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INQUIRER VISAYAS

Inquirer Visayas : Persons with disability argue for 20-% discount

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CELONA VILLAHERMOSA was banking on getting a 20-percent discount from a major drug store chain when she bought antibiotics for a recurring cough.

She pulled out her Person with Disability (PWD) identification card and implementing guidelines that ordered drug stores to give 20-percent discount to PWDs for their medicine.

Villahermosa of Molo District was not given any.

“The pharmacists said their drug stores honor only senior citizen discounts. I know of other PWD who experienced the same rejection from drug stores and it is very frustrating,” said Villahermosa, a commerce graduate who contracted polio when she was a year old and goes around in crutches.

Villahermosa is one of the 8.8 million Filipinos with disabilities or about 10 percent of the total population, according to the World Health Organization data as of 2004.

But many Filipinos with disability questioned why they could not be given discounts when the Magna Carta of 1992 for Persons with Disabilities and its amended version in 2007 mandate it.

Petition

The Drug Stores Association of the Philippines (DSAP) said they have a pending Petition for Review on Certiorari with the Supreme Court filed on Jan. 10.

They argued that the DSAP should not be burdened with giving the PWD discount because “under the Constitution, the primary responsibility to look after the welfare of the PWD rests on the state and not on private establishments.”

But international human rights lawyer Dan Valenzuela said all must comply with the magna carta since the Philippines is a signatory to the United Nations Convention on the Rights of Persons with Disabilities.

The DSAP filed a case against the National Council on Disability Affairs (NCDA), alleging that the NCDA did not follow legal requirements when it released NCDA Administrative Order (AO) No. 1, the implementing guidelines of the Magna Carta for PWD.

These included failure of the NCDA to file the AO with the National Administrative Register (NAR) and to publish it in a newspaper of general circulation.

The Court of Appeals (CA) acted in favor of DSAP on July 26, 2010.

The NCDA then filed the implementing guidelines with the NAR and published its contents in a newspaper.

The Court of Appeals later resolved the case in favor of NCDA and upheld the implementation of the 20-percent discount to PWDs.

The DSAP elevated their Petition before the Supreme Court, hoping to reverse the CA decision.

Discount

Valenzuela said the drug stores should implement the discount in the absence of a restraining order from the high tribunal.

The DSAP, which has 2,500 members nationwide, said it would wait for the Supreme Court to act on its petition before complying with the magna carta.

Rosalyn Pasaporte, DSAP national secretary, said the Philippines may have the only disability law inimical to drug stores and pharmacies, unlike the US and UK governments who subsidize them.

She cited Australia that has the Pharmaceutical Benefits Scheme managed by Medicare Australia that “provides a schedule of medicines made available at government-subsidized price.”

Drug stores

Pasaporte said drug store owners are amenable to giving 20-percent discount to PWDs as long as the government subsidizes the price of medicines, gives a counterpart or has a mechanism to protect drug stores whose current margin of profit is only 10 percent for those operating in towns and 3 to 5 percent for those in cities.

“Unless the government finds a way to help us, independent and small drug stores in towns will have to close shop because we are already burdened with the senior citizens discount that was implemented without consulting the drug store owners,” said Pasaporte who owns Medcore Pharma based in Pototan town, Iloilo.

Wheelchair-bound Johnkin Lambuson from Jaro District and Dolores Laudenorio, former head of the Iloilo City government's Office of Persons with Disability Affairs said they agreed with Valenzuela.

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