

FOURTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
First Regular Session

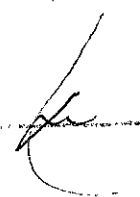
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7 MAY 13 2015

SENATE

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S. B. No. 1865



**Introduced by SENATOR EDGARDO J. ANGARA**

**Explanatory Note**

Despite being a signatory to numerous international commitments protecting and fulfilling women's rights, Filipino women continue to suffer from various forms of inequalities and discrimination, stemming from the economic, political and social divide.

With the ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981, our government is duty-bound to promote gender equality and women's empowerment as a vital element for addressing global concerns.

In 2000, the United Nations General Assembly adopted the Millennium Declaration, which led to the development of the Millennium Development Goals (MDGs) that seeks to address global development problems as well as poverty by 2015.

Even with the existence of CEDAW and the MDGs as well as other international commitments and national laws as a solid framework for the promotion of gender equality, there is still a need to fill the gaps in carrying out the State's obligations for women's empowerment.

In the area of labor, employment and poverty alleviation, government and private sector institutions should develop and strictly implement gender-fair policies that protect women workers, as well as promote opportunities for women's economic empowerment.

Reports from the National Statistics Office state that female labor force participation rate (LFPR) consistently lags behind the male LFPR in the past ten years. Across 1995 to 2005, female LFPR invariably registered only 50% while male LFPR was steadily above 80%, except in 2005 where it was slightly lower at 79.8%. Highest female LFPR was in 2001 (82.3%), while the lowest was in 2000 (80.3%).

In the area of promoting women's health rights, women and men should be provided with access to information and options for planning the number and spacing of their children. Interventions to promote women and girl-children's health, as well as to prevent incidences of violence against women should be actively pursued, especially by local government and civil society organizations.

Meanwhile, women should not also be discriminated in the civil, cultural and political spheres, laws and practices that tend to limit their capacities and opportunities for development.

Civil Service Commission reported that few women candidates who ran for public office succeeded in securing public posts. Despite the high success rate in elections, Filipino women still have dismal participation as decision-makers in the public sector. In 2004, the average proportion of women in key elected posts was no more than 17%. In fact, the dismal performance of women in the 2004 elections registered a sharp drop after an increasing trend beginning 1995.

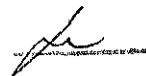
Thus, a Magna Carta is a piece of legislation that serves as a guarantee of basic rights. The CEDAW, usually referred also as the "international women's bill of rights" is the first major document that contains a ban on all forms of discrimination and recommends temporary special measures to immediately achieve equality in fact between men and women

In view of the foregoing, the immediate approval of this bill is earnestly sought.

  
EDGARDO J. ANGARA  
Senator

SENATE

S. B. No. 1865



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Introduced by SENATOR EDGARDO J. ANGARA

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AN ACT  
PROVIDING FOR THE MAGNA CARTA OF WOMEN.

*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 "*The Magna Carta of Women*".

**SECTION 2. *Declaration of Policy.*** - The State recognizes the role of women in nation building and shall ensure the substantive equality of women and men. It shall promote the empowerment of women and pursue equal opportunities for men and women as well as ensure their equal access to resources and to development results and outcome.

It condemns discrimination against women in all its forms and pursues by all appropriate means and without delay the policy of eliminating discrimination against women in keeping with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other international instruments. The State shall accord to women the rights, protection, and opportunities available to every member of society.

The State affirms women's rights as human rights and shall intensify its efforts to recognize, respect, protect, fulfill and promote all human rights and fundamental freedoms of women especially in the marginalized sectors of society to guarantee their economic, social and cultural well-being without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education and status.

The State shall provide the necessary mechanisms to enforce and guarantee the realization of women's rights as well as adopt and undertake steps to include temporary special measures which encompass a wide variety of legislative, executive, administrative and other regulatory instruments, policies and practices aimed at

accelerating the equal participation of women in the political, economic, social, cultural, civil or any other field. Temporary special measures must be discontinued when their desired results have been achieved and sustained for a period of time.

The State, in ensuring the full integration of women's concerns in the mainstream of development, shall provide ample opportunities to enhance and develop their skills, acquire productive employment and contribute to their communities to the fullest of their capabilities.

In pursuance of this policy, the State recognizes the right of women in all sectors to participate in policy formulation, planning, organization, implementation, management monitoring, and evaluation of all programs and projects. It shall support policies, researches, technology and training programs and other support services such as financing, production and marketing to encourage active participation of women in national development.

