



ORDINANCE NO. 14610-2023

AN ORDINANCE PROVIDING FOR SOCIAL PENSION TO INDIGENT ADULTS AND CHILDREN WITH DISABILITY (PWDs), PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Whereas, it is a declared policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life for all as provided in Section 9 of Article II of the 1987 Constitution of the Republic of the Philippines;

Whereas, Title I, Chapter I, Section 2(a) of Republic Act No. 7277, otherwise known as the *Magna Carta for Disabled Persons*, declares that the State shall give full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society and shall adopt policies ensuring the rehabilitation, self-development and self-reliance of disabled person;

Whereas, Section 17(a) of the Local Government Code states that Local Government Units (LGUs) shall endeavor to be self-reliant, and likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities;

Whereas, under the same code, LGUs are mandated to effectively and efficiently provide social welfare services, which include programs and projects on child and youth welfare, family and community welfare, women's welfare, welfare of elderly and disabled persons; community-based rehabilitation programs for vagrants, beggars, street children, scavengers, juvenile delinquents; and victims of drug abuse; livelihood and other pro-poor project; nutrition services; and family planning;

Whereas, the LGC, specifically Section 458(a) provides that the "Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants," pursuant to Section 16 of the said code and in the proper exercise of the corporate powers of the city as provided for under Section 22 therein;

NOW, THEREFORE:

BE IT ORDAINED by the 20th City Council (*Sangguniang Panlungsod*) of Cagayan de Oro City in session duly assembled that:

Article I
GENERAL PROVISIONS

SECTION 1. Title. - This Ordinance shall be known as the "**Social Pension of Indigent Adult and Children with Disability (PWDs) Ordinance**".

SECTION 2. Declaration of Policy. In adherence to the policy of the state that values rehabilitation of PWDs and their integration into the mainstream of society, it is hereby declared the policy of City Government of Cagayan de Oro that the indigent PWDs of this city will be given full support for the improvement of their well-being and self-sufficiency.

SECTION 3. Coverage. All indigent persons with disability as verified and certified by the City Social Welfare and Development Department (CSWDD) and the Persons with Disability Affairs Office (PDAO) who have been living in the city for a minimum of two (2) years shall be covered by the provisions of this Ordinance.

Article II
DEFINITIONS

SECTION 4. DEFINITION OF TERMS. As used in this Ordinance:



- a) **Disability** shall mean any physical or mental impairment that limits one or more physiological, psychological or anatomical function of an individual or activities of such individual.
- b) **Persons with Disability (PWD)** are those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others as ascertained by Punong Barangay in the place of residents, CSWD and PDAO.
- c) **Children with Disability (CWD)** are those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others, aged zero to seventeen (0-17) years old.
- d) **Indigent Person with Disability** is a person with disability who is extremely poor and lacking the means to provide for oneself, without permanent source of income, compensation, or financial assistance from his/her relatives to support his/her basic needs, as determined by City Social Welfare & Development Department (CSWDD) in consultation with the Persons with Disability Office (PDAO).
- e) **Social Pension** refers to the monetary grant from the City Government to support the daily subsistence and medical needs of an Indigent Person with Disability.

Article III **IMPLEMENTING RULES AND REGULATIONS**

SECTION 5. Formulation of the IRR. - An implementing body, composed of the:

- a) Chairperson - City Legal Officer
- b) Members -
 - i) City Social Welfare & Development Officer,
 - ii) representative from the City Mayor's Office,
 - iii) Persons with Disability Affairs Officer,
 - iv) Chairperson of the Committee on Social Services, and
 - v) City Human Resources Officer

is hereby constituted to prepare the Implementing Rules and Regulations (IRR) to effectively carry out the purpose of this Ordinance, subject to the approval of the City Mayor. The said body is also hereby mandated to update annually the monthly social pension consistent with the city's annual poverty threshold estimate as released by the Philippine Statistics Authority (PSA) subject to the approval of the City Mayor.

Pending the promulgation of the IRR, this Ordinance shall be considered as self-executory.

