



Sangguniang Panglungsod

ORDINANCE NO. 08-033

AN ORDINANCE DIRECTING OPERATORS AND DRIVERS OF PUBLIC UTILITY VEHICLES PLYING ROUTES, AND OWNERS AND MANAGERS OF PUBLIC ACCOMMODATIONS AND SERVICES, WITHIN THE JURISDICTION OF THE CITY OF MUNTINLUPA, TO GRANT A TWENTY (20%) DISCOUNT ON THEIR FARE AND ON THE USE OF THEIR ESTABLISHMENTS, RESPECTIVELY, TO ALL PERSONS WITH DISABILITY AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF.

Sponsored by: *Hon. Coun. Margarita Amythyst Patdu-Labios, MD*
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ma. Luisa Babaran-Echavez, M.D
Hon. Coun. Melchor R. Teves
Hon. Coun. Atty. Icasiano dela Rea
Hon. Coun. Ernie S. Espeleta
Hon. Coun. Marita Deang-Calalang, DMD
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Joselito V. Arevalo
Hon. Coun. Luvi P. Constantino
Hon. Coun. Engr. Marissa Cole-Rongavilla
Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Robert A. Abas
Hon. Coun. Atty. Rey E. Bulay
Hon. Coun. Cezar V. Pagkalinawan

WHEREAS, Section 1, Article XIII of the 1987 Constitution ensures that measures must be taken *"to protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good,"*;

WHEREAS, the Congress of the Philippines, passed Republic Act No. 9442 in 2006, amending Republic Act No. 7277, otherwise known as the *"Magna Carta for Disabled Persons and for other purposes,"* which thus provides for entitlements and grants to persons with disability;

WHEREAS, paragraph (xiv), subsection 5, Section 458 (a) of Article Three, Chapter 3 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, thus provides that, *"the Sangguniang Panlungsod shall approve (an) ordinance "provid(ing) for the care of disabled persons, xxx and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons";*



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WHEREAS, the National Council for the Welfare of Disabled Persons (NCWDP) is the national lead agency tasked to implement the provisions of R.A. 7277, as amended by R.A. 7277, as amended by R.A. No. 9442, for the benefit and welfare of persons with disability;

WHEREAS, the NCWDP has been in partnership with the City Social Welfare and Development Office of the City of Muntinlupa in ensuring the provisions of R.A. No. 7277, as amended by R.A. No. 9442, are carried out, particularly for the constituents of the city with disability;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the Sangguniang Panglungsod in session duly assembled that:

SECTION 1. DEFINITION OF TERMS

- a) **Persons with disability** – persons with hearing impairment; visual impairment; speech impairment; orthopaedic or bone impairment; mental and/or psychological disorders; deformity; cerebral palsy; learning disability, which may include but not limited to autism, dyslexia, or slow learning; and neurological diseases, which may include but not limited to multiple sclerosis, muscular dystrophy, Parkinson's disease. For purpose of brevity, PWD shall stand for persons with disability.
- b) **Local Public Transportation** – all registered and non-registered operators and drivers serving franchised and non-franchised routes within the jurisdiction of the City of Muntinlupa serving the public transport needs of the commuting public. These include, but not limited to, pedicabs, tricycles, jeepneys and busses.
- c) **Public accommodations and services** – for purposes of this ordinance, these shall include the following:
 - I. an inn, hotel, motel or other place of lodging, except for an establishment located within a building that contains not more than five (5) rooms for rent or hire and that is actually occupied by the proprietor of such establishments as the residence of such proprietor;
 - II. a restaurant, bar, or other establishment serving food or drink;
 - III. a motion picture, theatre, concert hall, stadium or other place of exhibition or entertainment;
 - IV. an auditorium, convention center, lecture hall, or other place of public gathering;



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- V. a bakery, grocery store, hardware store, shopping center, or other sales or rental establishments;
- VI. a bank, barber shop, beauty and grooming shop, travel service, funeral parlor, gas station, lawyer's office, pharmacy, insurance office, office of a professional health care provider, a hospital or other similarly situated establishment;
- VII. a terminal, depot or other station used for public transportation;
- VIII. a museum, gallery, library, or other place of public display and collection.
- IX. a park, zoo, amusement park, or other place of recreation;
- X. a pre-school, nursery, elementary, secondary, undergraduate or post graduate private or public school or other place of education;
- XI. a gymnasium, health spa, bowling alley, golf course, badminton stadium, or other place of sports and exercise recreation.

