

[NCWDP, January 31, 2008]

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT
NO. 9442, AN ACT AMENDING REPUBLIC ACT NO. 7277,
OTHERWISE KNOWN AS THE "MAGNA CARTA FOR PERSONS
WITH DISABILITY AS AMENDED, AND FOR OTHER PURPOSES"
GRANTING ADDITIONAL PRIVILEGES AND INCENTIVES AND
PROHIBITIONS ON VERBAL, NON-VERBAL RIDICULE AND
VILIFICATION AGAINST PERSONS WITH DISABILITY**

Rule I

Title, Purpose and Construction

SECTION 1. Title- These Rules shall be known and cited as the Rules and Regulations Implementing Republic Act No. 9442, an Act Amending Republic Act No. 7277, Otherwise known as the "Magna Carta for Disabled Persons, and for Other Purposes" Granting Additional Privileges and Incentives and Prohibitions on Verbal, Non-verbal Ridicule and Vilification Against Persons with Disability.

SECTION 2. Purpose - These Rules are promulgated to prescribe the procedures and guidelines for the implementation of Republic Act No. 9442 in order to facilitate compliance therewith and to achieve the objectives thereof.

SECTION 3. Construction - These Rules shall be construed and applied in accordance with and in furtherance of the policies and objectives of the law. In case of doubt, the same shall be construed liberally and in favor of persons with disability.

Rule II

Policies and Objectives

SECTION 4. Policies and Objectives - It is the objective of Republic Act No, 9442 to provide persons with disability, the opportunity to participate fully into the mainstream of society by granting them at least twenty percent (20%) discount in all basic services. It is a declared policy of RA 7277 that persons with disability are part of Philippine society, and integration into the mainstream of society. They 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 non-government organizations. Rights of persons with disability must never be perceived as welfare services.

Prohibitions on verbal, non-verbal ridicule and vilification against persons with disability shall always be observed at all times.

Rule III

Definition of Terms

SECTION 5. Definition of Terms. - For purposes these terms are defined as follows:

Persons with Disability - are those individuals defined under Section 4 of RA 7277 "An Act Providing for the Rehabilitation, Self-Development and Self-Reliance of Persons with Disability as amended and their integration into the Mainstream of Society and for Other Purposes". This is defined as a person suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in a manner or within the range considered normal for human being. Disability shall mean (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such impairment.

5.1 Exclusive Use or Enjoyment of Persons with Disability - refers to the discount privilege that can be availed only by persons with disability.

5.3 Establishment - refers to business entities, private or public, duly authorized and recognized by law to operate.

5.3.1 Hotel - refers to the building, edifice or premises or a completely ; independent part thereof, which is used for the regular reception, accommodation or lodging of travelers and tourists and the provision of services incidental thereto for a fee.

5.4 Lodging Establishment - refers to those that charge daily, weekly, monthly rates or fees which include but not limited to the following:

5.4.1 Tourist Inn - refers to lodging establishment catering to transients, which does not meet the minimum requirement of an economy hotel.

5.4.2 Apartel - refers to building or edifice containing several independent and furnished or semi-furnished apartments, regularly leased to tourists and travelers for dwelling on a more or less long-term basis and offering basic services to its tenants, similar to hotels.

5.4.3 Motorist Hotel - refers to any structure with several separate units, primarily located along the highway, with the individual or common parking space, at which motorists may obtain lodging and in some instances, means.

5.4.4 Pension House - refers to a private, or family-oriented tourist boarding house, tourist guest house or tourist lodging house, regularly catering to tourist, and/or traveler, containing several independent table rooms, providing common facilities such as toilets, bathrooms/showers, living and dining rooms and/ or kitchen and where a combination of board and lodging may be provided.

The term lodging establishment shall include lodging houses, which shall mean such establishments are regularly engaged on the hotel business, but which, nevertheless, are not registered, classified and licensed as hotels by reason of inadequate essential facilities and services. It also includes resort, which shall refer to any place or places with pleasant

environment and atmosphere conducive to comfort, healthful relaxation and rest, offering food, sleeping accommodation and recreational facilities to the public for a fee or remuneration.

5.4.5 Restaurant - refers to any establishment duly licensed by the government selling to the public, regular and special meals or menu. The discount shall be for the purchase of food drinks, beverages, dessert and other consumable items served by the establishments including value meals and other similar food counters, fast food, cooked food and short orders including take-outs.

5.5 Sports and Recreational Centers - refers to any establishment offering sports recreational and amusement services, with facilities such as but not limited to swimming pools, bowling alleys, golf courses, gyms, club houses, skating rinks and all other sports facilities. Recreational facilities include but not limited to Internet cafe, video games, and other similar amusement facilities.

5.6 Medicines - refers to both prescription and non-prescription medicines and articles approved by Bureau of Food and Drugs (BFAD), Department of Health (DOH), which are intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease man.

5.7 Medical Services - refers to health services as defined by Section 20 of Republic Act] 7277, Otherwise known as the Magna Carta for Persons with Disability as amended, and for Other Purposes, which includes but not limited to the following:

5.7.1 prevention of disability through immunization, nutrition, environmental protection and preservation, and genetic counseling, and early detection of disability and timely intervention to arrest disabling condition; and

5.7.2 medical treatment and rehabilitation to include mobility assistive devices.