**SECTION 3. Definitions.** - For purposes of this Act, the following terms shall mean:

(A) **Discrimination against Women.** - refers to any gender-based distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field;

(B) **Gender.** - refers to the socially differentiated roles, characteristics and expectations attributed by culture to women and men. It is created, produced, reproduced and maintained by social institutions.

(C) **Gender Equality.** - indicates that men and women enjoy the same status; have equal conditions for realizing their full human potentials to contribute to and benefit from the results of development.

(D) **Gender and Development (GAD).** - refers to the development perspective and process that are participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices; seeks to transform society's social, economic and political structures and questions the validity of the gender roles they ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance, and stresses the need of women to organize themselves and participate in political processes to strengthen their legal rights.

(E) **Gender Mainstreaming.** - is the strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. It is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels.

(F) **Marginalization.** - is a condition where a whole category of people is excluded from useful participation in political, economic, social and cultural life.

(G) **Marginalized.** - refers to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to land and resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure and justice system.

These include women in the following:

1. **Children.** - shall refer to children below eighteen (18) years of age or those 18 and over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

2. **Fishers.** - shall refer to those directly or indirectly engaged in taking, culturing or processing fishery or aquatic resources. These include, but are not be limited to, women engaged in fishing in municipal waters and coastal areas, women workers in commercial fishing and aquaculture, vendors and processors of fish and coastal products, and subsistence producers such as shell-gatherers, managers and producers of mangrove resources and other related producers.

3. **Indigenous Peoples.** - shall refer to those who are members of any indigenous peoples/indigenous cultural communities of the Philippines as defined under Section 3(h), Chapter II of the Republic Act No. 8371, otherwise known as "The Indigenous People's Rights Act of 1997" (IPRA of 1997)

4. **Migrant workers.** - shall refer to Filipinos who are to be engaged, are engaged or have been engaged in a remunerated activity in a State of which they are not legal residents whether documented or undocumented.

5. **Moro.** - shall refer to indigenous peoples that historically inhabited Mindanao, Palawan and Sulu, and who are of the Islamic faith.

6. **Persons with Disabilities.** - shall refer to those who are suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment to perform an activity in the manner or within the range considered normal for a human being.

7. **Senior Citizens.** - shall refer to those sixty (60) years of age and above

8. **Small Farmers and Rural Workers.** - shall refer to those who are engaged directly or indirectly in small farms and forest areas, workers in commercial farms and plantations, whether paid or unpaid, regular or season-bound. These shall include but not limited to (a) small farmers who own or are still amortizing for lands that is not more than three (3) hectares, tenants, leaseholders, and stewards; and (b) rural workers who are either wage earners, self-employed, unpaid family workers directly & personally engaged in agriculture, small scale mining handicrafts and other related on-farm/off-farm activities

9. **Solo Parents.** - shall refer to those who fall under the category of a solo parent defined under Republic Act No. 8972, otherwise known as the "Solo Parents Welfare Act of 2000".

10. **Urban Poor.** - shall refer to those residing in urban slum or blighted areas, with or without the benefit of security of tenure, where the income of the head of the family cannot afford in a sustained manner to provide for the family the minimum basic needs of food, health, education, housing and other essential amenities in life.

11. **Workers in the Formal Economy.** - shall refer to those who are employed by any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the Government and all its branches, subdivision and instrumentalities, all government-owned or controlled corporations and institutions, or as well as non-profit private institutions, or organizations.

12. **Workers in the Informal Economy.** - shall refer to self-employed, occasionally or personally hired, subcontracted and unpaid family workers in household unincorporated enterprises, including homeworkers, micro-entrepreneurs and producers, and operators of sari-sari stores and all other categories who suffer from violation of workers' rights.

(H) **Women's empowerment.** - refer to the provision, availability and accessibility of opportunities which enable women to actively participate and contribute to the political, economic, social, and cultural development of the nation as well as those which shall provide them equal access to ownership, management and control of production, and of material and informational resources and benefits in the family, community and society;

(I) **Violence against Women.** - refer to any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. It shall be understood to encompass, but not be limited to, the following:

1. physical, sexual, psychological and economic violence occurring in the family,

including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

2. physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and prostitution;

3. physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs.

It also includes all forms of violence as defined and enumerated under Section 3 of Republic Act 9262.

**SECTION 4. *Human Rights of Women.*** - All rights recognized under international instruments duly signed and ratified by the Philippines, including rights under the Constitution and other existing laws shall be rights of women under this Act to be enjoyed without discrimination.

