

IMPLEMENTATION PRACTICES OF THE PHILIPPINE MAGNA CARTA FOR PERSONS WITH DISABILITY

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ABSTRACT

Philippine Magna Carta for Persons with Disability (PWDs) provides that it is the duty of the State to give full support to the improvement of the total well-being of PWDs. The Philippine government recognizes disabilities as deserving attention. This law, also known as the Magna Carta for Disabled Persons and later renamed as the Magna Carta for Persons with Disability (PWD) under RA 9442, is the landmark law for the rehabilitation of PWDs in the Philippines. Though composed of a small sector in society, the law recognized the problem that PWDs are regarded as unproductive, a liability, a source of discomfort and a potential health hazard to other people. Given this, it is the duty of the state to protect the rights and promote the welfare of PWDs in order to make them productive and useful members of the society. Study describes the implementation practices of the different government agencies in the Philippines on the Magna Carta and how the stakeholders describe its benefits. The researcher conducted interviews among two officials of the National Council on Disability Affairs (NCDA), one official of the Commission on Higher Education (CHED) and two officials of the Department of Education (DepEd). The study concluded that services that are aligned with the Magna Carta elaborated on by the participants include those on education, employment, and accessibility. These services refer to access to education, avilment of discounts, training programs, voting rights, and facilities improvement. Teacher training is also provided for.

Keywords: Magna Carta for Persons with Disability, Well-being of PWDs, Implementation Practices

INTRODUCTION

In our society, PWDs, do have less in life physically and socially. They do not experience life the way others do because of the restrictions associated with their impairment. Based on the current statistics available of the Philippine Statistics Authority (2013) of the 2010 Census, about 16 per thousand of the Filipino population has a disability.

The Philippine government recognizes disabilities as deserving attention under Republic Act (RA) 7277 (Philippine Congress, 1992). This law, also known as the Magna Carta for Disabled Persons and later renamed as the Magna Carta for Persons with Disability (PWD) under RA 9442, is the landmark law for the rehabilitation of PWDs in the Philippines. The law recognized the problem that PWDs are regarded as unproductive, a liability, a source of discomfort and a potential health hazard to other people. Given this, it is the duty of the government and people's organizations to protect the rights and promote the welfare of PWDs in order to make them productive and useful members of the society.

METHODOLOGY

This research is qualitative in nature. This research describes the implementation practices of RA 7277, the Magna Carta for Persons with Disability. The researcher conducted interviews among two officials of the National Council on Disability Affairs (NCDA), one official of the Commission on Higher Education (CHED) and two officials of the Department of Education (DepEd). Other heads of other government agencies were invited but did not respond to the invitation. The focus group discussions involved 10 parents who have children with disability (below 10 years old, all of whom have intellectual deficits and autism) and 10 adult PWDs who had physical disability. Participants with other disabilities were invited but did not respond.

FINDINGS AND ANALYSIS

Policy Formulation

It is important that well-defined policies are crafted in organizations. They serve as pre-determined courses of action which are established to provide a guide toward acceptable systems of operation in a specific agency. Policies are supposed to identify key activities and they provide people in an organization their limits as well as choice of alternatives to overcome problems and concerns that arise.

The NCDA makes sure that they implement good policies for the sake of the Filipino PWD. They are focused with a lot of policies and guidelines regarding education, the use of technology, linkages and government issues that affect PWDs.

“Our agency formulates policies to effectively implement the rights of PWDs to education. For example, we have subcommittees composed of various Government and non-government entities that discuss issues that are brought to our attention such as discrimination, abuse, bullying and non-acceptance of PWDs in schools and the workplace. The sub-committees form guidelines, make recommendations or coordinate with other agencies to implement sanctions. The sub-committee on Education drafted guidelines for the admission of learners with disabilities at the tertiary level for the Commission on Higher Education (CHED) to use. These guidelines are now followed by colleges and universities nationwide. Further, we were able to have a scholarship fund for poor yet academically superior PWDs. The scholarship is funded by the CHED.” – NCDA Official

