“Rights and Opportunities for Persons with Disabilities”

-National Council on Disability Affairs
Batlas Pambansa Blg. 344
Implementing Rules and Regulations - IRR

“AN ACT TO ENHANCE THE MOBILITY OF DISABLED PERSONS BY REQUIRING CERTAIN BUILDINGS, INSTITUTIONS, ESTABLISHMENTS AND PUBLIC UTILITIES TO INSTALL FACILITIES AND OTHER DEVICES.”

- Article 19 of Republic Act 386 otherwise known as Civil Code of the Philippines, “Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.” The Batas Pambansa 344, were created, met and gave fair and equal rights and opportunities of disabled person to participate “fully” in the social life and to the development of the society.

Rule I – Scope and Application

1. Purpose

The Rules and regulations set forth herein provide for minimum requirements and standards to make buildings, facilities and utilities for public use accessible to disabled persons, pursuant to the objectives of Batas Pambansa Bilang 344, “An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to Install Facilities and Other Devices.
• Certain buildings, refers only to those structures and public spaces that are often used and accessed with persons with disability (PWD) e.g. Hospitals, government offices where they are claiming their benefits, public transportation, recreation buildings and institutional buildings. As the law gave them the equal rights as what the normal person obtained.

• Any person who violates the rules and regulations of this Act shall be fined or imprisoned as stipulated in Rule VI of Republic Act 9442 otherwise known as Magna Carta for Persons with Disability as Amended, and For Other Purposes R.A.9442 grants Additional Privileges and Incentives and Prohibitions on Verbal, Non-verbal Ridicule and Vilification against Persons with Disability.

• Non-compliance of the standards and minimum requirements stated by B.P. 344 that causes injury to another in a manner that is contrary to morals, good customs or public policy shall compensate the latter for the damage.

(Republic Act 386, Article 21 – Civil Code of the Philippines)

Construction – These Rules (B.P.344 & R.A 9442) shall be construed and applied in accordance with and in furtherance of the policies and objectives of the law. In case of doubt, the same shall be construed liberally and in favor of persons with disability.

(Republic Act 9442, Section 3 – Magna Carta for Persons with Disability)
Who are those categorized / determined belongs to Persons with Disability?

CATEGORIES OF DISABLED PEOPLE

- confinement to wheelchairs
- requiring use of braces, crutches, artificial supports
- impairment of hearing or sight
- aging and in coordination
- acquired or congenital mental impairments

They need special attention as they are not capable to act in certain activities.

3. Scope

The provisions of these Rules and Regulations shall apply to the following:

3.1 Public and private buildings and related structures for public use and which shall be constructed repaired or renovated.

- Public spaces refers to those buildings were often accompanied by public e.g. government offices, public markets, transportation terminals, churches and place of worships and for private buildings e.g. office spaces, offices for lease that are to be reconstruct for reasons that it has to be repair. The law states that not only for new construction shall comply with the minimum standards of the law but also to those structure needs to rebuild.

3.2 Streets and highways and public utilities
• Persons with disability have to be served as they cannot do certain things. They cannot access easily in some places. Barrier free facilities (no obstruction) should be provided. Easy access from parking spaces, loading and unloading area and to buildings.

3.2.1 Streets and highways

• Side walks with barrier that separates vehicular traffic from pedestrian

3.2.2 Public transport vehicles which shall include:

a). Passenger buses and jeepneys
b). Passengers trains, including those of the Light Rail Transit Authority (LRTA)
c). Domestic inter-island vessels
d). Domestic aircraft of air carriers

3.2.3 Public Telephones

• It is necessary for the persons with disability to have a means of communication such as telephone booths as they needed in times of emergency and need medical attention.

3.3 Public transport terminals including those of LRTA

• Persons with disability should have an easy access to any public transportation such as train systems which separates them from crowd congestion even at peak hours.
“Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief:

(4) Vexing or humiliating another on account of his religious beliefs, lowly station in life, place of birth, physical defect, or other personal condition.”

(Republic Act 386, Article 26 – Civil Code of the Philippines)

4. Application:

4.1 Public and private buildings and related structures for public use.

“**No permit** for the construction, repair or renovation of public and private buildings and related structures for public use, whether owned or leased, shall be granted or issued, unless the owner thereof shall have provided in the places and specifications submitted for approval barrier-free facilities and accessibility features as provided in these Rules and in accordance with the followings criteria:

- The office of the building officials (OBO) of municipalities and cities shouldn’t approve, issue or release such clearances for construction, building permit, notice to proceed construction if the plans submitted to the didn’t comply with minimum requirements and standard, barrier-free, and accessibility features of Batas Pambansa Blg 344.
“Any public officer or employee, or any private individual, who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of the following rights and liberties of another person shall be liable to the latter for damages:

(8) The right to the equal protection of the laws; “

(Republic Act 386, Article 32 – Civil Code of the Philippines)

4.1.1 Building and related structures to be constructed

a). At the space where the primary function is served and where facilities and ingress/egress of the building or structure are located, as to make such space accessible to the disabled persons; provided, however, that where the primary function can be served at the ingress level and where such level is provided with facilities, requirements for accessibility at other levels may be waived.