5.8 Dental Services - refers to oral examination, cleaning, permanent and temporal filling, extractions and treatments, restoration, replacement or repositioning of teeth, and alteration of the alveolar or periodontium process of the maxilla and the mandible that are necessary for the diagnosis and/or treatment of a dental illness or injury

5.9 Residential Care/Group Home - refers to a facility, which provides twenty-four (24) hour resident group care to the physical, mental, social and spiritual well-being of person with disability in a home life atmosphere; which is accredited by the concerned local government unit where the said residential care/group home is located.

5.10 Residential Community or Retirement Village - refers to the type of housing facility which is generally horizontal in physical development and the unit covered by individual land title. The sub-types are the different options of house and lot packages which may include single detached, single attached, duplex or row house. The housing options are generally one up to three level structures and may be purely residential-farm estate or a residential component of a resort or leisure complex. The units may be for lease or for sale to retirees.

5.11 Basic Necessities - refers to rice, corn, bread, fresh, dried and canned fish and other marine products, fresh pork, beef and poultry meat, fresh eggs, fresh and processed milk, fresh vegetables, root crops, coffee, sugar, cooking oil, salt, laundry soap, detergents, firewood, charcoal, candles and other commodities as maybe classified by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA).

5.12 Prime Commodities-refers to fresh fruits, flour, dried, processed and canned pork, beef and poultry, meat, dairy products not falling under basic necessities; noodles, onions, garlic, herbicides, poultry, swine and cattle feeds, veterinary products for poultry, swine and cattle, paper, school supplies, nipa shingle, plywood, construction nails, batteries, electrical supplies, lightbulbs, steel wire and other commodities that may be classified by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA).

5.13 Benefactor - refers to any person whether related to the person with disability or not who takes care of him/her as a dependent

5.14 Dependent - refers to a person with disability, minor or of legal age, who is a Filipino citizen and who may or may not be related to his benefactor and who is living with and dependent upon such benefactor for his/her chief support.

Rule IV

Privileges and Incentives for the Persons with Disability

SECTION 6. Other Privileges and Incentives

Persons with disability shall be entitled to the following:

6.1 Discounts from All Establishments - 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.

6.1.a Hotels and Similar Lodging Establishments-The discount shall be for room accommodation and other amenities offered by the establishment such as but not limited to massage parlor, sauna bath, food, drinks and other services offered.

The discount will only apply to persons with disability. No discount will be given to companion without disability.

6.1.b Restaurant - The discount shall be for the purchase of food drinks, beverages, dessert and other consumable items served by the establishments including value meals and other similar food counters, fast food, cooked food and short orders including take-outs. To safeguard the establishments from abuse of this privilege, the orders should be limited only to persons with disability personal consumption.

For a group of people with a person with disability, only to proportionate share of person with disability will be given discount. In case of banquet

and catering services especially in seminars and other similar activities the discount will apply only to customers with disability.

6.1.c Sports and Recreational Centers - The discount shall apply to all charges in the utilization of the services including rentals of all facilities and equipments and other accessories and gadgets relative to the enjoyment of the sports and recreational services. The discount shall also include rooms or halls for PWD's seminars, art workshops and other persons with disability activities.

6.1 .d Purchase of Medicine-at least twenty percent (20%) discount on the purchase of medicine for the exclusive use and enjoyment of persons with disability. All drug stores, hospital, pharmacies, clinics and other similar establishments selling medicines are required to provide at least twenty percent (20%) discount subject to the guidelines issued by DOH and PHILHEALTH.

6.2 Admission Fees Privilege. -A minimum of at least 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 such as but not limited to museum, exhibit halls, parks like theme parks and shall be granted for the exclusive use or enjoyment of persons with disability.

6.3 Medical and Dental Privileges in Government Facilities - The person with disability shall be provided at least twenty percent (20%) discounts 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 guide lines to be issued by DOH in coordination with the Philippine Health Insurance Corporation (PHILHEALTH).

6.4 Medical and Dental Privileges in Private Facilities - The person with disability shall be provided at least twenty percent (20%) discounts on medical and dental services including diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests including professional fees of attending doctors in ail private hospitals and medical facilities subject to guidelines to be issued by DOH in coordination with the Philippine Health Insurance Corporation (PHILHEALTH).

6.5 Air and Sea Transportation Privileges -At (east twenty percent (20%) discounts in fare for domestic air. and sea travel based on the actual fare except promotional fare, if the promotional fare discount is higher than the twenty percent (20%) discounts privilege, the persons with disability may choose the promotional fare and should no longer be entitled to the twenty percent (20%) discounts privilege.

6.5.1 The Maritime Industry Authority (MARINA) shall issue corresponding circulars or directives to the shipping industry for the implementation of these rules to ensure compliance herewith, as well as requirements to ship opera tors/owners to disseminate information on the benefits of the persons with disability by posters, handbills or pamphlets on board vessels.

6.5.2 The Civil Aeronautics Board (CAB) shall issue corresponding guide