



REPUBLIC OF THE PHILIPPINES
City of Dumaguete
OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG PANLUNGSOD OF THE CITY OF DUMAGUETE
HELD AT THE SESSION HALL ON JUNE 13, 2012

PRESENT:

HON. JOE KENNETH K. ARBAS	CITY COUNCILOR
HON. FRANKLIN D. ESMENA, JR.	CITY COUNCILOR
HON. ERWIN MICHAEL L. MACIAS	CITY COUNCILOR
HON. NILO D. SAYSON, <i>Temp. Presiding Officer</i>	CITY COUNCILOR
HON. JOSE VICTOR V. IMBO	CITY COUNCILOR
HON. MANUEL R. ARBON	CITY COUNCILOR
HON. ESPERIDION V. CATAN	CITY COUNCILOR
HON. NOEL C. DE JESUS	CITY COUNCILOR
HON. DANILO T. LEON	CITY COUNCILOR
HON. ALBERT C. AQUINO, <i>LNMB President</i>	CITY COUNCILOR
HON. CYRINE LEE D. MAPILI, <i>SK President</i>	CITY COUNCILOR

ABSENT:

HON. ALAN GEL S. CORDOVA	CITY VICE-MAYOR
HON. ANTONIO J. REMOLLO (<i>Official Business</i>)	CITY COUNCILOR
HON. CYRINE LEE D. MAPILI, <i>SK President</i>	CITY COUNCILOR

RESOLUTION No. 224
Series of 2012

Authored by: Vice-Mayor Alan Gel S. Cordova

On motion of Councilor Joe Kenneth K. Arbas, duly seconded by Councilors Esperidion V. Catan and Franklin D. Esmeña, Jr., the Sangguniang Panlungsod in session assembled

RESOLVED, AS IT IS HEREBY RESOLVED, to enact the following ordinance:

ORDINANCE No. 38
Series of 2012

AN ORDINANCE CREATING THE PERSONS WITH
DISABILITY AFFAIRS OFFICE (PDAO) IN THE CITY OF
DUMAGUETE, AND FOR OTHER PURPOSES

Be it ordained by the Sangguniang Panlungsod of the City of Dumaguete, that:

SECTION 1. Title – This ordinance shall be known as the
“ORDINANCE CREATING THE PERSONS WITH DISABILITIES AFFAIRS
OFFICE (PDAO) IN THE CITY OF DUMAGUETE”.

SECTION 2. Legal Basis – This ordinance is based on the provisions
of Republic Act No. 10070 entitled “AN ACT ESTABLISHING AN
INSTITUTIONAL MECHANISM TO ENSURE 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".

SECTION 3. Rationale. The Persons with Disabilities sector (PWDs), is one of the most disadvantaged sectors in society, with most of them lacking access to basic services necessary for self advancement. Thus, the City Government of Dumaguete needs to consider the plight of the PWD sector as a priority concern. This ordinance provides a mechanism by which to uphold, promote and protect the rights and welfare of Persons with Disabilities in Dumaguete City, adopting measures for them to avail of the privileges and incentives provided by law, and ensuring that they are made more proactive, responsible and productive stakeholders of society.

SECTION 4. Definition of Terms. For purposes of this Ordinance, the following terms shall mean:

- a) **PDAO** – shall refer to the **Persons with Disabilities Affairs Office**.
- b) **Disability** – an activity limitation or restriction as result of the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on equal basis with others. (*UN Convention on the Rights of Persons with Disabilities*).
- c) **Impairment** – any loss, diminution or aberration of psychological, physiological, or anatomical structure or function.
- d) **Persons with Disability/ies (PWDs)** – 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. (*UN Convention on the Rights of Persons with Disabilities*).
- e) **Deaf** – means a person who has an audiological impairment that makes him/her unable to hear, or experience difficulty in hearing. Deaf in uppercase D specifically refers to a person who uses the visual language of the community as his/her primary means of communication in daily life, and supports its goals and values as a linguistic and cultural minority.
- f) **Hearing Impairment** – Complete and partial loss of the ability to hear.
- g) **Persons with Visual Impairment** – those with visual disabilities ranging from low vision to total blindness.
- h) **Low Vision** – is defined as visual acuity of less than 6/18, but equal to or better than 3/60, or a corresponding visual field loss to less than 20 degrees in the better eye with best possible correction

- i) **Blind (Blindness)** - blindness is defined as visual acuity of less than 3/60, or a corresponding visual field loss to less than 10 degrees in the better eye with best possible correction.
- j) **Mental Disability** - disability resulting from organic brain syndromes (e.g. mental retardation, acquired lesions of the central nervous system, dementia) and mental illnesses (psychotic and non-psychotic disorders).
- k) **Children with Disabilities** - individuals with disabilities who are eighteen (18) years old and below.

