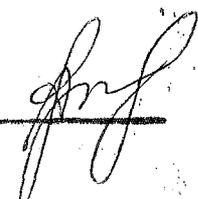


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P1:58

SENATE
S.B. No. 164

RECEIVED BY: 

Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

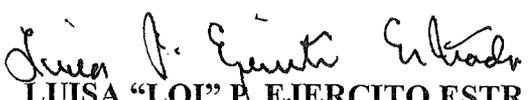
The Constitution puts so much emphasis on women's role in nation building, mandating the State, in fact, to "ensure the fundamental equality before the law of women and men."

In order to achieve this goal, the State should not only endeavor to set in place the necessary mechanism that would pave the way for special and unique programs addressing women's concerns – which incidentally are quite prevalent lately, given an apparent wide clamor coming from concerned women's groups – but more importantly make women as crucial partners in nation-building, allowing to participate in significant decision-making processes in various areas, particularly in the field of governance.

The proposed measure hopes to realize this by increasing women's participation in elective and appointive positions in government, in order to fully maximize their contributions in governance. Specifically, this will be done by a) ensuring women's access to political and decision-making representation; b) promoting women's active and full participation in the electoral and political processes; and institutionalizing reforms in the recruitment, selection and appointment procedures in all levels of government positions.

Hopefully, with the full implementation of this measure, our country shall come to a point where both women and men, hand in hand, shall complementarily chart our course towards a brighter future, making the Philippines a truly thriving and developed nation.

Hence, immediate passage of this proposed measure is earnestly sought.

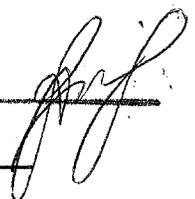

LUISA "LOI" P. EJERCITO ESTRADA
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P1:58

SENATE

S.B. NO. 164

RECEIVED BY: 

Introduced by **Senator LUISA "LOI" P. EJERCITO ESTRADA**

AN ACT
INCREASING WOMEN'S PARTICIPATION IN ELECTIVE AND APPOINTIVE
POSITIONS IN GOVERNMENT

Be it enacted by the Senate and House of Representatives of the Philippines in Congress Assembled:

Section 1. **Short Title.** - This Act shall be known as " Gender Balance in Political Participation and Representation Act".

SEC. 2. **Declaration of Policy.** -It is hereby declared the policy of the state to ensure equality of women and men in the exercise and enjoyment of all economic, social, cultural, civil and political rights pursuant to the government commitments in numerous international agreements such as in the 1995 Beijing Declaration and Platform for Action, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the Universal Declaration of Human Rights as well as existing executive policy and statutory pronouncements.

To achieve this end, the State shall formulate and implement policies and programs as well as set specific targets and implementing measures to include women in all governmental bodies and committees, public administrative entities, and in the judiciary.

SEC. 3. **Purposes.** - The purposes of this Act shall be to:

1. Ensure women's access to political and decision-making representation;
2. Promote women's active and full participation in the electoral and political process; and
3. Institutionalize reforms in the recruitment, selection, and appointment procedures in all levels of governmental positions;

SEC. 4. **Participation in Executive Level Positions.** - Thirty three (33%) percent

of appointive positions in the national and local government shall be reserved to qualified women which shall thereafter be increased by forty (40%) percent by 2008, and equal representation of both women and men by year 2012.

The appointive national and local positions are as follows:

1. Cabinet level positions;
2. Undersecretaries, assistant secretaries, directors, chiefs of divisions and positions of comparable salary grade in every line department, government-owned and controlled corporations, government financing institutions, state colleges and universities, and local government units;
3. Ambassadors and consular officers in the foreign service;
4. Judges to be appointed in Regional Trial Court, Municipal Trial Courts, Metropolitan Trial Courts and Metropolitan Circuit Trial Courts and other judiciary appointive positions; and
5. Prosecutors in the Department of Justice and those to be appointed in component cities, highly urbanized cities and municipalities.

The Commission on Appointments shall enforce this provision.

SEC. 5. Participation in Political Parties. - All duly accredited political parties shall reserve thirty three (33%) percent of its party slate of official candidates to women in national and local elections from the provincial, municipal, city to barangay levels. *Provided,* That said candidates shall meet the qualifications set forth under existing election laws, rules and regulations as implemented and enforced by the Commission on Elections.