Anti-discrimination policies on PWDs must be created. Among the discrimination issues that PWDs face is job discrimination. There is a need to provide policies for employment opportunities for persons with disabilities, with equal rights with others in terms of work environment and financial return (At Turki, 2012). For example, the NCDA Official said that, *“PWDs cannot get jobs. If you were the manager of a company, would you hire a person with disabilities over an able-bodied person? Given this scenario, we are trying our best to help PWDs to have work by enforcing anti-discriminatory policies for them.”* This is not very different from the conditions described by Bates (2012) where the disability services system in the US fail to help PWDs get quality work. RA 7277 merely states that there should be equal opportunity for employment (Philippine Congress, 1992). Tax incentives are given to employers. Though RA 10524 states that 1% of employees of government agencies should comprise of persons with disability, there is no provision in the law that mandates that a proportion of employees of private firms should consist of PWDs. It states that corporations

with more than 100 employees are *encouraged* to reserve at least 1% of all positions to PWDs (Philippine Congress, 2012).

Educational policies are likewise important. In order to have better rehabilitation, PWDs should have early intervention at ages 0-3. Discrimination issues in early intervention policy include viewing PWDs as a societal burden, thus, giving service to them may mean giving inappropriate government allocation (Chiang and Hadadaian, 2010). Some policy makers may view that spending for intervention services for PWDs are a waste of government resources as some may display slow or no progress at all (Brolan, Lennox, Gomez, Margaret and Peter, 2010). For example, policies for support for children with intellectual disabilities may not be given, primarily because of their limited learning capacity (Ysseldyke, Lehr, and Bulygo, 2008).

The mission of the DepEd is to promote the right of all citizens to quality basic education and to make such education accessible to all by providing all Filipino children a free compulsory education in the elementary level and free education in the high school level. Such education also includes alternative learning system for out of the school youth and adult learners (Section 2, R.A. 9155). *“At the DepEd, we make sure that even the poorest of the poor student with disability get help. We make sure that they receive quality education from our public schools”*, says the DepEd Official during the interview.

Appropriate curricula should also be given priority in terms of policy as PWDs need to master specific competencies, based on their disability (Ellis, 1998). For example, the CHED makes sure that there are guidelines that tertiary level institutions follow. Furthermore, tertiary level institutions should have policies on admission and orientation procedures and removing social and architectural barriers for students.

“The CHED issues guidelines to insure that the appropriate curriculum is given to the different special learners. We have specific guidelines for the enhancement of the curriculum for persons with learning disabilities, autism or AD/HD.” – CHED Official

The CHED manual for accommodating students with disabilities at the tertiary level created by the Sub-committee on Education of the NCDA stipulates that accommodations in curriculum should be made for those with sensorial disabilities and even those with developmental delays that enter college (National Council on Disability Affairs Sub-committee on Education, 2011). Special equipment and facilities should also be made available. Those who need sign language interpreters, note takers, Braille readers are given the opportunity to have such services given to them in order to facilitate learning.

Aside from the Magna Carta, Republic Act 10070, which created the Persons with Disabilities Affairs Office (PDAO) also tasked the latter to formulate and implement policies for the welfare of the PWDs in coordination with other government agencies. With Magna Carta and Republic Act 10070, the formulation of policies for PWDs has legal anchor to stand on. Therefore, it is necessary that policies be continuously created, reviewed, studied, and implemented so that the welfare of PWDs will be given priority in the Philippines. The PDAO offices are established in each municipality usually, under social services. Each office determines its own goals and projects depending on the needs of its constituents.

Monitoring of Compliance

It is imperative that the Magna Carta be implemented to the best extent possible. Monitoring of compliance entails visiting schools, offices and agencies by the NCDA. The DepEd

Special Education Division officials also go on regular school visits to check if the schools are complying with the educational provisions of the Magna Carta.

One of the mandates of our agency is to monitor the implementation of the Magna Carta concerning PWDs in coordination with the other government agencies. Together with the local governments, we have coordinated with provincial governors, city and municipal mayors to help in the PWD identification card distribution.” –NCDA official

The DepEd tries its best to comply with the Magna Carta. *“We make sure that at the Department of Education, all public schools accept students with disabilities in public schools. They should not be denied admission as they have a right to education. We train principals and teachers to accommodate students with disabilities. If ever a public school does not comply with this, parents can always file a complaint and we take action. Further, school principals are asked to submit documents and reports on how students with disabilities are accepted in public schools.”* DepEd Official

Despite the problems regarding funding, lack of teachers, lack of classrooms and the like, the DepEd tries its best to accommodate students with disabilities in order for them to have an education. Likewise, CHED recognizes this problem on funding and hopes that this will be remedied.

