Republic of the Philippines

QUEZON CITY COUNCIL

Quezon City

18th City Council

PO2010-16

31st Regular Session

ORDINANCE NO. SP-2085, S-2011,

AN ORDINANCE ORGANIZING AND ESTABLISHING THE QUEZON CITY PERSONS WITH DISABILITY AFFAIRS OFFICE (QC-PDAO) IN ACCORDANCE WITH SECTION 40 (B) (1) OF REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE 'MAGNA CARTA FOR PERSONS WITH DISABILITY', AS AMENDED BY REPUBLIC ACT NO. 10070 AND REPUBLIC ACT NO. 9442.

Introduced by Councilors ALFREDO D. VARGAS III, JESUS MANUEL C. SUNTAY, GODOFREDO T. LIBAN II, JULIAN ML. COSETENG, ALLAN BENEDICT S. REYES, GIAN CARLO G. SOTTO and EUFEMIC C. LAGUMBAY.

Co-Introduced by Councilors Francisco A. Calalay, Jr., Dorothy A. Delarmente, Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Joseph P. Juico, Alexis R. Herrera, Precious Hipolito Castelo, Eden "Candy" A. Medina, Julienne Alyson Rae V. Medalla, Roderick M. Paulate, Jaime F. Borres, Jose Mario Don S. De Leon, Edcel B. Lagman, Jr., Jessica Castelo Daza, Raquel S. Malangen, Vincent DG. Belmonte, Marvin C. Rillo, Ranulfo Z. Ludovica and John Ansell R. De Guzman.

WHEREAS, Article XIII, Section 11 of the 1987 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 and that there shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children;

WHEREAS, Article XIII, Section 13 of the 1987 Constitution provides that the State shall establish a special agency for persons with disabilities for their rehabilitation, and self-reliance and their integration into the mainstream of society;

WHEREAS, Section 40 (b) (1) of Republic Act No. 7277, as amended by Republic Act No. 10070, requires the organization and establishment of a Persons with Disability Affairs Office in all local government units which shall be the lead office in the enhancement of the health, physical fitness and economic and social well-being of persons with disabilities (PWDs) within the territorial jurisdiction of the establishing local government;

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WHEREAS, Section 458 (1) (vii) and (viii) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", grants upon the city council the power to approve ordinances and pass resolutions necessary for an efficient and effective city government, including the authority to determine the powers and duties of officials and employees of the city and to determine the positions and the salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from city funds and provide for expenditures necessary for the proper conduct of programs, projects, services and activities of the city government;

WHEREAS, Section 16 of Republic Act No. 7160 mandates that local government units shall ensure and support the promotion of health and safety, enhance economic prosperity and social justice and preserve the comfort and convenience of their inhabitants;

WHEREAS, the Quezon City Disabled Persons Affairs Office (QC-DPAO) under the Quezon City Social Services and Development Department (QC-SSDD), the office currently serving as the local agency to implement the provisions of Republic Act No. 7277, as amended, does not appear to have the resources, manpower or authority to effectively address the concerns of PWDs;

WHEREAS, the City Government has enacted various ordinances granting privileges and incentives to PWDs, but despite the presence of the DPAO, these ordinances have remained generally unimplemented due mainly to the absence of a strong institution capable of coordinating the activities of various stakeholders and ensuring the execution of the laws and ordinances in favor of PWDs;

WHEREAS, given that Section 40 (b) (1) of Republic Act No. 7277, as amended, is not self-executory, the localization thereof is required to create the QC-PDAO;

WHEREAS, without a viable body to advocate and address their concerns, PWDs shall remain in the fringes of society, neither respected nor discriminated upon, but perhaps, worse, conveniently forgotten.

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 "Persons with Disability Affairs Office Ordinance of Quezon City" or, for brevity, the "QC-PDAO Ordinance".

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SECTION 2. Declaration of Policy. – The local government of Quezon City hereby adopts the policy of Republic Act No. 7277, as amended, as reduced to the following principles:

a. PWDs are part of Philippine society, thus the local government of Quezon City shall give full support to the improvement of the total well-being of PWDs and their integration into the mainstream of society. Towards this end, the local government of Quezon City shall adopt policies ensuring the rehabilitation, self-development and self-reliance of PWDs. It shall develop their skills and potentials to enable them to compete favorably for available opportunities.

b. PWDs have the same rights as other people to take their proper place in society. They should be able to live freely and as independently as possible. This must be the concern of everyone – the family, community and all government and nongovernment organizations. PWDs' rights must never be perceived as welfare services by the Government.

c. The rehabilitation of the PWDs shall be the concern of the local government of Quezon City in order to foster their capacity to attain a more meaningful, productive and satisfying life. To reach out to a greater number of PWDs, the rehabilitation services and benefits shall be expanded beyond the traditional urban-based centers to community programs that will ensure full participation of different sectors as supported by national and local government agencies.

d. The local government of Quezon City also recognizes the role of the private sector in promoting the welfare of PWDs and shall encourage partnership in programs that address their needs and concerns.

e. To facilitate integration of PWDs into the mainstream of society, the local government of Quezon City shall advocate for and encourage respect for PWDs. The local government of Quezon City shall exert all efforts to remove all social, economic, environmental and attitudinal barriers that are prejudicial to PWDs.

