

[IRR REPUBLIC ACT NO. 10070, August 25, 2016]

IMPLEMENTING RULES AND REGULATIONS REPUBLIC ACT NO. 10070 (AN ACT ESTABLISHING AN INSTITUTIONAL MECHANISM TO ENSURE THE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING REPUBLIC ACT NO. 7277 OTHERWISE KNOWN AS THE "MAGNA CARTA FOR DISABLED PERSONS," AS AMENDED, AND FOR OTHER PURPOSES)

WHEREAS, Article 4.3 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) mandates the Philippine Government to closely consult with and actively involve persons with disabilities through their representative organizations in the development and implementation of legislation and policies to implement this international commitment;

WHEREAS, the 14th Congress of the Philippines passed Republic Act No. 10070, entitled "AN ACT ESTABLISHING AN INSTITUTIONAL MECHANISM TO ENSURE THE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE 'MAGNA CARTA FOR DISABLED PERSONS,' AS AMENDED, AND FOR OTHER PURPOSES," on April 6, 2010;

WHEREAS, Section 1 of RA No. 10070 mandates the creation of a Persons with Disability Affairs Office (PDAO) in every province, city and municipality and designation of a Focal Person in the fourth (4th), fifth (5th) and sixth (6th) class municipalities who shall perform the functions of the PDAO;

WHEREAS, as a result of the consultations with persons with disabilities, government agencies and other stakeholders, there is a clamor for Implementing Rules and Regulation for Republic Act No. 10070 to guide the provinces, cities and municipalities in establishing the Persons with Disabilities Affairs Office;

NOW THEREFORE, this implementing rules and regulations of RA No. 10070 is being issued:

IMPLEMENTING RULES AND REGULATIONS

RULE I

TITLE, PURPOSE AND CONSTRUCTION

Section 1. Title. These rules shall be cited as the "Implementing Rules and Regulations of Republic Act No. 10070, An Act Establishing an Institutional Mechanism to Ensure the Implementation of Programs and Services for Persons with Disabilities in Every Province, City and Municipality, Amending Republic Ara No. 7277, Otherwise Known as the 'Magna Carta for Disabled Persons,' as Amended, and For Other Purposes."

Section 2. Purpose. These rules and regulations are promulgated to prescribe the procedures and guidelines for the implementation of Republic Act No. 10070 to facilitate compliance and achieve its objectives.

Section 3. Construction. These Rules and Regulations shall be construed and applied in accordance with and in furtherance of the policies and objectives of Republic Act No. 10070. In case of doubt, the same shall be construed liberally and in favor of persons with disabilities.

RULE II DECLARATION OF POLICIES AND OBJECTIVES

It is a declared policy of RA No. 7277 that persons with disabilities are part of Philippine society, and thus the State shall give full support to the improvement of their total well - being and their integration into the mainstream of society. They have the same rights as other people to take their proper place in society. The main objectives of RA 10070 is to ensure that policies, programs and services for persons with disabilities are implemented at local level for them to fully participate in building an inclusive society for all.

RULE III DEFINITION OF TERMS

Section 4. **Definition of Terms** - As used in the Act and this Implementing Rules and Regulations, the following terms shall mean:

- (a) *"Persons with Disabilities"* include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (UNCRPD Article 1);
- (b) *"Federation of Persons with Disabilities"* refers to a group composed of organizations of and for persons with disabilities from the national, regional, provincial, city and municipal levels;
- (c) *"Disabled People's Organization" (DPO)* refers to an organization organized and controlled by persons with disabilities;
- (d) *"Persons with Disability Affairs Office"* refers to an office created pursuant to Republic Act No. 10070 to ensure the implementation of programs and services for persons with disabilities in every province, city and municipality;
- (e) *"Personnel Selection Board"* refers to a body established in every province, city or municipality to assist their respective local chief executive in the judicious and objective selection of personnel for employment, as well as for promotion and in the formulation of such policies that would promote the merit and fitness principle;
- (f) *"Focal Person"* refers to an official/staff of in the fourth (4th), fifth (5th) and sixth (6th) class municipalities designated or appointed by the municipal mayor to perform the functions of PDAO.
- (g) *"Regional Committee on Disability Affairs" (RCDA)* - refers to the strategy adopted by the National Council on Disability Affairs (NCDA) at the regional level which serves as a mechanism for convergence and resource sharing in the implementation of programs, projects and

services for persons with disabilities. It also serves as a forum for the formulation of recommendations, policies and resolutions for the adoption of member agencies to strengthen the implementation of programs and services.

- (h) "*Permanent Status*" refers to the employment status of an employee who meets all the minimum qualification requirements of the position to which he/she is being appointed, including the appropriate eligibility prescribed, in accordance with the provisions of law, rules and standards promulgated in pursuance thereof (based on CSC Omnibus Rules on Appointment and other Personnel Actions).'
- (i) "*Temporary Status*" refers to the employment status of an employee who meets the education, experience and training requirements for the position to which he/she is being appointed except for the appropriate eligibility but only in the absence of a qualified eligible actually available, as certified to by the Civil Service Regional Director or Field Officer. The appointment shall not exceed twelve months, reckoned from the date it was issued but the appointee may be replaced sooner if a qualified eligible who is willing to accept the appointment becomes actually available.
- (j) "*Qualification Standards*" refers to minimum qualifications for a position which shall include education, experience, training, civil service eligibility and physical characteristics and personality traits required by the job.

RULE IV

ESTABLISHMENT OF PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO) AND APPOINTMENT OF PDAO FOCAL PERSONS

Section 5. The Persons with Disability Affairs Office (PDAO) shall be established in all provinces, cities, and first (1st), second (2nd) and third (3rd) class municipalities under the office of the governor, city or municipal mayor, respectively. The PDAO may be a department, division or section.

