ORDINANCE NO. 18-167

AN ORDINANCE ORGANIZING AND ESTABLISHING THE MUNTINLUPA CITY PERSONS WITH DISABILITY AFFAIRS OFFICE (MC-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. 9442 AND REPUBLIC ACT NO. 10070.

Hon. Coun. Bal Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ringo A. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ivey Rhia Arciaga-Tadefa
Hon. Coun. Christine May A. Abas
Hon. Coun. Marissa Cole-Rongavilla
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Lucio B. Constantino
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Victor L. Ulanday
Hon. Coun. Grace B. Gonzaga

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 privileged, 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”;

WHEREAS, the Biwako Millenium Framework who promotes a right-based, the barrier-free and inclusive society for persons with disabilities is supported by Proclamation No. 240, “declaring the period 2003-2012 as the Philippine Decade of Persons with Disabilities”;

WHEREAS, the Philippines adopted the Incheon Strategy to make the Rights Real for Persons with Disabilities in Asia and the Pacific 2012-2022;
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 Muntinlupa City Persons with Disability Affairs Office under the Muntinlupa City Social Services Department, the Office currently serving as the local agency to implement the provisions of Republic Act. No. 7277, as amended, does appear to have limited resources, manpower or authority to effectively address the concerns of PWDs;

WHEREAS, the City Government has enacted an ordinance granting privilege to PWDs, but despite the presence of the program, this ordinance remained generally limited due to 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) Republic Act No. 7277, as amended, is not self-explanatory, the localization thereof is required to create the MC-PDAO;

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

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 8th Sangguniang Panlungsod of Muntinlupa in Session Assembled that:

SECTION 1. Title. This ordinance shall be known and cited as the Persons with Disability Affairs Office (MC-PDAO). An ordinance of Muntinlupa City or for brevity, the Persons with Disability Affairs Office (MC-PDAO).

SECTION 2. Declaration of Policy. The local government of Muntinlupa City hereby adopts the policy of Republic Act No. 7277, as amended, as reduced to the following principles.
Ordinance No. 18-167

a. Persons with Disability (PWD) are part of the Philippine Society, thus the Local Government of Muntinlupa City shall give full support to the improvement of the total well-being of Persons with Disability (PWD) and their integration into the mainstream of society. Towards this end, the local government of Muntinlupa City shall adopt policies ensuring the rehabilitation, self-development and self-reliance of Persons with Disability (P WDs). It shall develop their skills and potentials to enable them to complete favorably for available opportunities.

b. Persons with Disability (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 every one—the family, community and all government and non-government organizations. Persons with Disability (PWDs) rights must never be perceived as welfare services by the government.

c. The rehabilitation of the Persons with Disability (PWDs) shall be the concern of the local government of Muntinlupa in order to foster their capacity to attain a more meaningful, productive and satisfying life. To reach out to a greater number of Persons with Disability (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 agencies.

d. The Local Government of Muntinlupa City also recognizes the role of the private sector in promoting the welfare of Persons with Disability (PWDs) and shall encourage partnership in programs that address their needs and concerns.

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

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 boundaries or different abilities as a result of a mental, physical or sensory impairment, to perform an activity for human being; and;
Ordinance No. 18-167

b. MC PWD Identification Cards – shall refer to the localized Identification cards to be issued by the City Government through the MC-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 MC-PDAO and its functions, duties and responsibilities – the MC-PDAO is hereby created, organized and established under the direct supervision of the City Mayor.

The MC-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 provision of Republic Act No. 7277, Batas Pambansa Bilang 344, otherwise known as 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 implementing agency of all ordinances granting rights, privileges and incentives to PWDs that may have been or that may in the future be ordained by the City Council, such as, like the Sangguniang Panlungsod Ordinance No. 08-033;

d) Represent PWDs in meetings of Local Development Council and other special bodies;

e) Recommend and enjoin the participation of non-government 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) Ensures/Monitors plans and implementation of Community Based Rehabilitation for PWDs in the communities of Muntinlupa City;

i) Submit reports to the office of the Local Chief Executive on the implementation of programs and services for the promotion of the welfare of the PWDs in their respective areas of jurisdiction;
Page 5
Ordinance No. 18-167

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

k) Monitor fundraising activities being conducted for the benefit of PWDs;

l) Assist non-government organization and peoples organizations for the Person with Disability 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;

m) Create a working network with the non-government organization of Muntinlupa 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;

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

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

The project development Officer V shall head the MC-PDAO and shall be a PWD. Further at least half of the MC-PDAO shall be a PWD. Further at least half of the MC-PDAO personnel, including the Head shall be, as far as practicable, PWDs.

All current employees of the SSD – PWD Programs shall be transferred and absorbed by the MC-PDAO without suffering a demotion in grant for deduction of remuneration and benefits. It former employees of the SSD-PWD Program have all been employed and there are still available positions in the MC-PDAO, subject to eligibility and priority, preferences 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 MC-PDAO shall have access to suitable office space within the Muntinlupa City Hall Compound and other necessary facilities for its operations. The office space to be provided shall be constructed in a manner as to allow ready access by PWDs.

SECTION 7. Appropriations. The annual budget of the City starting on Fiscal Year 2018 shall provide funds for the salaries of the MC-PDAO personnel, its PWD-oriented projects and its day to day operations, subject to the budgetary limitation under the Local Government Code, Republic Act No. 7277 and other pertinent laws. The budget allocation of the MC-PDAO may not be decreased at any time, except by ordinance duly enacted by the City Council.
SECTION 8. Registration of PWDs. (a) The Muntinlupa Social Services Department shall turn-over the Master List of PWDs to MC-PDAO:

a) The MC-PDAO shall conduct a comprehensive survey and data base system for PWDs of Muntinlupa City with the collaboration to the City Health Office; Barangay Health Workers Medical Health, and other core agencies catering PWDs;

b) The Social Services Department shall provide necessary technical for the completion of the survey. All barangay officials and local government agencies are hereby enjoined to cooperate with the MC-PDAO in the registration and data base system for PWDs;

c) The MC-PDAO shall conduct survey every three (3) years after the completion of the first aggregated data base to update the Masterlist of PWDs regularly and accurately.

SECTION 9. Production and issuance of identification cards to PWDs:

a) Utilizing the Masterlist from the SSD as updated by the survey to be conducted in accordance with Section 8 of this Ordinance, the MC-PDAO shall produce a MC-PWD Identification Card for each PWD in the Masterlist.

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

SECTION 10. The MC-PWD Identification Card. The MCPWD 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 MC-PDAO and must be manufactured on a manner that would ensure authenticity. The MC PWD Identification Cards shall have a space on which the PWD may sign his or her name on the card or the guardian if is not legible to sign his or her name. No PWD shall be charged any fee to be issued a MCPWD Identification 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, resolution, local executive orders, rules and regulations inconsistent herewith are hereby repealed and suspended or modified accordingly.
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, by the 8th Sangguniang Panlungsod of Muntinlupa this 21st day of May 2018, on its 73rd Regular Session.

CONCURRED:
Page 8
Ordinance No. 18-167

COUN. VICTOR L. ULANDAY
Member

COUN. GRACE B. GONZAGA
Member

ABSENT:

COUN. ALEXANDER B. DIAZ
Member

COUN. WALTER A. ARCILLA
Sectoral Representative
President
League of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary to the Sanggunian

ATTESTED:

CELSO C. DIOKO
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: 06 JUN 2018

Norie/8th SP