For clarity in coverage, the term "**Persons with Disability/ies (PWDs)**" does not distinguish age, race, creed or religious belief, political affiliation, economic and social status. In addition, PWDs who are also Senior Citizens can have two Identification Cards; however, they shall invoke their rights to avail the benefits, privileges and incentives provided by law, using only one of the IDs at the time of avallment.

SECTION 5. Role of Local Government Units and National Agencies. - Pursuant to Section 1 of RA No. 10070, amending Section 40 of RA No. 7277, Local Government Units and National Agencies shall have the following roles, namely:

- a) Local government units shall promote the establishment of organizations of persons with disabilities (PWDs) and parents of children with disabilities in their respective territorial jurisdictions. National agencies and local government units may enter into joint ventures with organizations and associations of PWDs and parents of children with disabilities to explore livelihood opportunities and other undertakings that shall enhance health, education, physical fitness and economic and social (inclusion) well-being of PWDs including children with disabilities.
- b) Local government units shall organize and establish Persons with Disability Affairs Office (PDAO).

SECTION 6. Creation of Persons with Disability Affairs Office (PDAO). There is hereby created under this Ordinance the Persons with Disability Affairs Office (PDAO) in the City of Dumaguete, under the Office of the City Mayor. The City Mayor shall appoint a PWD Affairs Officer who shall manage and oversee the operations of PDAO, pursuant to the mandate under RA No. 10070. Priority shall be given to qualified PWDs to head and man the said office.

The City Mayor shall exercise supervision and control over PDAO. He is hereby empowered to design the PDAO organizational/functional structure in consultation with the National Council on Disability Affairs (NCDA), the Dumaguete City Handicapped Association (DUCHA), the Differently Abled Children's Parents Association (DACPA) and concerned Non-Government Organizations (NGO) and People's Organizations (PO). Moreover, he may appoint such number of PDAO personnel, including sign-language interpreters, as are necessary to carry out the functions and objectives of PDAO, subject to fund limitations.

SECTION 7. Functions of PDAO. The Persons with Disability Affairs Office, under its PWD Affairs Officer, shall carry out the following functions, viz:

- a) Formulate and implement policies, plans and programs for the promotion of the welfare of PWDs in coordination with concerned national government agencies, particularly the National Council for Disability Affairs (NCDA), and local government offices;
- b) Coordinate the implementation of the provisions of Republic Act No. 7277 otherwise known as the "Magna Carta for Disabled Persons and For Other Purposes", as amended by Republic Act No. 9442 and Republic Act No. 10070; Batas Pambansa Blg. 344, otherwise known as the Accessibility Law, and other relevant laws at the local level;
- c) Represent PWDs in Meetings of local development councils and other special bodies;
- d) Recommend and enjoin the participation of nongovernment organizations and people's organizations in the implementation of all disability-related laws and policies;
- e) Gather and compile relevant data on PWDs, in coordination with the Barangay Councils and the concerned national and local government offices;
- f) 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;
- g) Submit report to the Office of the City Mayor on the implementation of the programs and services for the promotion of the welfare of PWDs;
- h) Ensure that the policies, plans and programs for the promotion of the welfare of PWDs are duly funded by both the national and local government;
- i) Monitor fundraising activities being conducted for the benefit of PWDs;
- j) Seek donations in cash or in kind from local and foreign donors to implement and approve work plan for PWDs, 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 the PWDs.

