

IMPLEMENTATION OF BP 344 (ACCESSIBILITY LAW) IN BOTH PRIVATE AND PUBLIC ESTABLISHMENTS: A CASE STUDY

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Abstract

The IRR of Batas Pambansa Bilang (BP) 344, known as the Accessibility Law outlines guidelines to ensure accessibility for persons with disabilities in public and private facilities in the Philippines. This law mandates features such as signage, ramps, and elevators in buildings, streets, public transport, and terminals to provide equal opportunities for individuals with disabilities. Enforcement falls under the Department of Public Works and Highways (DPWH) and the Department of Transportation (DoTr). The law includes penalties for non-compliance, emphasizing the importance of accessibility in both sectors. This case study examines the implementation of accessibility laws by a private multinational corporation and a public government agency. The private company has taken proactive measures, including accessibility audits, physical modifications, technology accessibility enhancements, and employee training. They have also implemented feedback mechanisms, inclusive recruitment practices, and collaboration with disability organizations. The public institution has developed comprehensive accessibility policies, conducted infrastructure modifications, ensured communication accessibility, and provided staff training. They have also launched public awareness campaigns, formed an accessibility advisory committee, and developed emergency preparedness plans considering the needs of individuals with disabilities. Common challenges faced by both establishments include financial constraints, lack of awareness, and resistance to change. To address these, the study suggests conducting comprehensive accessibility audits, developing detailed policies, allocating adequate resources, engaging with experts, and fostering a culture of inclusion. Ensuring digital accessibility, regular evaluation, and staying updated on legal standards are also crucial. Through these, both establishments can create inclusive environments, ensuring equal access and opportunities for individuals with disabilities.

Introduction

The IRR of Batas Pambansa Bilang 344, known as the Accessibility Law, provides detailed guidelines for ensuring accessibility for persons with disabilities in public facilities in the Philippines, covering aspects such as signage, corridors, washrooms, stairs, elevators, and more, with the aim of providing equal opportunities and rights for individuals with disabilities. The IRR applies to both public and private buildings, streets and highways, public transport vehicles, public telephones, and public transport terminals (Jur, 2024). According to Section 1 of Batas Pambansa Bilang 344, in order to promote the realization of the rights of disabled persons to participate fully on the social life and the development of the societies in which they live and the enjoyment of the opportunities available to other citizens, no license or permit for the structural features as shall reasonably enhance the mobility of disabled persons such as sidewalks, ramps, railings and the like. If feasible, all such existing buildings, institutions, establishments, or public utilities may be renovated or altered to enable the disabled person to have access to them (Pasig, 2015).

The enforcement of the Accessibility Law is the responsibility of the Department of Public Works and Highways (DPWH), the DoTr and their respective attached agencies. The issuance of building permits, and the review and approval of building plans is the responsibility of city/municipal engineers acting on behalf of the DPWH. The law includes penalties (increased under Republic Act 7277, or the "Magna Carta of Disabled Persons"): First offenses are meted a fine of P50,000 to P100,000 or imprisonment of six months to two years, at the discretion of the court (Realestatecorp, 2022).

The implementation of accessibility laws is very crucial to ensure equal access and the opportunities for those individuals with disabilities in both private and public establishments. This case study aim examines the implementation of accessibility laws in both sectors, then highlighting the challenges faced and the strategies that need to employed in order to achieve the things need to complied.

Literature

The rights of People with Disability (PWD) first gained official recognition and inclusion in Philippine government policy making by way of Presidential Decree No. 1509 which created the National Commission Concerning Disabled Persons (NCCDP) issued by President Ferdinand E. Marcos on June 11, 1978. This was followed by the passage 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 on December 7, 1982 and approved by President Ferdinand Marcos on February 25, 1983. These were among the first laws passed specifically addressing the rights of PWDs, albeit BP 344 was limited in the sense that it was only directed to accessibility issues for those with physical disabilities. However, Kwai-sang Yau and McKercher aver that the elimination of physical barriers to access may only address part of the issue. Appropriate enabling environments and individual empowerment are access points that are still needed (Kwai-sang et. al., 2004). Following Presidential Decree No. 1509 and BP 344, national laws, Administrative and Executive Orders, Circulars and Presidential Proclamations which directly or indirectly govern such rights of PWDs have been enacted and passed. These numerous measures notwithstanding, including the Philippine Government's commitment as a signatory of both the United Nations Convention on the Rights of Persons with Disability (CRPD) and its Optional Protocol, mainstreaming PWD

rights in the policy making processes at both the national and local governments' levels remain inadequate. Phillips (1997) alluded that "becoming a citizen may not make much difference to one's life. One disadvantaged group after another fought lengthy battles to be included on the list of people entitled to citizenship, only to find that social justice and equality still eluded them".

