

RA 9442 – An Act Amending Republic Act No. 7277, Otherwise Known As The “Magna Carta For Disabled Persons, And For Other Purposes”

Republic of the Philippines
Congress of the Philippines
Metro Manila
Thirteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, two thousand and six.

AN ACT AMENDING REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE “MAGNA CARTA FOR DISABLED PERSONS, AND FOR OTHER PURPOSES”

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

SECTION 1. a new chapter, to be denominated as “Chapter 8. Other privileges and Incentives” is hereby added to Title Two of Republic Act No. 7277, otherwise known as the “Magna Carta for Disabled Persons”, with new Sections 32 and 33, to read as follows:

“CHAPTER 8. Other Privileges and Incentives

“SEC. 32. Persons with disability shall be entitled to the following:

- (a) At least twenty percent (20%) discount from all establishments relative to the utilization of all services in hotels and similar lodging establishments; restaurants and recreation centers for the exclusive use or enjoyment of persons with disability;
- (b) A minimum of twenty percent (20%) discount on admission fees charged by theaters, cinema houses, concert halls, circuses, carnivals and other similar places of culture, leisure and amusement for the exclusive use or enjoyment of persons with disability;
- (c) At least twenty percent (20%) discount for the purchase of medicines in all drugstores for the exclusive use or enjoyment of persons with disability;
- (d) At least twenty percent (20%) discount on medical and dental services including diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests, in all government facilities, subject to guidelines to be issued by the Department of Health (DOH), in coordination with the Philippine Health Insurance Corporation (PHILHEALTH);
- (e) At least twenty percent (20%) discount on medical and dental services including diagnostic and laboratory fees, and professional fees of attending doctors in all private hospitals and medical facilities, in accordance with the rules and regulations to be issued by the DOH, in coordination with the PHILHEALTH;
- (f) At least twenty percent (20%) discount on fare for domestic air and sea travel for the exclusive use or enjoyment of persons with disability;

(g) At least twenty percent (20%) discount in public railways, skyways and bus fare for the exclusive use and enjoyment of person with disability;

(h) Educational assistance to persons with disability, for them to pursue primary, secondary, tertiary, post tertiary, as well as vocational or technical education, in both public and private schools, through the provision of scholarships, grants, financial aids, subsidies and other incentives to qualified persons with disability, including support for books, learning material, and uniform allowance to the extent feasible: Provided, That persons with disability shall meet minimum admission requirements;

(i) To the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), Social Security System (SSS), and PAG-IBIG, as the case may be, as are enjoyed by those in actual service;

(j) To the extent possible, the government may grant special discounts in special programs for persons with disability on purchase of basic commodities, subject to guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agricultural (DA); and

(k) Provision of express lanes for persons with disability in all commercial and government establishments; in the absence thereof, priority shall be given to them.

The abovementioned privileges are available only to persons with disability who are Filipino citizens upon submission of any of the following as proof of his/her entitlement thereto:

(I) An identification card issued by the city or municipal mayor or the barangay captain of the place where the persons with disability resides;

(II) The passport of the persons with disability concerned; or

(III) Transportation discount fare Identification Card (ID) issued by the National Council for the Welfare of Disabled Persons (NCWDP).

The privileges may not be claimed if the persons with disability claims a higher discount sa may be granted by the commercial establishment and/or under other existing laws or in combination with other discount programs/s.

The establishments may claim the discounts granted in sub-sections (a), (b), (c), (f) and (g) as tax deductions based on the net cost of the goods sold or services rendered:

Provided, further, That the total amount of the claimed tax deduction net of 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 National Internal Revenue Code (NIRC), as amended.”

SEC. 33. Incentives. – Those caring for and living with a person with disability shall be granted the following incentives:

(a) Persons with disability shall be treated as dependents under the Section 35 (A) of the National Internal Revenue Code, as amended and as such, individual taxpayers caring for them shall be accorded the privileges granted by the code insofar as having dependents under the same section are concerned; and

(b) Individuals or nongovernmental institutions establishing homes, residential communities or retirement villages solely to suit the needs and requirements of persons with disability shall be accorded the following:

(i) Realty tax holiday for the first five years of operation; and

(ii) Priority in the building and/or maintenance of provincial or municipal roads leading to the aforesaid home, residential community or retirement village.”

SEC. 2. Republic Act No. 7277 is hereby amended inserting a new title, chapter and section after Section 38 be denominated as title 4, chapters 1 and 2 and Sections 40, 41 and 42 to read as follows:

“Title Four

Prohibitions on Verbal, Non-verbal Ridicule and Vilification Against Persons with Disability

“CHAPTER 1. Deliverance from Public Ridicule

SEC. 39. Public Ridicule. – For purposes of this chapter, public ridicule shall be defined as an act of making fun or contemptuous imitating or making mockery of persons with disability whether in writing, or in words, or in action due to their impairment/s.

SEC. 40. No individual, group or community shall execute any of these acts of ridicule against persons with disability in any time and place which could intimidate or result in loss of self-esteem of the latter.

CHAPTER 2. Deliverance from Vilification

SEC 41. Vilification. – For purposes of this Chapter, vilification shall be defined as:

(a) The utterance of slanderous and abusive statements against a person with disability; and/or

(b) An activity in public which incites hatred towards, serious contempt for, or severe ridicule of persons with disability.”

SEC. 42. Any individual, group or community is hereby prohibited from vilifying any person with disability which could result into loss of self-esteem of the latter.”

SEC. 3. Section 46 of Republic Act No. 7277 is hereby amended to read as follows:

SEC. 46. Penal Clause. – (a) Any person who violates any provision of this Act shall suffer the following penalties:

(1) For the first violation, a fine of not less than Fifty Thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than six months but not more than two years, or both at the discretion of the court; and

(2) For any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two years but not more than six years, or both at the discretion of the court.

(b) Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six months or a fine of not less than Five thousand pesos (P5,000.00), but not more than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court.

(c) If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefore.

(d) If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

Upon filing of an appropriate complaint, and after due notice and hearing, the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any business entity that fails to abide by the provisions of this Act.”

SEC. 4. The title of Republic Act No. 7277 is hereby amended to read as the “Magna Carta for Persons with Disability”, and all references on the said law to “Disabled persons” shall likewise be amended to read as “persons with disability”.

SEC. 5. The Department of Social Welfare and Development, the National Council for the Welfare of Disabled Persons, and the Bureau of Internal Revenue, in consultation with the concerned Senate and House committees and other agencies, organizations, establishments shall formulate implementing rules and regulations pertinent to the provision of this Act within six months after the effectivity of this Act.

SEC. 6. This Act shall take effect fifteen (15) days after its publication in any two newspapers of general circulation.

Approved,

(Sgd.) JOSE DE VENECIA JR.

(Sgd.) MANNY VILLAR

Speaker of the House of Representatives

President of the Senate

This Act which is a consolidation of Senate Bill No. 2580 and House Bill No. 1214 was finally passed by the Senate and the House of Representatives on February 8, 2007 and February 7, 2008 respectively.

(Sgd.) ROBERTO P. NAZARENO

(Sgd.) OSCAR G. YABES

Secretary General House of Representatives

Secretary of the Senate

Approved: 30 APRIL 2007

(Sgd.) GLORIA MACAPAGAL ARROYO

President of the Philippines