



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
22nd City Council

PO22CC-112

34th Regular Session

ORDINANCE NO. SP- 3200, S-2023

AN ORDINANCE PROVIDING THE INCREMENTAL INCREASE IN THE PERCENTAGE OF JOB POSITIONS RESERVED FOR PERSONS WITH DISABILITIES (PWDs) IN GOVERNMENT DEPARTMENTS, AGENCIES, AND PUBLIC OFFICES IN QUEZON CITY

Introduced by Councilors EDGAR "Egay" G. YAP and CHARM M. FERRER

Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Tatay Rannie Z. Ludovica, Godofredo T. Liban II, Kate Galang-Coseteng, Geleen "Dok G" G. Lumbad, Albert Alvin "Chuckie" L. Antonio III, Don S. De Leon, Wencerom Benedict C. Lagumbay, Atty. Anton L. Reyes, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Joseph Joe Visaya, Alfred Vargas, MPA, Ram V. Medalla, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo, Alfredo "Freddy" Roxas and Julian Marcus D. Trono

WHEREAS, the United Nations affirms the principle of universal respect for, and observance of, human rights and the fundamental freedoms for all without discrimination;

WHEREAS, the rights of Persons with Disabilities (PWDs) are grounded in a human rights framework based on the United Nations Charter, the Universal Declaration of Human Rights, and other international covenants such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment and the Convention on the Rights of the Child;

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WHEREAS, in addition to the general international human rights instruments, disability-specific instruments, declarations, resolutions and normative guidelines concerning the rights of PWDs, the Declaration on the Rights of Mentally Retarded Persons, the Declaration on the Rights of Disabled Persons, the World Programme of Action concerning Disabled Persons, the Tallinn Guidelines for Action on Human Resources Development in the Field of Disability, the Principles for the Protection of Persons with Mental Illness and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities have been adopted in the United Nations General Assembly;

WHEREAS, in order for the rights of PWDs to be further realized, there is a need to incorporate the foregoing human rights standards into our national and local legislation;

WHEREAS, Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons, provides for the rehabilitation, self-development and self-reliance of PWDs and their integration into the mainstream of society;

WHEREAS, Republic Act No. 7277 mandated that at least five percent (5%) of all casual emergency and contractual positions in the Department of Social Welfare and Development, Department of Health, Department of Education, Culture and Sports, and other government agencies, offices or corporations engaged in social development, shall be reserved for persons with disability;

WHEREAS, Republic Act No. 10524, otherwise known as "An Act Expanding the Positions Reserved for Persons with Disability," amending for the purpose Republic Act No. 7277, aims to provide equal work opportunities to PWDs while at the same time incentivizing the private sector for its participation, by providing at least one percent (1%) of all positions in all government agencies, offices or corporations be reserved for persons with disability. For this purpose, private corporations with more than 100 employees are encouraged to reserve at least 1% of all positions for PWDs;

WHEREAS, Quezon City Ordinance No. SP-2557, S-2016 mandates the Quezon City Government to set aside at least 1% of its general fund and appropriate the same for worthy programs, projects, and activities for PWDs beginning year 2017;

WHEREAS, Quezon City Resolution No. 7380, S-2018 encourages the Quezon City Government to implement the provisions of Republic Act No. 10524, requiring at least 1% of all regular and non-regular positions in all government agencies, offices, or corporations to be filled with PWD workers.

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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 as “The Expanded PWD Employment Ordinance” in Quezon City.

SECTION 2. DECLARATION OF POLICY. – It is hereby declared a policy of Quezon City to recognize the rights of Persons with Disabilities (PWDs) to work on an equal basis with others, to participate fully into the mainstream of society and to provide PWDs equal opportunity for employment and equal remuneration for work of equal value. To this end, the Quezon City Government shall facilitate access of PWDs to labor market information, capacity building programs, and wage employment.