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d. **ID's** – Identification cards to be issued by the City Social Welfare and Development Office of the City of Muntinlupa to all city constituents with disability. These cards serve as proof of registration of PWD's and must be presented whenever availing themselves of the benefits awarded them.

e. **Stickers** – adhesive signs to be conspicuously placed at the front of public utility vehicles of local transport operators and drivers mentioned in paragraph (b) hereof, and in the establishments of public accommodations and services mentioned in paragraph (c) hereof. These must be easily seen and read by the general public.

SECTION 2. Objective - The objective of this ordinance is to provide PWD's with benefit of the twenty (20%) discount on fare on public utility vehicles of local transport operators and drivers and on the use of public accommodations and services; to mandate the operators and drivers of public transportation and the owners and managers of public accommodations and services to follow the appropriate national laws; and to support the causes of PWD's in achieving equality in society.



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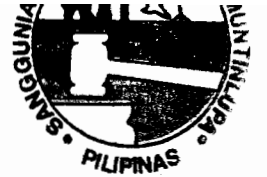
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SECTION 3. Registration:

1. The City Social Welfare and Development Office of the City of Muntinlupa is mandated to conduct a survey of all PWD's within the jurisdiction of the City of Muntinlupa. Each registration entry shall contain the following data, but not limited to: name, age, latest 1" x 1" photograph; deformity, disability, impairment, disorder or disease involved and medical diagnosis, whenever possible; availability of treatment, whenever present; and name/s of caretaker/s, who may include non-family members.
2. Upon registration, the City Social Welfare and Development Office shall process these information, store these in their database and release ID's which must be presented to the PWD concerned, and in the case that the person cannot personally handle such ID, it must be presented to the caretaker/s for proper safekeeping and utilization.
3. It is the responsibility of the PWD or the caretaker/s involved, to take care of the ID and to disallow its utilization by any other person other than the PWD concerned.
4. The City Social Welfare and Development Office shall submit to the Budget Office of the City of Muntinlupa the proposed expenditures to be incurred for registration of the PWD's and for the issuance of the ID's thereof. The annual budget of the City Social Welfare and Development Office shall include the expenses attendant to this procedure.

SECTION 4. Operators and drivers of local public transportation.

1. The City Social Welfare and Development Office of the City of Muntinlupa shall issue, in coordination with the Business and Permit Licensing Office of the City of Muntinlupa, together with the land Transportation and Franchising Regulatory Board and land Transportation Office, stickers to operators and drivers of local public transportation. These stickers are to be effective for one year from date of issue and must be issued inclusive of costs of annual registration. These local transport operators and drivers shall not operate within the jurisdiction of the City of Muntinlupa without the stickers placed on their vehicles.
2. Local transport operators and drivers shall reserve to PWD's the front seats of their vehicles. Whenever feasible, they shall require other commuters to give way to PWD's and inform them of this ordinance whenever the latter pose their objection.



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3. Local transport operators and drivers shall grant a twenty (20%) discount on fare for PWD's upon presentation of their ID's.
4. Upon embarking and up to the moment of alighting, the local transport operators and drivers shall ensure the safety of the PWD's. They shall load and unload the passengers with disability only at safe areas on the road.

SECTION 5. Owners and Managers of public accommodations and services.

- 1) The City Social Welfare and Development Office of the City of Muntinlupa shall issue, in coordination with the Business and Permit Licensing Office of the City of Muntinlupa, stickers to owners and managers of public accommodations and services. These stickers are to be effective for one year from date of issue and must be issued inclusive of costs of annual registration. These owners and managers of public accommodations and services shall not operate within the jurisdiction of the City of Muntinlupa without the stickers prominently displayed in their respective establishments.
- 2) Owners and managers of public accommodations and services shall grant a twenty (20%) discount on the use of their establishments to PWD's upon presentation of their ID's.