In order for the students with disabilities to have quality education, SPED teachers are constantly sent to trainings and seminars. *“We conduct seminars in SPED for our teachers. We give them free board and lodging during the seminars and we shoulder the seminar fees.”* –DepEd Official

Problems of compliance are major concern of the CHED. Colleges and universities fail to comply not because they do not want to follow policies but financial matters constrain them.

Of the 1794 Higher Education Institutions all over the country, only a very small percentage have submitted reports on monitoring compliance on admission of learners with special needs. We are still in the process of checking whether there were unreported accomplishments or financial constraints hindered the HEIs from complying” – CHED Official

Lack of resources hinders tertiary level institutions from adhering to policies regarding admission of students with disabilities. Aside from lack of funds, the perception of the school management on PWDs is a problem.

“School owners and officials would like to recruit the best and the brightest students. Some may admit students with disabilities but if they need to employ other staff or buy other equipment, why would they spend for a minority population?” – CHED Official

In order to change the negative perceptions on PWDs, programs that include both able-bodied and PWDs should be implemented. Inclusionary measures help those without disabilities accept PWDs (Thomas, Sowell, Jones, and Butler, 1981). This also aids in recognizing their potential and unique gifts of PWDs (Roper, 1990)

Increasing Public Awareness and Creating Advocacy Campaigns

To implement programs to its full extent, it is necessary to have public awareness and advocacy campaigns (Thomas, et.al.; Butler, 1981; Roper, 1990).

“We have advocacy drives. One example is the advocacy campaign that we created in 2010 wherein we showed commercials on disability. The title of the advocacy campaign is Defy Disability. The commercial was shown in a well-known chain of cinemas. All moviegoers had the chance to be aware that people with disabilities are just like you and me. They also live normal lives. Nothing is abnormal about disability.”, said the NCDA Official in an interview. Public perception on disability changes because of people’s experience with PWDs, education and constant exposure (Wadsley, 2010).

Public hearings are needed for controversial issues to be discussed. These serve as precursors of the legislative process. Citizens get an opportunity to hear the sides of an issue and their opinions get to be heard. Public hearings increase the potential to arrive at solutions if the policies need specific actions to be taken (Charlton, 1998).

“We hold public hearings among the stakeholders so that they will be informed about new policies. In these hearings, the stakeholders want incentives to prevent violations and not sanctions”. – CHED Official

Public hearings are also good avenues to identify how compliance to specific policies can be done. Incentives and sanctions can both be mapped out in these hearings.

The CHED makes sure that the policies on disability are well-communicated to officials and owners of colleges and universities in the Philippines. They also endorse seminars and trainings on persons with disabilities so that representatives from the tertiary level institutions can be educated on disability. Educating those who violate policies and provisions is also necessary.

Providing Scholarships and Financial Assistance

The Philippines, being a third world country is beset with issues of poverty. Since poverty brings forth a lot of disabilities, access to financial or educational assistance of PWDs from poor communities is important.

“We have observed that before a PWD is admitted to school, there are many requirements like schools require assessments for the child with disability. And the poor cannot afford professional fees for assessment. What we do is we try as much as possible to give financial assistance to PWDs who seek our help. We also link with medical personnel to help in assessment.” ---NCDA Official

PWDs who can enter tertiary education but have no means to study are supposed to be given assistance. CHED Memorandum Order No. 29, series of 2009 presents the guidelines for CHED Student Financial Assistance Programs.

One of our mandates is to provide for more educational assistance or scholarships to PWDs. Students with disabilities are provided financial assistance.” said the CHED Official interviewed for this research. Indeed, college students with disabilities benefit from their scholarship programs.

Adherence to International Standards

The Philippines, being a member of the United Nations, adheres to international policies. In fact, our local laws are in consonance with the international standards of inclusion and education for all policies.