- **Ingress / Egress – Entrance and Exits**
- **If the functional spaces or the main function areas are easily accessed by the persons with disability such as it is accessible from ingress/egress of the building, other levels maybe waived the use of facilities and features that will enhance their mobility.**

b). Ten percent (10%) of the total number of units of government-owned living accommodations shall be accessible and fully usable by the disabled persons with any fractional part in excess of one-half (1/2) in the computation thereof, to be considered as one unit; for privately-owned living accommodations the number of accessible units shall be as provided in Section 3 of Rule III thereof.
• For the number of accessible units, government-owned structures should be fully usable by the disabled person. And, for the private structures, refer to Rule II, Section 3, of the Batas Pambansa Blg. 344.
• Ingress and egress of structures have to meet the required and minimum standards of this code.
• Barrier-free or obstruction-free access and paths for the purpose of emergency respond.

Parking Area and Slots

• Strategically locate parking areas near from and to building entrance and exits.

Renovated Structure

• Any function areas of new designs/plans of structure to be reconstruct, should be barrier free.
• Access to elevator (accessible at any other level) should have a clearance minimum of 800mm.
• No legal constraints; complied to other constructions codes: P.D. 1096, B.P.344, R.A. 9514, R.A.1378–Plumbing Law)
• The renovated structures are still feasible if:
  o Structural design of the building did not diminished as per original design;
  o The primary function areas are not diminished its dimension by more than ten (10%) percent of original area.
Exception

Emergency areas are not subject to barrier free access. E.g. hallways provided fire hose cabinets and fire extinguishers. Providing signage for directing access should meet the standards of this code.

Streets

- Cut out curbs and ramps, should be constructed using non-skid floor materials to aid the sight impaired and persons using wheelchairs;
- Audio-visual street signs and aids for pedestrian crossing;
- Overpasses and underpasses maybe waived

For existing streets and highways that have to be repaired and renovated, part or the entire pedestrian crossing should be included.

Telephone Booths Accessible for Disabled Persons

Provide one (1) telephone booth on particular place and shall be accessible to disabled person.

Special Standards of Accessibility

Methods and materials are subject for approval of the National Council for the Welfare of Disabled Person.
Rule II – Minimum Requirement for Accessibility

1.2 Anthropometrics and Dimensional Data as Guides for Design

- Minimum and Maximum Dimensions which take into the account of wheel chair users;
- Wheelchair maneuvering
  - Length 1.10m – 1.30m
  - Width 0.60m – 0.75m
  - Circumference – 1.50m
- Reach above floor – 0.70m – 1.20m not less that 0.40m from room corners.
- Knee clearance under tables for wheelchair 0.74m (verify Rule II 1.2.3)

The standards are set at a level where the person’s with disability are comfortable.

Basic Planning Requirements

“No deprivation for disabled in participation and enjoyment of the environment or be made unequal” According to United Nations

Accessibility is a designed environment “accessible” for “all” people. Reachable, usable, easily oriented fewer hazards. Workability and efficiency allowed disabled to contribute to development goal.
Standards of Accessibility for Special Types of Facilities

Lobby areas should have seating and toilet facilities.

For places of congregations, gatherings should meet the minimum number of seating spaces intended only for persons on wheel chairs.

- Capacity of 4 – 50 persons, provide 2 wheelchair spaces
- 51 – 300 persons, 4 wheel chairs spaces
- 301 – 500 persons, 6 wheel chair spaces
- In excess of 100, 6 + 1 wheel chair spaces

In case of too many wheelchair users, provide readily removable seating.

Application of Barrier-Free Facilities and Features

Features:

- Bold Signage
- Width and circulation integrating horizontal and vertical access
- Open planning
- Turning spaces and supports for toilet and wash rooms
- Ramps with appropriate ratio
- Hand rail both sides of ramps using appropriate materials
- Non-skid materials for ramps and other access and paths
- Provide water fountains
Enforcements and Administration

Department of Public Works and Highways (DPWH) by the City or Municipal Engineer

National Council for the Welfare of Disabled Person

Department of Social Welfare and Development (DSWD) by the secretary

Department of Transportation and Communications

- Land Transportation and Franchising Regulatory Board (LTFRB)
- Land Transportation Office (LTO)
- Philippine National Railways (PNR)
- Light Rail Transit Authority (LRTA)
- Maritime Industry Authority (MIA)
- Philippine Ports Authority (PPA)
- Civil Aeronautics Board (CAB)
- Air Transportation Office (ATO)

Criminal Liabilities

Refer to Rule VI of R.A 9442 otherwise known as Magna Carta for Persons with Disability as Amended, and For Other Purposes which amends R.A. 7277.
RULE VI
ENFORCEMENT AND PENALTY

Section 9. Penalties – Any person who violates any provision of this Act shall suffer the following penalties:

For the first violation, a fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than six months but not more than two years, or both at the discretion of the court; and

For any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two years but not more than six years, or both at the discretion of the court.

Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six months or a fine of not less than Five thousand pesos (P5,000.00), but not more than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court.

If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefore.

If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

Upon filing of an appropriate complaint, and after due notice and hearing, the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any business entity that fails to abide by the provisions of this Act.

(R.A.9442 – Magna Carta for Persons with Disability)
Persons / Individuals Liable for any Violations of the Act

For Buildings/Establishment/Structure

- Owner or Operator of the Building, Establishment or Structure
- Contractor
- Architect
- Engineer
- Building Official or Other Public Official in-charge with the issuance of building permit, registration, certification and/or inspection of the building, establishment or structure.

“The following circumstances, among others, modify or limit capacity to act: age, insanity, and imbecility, the state of being a deaf-mute, penalty, prodigality, family relations, alienage, absence, insolvency and trusteeship. The consequences of these circumstances are governed in this Code, other codes, the Rules of Court, and in special laws. Capacity to act is not limited on account of religious belief or political opinion.”

(Republic Act 386, Article 39 – Civil Code of the Philippines)

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Minimum Requirements for Accessibility

There are minimum requirements set by this code that has to be observed both outside and inside structures.

Outside and Around Buildings

- Dropped curbs in every change of levels in walkways; 
  *This enables persons confined in a wheelchair to cross streets.*
- Provide in every pedestrian crossing with a minimum dimension 0.90m;
- Provide in every end of walkways of a private streets or access road;
- Dropped curbs should have gradient not more than 12.00m length in every 1.00m height (1:12)
- Dropped curbs towards the road with maximum gradient (1:20) to prevent collecting water that causes slippery ground;
- Lowest point of the curb not exceeding 25mm from road gutter
- Curb cut-out doesn’t obstruct or doesn’t lessen the width of the walkways of 0.90m are allowed;
- For walkways, it should be leveled to prevent collecting of water to its surface and with non-skid materials;
- Not more than 5% gradient;
- Gratings along walkways are not allowed to run the wheelchair smoothly but non-skid surface;
• Grating is allowed if only with the dimension 13mmx13mmx6.5mm above level serve as walkway projection;
• Continuing surface;
• Turn around of 1.50m for busy walkways after every 12.00m of distance;
• For visually impaired, straight paths as much as possible with right angle turn for them to easily orient;
• Trimming of plants and trees sharp and pointed leaves, low tree branches;
• For street furniture such a signage, have a vertical clearance minimum of 2.00m;
• No obstruction of street furniture e.g. bollards, benches, fences, lamp posts;
• For both sides of ramps and stairs, provide handrails;
• Handrails not obstructing pedestrian flow;
• Handrail heights of 0.90m and 0.70m as ramps and stairs changes it angles and levels and considering those seated on a wheelchair who have a maximum reach of 0.70m;
• Maximum height of handrails ranges from 1.00m-1.06m;
• At both ends of handrail, an extension of 0.30m;
• A full gripped handrails ranges from, 30mm - 50mm diameter;
• Handrails attached to walls should have a distance of 50mm;
• On ledges, distance of 40mm to have convenient grips;
• For blinds not to disorient, provide planters, dwarf walls with textures different paths to define edges;
• Locate signage where it conveniently seen;
• Simple with contrasting colors and refer to international symbols for designation of routes and facilities;
• A minimum headroom for signage along walkway of 2.00m;
• Signs attached on walls should have maximum height of 1.60m and minimum of 1.40m;
• For symbols, letters and numbers labelling rooms, raised minimum of 1mm. Braille can be use.
• Reduce exposure time of pedestrian crossing into a carriage way;
• Perpendicular to carriage way;
• Locate at the narrowest part of the road;
• Central refuges serves as mid crossing shelter at least of 1.5m and preferably 2.0m with carriage way width exceeds 10.00m. (central island)
• Pedestrian crossing for disabled should be located at or near the pedestrian lane of normal person for their assistance;
• Tactile strips made using brush or concrete finishes that do not provide sufficient distinction from normal footway should not be used;
• Audible signal used for crossings that prevent confusion to the visually impaired;
• For parking spaces and slots, should allow enough space for transferring people from
wheelchair to vehicle with appropriate turning space;