As mandated under this Act:

1. Political parties shall include a minimum of thirty three (33%) percent of its slate of official candidates to women;
2. The percentage of women candidates in a political party's list shall increase by forty (40%) percent by 2008 until candidates are equally represented by both women and men by the year 2012; and
3. Political parties shall allocate a minimum of thirty three to fifty (33-50%) percent of their budget for gender-related programs particularly capability training for prospective women candidates.

The Commission on Elections shall enforce this provision.

SEC. 6. Women in the Military and Police Force. - In the recruitment and selection process, all military institutions such as the Armed Forces of the Philippines, Philippine National Police, the Philippine Military Academy, and other similar military and police institutions, shall reserve at least 33% of its rank to women: Provided, That they meet the minimum qualification standards set forth by existing laws, rules and regulations.

As mandated under this Act:

1. Women in the Armed Forces of the Philippines shall be allowed combat and security-related assignments; and
2. All police stations shall establish an all-female unit to attend to victims of rape, battering, incest and other crimes against women.

The Armed Forces of the Philippines, Philippine National Police, and the Philippine Military Academy shall enforce this provision.

SEC. 7. Capacity Development. - At least thirty three (33%) percent of scholarships, grants, fellowships and training in the national and local governments, either in the Philippines or abroad, shall be reserved for qualified women specifically in areas where the disparity is high such as in science and technology, information technology, and financial management: Provided, That they meet the qualification standards set by the Civil Service Commission and the National Economic and Development Authority

All departments, bureaus, agencies, and other government-owned and controlled corporations, shall include in their human resource development program, gender and development orientation, training, seminars and other similar programs.

The Civil Service Commission, National Economic Development Authority, and all departments, bureaus and agencies shall enforce this provision.

SEC. 8. Monitoring & Oversight Mechanism. -The National Commission on the Role of Filipino Women (NCRFW) is the monitoring arm while the Committee on Legislative Oversight will oversee the implementation of this Act.

SEC. 9. Enforcement. - For purposes of implementing the provisions of this Act, the concerned agencies may:

1. Impose administrative fines and penalties of not more than One hundred thousand pesos (Php 100,000.00) for the violation of any provision of this Act and/or its implementing rules and regulations issued by the concerned agencies;
2. Cause or initiate the criminal or administrative prosecution of violators of this Act and its implementing rules and regulations. For this purpose, the Oversight Committee is hereby given the power to issue *subpoena duces tecum* and enlist the assistance or services of the Department of Justice or the Office of the Solicitor General;
3. Cause the disqualification of any political group, party or association that fails or unreasonably refuses to comply with the provisions of this Act or with the rules and regulations issued by COMELEC without prejudice to the right of the COMELEC to cause or initiate criminal or administrative prosecution against the erring political group, party or association;
4. Call upon representatives of the different government agencies and other various associations and non-government organizations to help ensure compliance with the provisions of this Act and its implementing rules and regulations.
5. To deputize any law enforcement agency and instrumentality of the government for assistance in the implementation and enforcement of its functions and orders.

SEC. 11. Implementing Rules and Regulations. - The concerned departments and agencies shall, within ninety (90) days after the approval of this Act, issue the necessary rules and regulations to implement the provisions hereof.

SEC. 12. Reporting- The COMELEC shall submit to the Oversight Committee an annual report on its compliance with, or accomplishments under this Act, together with its plans and recommendations to improve and develop its capability to enforce the provisions of this Act, and a complete accounting of transactions with respect to any funds received under this Act.

SEC. 13. Appropriations. - The heads of the departments and agencies concerned shall include in their programs and issue such rules and regulations to implement the provisions of this Act.

SEC. 14. **Separability Clause.**- If any part of the provisions of this Act is held unconstitutional or invalid, other parts or provisions hereof, which are not affected thereby shall continue to be in full force and effect.

SEC. 15. **Repealing Clause.** - All laws, presidential decrees, executive orders, rules and regulations, or parts thereof, inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 16. **Effectivity.** - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,