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SECTION 3. Definition of Terms. – As used in this Ordinance, the following terms, words and phrases shall be defined as follows:

a. Persons with Disability (PWDs) - are those suffering from restrictions 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; and,

b. QC PWD Identification Cards - shall refer to the localized identification cards to be issued by the City Government through the QC-PDAO, which shall be required by persons, entities and agencies before benefits made available to PWDs by virtue of law may be extended.

SECTION 4. Creation of the QC-PDAO and its Functions, Duties and Responsibilities. – The QC-PDAO is hereby created, organized and established under the direct supervision of the City Mayor. The QC-DPAO is thus abolished with all its resources to be turned over and all its powers and functions to be absorbed by the QC-PDAO.

The QC-PDAO shall carry out the following functions:

a. Formulate and implement policies, plans and programs for the promotion of the welfare of PWDs in coordination with the Department of Social Welfare and Development, the National Council on Disability Affairs, concerned national and local government agencies;

b. Coordinate the implementation of the provisions of Republic Act No. 7277, Batas Pambansa Blg. 344, otherwise known as the Accessibility Law, Republic Act No. 6759, otherwise known as the White Cane Act, other relevant laws and their implementing rules and regulations;

c. Serve as lead implementing agency of all ordinances granting privileges and incentives to PWDs that may have been or that may in the future be ordained by the City Council, such as, but limited to the following:

i. Ordinance No. SP-1694, Series of 2006;
ii. Ordinance No. SP-51[illegible]997;
iii. Ordinance No. SP-621, Series of 1998; and
iv. Ordinance No. SP-1609, Series of 2005;

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d. Represent PWDs in meetings of local development councils and other special bodies;

e. Recommend and enjoin the participation of nongovernment organizations and people's organizations in the implementation of all disability-related laws and policies;

f. Gather and compile relevant data on PWDs in their localities;

g. Disseminate information including, but not limited to, programs and activities for PWDs, statistics on PWDs, including children with disability, and training and employment opportunities for PWDs;

h. Submit reports to the office of the local chief executive on the implementation of programs and services for the promotion of the welfare of PWDs in their respective areas of jurisdiction;

i. Ensure that the policies, plans and programs for the promotion of the welfare of PWDs are funded by both the national and local government;

j. Monitor fundraising activities being conducted for the benefit of PWDs;

k. Assist non-government organizations and people's organizations for the PWD Sector in obtaining donations in cash or in kind from local and foreign donors for the purpose of implementing work plans for PWDs in accordance with existing laws and regulations;

l. Create a working network with the non-government organizations of Quezon City involved in the enhancement of the health, physical fitness and economic and social well-being of PWDs in order to optimize utilization of resources, manpower and know-how;

m. Assume all functions, powers, duties and responsibilities of the QC-DPAO upon its abolishment; and,

n. Perform such other functions as may be necessary for the promotion and protection of the welfare of the PWDs.

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SECTION 5. Composition and Organizational Structure. - The composition of the QC-PDAO shall be in accordance with the following schedule:

No.	Position Title	Salary Grade
1	Project Development Officer V	24
1	Project Development Officer IV	22
1	Project Development Officer III	18
1	Project Development Officer II	15
4	Project Development Officer I	11
2	Administrative Aide V	6
1	Administrative Aide IV	4
1	Administrative Aide IV	4

The Project Development Officer V shall head the QC PDAO and shall be a PWD. Further, at least half of the QC PDAO personnel, including the Project Development Officer V, shall be, as far as practicable, PWDs.

All current employees of the QC-DPAO shall be transferred and absorbed by the QC-PDAO without suffering a demotion in grant for deduction of remuneration and benefits. If former employees of the QC-DPAO have all been employed and there are still available positions in the QC-PDAO, subject to eligibility and priority, preference shall be given to former employees of the City Government.

SECTION 6. Office Space and Other Facilities. - The Office of the Mayor shall ensure that the QC-PDAO shall have access to suitable office space within the Quezon City Hall Compound and other necessary facilities for its effective operations. The office space to be provided shall be constructed in a manner as to allow ready access by PWDs.

