACTED: June 5, 2006.


BERNADETTE HERRERA-DY
President Pro-Tempore
Acting Presiding Officer

ATTESTED:

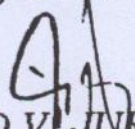

EUGENIO V. JURILLA
City Secretary

APPROVED: June 29, 2006


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on June 5, 2006, was finally PASSED on Third/Final Reading by the City Council, under Suspended Rules on the same date.


EUGENIO V. JURILLA
City Secretary