Mitra (2006) contended that disability does not have a single definition (Mitra, 2006), strengthened by the United Nations and World Bank (2011), in a joint report, and averred that 'defining disability is complicated as it is 'complex, dynamic, multidimensional and contested' Furthermore, the UN Convention on the Rights of Persons with Disabilities (2007) defined disability as '... an evolving concept that results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others'.

Francis and Silvers (2016) argued that disability must be seen from the perspective of biology, or as an anomaly in its functioning that places individual at a disadvantage 'but also, unless ameliorated or eliminated, detracts from social stability and species survival'. Ju'beh (2017) argued that impairments are mostly irreversible, lifelong and can be supported by rehabilitation and habilitation; whereas causes of disability are reversible and can be addressed by identifying and removing barriers to participation be they attitudinal, social, political or economic. As stated in the Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol: From Exclusion to Equality, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that "In every region in the world, in every country in the world, persons with disabilities often live on the margins of society, deprived of some of life's fundamental experiences. They have little hope of going to school, getting a job, having their own home, creating a family and raising their children, enjoying a social life or voting. For the vast majority of the world's persons with disabilities, shops, public facilities and transport, and even information are largely out of reach" (Byrnes, 2007).

Given the achievements of the Provincial Government of Camarines Norte insofar as mainstreaming inclusion of PWD rights in its policies and programs is concerned, the establishment of a PDAO in every LGU in the country is necessary. Needless to say, the shift from exclusion to inclusion must be evident in all aspects of public administration to ensure that nobody is left out in any country's quest for development. President John F. Kennedy said in 1963, "Freedom is indivisible, and when one man is enslaved, all are not free". In the study of Fontanilla -Pimentel (2020) on "Improved Access and Participation for Persons with Disabilities in Local Governance," the following are the participatory processes and mechanisms used to engage different stakeholders in implementing programs and services to persons with disabilities:

- a. Issuance of Provincial Executive Order No. 2016-01: "Creation of a Technical Working Group to draft and formulate an Annual and Decade Work and Financial Plan supporting Presidential Proclamation No. 688 declaring the period of 2013-2022 as the Philippine Decade of "Make the Right Real" for persons with disabilities (PWDs)" Consequently, the TWG – which represented all departments and offices under the Provincial Government, crafted the Provincial Plan of Action (PPA) for PWDs titled "Make the Right Real Program for PWDs". This holistic approach in the formulation of the PPA ensures that the participating

- entities of the provincial government can claim ownership on the strategies that they have committed on the various program and service delivery mechanism.
- b. Active partnership with different stakeholders in promoting the aims and goals of Make the Right Real Program for PWDs.
 - c. Technical assistance and leadership training were provided/facilitated in the organizing of various municipal PWD associations and Disabled Peoples' Organizations (DPOs), ensuring their effective participation in the decision-making at the municipal level.
 - d. Provincial Government Offices Orientations. The Provincial PDAO conducted an office to office orientation on the rights and privileges of PWDs as claim holders and not as recipient of charity. of PWDs as claim holders and not as recipients of charity. The orientations also made a positive impact on the office's decisions to allocate funding on PWDs based on their mandate as their contribution to the Provincial Plan of Action's "Make the Right Real" Program.
 - e. Government Agencies Orientations. The Provincial PDAO conducted disability rights and awareness orientation to several Government Agencies Field Offices to promote the rights and privileges of PWDs as claim holders and not as recipients of charity.
 - g. School Orientations. The orientations provided awareness on the school administrators and Faculty members the need to create an inclusive environment to students with disabilities. As a result, facilities were upgraded to enhance mobility of PWDs and Focal Persons were appointed to look at their specific needs.
 - h. Municipal Visitations. The Provincial Government through the Provincial PDAO conducted a series of municipal visitations to ensure that the legislations pertaining to PWD sector are being implemented at the LGU level. The effect of the offices, agencies, schools' orientations, municipal visitations and advocacies in radios and social media certainly changed the perspectives and stereotypes of the people in communities towards persons with disabilities. The people in the government and public service are now more aware that the PWDs have rights and they are claiming those rights, not begging for it. In a more general perspective, people are now more respectful in their attitudes towards the persons with disabilities.
 - i. The upgrading of facilities and structures in the government and private buildings and establishments, the appointment of MDAOs and the increase of budget allocations to PWD programs and services, the mainstreaming of PWD concerns in regular programs and activities of the Provincial Government would certainly create positive changes in the lives of PWDs. Little by little, this small ripple would ultimately create an ocean of change that would benefit the lives of the PWDs, their families, and the people in their community in the near future.