- Locate parking as near as possible to the building entrance or envelop;
- Parking slots minimum width of 3.70m;
- Front end of parking slots should have a walkway of 1.20m clear width;
- Curb cut-out from raised aisle / walkway to parking level;
- Parking slots for disabled, provide pavement marking with disability symbol;
- Never locate parking slot for disabled in a ramped or sloping areas.
Inside Buildings and Structures

- Easy access to ingress and egress;
- Accessible elevators should be provided one entrance level;
- Entrance at different level from grade, provide ramps;
- Leveled vestibule for entrances with dimensions of 1.50m width and 1.80m depth;
- Ramps are required except if the structure were served by dropped curb, elevators and other mechanical devices;
- Ramp clear width: 1.20m
- Gradient of 1:12
- 1:12 gradient ramps should not exceed 6.0m long. Longer ramps with same gradient should have minimum landing of 1.50m every after 6.00m;
- Change of level not less than 1.80m should provide landings at the top and bottom of any ramp;
- Handrails of 0.70m and 0.90m in height should be provided at both sides;
- Curbs on both sides of ramp minimum of 10mm support for wheels (wheelchair)
- For a rise of 0.20m and the ramp directly towards a road, provide railing across the bottom of ramp its full width not less than of 1.50m;
- Non-skid materials;
- Minimum clearance of door is 0.80m;
- Clearances should be measured surface of fully opened door;
• Door pressure and force not more than 4.0kg and device not exceed 1.0kg;
• Clear spaces of 1.50mx1.50m extending and beyond door. A minimum distance of 1.20m clearance from edge of door panel to the nearest wall should maintain and unobstructed. Provide protections and stops for door swing, walls, plants, cabinet and other devices that prevent from sudden opening of doors;
• Minimum width of corridor is 1.20m;
• Door hardware height located between from 0.82m and 1.06m preferably 0.90m above the floor;
• Kick plates dimensions of 0.30m to 0.40m for major are doors;
• Threshold and sliding doors tracks in ramped form maximum height of 25mm;
• For switches manually operated 1.20m – 1.30m above the floor;
• Corridors with turn about space at maximum distance of 12.00m for wheelchair turn around;
• Slip-resistant surface;
• Washrooms and toilets accessible and easy passage of a wheelchair;
• Minimum area of 1.70mx1.80m of water closet stalls, provide grab bars, one fixed and one movable;
• Turning space of 2.25sq.m with minimum dimension of 1.50m;
• For a building having 20 storey, provide one (1) on each sex, provide two (2) in excess of 20 storey;
• Maximum height of water closet 0.45m flush control of 1.20m;
• Maximum height of lavatories 0.80m with knee recess of 0.60m-0.70m depth of 0.50m;
• Elongated lip of urinals 0.48m;
• Stairs tread should be slip resistant materials slip resistant nosing strips such as rubber material;
• Gray value color edge of steps;
• Tactile strip of 0.30m wide shall be installed, serve as early warning devise for visually impaired for sudden change;
• 30.00m distance from the entrance to the nearest elevator aided by directional signs;
• Minimum dimension of 1.10mx1.40m;
• Button control height with Braille signs 0.90m-1.20m that can be reached by a seated person;
• Braille signs indicating floor level located at every door frame;
• Minimum diameter of button 20mm depth maximum 1mm depression;
• 1 drinking fountain for every 2,000 sq.m. of floor area;
• 1 drinking fountain on each floor;
• Maximum height of fountains 0.85m from floor to the rim;
• Distance of telephone booths to the nearest obstruction maximum of 1.50m to front of telephone units;
• Unit height maximum of 1.10m above the floor;
• At the places of assembly, refer to number of spaces allotted to a person seated on a wheelchair depend on capacity of area. (Rule III, Section 3);
In case of large number of wheelchair user, provide movable seating on both ends of each rows;

• Any excavation of repair, roadwork should be provided minimum of 1.00m height fence/rail adjacent to the surface;

• A 0.35m in height tapping rail for the blind should be incorporated with the railing adjacent to the ground;

• Fence should give resistance to forcing blind persons towards it;

• No gaps;

• Excavation covers should be ramped 25mm;

• If the walkways reduced its width because of the excavation, the covering should extend the whole footway;

• Preferred width of path walks adjacent to excavation is 1.50m;

• Minimum width is 1.20m;

• Provide kick boards for materials that are store temporarily at the height of 0.20m for tapping;

• Width clearance from signage of construction and warning devices is minimum of 1.20m;

• For emergency exits, refer to R.A.9514 otherwise known as “Fire Code of the Philippines”.

“No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”

(1986 Philippine Constitution, Article III, Section 1 – Bill of Rights.)

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“Ignorance of the law excuses no one from compliance therewith. (2)”

(Republic Act 386, Article 3 – Civil Code of the Philippines)