SECTION 6. Violations and penalties:

1. A PWD must complain before the City Social Welfare and Development Office of the City of Muntinlupa if any operator or driver of local public transportation or any owner or manager of public accommodations or services violates any of the provisions in the previous section. The said office must compose its own body with quasi-judicial powers, formulate the rules therefore; conduct a speedy investigation; issue subpoenas for all parties concerned, including witnesses, to appear before the body, hear the case expeditiously; and issue a written decision thereto.
2. Any operator or driver of local public transportation and any owner or manager of public accommodations or services held liable for violation of the previous section shall suffer the following penalties;
 - a) **First Offense.** A fine of One Thousand (Php 1,000.00) pesos and a one-day suspension on the operations of the local public transportation, and on the operations of the public accommodations and services, within the jurisdiction of the City of Muntinlupa.



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- b) **Second Offense.** A fine of Three Thousand (Php 3, 000.00) pesos and a one-week suspension on the operations of the local public transportation, and on the operations of the public accommodations and services, within the jurisdiction of the City of Muntinlupa.
- c) **Third Offense.** A fine of Ten Thousand (Php 10,000.00) pesos and a permanent ban on the operations of the local public transportation, and on the operations of the public accommodations and services, within the jurisdiction of the City of Muntinlupa.

SECTION 7. SEPARABILITY CLAUSE - If for any reason whatsoever, any section, clause or provision of this Ordinance is declared unconstitutional or inconsistent with any national law, other sections, clauses or provisions hereof which are not hereby affected, shall continue to be in full force and effect.

SECTION 8 – EFFECTIVITY CLAUSE - This Ordinance shall take effect in accordance to the provisions of Sections 59 and 511 of R.A. No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED, by the 5th Sangguniang Panlungsod of Muntinlupa this 18th day of February 2008, on its 25th Regular Session.

CONCURRED:

COUN. ALLAN REY A. CAMILON
Member

COUN. MA. LUISA BABARAN-ECHAVEZ, M.D.
Member

COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD
Member

COUN. MELCHOR R. TEVES
Member

COUN. ATTY. ICASIANO M. DELA REA
Member



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COUN. ERMIE S. ESPELETA
Member

COUN. MARITA DEANG-CALALANG, DMD
Member

DISTRICT 2:

COUN. FRANCIS IAN T. BAGATSING
Member

COUN. JOSELITO V. AREVALO
Member

COUN. LUVIP. CONSTANTINO
Member

COUN. ENGR. MARISSA COLE-RONGAVILLA
Member

COUN. ENGR. MAMERTO T. SEVILLA, JR.
Member

COUN. VERGEL C. ULANDAY
Member

COUN. ROBERT A. ABAS
Member

COUN. ATTY. REY E. BULAY
Member

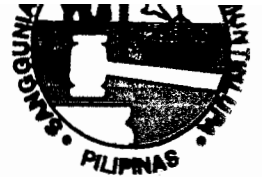
COUN. CEZAR V. PAGKALINAWAN
Sectoral Representative
President
Association of Barangay Captains

ABSENT:

COUN. ALLEN F. AMPAYA
Member



**PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA**



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ABSENT:

COUN. DANN HENRY G. TEVES
*Sectoral Representative
President
Federation of Sangguniang Kabataan*

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

Marcelo
LEONORA M. MARCELO
Legislative Staff Officer IV

ATTESTED:

Artemio A. Simundac
ARTEMIO A. SIMUNDAC
Vice-Mayor/Presiding Officer

APPROVED:

Aldrin L. San Pedro
ALDRIN L. SAN PEDRO
City Mayor

Date: _____

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Rules and Regulations in the Implementation of the Proposed Ordinance Directing Operators and Drivers of Public Utility Vehicles Plying Routes, and Owners and Managers of Public Accommodations and Services, within the jurisdiction of the City of Muntinlupa, to grant a Twenty (20%) Percent Discount on their Fare and on the Use of Their Establishments, Respectively, to all Persons with Disability and Imposing Penalties for Violations Thereof.

Article I

Title, Purposes and Construction

Section 1. Title. These rules shall be known and cited as the rules and regulations implementing Ordinance No. 08-033.

Section 2. Declaration of Policy.

a. Person with disability (PWD) are an integral part of the Philippine society, and in particular, of the citizenry of City of Muntinlupa. It is thus the policy of the city to adopt policies ensuring the rehabilitation, self-development and self-reliance of persons with disability.

b. The city recognizes the vital role of the public and private sectors in promoting the welfare of person with disability, and it encourages programs shared by these two sectors in addressing their needs and concerns.

c. The city exerts all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to persons with disability.