SECTION 7. Appropriation. – The annual budget of the City starting on fiscal year 2012 shall provide funds for the salaries of the QC-PDAO personnel, its PWD-oriented projects and its day-to-day operations, subject to the budgetary limitations under the Local Government Code, Republic Act No. 7277 and other pertinent laws. The budget allocation of the QC-PDAO may not be decreased at any time, except by ordinance duly enacted by the City Council.

SECTION 8. Registration of PWDs. – (a) The QC-SSDD shall turnover the Master List of PWDs in Quezon City consistent in accordance with Ordinance No. SP-1946, Series of 2009 within fifteen (15) days from the effectivity of this Ordinance.

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(b) The QC-PDAO shall conduct a comprehensive survey of Quezon City with the assistance of each barangay local government and corresponding barangay health officials to update the existing Master List and determine the necessary information for the implementation of projects and programs for PWDs in Quezon City. The QC-SSDD shall provide necessary technical support for the completion of the survey. All barangay local governments and barangay health officials, under pain of administrative sanctions, are hereby enjoined to cooperate with the QC-PDAO in the implementation of the survey.

(c) The QC-PDAO shall determine the implementing rules and regulations for the conduct of the survey within thirty (30) days from the receipt of the Master List from the QC-SSDD. It shall be the duty of the QC-PDAO to disseminate such rules and regulations to the offices and agencies provided in Section 8(b) and to cause and monitor the implementation thereof.

(d) Upon completion of the survey, which shall be accomplished within one (1) year from the effectivity of this Ordinance, the QC-PDAO shall cause the distribution of a copy of the Master List to the barangays of Quezon City through their respective Punong Barangays and the publication of the same in a newspaper of general circulation.

(e) The QC-PDAO shall conduct a similar survey with the assistance of the specified offices and agencies as provided in Section 8(b) every three (3) years after the completion of the first survey to update the Master List of PWDs regularly and accurately.

SECTION 9. Production and Issuance of Identification Cards to PWDs. – (a) Utilizing the Master List from the QC-SSDD as updated by the survey to be conducted in accordance with Section 8 of this Ordinance, the QC-PDAO shall produce a QC PWD Identification Card for each PWD in the Master List. Production of all the QC PWD Identification Cards shall be completed within thirty (30) days from the completion of the updated Master List provided in Section 8 (d).

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(b) The QC-PDAO upon completion of production shall distribute the QC PWD Identification Cards in a manner ensuring maximum distribution coverage in an orderly manner. The QC-PDAO must distribute at least fifty percent (50%) of the QC PWD Identification Cards within one (1) year, at least eighty (80%) within two (2) years from completion of production and (100%) within three (3) years from production of the cards.

SECTION 10. The QC PWD Identification Card. – (a) The QC PWD Identification Cards shall be made in manner that would minimize cost, reduce the period of production and maximize the durability of each card. Each card must indicate the full name, address, date of birth of the holder and a control number to be assigned by the QC-PDAO and must be manufactured in a manner that would ensure authenticity. The QC PWD Identification Cards shall not be transferrable and shall have a space on which the PWD may sign his or her name on the card. No PWD shall be charged any fee to be issued a QC PWD Identification Card.

(b) The QC-PDAO shall ensure that the QC PWD Identification Card holders shall be allowed to avail of the privileges attached to each card.

SECTION 11. Penal Clause. – Any person who violates any provision of this Ordinance shall be subjected to administrative sanctions that may be imposed by the City Government as recommended by the City Mayor.

SECTION 12. Repealing Clause. – All existing ordinances, resolutions, local executive orders, rules and regulations inconsistent herewith are hereby repealed and superseded or modified accordingly.

The following ordinances are hereby expressly repealed:

a. Ordinance No. SP-158, Series of 1994;
b. Ordinance No. SP-1141, Series of 2002;
c. Ordinance No. SP-1696, Series of 2006; and
c. Ordinance No. SP-1946, Series of 2009;

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SECTION 13. Separability 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 14. Effectivity. – This Ordinance shall take effect immediately upon its approval.

ENACTED: June 27, 2011.

JOSEPH P. JUICO
President Pro Tempore
Acting Presiding Officer

ATTESTED:

DOROTHY D. LAGRADA, dpa
City Secretary

APPROVED:

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED by the City Council on Second Reading on May 16, 2011 was reverted back for Second Reading on June 27, 2011 and was PASSED on Third/Final Reading on the same date under Suspended Rules.

DOROTHY D. LAGRADA, dpa
City Secretary

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