

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



Senate
Office of the Secretary

'14 NOV 18 P1:47

SENATE
S. NO. 2460

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

AN ACT
CREATING A NATIONAL WOMEN'S BUSINESS ENTERPRISE POLICY
AND PRESCRIBING ARRANGEMENTS FOR DEVELOPING,
COORDINATING AND IMPLEMENTING A NATIONAL PROGRAM FOR
WOMEN'S ENTERPRISE

EXPLANATORY NOTE

The Constitution, Article 2, Section 14 recognizes the role of women in nation building. This mandate requires the State to give women opportunities that will enhance their welfare and realize their full potential in the service of the nation.

The active participation and involvement of women in the field of trade and business must be enhanced especially at this time when the country is experiencing economic setbacks.

The bill seeks to empower women in the business enterprise by developing a national program and creating an interagency committee on women's business enterprise. Thus, urgent passage of this bill is earnestly sought.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed as SBN 705 during the Thirteenth Congress, First Regular Session.

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S E N A T E
S. B. No. 2460

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

1 AN ACT
2 CREATING A NATIONAL WOMEN'S BUSINESS ENTERPRISE POLICY
3 AND PRESCRIBING ARRANGEMENTS FOR DEVELOPING,
4 COORDINATING AND IMPLEMENTING A NATIONAL PROGRAM FOR
5 WOMEN'S ENTERPRISE

6 Section 1. *Short Title.* - This Act may be cited as "Women's Business
7 Enterprise Act of 2014".

8 Section 2. *Declaration of Policy.* - It is hereby declared to be the policy of
9 the state to advance the interest of Filipino women by providing avenues to
10 enhance their entrepreneurial skills and to facilitate, preserve and strengthen
11 women's business enterprise and to ensure full participation by women in the free
12 enterprise system.

13 Section 3. *Definition of Terms.* - For purposes of this Act, the term:

14 A. "Women-owned business" means a business that is at least 51 percent
15 owned by a woman or women who also control and operate it.
16 "Control" in this context means exercising the power to make policy
17 decisions. "Operate" in this context means being actively involved in
18 the day-to-day management.

1 B. "Women's business enterprise" means any women-owned business or
2 businesses or the efforts of a woman or women to establish, maintain or
3 develop such a business or businesses.

4 Section 4. *Inter-agency Committee on Women's Business Enterprise.* -

5 There is hereby established an Inter-agency Committee on Women's Business
6 Enterprise.

7 A. The Chairperson of the Committee shall be appointed by the President
8 of the Philippines. The Chairperson shall be the presiding officer of the
9 Committee and shall have such duties as prescribed in this Act or by the
10 Committee in its rules of procedure. The Chairperson may also
11 represent his or her department, agency or office on the committee.

12 B. The Committee shall be composed of the Chairperson and other
13 members appointed by the heads of departments and agencies from
14 among high level policymaking officials. In making these appointments,
15 the recommendations of the Chairperson shall be taken into
16 consideration. The following departments and agencies and such other
17 departments and agencies as the Chairperson shall select shall be
18 members of the committee: the Departments of Agriculture; Commerce;
19 Defense; Energy; Health; Local Government and Interior; Justice; and
20 Labor and Employment. These shall have a vote. Non-voting members
21 shall include the Executive Director of the Committee and at least one
22 but no more than three representatives from the Office of the President
23 appointed by the President.

24 C. The Committee shall meet at least quarterly at the call of the
25 Chairperson, and at such other times as may be determined to be useful
26 according to the rules of procedure adopted by the Committee.

1 Section 5. *Functions of the Committee.* - The Committee shall in a manner
2 consistent with law:

3 A. Promote, coordinate and monitor the plans, programs and operations of
4 the departments and agencies of the Executive Branch which may
5 contribute to the establishment, preservation and strengthening of
6 women's business enterprise with the cooperation of the departments
7 and agencies.

8 B. Establish such policies, definitions, procedures and guidelines to govern
9 the implementation, interpretation and applications of this Act, and
10 generally perform such functions and take such steps as the Committee
11 may deem to be necessary or appropriate to achieve the purposes and
12 carry out the provision hereof.