Article IV **PENSION, PENALTIES AND APPROPRIATIONS**

SECTION 6. Pension – Indigent Person with Disability (PWD) shall be granted a monthly social pension in the amount of Five Hundred Pesos (₱500.00), or 20 percent of the city poverty threshold estimate, whichever is higher, to augment his/her daily subsistence; subject to existing government auditing rules and regulations.

Section 7. Appropriations - An initial amount of Fifteen Million Pesos (₱15,000,000.00) shall be allocated in the 2024 Annual Budget of the CSWDD to carry out the provisions of this Ordinance; and thereafter shall be regularly and incrementally allocated for the subsequent years of implementation, subject to availability of funds.

SECTION 8. Prohibitions; Penalties:

- a) An Indigent Person With Disability and/or his/her parent(s) or guardian(s) who has/have deliberately committed fraudulent acts of enrolling himself/herself or of availing the social pension under this Ordinance despite his/her ineligibility shall be delisted from the list of the beneficiaries of this Ordinance and shall be held administratively and/or criminally liable.



- b) Officers/employees of CSWDD or PDAO found responsible of including the name/s of PWDs in the list of beneficiaries under this Ordinance despite knowing the ineligibility of the PWD shall be held administratively and criminally liable for serious irregularity in the performance of his/her duty.

Article V FINAL PROVISIONS

SECTION 9. Suppletory Clause - The applicable provisions of Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons; Republic Act 10754 or an Act Expanding the Benefits & Privileges for Persons With Disabilities; RA 9442; and other pertinent laws, rules and regulations shall apply in suppletory manner to the provisions of this Ordinance.

SECTION 10. Separability Clause - If any provisions of this Ordinance is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 11. Repealing Clause - All existing ordinances, resolutions, local executive orders, rules and regulations inconsistent with the provisions of this Ordinance are hereby modified accordingly.

SECTION 12. Effectivity - This Ordinance shall take effect after fifteen (15) days from posting at the bulletin board of the Sangguniang Panlungsod and in at least at two (2) conspicuous public places in Cagayan de Oro City.

UNANIMOUSLY APPROVED.

AUTHOR: - HON. JOYLEEN MERCEDES L. BALABA

CO-AUTHORS: - HON. IAN MARK Q. NACAYA, HON. ROGER G. ABADAY, HON. JAY R. PASCUAL, HON. IMEE ROSE P. MORENO, HON. ROMEO V. CALIZO, HON. GEORGE S. GOKING, HON. MARIA LOURDES S. GAANE, HON. EDGAR S. CABANLAS, HON. SUZETTE G. MAGTAIAS, HON. YAN LAM S. LIM, AND HON. JOHN MICHAEL L. SENO

| | | | |
|-----------------|---------------------------|--|--|
| <u>Present:</u> | 1 st District: | - Councilor Agapito Eriberto G. Suan | - Councilor Jay R. Pascual |
| | | - Councilor Roger G. Abaday | - Councilor George S. Goking |
| | | - Councilor Imee Rose P. Moreno | - Councilor Jose Pepe S. Abbu, Jr. |
| | | - Councilor Romeo V. Calizo | - Councilor Malvern A. Esparcia |
| | 2 nd District: | - Councilor Yevonna Yacine B. Emano | - Councilor James K. Judith II |
| | | - Councilor Maria Lourdes S. Gaane | - Councilor Ian Mark Q. Nacaya |
| | | - Councilor Joyleen Mercedes L. Balaba | - Councilor Christian Rustico M. Achas |
| | | - Councilor Edgar S. Cabanlas | - Councilor Suzette G. Magtajas Daba |
| | Ex-Officio: | - Councilor Yan Lam S. Lim | - Councilor John Michael L. Seno |

ENACTED this 14th day of August 2023 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

Attested as duly enacted:

JOCELYN B. RODRIGUEZ
CITY VICE MAYOR
PRESIDING OFFICER

Attested:

ATTY. ROY HILARIO P. RAAGAS
CITY ADMINISTRATOR

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

Approved:

ROLANDO A. UY
CITY MAYOR