**SECTION 5. *Protection from Violence.*** - The State shall ensure that all women shall be protected from all forms of violence as provided for in existing laws. Agencies of government shall give priority to the defense and protection to women against gender-based offenses and help women attain justice and healing.

Towards this end, the following measures to prosecute and reform offenders shall likewise be pursued:

(A) Within the next five years, there shall be an incremental increase in the recruitment and training of women in the police force, forensics and medico-legal, and legal services and such other services availed by women who are victims of gender - related offenses until 50% of personnel shall be women.

(B) Women shall have the right to protection and security in situations of armed conflict and militarization. The State shall observe international standards, particularly International Humanitarian Laws, for the protection of civilian population in circumstances of emergency and armed conflict. It shall not force women, especially indigenous peoples, to abandon their lands, territories and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

(C) All government personnel involved in the protection and defense of women against gender-based violence shall undergo a mandatory training on human rights and gender sensitivity pursuant to this Act.

**SECTION 6. *Participation and Representation.*** The State shall undertake temporary special measures to accelerate the participation and representation of women in all spheres of society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development.

The State shall institute affirmative the following action mechanisms so that women can participate meaningfully in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development:

(A) **Empowerment in Civil Service.** - Within the next five (5) years, the number of women in third level positions in government shall be increased to achieve a fifty-fifty gender balance.

(B) **Development Councils and Planning Bodies.** - To ensure the participation of women in all levels of development planning and program implementation, at least 33% of membership of all development councils from the regional, provincial, city, municipal and barangay levels shall be composed of women.

(C) **Other policy and decision-making bodies.** - Women's groups shall also be represented in all international, national and local special and decision-making bodies.

(D) **International bodies.** - The State shall take all appropriate measures to ensure that women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

(E) **Integration of Women in Political Parties.** - The State shall provide incentives to political parties with women's agenda and with women comprising at least 33% of their leadership and membership. It shall likewise encourage the integration of women in their internal policy-making structures, appointive and electoral nominating processes.

(F) **Private sector.** - The State shall take measures to encourage women leadership in the private sector in the form of incentives.

**SECTION 7. *Equal Treatment before the Law.*** - The State shall take steps to review and when necessary, amend and/or repeal existing laws that are discriminatory to women, within three years from effectivity of this Act.

**SECTION 8. *Equal Access and Elimination of Discrimination in Education, Scholarships and Training.*** (A) The State shall remove gender stereotypes and images in educational materials and curricula. Gender-sensitive language shall be used at all



times. Capacity-building on gender and development (GAD), peace and human rights, education for teachers and all those involved in the education sector shall be pursued toward this end. Partnerships between and among players of the education sector, including the private sector and churches/faith groups shall be encouraged.

(B) Enrollment of women and men in non-traditional skills training in vocational and tertiary levels shall be encouraged.

(C) Expulsion, non-readmission, prohibiting the enrollment and other related discrimination of women students due to pregnancy out of marriage, shall be outlawed.

**SECTION 9. *Non-discriminatory Portrayal of Women in Media and Film.*** - The State shall formulate policies and programs for the advancement of women in collaboration with media-related organizations from the private sector. It shall likewise endeavor to raise the consciousness of the general public in recognizing the dignity of a woman, and the role and contribution of women in the family, community and the society through the strategic use of the mass media.

For this purpose, the State shall provide incentives to encourage programming that appropriately present women's needs, issues and concerns in movies, television shows, advertisements and print media, and support media watch groups, media professional associations and women's organizations. Similarly, gender-sensitivity training (GST) programs for all media practitioners including producers, directors, managers, journalists, news editors, news reporters, publishers as well as those in the movie and advertising industries shall be organized by their respective organizations and publishers to encourage the creation and use of non-stereotyped, balanced, diverse and positive images of women in media. The use of gender-fair language shall also be encouraged specifically in the practice of their profession.

The Movie and Television Review and Classification Board (MTRCB) shall revise its rules and regulations to discourage unfair or derogatory portrayal of women in both media and film.

**SECTION 10. *Access to Information and Services relating to Women's Health.*** - (A) **Comprehensive Health Services.** - The State shall at all times provide for comprehensive gender responsive health services and programs covering all stages of a woman's life cycle and ensure access to the following:

1. Maternal care services;
2. Nutrition services;
3. Reproductive health services excluding abortion;
4. Adolescent and youth health services;

5. Women and children protection services;
6. Screening and appropriate management of reproductive tract infections (RTIS) including sexually transmitted infections (STIS), human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), breast and reproductive tract cancers, and other gynecological conditions;
7. Prevention and management of abortion and its complications;
8. Healthy lifestyle activities;
9. Care of the elderly;
10. Health services for women with disabilities;
11. Post-menopausal services; and
12. Psychosocial, therapeutic, medical and legal services and assistance to women victims of violence

(B) **Comprehensive Health Information and Education.** – The State shall provide women in all sectors with timely, complete and accurate information and education on all the above-stated aspects of women’s health, in government education and training programs.