Section 3. Definition of Terms.

a. PWD - Person with disability

b. CSWDO - City Social Welfare and Development Office of the City of Muntinlupa.

c. ID - Identification Card issued by the CSWDO after registration with and profiling of the CSWDO. It shall contain the names, addresses, birthdates, 1"x"1 photographs and signatures, provided, however, in case the PWD cannot sign personally, the right thumb mark shall suffice, of the PWD and his/her caretaker/guardian; the relationship of the PWD and his/her caretaker/guardian; the specific disability of the PWD; and the signature of the sitting head of the CSWDO. Moreover, it is thus conceded that not in all instances is the caretaker/guardian personally able to attend to and/or accompany the PWD. In such event, the CSWDO, in its discretion, may include another name of the caretaker/guardian of the PWD, so as not to defeat the purpose of this ordinance. The inclusion of this another name must specify his/her relationship to the PWD and his/her address.

The ID is effective for as long as the PWD lives. However, in case of a change in the designation of the caretaker/guardian assigned and registered to the PWD, the CSWDO must make the necessary changes in the ID. In this regard, the CSWDO is mandated to make periodic evaluation, so as to reflect the true status of the PWD and his/her caretaker/guardian.

Section 4. Construction.

In the interpretation of these rules and regulations, liberal construction must be made in favour of the PWD's.

Section 5. Coverage.

Ordinance No. 08-033 shall cover all PWD's registered as residents of the City of Muntinlupa, and to the extent herein provided, all offices, department and agencies involved in the attainment of the objectives of this ordinance.

Article II

Grant of Twenty (20%) Percent Discount on Fares and on Use of Services

Section 1. On Transportation Fares of Public Utility Vehicles

- a. Only PWD's not exceeding the age of sixty (60) shall benefit the twenty (20%) percent discount. For those exceeding the age of sixty (60), the discount granted shall be that allowed under the Senior Citizens' Act.
- b. Caretaker/Guardians accompanying the PWD on public utility vehicles shall be entitled to the same discount, provided that his/her name is the same as the one printed on the ID of the PWD.
- c. Drivers and operators of jeepneys are directed to serve the front seats to PWD.
- d. At the origin of embarkation, a limitation is placed on the number of students, PWD's and OSCA-members who can ride the jeepney, thus: three (3) students, two (2) PWD's and two (2) senior citizens. This is in consideration to the drivers and operators of jeepneys who shall suffer great loss in the event that most, if not all, the passengers are entitled to discount on fares.

Section 2. On Public Accommodations and Services

- a. Because Republic Act No. 7277, as amended by Republic Act No. 9442, does not make a distinction on the economic status of the PW, the availment of the twenty (20%) percent discount on health services is not limited to ward confinement in hospitals and clinics, both private and government-owned.
- b. In all other public accommodations and services enumerated in Ordinance No. 08-033, only the PWD can avail of the twenty (20%) percent discount.

Article III

Composition of the Grievance Committee of CSWDO

Section 1. From the ranks of the CSWDO, the following four (4) personnel are hereby assigned to form the Grievance Committee of the CSWDO in fulfillment of the mandate of paragraph 1 of Section 6 of Ordinance No. 08-033, namely:

1. The Social Welfare Officer-in-Charge of PWD Programs
2. Two (2) representatives from the CSWDO assigned to PWD Programs.
3. One (1) representative from the CSWDO from a non-government organization directly involved in the promotion of the welfare of PWD's.

In case of a deadlock, the tie-breaking vote must come from the Officer-in-Charge of the CSWDO in an *ad hoc* capacity. All members, including the head of the CSWDO, shall serve for no more than one year from the effectivity of Ordinance No. 08-033. At the expiration of such period, the CSWDO is directed to evaluate the performance of the Grievance Committee; to delegate new members, if necessary; and to submit their recommendations to the City Council in order to be continuously responsive to the needs of the PWD's in the City of Muntinlupa.

In addition, the Officer-in-Charge of the CSWDO shall ensure that all member of the Grievance Committee shall have no direct and personal interest in the complaint filed before it. No filial, parental, fraternal or pecuniary interest shall be allowed, so as to ensure the impartiality of the Grievance Committee.

Section 2. The CSWDO is directed to submit to the City Council the expected expenses attendant to the issuance of the ID's contemplated in Section 3 of Ordinance No. 08-033. This is to ensure that the supplemental budget necessary to carry out these provisions shall be released without delay.