SECTION 8. Advisory Board. An Advisory Board to PDAO is hereby created to review and provide guidance to the direction and operation of the Office. This Board shall be composed of the following, viz:

- a) The concerned **Sangguniang Panlungsod** member, who shall act as Ex-Officio Chairman;
- b) The **President** of the **Liga Ng Mga Barangay**, or its authorized representative;
- c) Two (2) representatives from the **Dumaguete Blind Massage Association**, to represent persons who are blind and those who are visually-impaired;
- d) Two (2) representatives from the **Dumaguete Effata Association of the Deaf**, to represent the deaf and those with hearing impairment;
- e) Two representatives from the **Orthopedically Handicapped Association of Dumaguete**, to represent other PWD who do not belong to the aforementioned associations;
- f) A person who has been diagnosed as having mental disability, or is recovering from a mental impairment, but is able to participate in vital decision making processes, as certified by a physician;
- g) One representative from the **Differently-Abled Children's Parents Association**, to represent the parents of children with disabilities.

SECTION 9. Composition (Staffing) – The Office of Persons with Disabilities Affairs (PDAO) shall be composed or staffed with a PWDs Affairs Officer, regular or permanent position, who shall head the office and two other personnel pool of qualified PWDs employees of the City or any qualified person with disability. There shall be at least one (1) personnel knowledgeable in hand signals.

In the meantime, the PDAO shall initially have the following staff to perform the functions as stipulated above who will be receiving a monthly honorarium:

- a) Social Worker III - (SG 18) (Casual-Plantilla) – P24,103.00
- b) Social Worker II – (SG 15) (Casual-Plantilla) – P19,430.00
- c) Social Worker I – (SG 11) (Casual-Plantilla) – P14,736.00
- d) One (1) Social Welfare Aide/Assistant -
- e) Two (2) PWDs Staff
- f) One (1) Interpreter

SECTION 10. Office Location. The PDAO herein created shall be located preferably within the City Hall compound, in any of its buildings or in a new building that may be constructed in the future. For purposes of greater accessibility and convenience to PWDs, it can also be located in the downtown Dumaguete, when office space is available.

SECTION 11. The Role of the Barangays. It shall be the responsibility of the Barangay Councils, through their respective Barangay Health Workers (BHWs) and Social Welfare Volunteers (SWVs), in collaboration with NGO, PO and other concerned groups, to assist the PDAO in making a comprehensive listing and profile of all Person with Disabilities (PWDs) in their

respective barangays, including its regular updating; moreover, to allocate and facilitate release of barangay funds accruable to the PWDs in accordance with DSWD Administrative Order No. 13 Series of 2008, in support of barangay PWD association's plans and objectives; and furthermore, to assist PWDs in accessing the benefits, privileges and incentives provided by law.

SECTION 12. The Role of the Private Sector. The Private Sector – the nongovernment organizations (NGOs), the private institutions and individuals, the business community, and the people's organizations (POs) are hereby encouraged to help and support the plans and objectives of PDAO. Private Sector helping any PWD association, or any of its members, shall coordinate with and take first cognizance of PDAO for records and other purposes.

SECTION 13. Budgetary and Financial Requirement – The salaries and wages of personnel, maintenance and other operating expenses (MOOE) for PDAO shall be drawn from the **fifty-percent (50%)** of the **one-percent (1%)** of the city's total annual budget intended for the Senior Citizens and Persons with Disability. The City Government shall ensure that the necessary fund from any available local revenues is allocated for the implementation of this Ordinance for the benefit of PWDs in the City of Dumaguete.

SECTION 14. Transitory Provision – Pending the creation of office and its attendant staffing as subject to the budget ceiling limitations as provided for in Republic Act No. 7160 and circulars issued by the Department of Budget and Management and Civil Service Commission, the City Mayor is hereby authorized to transfer and or detail any personnel with the relevant work experience to temporary staff the office in transition.

SECTION 15. Separability Clause – Any provision or portion of this Ordinance found to be in violation of the Constitution or declared invalid by the competent court, shall not affect the validity of the other provisions hereof.


SECTION 16. Repealing Clause – All ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed and/or modified accordingly.

SECTION 17. Effectivity Clause – This Ordinance shall take effect immediately upon its approval.

APPROVED.

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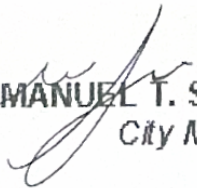
CERTIFIED TRUE AND CORRECT:


RAMON A. VILLAROSA
Secretary to the Sanggunian

ATTESTED:


NILO D. SAYSON
City Councilor
Temporary Presiding Officer

APPROVED:


MANUEL T. SAGARBARRIA
City Mayor

/lbt