Further, education programs on reproductive health shall always include the following:

1. The important role of parents in the total formation of their children
2. The formation of a person’s sexuality that affirms human dignity; and
3. Modern, safe and effective family planning methods including fertility awareness

**SECTION 11. *Equal rights in all matters relating to marriage and family relations.*** - The State shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and shall ensure:

(1) The right to enter into and leave partnerships or relationships other than those referred to in the Family Code

(2) The right to choose freely a spouse and to enter into marriage only with their free and full consent and the betrothal and the marriage of a child shall have no legal effect.

(3) The joint decision on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(4) The equal personal rights as husband and wife, including the right to choose freely a profession and an occupation;

(5) The equal rights of the spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property.

Customary laws shall be respected provided, however, that they do not contradict the above-enumerated rights.

Women are guaranteed all civil, political, social and economic rights recognized, promoted and protected under existing laws, including but not limited to the Indigenous Peoples' Rights Act, Urban Development and Housing Act, Comprehensive Agrarian Reform Law, Fisheries Code, Labor Code, Migrant Workers Act, Solo Parents Welfare Act and Social Reform and Poverty Alleviation Act.

**SECTION 12. *Right to Housing.*** - The State shall develop housing programs for women that are localized, simple, accessible and secure with viable employment opportunities and affordable amortization. In this regard, the State shall consult women and involve them in community planning and development especially in matters pertaining to land use, zoning and relocation.

**SECTION 13. *Right to Employment, Livelihood, Credit, Capital and Technology.*** - The State shall ensure that women shall be provided with the following:

- (A) Equal access to formal sources of credit and capital at concessional rates;
- (B) Equal share to the produce of the farms and aquatic resources;
- (C) Support services and gears to protect them from occupational and health hazards.
- (D) Support services that will enable women to balance family obligations and work responsibilities;
- (E) Membership in labor organizations regardless of status of employment and place of employment without prejudice to the existing provisions of the Labor Code;
- (F) In recognition of the temporary nature of overseas work, the State shall exert all efforts to address the causes of migration by developing local employment and other economic opportunities for women and by introducing measures to curb violence and forced and involuntary displacement of local women. The State shall ensure the protection and promotion of the rights and welfare of migrant women regardless of their work status;
- (G) Protection against discrimination in wages, conditions of work and employment opportunities in host countries; and
- (H) Employment opportunities for returning women migrant workers taking into account their skills and qualifications. Corollarily, the State shall also promote skills and entrepreneurship development of returning women migrant workers.

**SECTION 14. *Right to Education and Training.*** - The State shall ensure the

following:

(A) Participation in trainings and extension services related to rights enumerated in Sections 6 and 8 of this Act;

(B) Gender-sensitive trainings and seminars;

(C) Equal opportunities in scholarship, especially to those interested in research and development aimed towards women-friendly farm technology.

**SECTION. 15. *Right to Representation and Participation*** - The State shall ensure women's participation in policy-making or decision-making bodies in the regional, national and international levels. It shall also ensure the participation of at least thirty three percent (33%) grassroots women leaders in decision and policy making bodies in their respective sectors, including but not limited to, Presidential Agrarian Reform Council (PARC) and local counterparts; community-based resource management bodies or mechanisms on forest management and stewardship; National Fisheries and Aquatic Resources Management Council (NFARMC) and local counterparts; National Commission on Indigenous Peoples, Presidential Commission for the Urban Poor and where applicable, local housing boards; and National Anti-Poverty Commission.

**SECTION 16. *Right to Information***. - Access to information regarding policies on women, including programs, projects and budget shall be ensured.

**SECTION 17. *Social Protection***. - (A) The Social Security System (SSS) and the Philippine Health Insurance Corporation (Philhealth) shall support indigenous and community-based social protection schemes.

(B) The State shall endeavor to reduce and eventually eliminate transfer costs of remittances from abroad through negotiations. It shall likewise provide access to investment opportunities for remittances in line with national development efforts;

(C) The State shall establish alternative social security system and health insurance program for senior citizens.

