

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

SENATE
OFFICE OF THE SECRETARY

'04 JUL 27 P5 04

SENATE
S. B. No. 1528

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, 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, thus, seeks to empower women in the business enterprise by developing a national program and creating an interagency committee on women's business enterprise.


MIRIAM DEFENSOR SANTIAGO

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

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

SECTION 1. *Short Title.*- This Act may be cited as "Women's Business Enterprise Act".

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

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

(1) "Women-owned business" means a business that is at least fifty one percent (51%) owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management.

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

SECTION 4. *Interagency Committee on Women's Business Enterprise.* - There is hereby established an Interagency Committee on Women's Business Enterprise.

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

(2) The Committee shall be composed of the Chairperson and other members appointed by the heads of departments and agencies from among high level policymaking officials. In making these appointments, the recommendations of the Chairperson shall be taken into consideration. The following departments and agencies and such other departments and agencies as the Chairperson shall select shall be members of the committee: the Departments of Agriculture; Trade and Industry; Defense; Energy; Health; Interior and Local Government; Justice; and Labor and Employment. These members shall have a vote. Non-voting members shall include the Executive Director of the Committee and at least one but no more than three representatives from the Office of the President appointed by the President.

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

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

(1) Promote, coordinate and monitor the plans, programs and operations of the departments and agencies of the Executive Branch which may contribute to the establishment, preservation and strengthening of women's business enterprise with the cooperation of the departments and agencies.

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

(3) Promote the mobilization of activities and resources of the State and local governments, business and trade and associations, private industry, colleges and universities, foundations, professional organizations and volunteer and other groups toward the growth of women's business and enterprise, and facilitate the coordination of the efforts of these groups with those of the departments and agencies.

(4) Make an annual assessment of the progress made in the government toward assisting women's business enterprise to enter the mainstream of business ownership and to provide recommendations for further actions to the President.

(5) Convene and consult as necessary with persons inside and outside the government and private sector investigations and studies of the problems of women entrepreneurs, and promote further research into such problems.

(6) Consider the findings and recommendations of government and private sector investigations and studies of the problem of women entrepreneurs, and promote further research into such problems.

(7) Design a comprehensive and innovative plan for a joint government and private sector effort to develop increased numbers of new women-owned businesses. The plan should set specific, reasonable and identifiable costs, and should provide for the measurement of progress towards these targets at the end of two to five (2-5) years. Related outcomes such as income and tax revenues generated, jobs created, new products and services introduced or new domestic or foreign markets created should also be projected and measured in relation to costs wherever possible. The Committee shall submit the plan to the President for approval within six months of the effective date of this Order.

SECTION 6. *Responsibilities of Executive Departments and Agencies.* - Within the constraints of statutory authority and as otherwise permitted by law:

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

(2) Each department and agency shall take affirmative action in support of women's business enterprise in appropriate programs and activities including but not limited to:

- a. management, technical, financial and procurement assistance;
- b. business-related education, training, counseling and information dissemination;
- and
- c. procurement.

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

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

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

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

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

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

Approved.

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