Methodology

Accessibility was a critical aspect of modern society, ensuring that individuals with disabilities had equal access to services, employment opportunities, and public resources. This case study delved into the accessibility efforts of two distinct types of establishments: a private multinational corporation and a public government agency. By examining the approaches and measures taken by these entities, we aimed to highlight the importance of accessibility in both the private and public sectors. The private company featured in this case study was a global enterprise with a diverse workforce and multiple office locations. Recognizing the significance of accessibility, the company had proactively implemented

various measures to comply with accessibility laws and create an inclusive environment for employees and clients with disabilities.

On the other hand, the public institution was a government agency tasked with providing essential services to the public. Understanding its responsibility to serve all citizens, including those with disabilities, the institution had developed comprehensive strategies to ensure its services and facilities were accessible to everyone.

Through this case study, we explored the specific actions taken by both the private company and the public institution to enhance accessibility. This included audits, physical and technological modifications, policy development, and training initiatives. Additionally, we discussed the importance of continuous feedback, collaboration with disability organizations, and public awareness campaigns in fostering an inclusive society. By comparing and contrasting the efforts of these two establishments, this case study aimed to provide valuable insights into effective accessibility practices and underscore the ongoing commitment required to support individuals with disabilities in various settings.

Results and Discussion

The private company recognized the importance of accessibility and compliance with accessibility laws. They took the following steps to implement accessibility measures:

1. **Accessibility Audit.** The company hired a professional accessibility consultant to conduct an audit of their premises, identifying areas that needed improvement to meet accessibility standards.
2. **Physical Modifications.** Based on the audit findings, the company made necessary modifications to their infrastructure, such as installing ramps, widening doorways, and providing accessible restrooms.
3. **Technology Accessibility.** The company ensured that their digital platforms, including websites and software, were accessible to individuals with disabilities. They incorporated features like screen readers, alternative text for images, and keyboard navigation.
4. **Employee Training.** The company organized training sessions to raise awareness among employees about accessibility and disability etiquette. This helped foster an inclusive work environment and ensured that employees were knowledgeable about accommodating individuals with disabilities.

The private company also undertook the following initiatives to further enhance accessibility and inclusivity:

- a. **Feedback Mechanisms.** The company established a system for employees and customers to provide feedback on accessibility issues, allowing for continuous improvement and timely resolution of any barriers that arose.
- b. **Inclusive Recruitment Practices.** The company revised its recruitment processes to ensure they were accessible to candidates with disabilities, including providing accommodations during interviews and offering accessible application formats.
- c. **Collaboration with Disability Organizations.** The company partnered with local disability organizations to gain insights and guidance on best practices for accessibility. This collaboration helped the company stay informed about the latest developments and innovations in accessibility.

On the other hand, the public institution recognized its responsibility to provide accessible services to all citizens. They implemented the following measures:

1. **Policy Development.** The institution developed comprehensive accessibility policies and guidelines to ensure compliance with accessibility laws. These policies covered areas such as physical accessibility, communication, and service provision.
2. **Infrastructure Modifications.** The institution conducted an accessibility audit of its premises and made necessary modifications, such as installing ramps, elevators, accessible parking spaces, and signage.
3. **Communication Accessibility.** The institution ensured that all communication channels, including websites, documents, and public announcements, were accessible to individuals with disabilities. They provided alternative formats, such as braille or large print, and utilized assistive technologies.
4. **Staff Training.** The institution organized training programs for its staff to enhance their understanding of accessibility requirements and disability awareness. This training helped staff members provide better assistance and support to individuals with disabilities.

