

**ORDINANCE NO. 2010-039**

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

Author: Hon. David Casper Nathan A. Sergio

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

**SECTION 1. Title** - This ordinance shall be known as the "ORDINANCE CREATING THE PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO) IN THE CITY OF NAGA".

**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 (PWDs), due to various kind of restrictions in their abilities, are arguably the most disadvantaged sector in the society. Most of them even lacked the educational attainment necessary for self advancement. Thus, the City Government of Naga 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 Naga City, adopting measures for them to avail 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:

**PDAO** - shall refer to the Persons with Disability Affairs Office  
**PERSONS WITH DISABILITY/IES (PWDs)** - shall refer to those suffering from restriction of different abilities, as a result of mental, physical and sensory disorder and/or any other handicap/conditions which include but not limited to the following:

- **Visual Disability** - one who has impairment of visual functioning even after treatment and/or standard refractive correction, and has visual acuity in the better eye of less than (6/18 for low vision and 3/60 for blind), or a visual field of less than 10 degrees from the point fixation. A certain level of visual impairment is defined as legal blindness. One is legally blind when your best corrected central visual acuity in your better eye is 6/60 or worse, or your side vision is 20 degrees or less in the better eye.

- **Visually Impaired** - one who has the ability to perceive light, to count fingers at a distance of three (3) meters in daylight, and with limitation to perform certain visual tasks such as reading, writing and mobility.
- **Hearing Disability** - one who has moderate or worse hearing impairment in the better ear, that is, the permanent unaided hearing threshold level of the better ear of 41 or 31 decibels or greater in age under 15 years old.
- **Hearing Impaired** - one who has inability to hear clearly and tell the difference between certain sounds and words (or can hear a little without hearing aid) and or the complete, partial loss of the ability to hear from one or both ears; with 26 decibels or greater hearing threshold, averaged at frequencies 0.5, 1.0, 2.0, and 4.0 kilohertz.
- **Speech Impaired** - one who has speech difficulty ranging from inability to speak to ability to speak but not sufficiently clear.
- **Orthopedically Handicapped** - one who has a physical disability due to bones, joints, tendons and muscles defects such as post polio, fracture.
- **Mentally Challenged** - one who has mental retardation, a person who has significantly sub-averaged intellectual functioning resulting in or associated with concurrent adaptive behavior, in coping with any demand of daily life manifested through their sensory motor, communication, self-help, socialization, academic and vocational skills.
- **Attention Deficit Hyperactive Disorder** - one who has a condition in the brain that makes it difficult to control their behavior.
- **Persons with Autism** - one who has a lifelong developmental disability which typically appears during the first three years of life resulting from a neurobiological disorder that affects the functioning of the brain and interferes with the normal development in the areas of reasoning, social interaction and communication skills.
- **Learning Disability** - one who exhibits disorders in perception, listening, reading, writing, spelling and arithmetic and/or any disorder in one or more of the basic psychological or physiological processes (perception, comprehension, thinking, etc.) involved in understanding or in using unspoken or written language.
- **Mental Disability** - one who has disability resulting from organic brain syndrome (i.e. mental retardation, acquired lesions of central nervous system, or dementia) and or mental illness (psychotic or non-psychotic disorder).
- **Psychosocial Disability** - one who acquired behavioral, cognitive, emotional or social impairment that limits one or more activities necessary for the effective interpersonal transactions and other civilizing processes or activities for daily living such as but not limited to deviancy or anti-social behavior.

- **Emotionally Disturbed Person** - one who displays a significant behavior or psychological pattern that deviates from an arbitrary and relative social norm such as aggressive and acting out behavior or withdrawn behavior.
- **Other Handicap** - one who has circumstances that may give rise to disadvantages, such as problems with cleft palate, harelip, etc.
- **Multi-Disability** - one who has two or more disabilities such as those with mental retardation and blindness.
- **Chronic Illness** - words to describe a group of health conditions that lasts a long time. It may get slowly worse over time or may become permanent or it may lead to death. It may cause permanent change to the body and it will certainly affect the person's quality of life.
- **Congenital Diseases** - diseases existing at and usually before birth which may have a hereditary or non-hereditary cause.

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 availment.

**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) in their respective territorial jurisdictions. National agencies and local government units may enter into joint ventures with organizations and associations of PWDs to explore livelihood opportunities and other undertakings that shall enhance health, physical fitness and economic and social well-being of PWDs.
- (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 Naga, 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 Naga City Federation of Persons with Disability (NCFPWD), and concerned NGOs; and he may appoint such number of PDAO personnel as are necessary to carry out the functions and objectives of PDAO, subject to fund limitation.

For reasons of economy and expediency, interim appointments may be resorted to, and may be drawn from any department or office now existing within City Hall.

**SECTION 7. Functions of PDAO.** The Persons with Disability Affiars 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 Jmeetings of local developent councils and other special bodies;
- (d) Recommend and enjoin the participation of nongovernment organizations (NGOs) and people's organizations (POs) 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 wlefare 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 approved 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 vthe 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:

1. The concerned Sangguniang Panlungsod member, who shall act as ex-officio Chairman;
2. The Department Head, City Social Welfare and Development Office (CSWDO);
3. The Department Head, City Health Office (CHO);
4. The Department Head, City Legal Office (CLO);
5. The Department Head, City Engineer's Office (CEO);
6. The Department Head, City Budget Office (CBO);
7. The Department Head, City Planning and Development Office (CPDO);
8. The President, Metro Naga Chamber of Commerce and Industry (MNCCI);
9. The Executive Director, Naga City People's Council (NCPC);
10. The President of the Liga ng mga Barangay, or its authorized representative;
11. The President of Naga City Federation of Persons with Disabilities (NCFPWD), or its authorized representative;
12. The Provincial Director, Department of Trade and indistry (DTI);
13. The City Schools Division Superintent, Department of Education (DepEd);
14. The District Officer, Land Transportation Office (LTO); and
15. The President, Kapisanan ng mga Brodkaster ng Pilipinas (KBP) Cam. Sur Chapter.

**SECTION 9. 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 Naga, when office space is available.

**SECTION 10. The Role of the Barangays.** It shall be the respnsibility of the Barangay Councils, through their respective Barangay Health Workers (BHWs) and Social Welfare Volunteers (SWVs), 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 accessig the benefits, privileges and incentives provided by law.

**SECTION 11. 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 12. Budgetary and Financial Requirement.** Salaries and wages of personnel, and maintenance and other operating expenses (MOOE) for PDAO shall be drawn from the General Fund. 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 Naga.

**SECTION 13. 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 validity and effectivity of the other provisions hereof.

**SECTION 14. 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 15. Effectively-** This Ordinance shall take effect immediately upon its approval.

ENACTED: August 3, 2010.

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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

**GABRIEL H. BORDADO, JR.**  
City Vice Mayor &  
Presiding Office

APPROVED:

**JOHN G. BONGAT**  
City Mayor