SECTION 3. DEFINITION OF TERMS. – For the purpose of this Ordinance, the following terms are defined as:

1. Positions in Government – refer to all positions in the government including casual and contractual positions.
2. Government Agency – refers to any department, bureau, office, commission, administration, board, institute, state universities and colleges, government-owned or controlled corporations with original charter, whether performing government or proprietary function, or any other unit of the national government, as well as provincial, city or municipal government.
3. Persons with Disabilities (PWDs) – include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various attitudinal and environmental barriers may hinder their full and effective participation in society on an equal basis with others.
4. Qualified Person with Disability – refers to an individual with disability who, with reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires.
5. Reasonable Accommodation – means necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, when needed in a particular case, to ensure PWDs the enjoyment, or exercise on an equal basis with others, of all human rights and fundamental freedoms. This includes:

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- a) *Improvement of existing facilities used by employees in order to render them readily accessible to PWDs;*
- b) *Modification of work schedules;*
- c) *Acquisition or modification of equipment or devices;*
- d) *Modification of examinations, training materials or company policies, rules and regulations pertaining to hiring; and*
- e) *Provision of auxiliary aids and assistive devices, and other similar accommodations for PWDs.*

SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY. – *Opportunity for suitable employment shall be open to all qualified PWDs. Efforts shall be exerted to provide qualified PWDs equal opportunity in the selection process based on qualification standards prescribed for an appointment to a position in government and requirements set by the employers in private corporations. No PWD shall be denied access to opportunities for suitable employment.*

A Qualified Person with Disability shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives, or allowances as an employed able-bodied person and be afforded reasonable accommodation, as the case may be.

PWDs shall not be discriminated on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement, and safe and healthy working conditions.

SECTION 5. INCREMENTAL INCREASE IN THE POSITIONS RESERVED FOR PWDs IN GOVERNMENT AGENCIES. – *There shall be an increase of at least one percent (1%) every year for all regular and non-regular positions in all government agencies located in Quezon City, reckoned from the passage of this Ordinance; provided, that the said increase in the reserved positions shall not exceed five percent (5%) in the next five years, as follows:*

First Year (2024-2025): one percent (1%) reserved positions for PWDs

Second Year (2025-2026): two percent (2%) reserved positions for PWDs

Third Year (2026-2027): three percent (3%) reserved positions for PWDs

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Fourth Year (2027-2028): four percent (4%) reserved positions for PWDs

Fifth Year (2028-2029): five percent (5%) reserved positions for PWDs.

Provided further, that nothing in this Ordinance shall prevent compliant government agencies from hiring more PWDs nor shall allow them to diminish the number of currently employed and Qualified Person with Disability. As may be necessary, the percentage of reserved positions may be revisited and increased after five (5) years from the enactment of this Ordinance.

SECTION 6. QUALIFICATION AND STANDARDS FOR GOVERNMENT AGENCIES. – *In the same manner that the fitness of an able-bodied applicant is first determined based on the qualification standards set for the subject position, the fitness of a PWD shall likewise be initially determined by the appointing officer on the basis of the qualification standards established for the position. In making an appointment of a PWD, the appointing officer shall always be guided by the Civil Service Law.*

PWDs appointed to non-career positions, including casual employees, must meet the requirements prescribed by the qualification standards except for civil service eligibility.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS (IRR). – *Within sixty (60) days from the effectivity of this Ordinance, Quezon City Public Employment Service Office (QC-PESO), Quezon City Persons with Disability Affairs Office (QC-PDAO), Business Permit and Licensing Department (BPLD), City Treasurer’s Office (CTO), and Quezon City Human Resources Management Department (QC-HRMD) shall jointly formulate, after thorough consultation with multi-sectoral groups and stakeholders, the implementing rules and regulations and guidelines of this Ordinance. The multi-sectoral groups and stakeholders to be consulted shall be composed of experts and representatives from various sectors such as civil societies, Non-Government Organizations (NGOs), labor organizations and community-based organizations.*

SECTION 8. SEPARABILITY CLAUSE. – *If any portion or provision of this Ordinance is declared void or unconstitutional, the remaining portions thereof shall not be affected and shall remain in full force and effect.*

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SECTION 9. REPEALING CLAUSE. – All City ordinances, resolutions, rules and regulations, executive orders, and memoranda which are inconsistent with any other provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 10. EFFECTIVITY CLAUSE. – This Ordinance shall take effect ten (10) days after its publication in a local newspaper of general circulation in the City and its posting in the entrance of the City Hall and in two (2) other conspicuous places in the City.

ENACTED: June 13, 2023.



GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)


APPROVED: JUL 3 2023



MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on June 13, 2023 and was PASSED on Third/Final Reading on June 19, 2023.



ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