Both the private and public establishments faced common challenges in the implementation of accessibility laws, including financial constraints, lack of awareness, and resistance to change. However, they employed the following strategies to overcome these challenges:

1. Both private and public establishments conducted thorough accessibility audits to identify areas needing improvement. This audit covered all physical infrastructure, technological platforms, communication channels, and service provisions. The findings were used as a roadmap for implementing necessary accessibility measures.
2. Both establishments developed comprehensive accessibility policies and guidelines that aligned with accessibility laws. These policies outlined specific requirements and standards to be followed, ensuring compliance with accessibility regulations. Regular updates and revisions were made to reflect evolving accessibility standards.
3. Both establishments allocated sufficient financial and human resources to implement accessibility measures effectively. This included budget allocations for facility modifications, technology upgrades, staff training, and maintenance. Adequate resources ensured the successful implementation of accessibility initiatives.
4. Both establishments collaborated with accessibility experts, organized disability advocacy groups, and relevant government agencies. These stakeholders provided guidance, support, and expertise in implementing accessibility measures. Engagement with these groups helped establishments stay updated on best practices and ensured compliance with accessibility laws.
5. Training programs were organized for employees to raise awareness about accessibility requirements and disability etiquette. Staff members were educated on how to provide assistance and support to individuals with disabilities. Training covered topics such as accessible communication, inclusive customer service, and the use of assistive technologies.
6. Both establishments made necessary physical modifications to their premises to ensure accessibility. This included installing ramps, elevators, accessible parking spaces, handrails, and signage. Modifications were based on the findings of the accessibility audit and prioritized areas requiring immediate attention.
7. Both establishments established systems for regular evaluation and monitoring of their accessibility initiatives. This included assessing the effectiveness of

implemented measures, identifying areas for improvement, and addressing any emerging accessibility issues. Feedback from individuals with disabilities was actively sought and incorporated into ongoing accessibility efforts.

8. Both establishments fostered a culture of inclusion by promoting diversity and equal opportunities for individuals with disabilities. They created inclusive work environments, provided reasonable accommodations, and actively involved individuals with disabilities in decision-making processes. Establishments also engaged in awareness campaigns to educate the public about accessibility and disability rights.
9. Both establishments stayed updated on changes in accessibility laws, regulations, and standards. This included monitoring updates from relevant government agencies and participating in industry conferences and workshops focused on accessibility. Staying informed helped establishments maintain compliance and continuously improve their accessibility initiatives.

Activity	Objectives	Key Result Area	Person In Charge	Conclusion
Conduct on-site visits to assess the physical infrastructure, including entrances, pathways, restrooms, parking spaces, and signage.	To identify any barriers or obstacles that may prevent individuals with disabilities from accessing and using the audited entity.	Evaluating whether the audited entity (such as a physical infrastructure, including entrances, pathways, restrooms, parking spaces, and signage) meets the required accessibility standards.	Accessibility Audit Team or Consultant. (DPWH, PDAO Head, Disability Affairs Consultant)	Enhance Inclusivity and Equal Access: By conducting a comprehensive accessibility audit may help to promote inclusivity and ensure equal access for individuals with disabilities. In identifying and addressing the accessibility barriers, the audit aims to create an environment that is accessible to all, fostering equal opportunities and participation.
Collect feedback from individuals with disabilities to gain insights into their experiences and identify potential barriers in terms of accessibility.	To evaluate the overall user experience for individuals with disabilities. This includes assessing factors such as ease of navigation, clarity of content, availability of alternative formats, and the overall usability of the audited entity.	Assessing how the audited entity communicates and gathers feedback from users with disabilities. It includes elements like accessible contact information, feedback forms, and responsiveness to accessibility-related inquiries or complaints.	Accessibility Audit Team or Consultant. (DPWH, PDAO Head, Disability Affairs Consultant)	