Section 6. The Sangguniang Panlalawigan/Panlungsod/Bayan shall pass an Ordinance creating the PDAO organizational structure, staffing pattern and its annual appropriation to carry out its functions.

In 4th, 5th and 6th class municipalities, the municipal mayor shall designate or appoint a Focal Person to perform the functions of PDAO.

RULE V

HEAD OF PDAO and the FOCAL PERSON

Section 7. Priority shall be given to qualified person with disabilities in the appointment of the head of PDAO for the provinces, cities, and 1st, 2nd, and 3rd class municipalities, and the Focal Person for 4th, 5th and 6th class municipalities.

Enforcement of Sections 325(a) and 331 (b) of R.A. 7160 shall be waived to enable local government units to fund the initial year requirements for newly created mandatory positions in LGUs, as confirmed by the Department of Budget and Management (DBM) based on the general provision of the annual GAA on the enforcement of the Personnel Services limitations, for the initial year of creation of mandatory offices.

Appointment to the position of Head of PDAO and the Focal Person shall be subject to the qualification requirements as approved by the Civil Service Commission.

Section 8. Position Description of the Head of PDAO and Focal Person The Head of PDAO shall perform the following duties and responsibilities:

- (a) Manage and oversee the efficient operations of the Persons with Disability Affairs Office and general supervision of its personnel;
- (b) Develop, promote and monitor the implementation of policies, plans, programs and services for the development of persons with disabilities in coordination with national and local government agencies;
- (c) Ensure representation of persons with disabilities in the local development councils and other special bodies;
- (d) Build the capacity of non-government organizations and people's organizations to participate in the implementation of all disability related laws and policies;
- (e) Establish coordination with the province, city or municipality, as the case maybe and ensure the inclusion of disability concerns in all local government programs and services;
- (f) Network with local, national and international organizations and establish partnership on disability programs and resource mobilizations;
- (g) Develop and submit to the concerned municipal / city mayor or governor an Annual Work and Financial Plan.

The Focal Person shall perform the same functions except for (a) of this section.

Section 9. Functions. PDAO shall perform the following functions as stated in RA No. 10070:

- (a) Formulate and implement policies, plans and programs for the promotion of the welfare of persons with disabilities in coordination with concerned national and local government agencies;
- (b) Coordinate and implement the provisions of RA No. 10070, Batas Pambansa Blg. 344, otherwise known as the Accessibility Law, and other relevant laws at the local level;
- (c) Represent persons with disabilities in meetings of local development councils and other special bodies;
- (d) Recommend and enjoin the participation of Non-Government Organization (NGOs) and People's Organization (POs) in the implementation of all disability-related laws and policies;
- (e) Gather and compile relevant data on persons with disabilities in their localities;
- (f) Disseminate information including, but not limited to programs and activities for persons with disabilities, statistics on persons with disabilities, including children with disability, and training and employment opportunities for persons with disabilities.
- (g) Submit reports to the office of their respective governor or city/municipal mayor on the implementation of programs and services for the promotion of the welfare of persons with disabilities in their respective areas of jurisdiction;

- (h) Ensure that policies, plans and programs for the promotion of the welfare of persons with disabilities are funded by both the national and local government;
- (i) Monitor fundraising activities being conducted for the benefit of persons with disabilities;
- (j) Seek donations in cash or in kind from local or foreign donors to implement an approved work plan for persons with disabilities, in accordance with existing laws and regulations; and
- (k) Perform such other functions as may be necessary for the promotion and protection of the welfare of persons with disabilities.

Section 10. Publication and Posting Requirements. The PDAO positions shall be subject to the publication and posting requirements under Republic Act No. 7041 otherwise known as "An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefor, and For Other Purposes". All vacant positions shall be posted and announced in three (3) conspicuous places and published in the CSC Bulletin of Vacant Positions and official website of the concerned local government unit for at least fifteen (15) days. The announcements should indicate full details about the vacancy (position title, item number, the full qualification standards required, and the work station).

Compliance with RA 10524, An Act Expanding the Positions Reserved for PWD, amending for the purpose of the 3rd Sentence of Section 5 in Title 2, Chapter 1 of Republic Act No. 7277, as amended, otherwise known as the "Magna Carta for Persons with Disability", shall be observed and included in the publication. Qualified women with disabilities shall be encouraged to apply.

Section 11. Nomination of Head of PDAO. Upon publication of the position, the concerned governor or city/municipal mayor, shall instruct the Local Government Operations Officer, the Local Social Welfare and Development Officer and the President of the local federation/ association of persons with disabilities to prepare for a general assembly of persons with disabilities, which shall be conducted on the last day of the posting period. The general assembly shall nominate at least three (3) qualified applicants for consideration of the Local Selection Board and the Local Chief Executive. The Human Resource Management Officer shall document the proceedings of the General Assembly.

Section 12. The purpose of the general assembly is to ensure the participation of persons with disabilities in the recruitment process in compliance to Article 4.3 of the UN Convention on the Rights of Persons with Disabilities, and to express the local government unit's recognition on the importance of Persons with Disability Affairs' Office in the development of the disability sector.

The General Assembly for PDAO shall be open to all persons with disabilities, with or without organizational membership, representatives of civil society organizations working on disability within the LGU, and parents or representative of children with disabilities. The Convenors shall be responsible in inviting the participants. The Department of the Interior and Local Government shall issue the guidelines that will govern the conduct of the General Assembly.

The General Assembly shall be guided by pro-forma program as follows:

- (a) Registration and Final Acceptance of Applications - HRMO