“In dealing with PWDs, we must be aware of our international commitments for their welfare. Our country is a signatory to the United Nations Convention on the

Rights of Persons with Disabilities. We, likewise, committed ourselves to protect and promote the welfare of PWDs under the Salamanca Statement and Framework for Action and the Dakar Framework for Action.” --- NCDA Official

With this, the government, through the NCDA should maintain its commitment to adhere to international standards.

“The policy of the DepEd, and the Philippine government as a whole is EFA – Education for All Policy. This is not only a national policy but an international policy as well. Under the EFA policy, no person must be refused admission to schools by reason of his disability. The health of the child is of primary concern and education becomes only a tool for the child’s development”. ---DepEd Official

The national policy on Education for All is reflected in the Magna Carta. It mandates that the State ensure that PWDs are provided with adequate access to quality education and ample opportunities to develop their skills. The State is likewise obliged to take appropriate steps to make education accessible to all PWDs.

Non-formal Education Provisions

Given the different abilities and skills of students with disabilities, not all can enter formal schooling.

“The DepEd has two programs on non-formal education. One consists of alternative learning system where the students are given modules and attend classes only once a week. Another is on vocational training for SPED students”. --- DepEd Official

The state under the Magna Carta is mandated to develop non-formal education programs for the total development of PWDs (Section 16, R.A. 7277).

RA 7277 Effecting Change on PWDs

Lives were changed when the RA 7277 was implemented. Instead of merely staying at home, PWDs can now study, enjoy discounts, work and contribute to nation-building.

Access to Special Education

One respondent answered that the family situation was changed in terms of her special child’s access to quality education. However, such improvement was not total.

“PWDs have access to education but we get it from our own pockets. Government schools only give special education services. There is a need for my child to have occupational and speech therapy. We need to pay in order to get additional services for our special child” --- (Anna, lawyer, parent of an adult with autism)

Again, the Magna Carta mandates that PWDs shall have access to education. Another respondent responded that access to quality was not felt much by the PWD sector.

“Less than 2% of the PWDs are able to study in the cities, but in the rural areas, none can. No accessibilities. Most schools, especially in the province, have no ‘reasonable accommodation’. This means that there are no ramps, no sign language interpreters, no Braille inscriptions and no comfort rooms designed for wheelchair users. In my case, there were no ramps in some schools and buildings in my community. It would be difficult for me to use my wheelchair, even to have access to the social worker in our municipality to get my PWD identification card as there are no ramps.”--- (Diego, polio victim)

Another respondent whose child has Down syndrome and is quadriplegic revealed to the researcher that our law cannot provide quality education for his child considering his child's condition that it is difficult to bring her to a school that can address her education and health needs. He said that people with special needs like his child should have access to the law. He has numerous needs.

Discounts for PWDs

One respondent answered that lives of PWDs were changed in terms of the discounts afforded by law to PWDs.

“Yes, our lives have improved as a family with a special child through discounts in groceries. But this is limited to only a 5% discount.”--- (Shiela, small scale entrepreneur, mother of a boy with autism)

Although discounts for PWDs are not directly related to education, PWDs look at discounts that improved their general welfare, indirectly including their status in terms of education. This can be readily seen when R.A. 9442 allows discounts for PWDs for school supplies, being classified by the IRR of R.A. 9442 as a prime commodity.

Some participants however, revealed that they need more discounts and privileges from the government especially in the case of PWDs who are also breadwinners.

Public Awareness on Rights and Privileges of PWDs

One respondent volunteered during the focus group discussion that she has been a victim of discrimination by other people. She commented that such discrimination starts with the family.

“Discrimination starts in the family. They would say, ‘You can’t do that’; ‘Don’t study anymore’; ‘How could you think of marrying in that condition of yours?’.”--- (Maria, person with physical disability)

Family members are not aware that they are committing discrimination against their own loved ones.

Another respondent commented that even some local officials are not aware of the Magna Carta.

“We need to spread awareness of the law among local government officials who are not aware of the law.”--- (Raquel, person with physical disability)

Participants commented that there is awareness among Filipinos of the Magna Carta but not on a national scale.

CONCLUSION

Services that are aligned with the Magna Carta elaborated on by the participants include those on education, employment, and accessibility. These services refer to access to education, avilment of discounts, training programs, voting rights, and facilities improvement. Teachers' training is also provided.

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