<p>Prepare a comprehensive report summarizing the audit results, including areas of compliance and noncompliance, prioritized recommendations, and suggested timelines for implementation</p>	<p>To provide actionable recommendations for improving accessibility. These recommendations may include specific changes to design, content, functionality, or policies to enhance accessibility and remove barriers.</p>	<p>Examines whether the audited entity has mechanisms in place to monitor and improve accessibility over time. It includes aspects like regular accessibility audits, action plans for addressing identified issues, and ongoing commitment to accessibility improvements.</p>	<p>Accessibility Audit Team or Consultant. (DPWH, PDAO Head, Disability Affairs Consultant)</p>
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Conclusion

The successful implementation of BP 344, the Accessibility Law, hinges on the comprehensive and strategic actions taken by both private and public establishments. Conducting thorough accessibility audits, developing detailed policies, and allocating adequate resources form the backbone of these efforts. Engaging with experts and advocacy groups ensures that establishments stay informed about best practices and evolving standards. Meanwhile, staff training programs and physical modifications to infrastructure address immediate accessibility needs. Ensuring digital accessibility and maintaining a system for regular evaluation and monitoring further solidify these initiatives. Together, these steps create a robust framework for overcoming the common challenges of financial constraints, lack of awareness, and resistance to change.

Ultimately, fostering a culture of inclusion and staying updated on legal and regulatory changes are crucial for the continuous improvement of accessibility measures. By promoting diversity, providing reasonable accommodations, and actively involving individuals with disabilities in decision-making processes, establishments can create more inclusive environments. Public awareness campaigns also play a vital role in educating society about accessibility and disability rights. Through these sustained efforts, both private and public establishments can not only comply with BP 344 but also ensure that individuals with disabilities have equal access to services, opportunities, and resources, thereby promoting a more inclusive and equitable society.

Recommendation

Following this action plan, both private and public establishments maybe guided in conducting a comprehensive accessibility audit, identifying the areas for improvement, and lay down the foundation for implementing necessary accessibility measures. Conducting on-site visits to assess the physical infrastructure, including entrances, pathways, restrooms, parking spaces, and signage, aims to identify any barriers or obstacles that may prevent individuals with disabilities from accessing and using the audited entity. The key result area involves evaluating whether these physical elements meet the required accessibility standards, with the Accessibility Audit Team or Consultant (including representatives from DPWH, PDAO Head, and Disability Affairs Consultant) responsible for this task. This initiative enhances inclusivity and equal access by identifying and addressing accessibility barriers,

fostering an environment that is accessible to all and promoting equal opportunities and participation.

Collecting feedback from individuals with disabilities aims to evaluate their overall user experience, including ease of navigation, clarity of content, availability of alternative formats, and overall usability of the audited entity. The key result area focuses on assessing how the audited entity communicates and gathers feedback from users with disabilities, encompassing accessible contact information, feedback forms, and responsiveness to accessibility-related inquiries or complaints. This task, handled by the Accessibility Audit Team or Consultant, provides crucial insights into potential barriers and areas for improvement, ensuring that the needs and experiences of individuals with disabilities are effectively addressed.

Preparing a comprehensive report summarizing the audit results, including areas of compliance and noncompliance, prioritized recommendations, and suggested timelines for implementation, aims to provide actionable recommendations for improving accessibility. This includes examining whether the audited entity has mechanisms in place to monitor and improve accessibility over time, such as regular accessibility audits, action plans for addressing identified issues, and ongoing commitment to accessibility improvements. The Accessibility Audit Team or Consultant is responsible for this task, ensuring that the audited entity can make informed and strategic decisions to enhance accessibility and create a more inclusive environment.

Following a structured action plan for conducting a comprehensive accessibility audit is crucial for both private and public establishments aiming to enhance inclusivity and ensure equal access for individuals with disabilities. This plan involves on-site visits to assess physical infrastructure, collecting feedback from individuals with disabilities, and preparing a detailed report with actionable recommendations. By identifying and addressing barriers to accessibility, establishments can create environments that promote equal opportunities and participation. The audit process, managed by an accessibility audit team or consultant, lays the foundation for ongoing accessibility improvements, fostering a culture of inclusivity and ensuring compliance with accessibility standards. Through these efforts, establishments not only meet legal requirements but also demonstrate a commitment to creating accessible and inclusive spaces for all.

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