13 C. Promote the mobilization of activities and resources of the State and
14 local governments, business and trade and associations, private industry,
15 colleges and universities, foundations, professional organizations and
16 volunteer and other groups toward the growth of women's business and
17 enterprise, and facilitate the coordination of the efforts of these groups
18 with those of the departments and agencies.

19 D. Make an annual assessment of the progress made in the government
20 toward assisting women's business enterprise to enter the mainstream of
21 business ownership and to provide recommendations for further actions
22 to the President.

23 E. Convene and consult as necessary with persons inside and outside the
24 government and private sector investigations and studies of the
25 problems of women entrepreneurs, and promote further research into
26 such problems.

1 F. Consider the findings and recommendations of government and private
2 sector investigations and studies of the problem of women entrepreneurs,
3 and promote further research into such problems.

4 G. Design a comprehensive and innovative plan for a joint government and
5 private sector effort to develop increased numbers of new women-
6 owned businesses. The plan should set specific, reasonable and
7 identifiable costs and should provide for the measurement of progress
8 towards these targets at the end of two to five years. Related outcomes
9 such as income and tax revenues generated, jobs created, new products
10 and services introduced or new domestic or foreign markets created
11 should also be projected and measured in relation to costs wherever
12 possible. The Committee shall submit the plan to the President for
13 approval within six months of the effective date of this Order.

14 *Section 6. Responsibilities of Executive Departments and Agencies. -*

15 Within the constraints of statutory authority and as otherwise permitted by law:

16 A. Each department and agency of the Executive branch shall take appropriate
17 action to facilitate, preserve and strengthen women's business enterprise
18 and to ensure full participation by women in the free enterprise system.

19 B. Each department and agency shall take affirmative action in support of
20 women's business enterprise in appropriate programs and activities
21 including but not limited to:

- 22 1. management, technical, financial and procurement assistance
- 23 2. business-related education, training, counseling and information
24 dissemination, and
- 25 3. procurement

1 C. Each department or agency empowered to extend government financial
2 assistance to any program and activity shall issue regulations requiring the
3 recipient of such assistance to take appropriate affirmative action in support
4 of women's business enterprise on the ground of gender. For purposes of
5 this section, financial assistance means assistance extended by way of grant
6 cooperative agreement, loan and guaranty. These regulations shall prescribe
7 sanctions for non-compliance. Unless otherwise specified by law, no
8 agency sanctions shall be applied until the agency or department concerned
9 has advised the appropriate person or persons of the failure to comply with
10 its regulations and has determined that compliance cannot be secured by
11 voluntary means.

12 D. For purposes of this Act, affirmative action may include, but is not limited
13 to creating or supporting new programs responsive to the special needs of
14 women's business enterprise, collecting and disseminating information in
15 support of women's business enterprise, and insuring to women's business
16 enterprise knowledge of and ready access to business related services and
17 resources. If in implementing this Act, an agency undertakes to use or to
18 require compliance with numerical set-asides, or similar measures, it shall
19 state the purpose of such measure, and the measure shall be designed on the
20 basis of pertinent factual findings of discrimination against women's
21 business enterprise and the need for such measure.

22 Section 7. *Legal Guidance.* - In carrying out their responsibilities under
23 Section 6, the departments and agencies shall consult the Department of Justice
24 and the latter shall provide legal guidance concerning these responsibilities.

1 Section 8. *Separability Clause.* - If any provision, or part hereof, is held
2 invalid or unconstitutional, the remainder of the law or the provision not otherwise
3 affected shall remain valid and subsisting.

4 Section. 9. *Repealing Clause.* - Any law, presidential decree or issuance,
5 executive order, letter of instruction, administrative order, rule or regulation
6 contrary to or inconsistent with, the provisions of this Act is hereby repealed,
7 modified or amended accordingly.

8 Section. 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days
9 after its publication in at least two (2) newspapers of general circulation.

Approved.

/dpm