**SECTION 18. *Recognition and Preservation of Cultural Identity/Integrity***. - The State recognizes and respects the rights of Moro and indigenous women to practice, promote, protect and preserve their own culture, traditions and institutions and to consider these rights in the formulation and implementation of national policies and programs. To this end, the State shall adopt measures in consultation with the sectors concerned to protect their rights to their indigenous knowledge systems and practices, traditional livelihood and other manifestations of their cultures and ways of life

provided that these cultural systems and practices are not discriminatory to women as defined in this Act

**SECTION. 19. *Peace and Development.*** – Peace process shall be pursued with the following considerations:

(A) Increase the number of women participating in decision making in the peace process, including membership in peace panels;

(B) Ensure the development and inclusion of the women’s peace agenda in the over-all peace strategy and women’s participation in the planning, implementation, monitoring and evaluation of rehabilitation and rebuilding of conflict-affected areas;

(C) Include peace perspective in education curriculum and other educational undertaken; and

(D) Recognize and support women’s role in conflict-prevention and ‘peacemaking’ and in indigenous systems of conflict resolution

**SECTION 20. *Protection of Girl-children.*** – (A) The State shall pursue measures to eliminate all forms of discrimination against girl-children in education, health and nutrition and skills development.

(B) Girl-children shall be protected from all forms of abuse and exploitation caused by negative cultural attitudes and practices as well as in the economic exploitation of child labor.

(C) Equal access of Moro and indigenous girl children in the *Madaris*, schools of living culture and traditions and the regular schools, shall be ensured;

(D) Gender-sensitive curriculum, including legal literacy, books and curriculum in the *Madaris* and school of living culture and tradition, shall be developed;

(E) Sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadan, choice of clothing (including the wearing of hijab), halal food shall be ensured.

**SECTION 21. *Protection of Senior Citizens.*** – The State shall protect women-senior citizen from neglect, abandonment, domestic violence, abuse, exploitation and discrimination. Towards this end, the State shall ensure special protective mechanisms and support services against violence, sexual abuse, exploitation and discrimination of older women.

**SECTION 22. *Gender Mainstreaming as a strategy for implementing the Magna Carta of Women.*** - All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations, local

government units and other government instrumentalities, shall adopt gender mainstreaming as a strategy to promote women's human rights and eliminate gender discrimination in their systems, structures, policies, programs, processes and procedures which shall include but not be limited to the following:

(A) **Planning and Budgeting for Gender and Development (GAD)** - GAD programs designed to address gender issues and concerns shall be designed and implemented based on the mandate of government agencies and local government units, Republic Act 7192, gender equality agenda of the government and other GAD-related legislation and policies. The development of the GAD programs shall proceed from the conduct of a gender audit of the agency/LGU and a gender analysis of its policies, programs, services, and the situation of its clientele; the generation and review of sex-disaggregated data; and consultation with gender/women's rights advocates and agency/ women clientele. The cost of implementing the GAD program shall be the agency's/ LGU's GAD budget which shall be at least five percent (5%) of the agency's/ LGU's total budget appropriations.

LGUs are also encouraged to develop and pass a GAD Code based on the gender issues and concerns in their respective localities and the women's empowerment gender equality agenda of the government. The GAD Code shall also serve as basis for identifying programs, activities and projects on GAD.

Where needed, temporary gender equity measures shall be provided for in the plans of all departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations, local government units and other government instrumentalities.

To move towards a more sustainable, gender-responsive and performance-based planning and budgeting, gender issues and concerns shall be integrated in the following plans, among others:

1. macro socio-economic plans such as the Medium-Term Philippine Development Plan and Medium-Term Philippine Investment Plan;
2. annual plans of all departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations;
3. local plans/agenda such as executive-legislative agenda, comprehensive development plan (CDP), comprehensive land use plan (CLUP), provincial development and physical framework plan (PDPFP), annual investment plan.

(B) **Creation and/or strengthening of the GAD Focal Point System.** - All departments, including their attached agencies, offices, bureaus, state universities and

colleges, government-owned and controlled corporations, local government units and other government instrumentalities shall establish or strengthen their GAD Focal Point System or similar GAD mechanism to catalyze and accelerate gender mainstreaming within the agency/LGU.

The GAD Focal Point System shall be composed of the agency head/ local chief executive, an Executive Committee with an Undersecretary (or its equivalent) / LGU official/ officer in a strategic decision-making position as Chair; and a Technical Working Group or Secretariat which is composed of representatives from various divisions/ offices within the agency or LGU.

The tasks and functions of the members of the GFP shall form part of their regular key result areas and shall be given due consideration in their performance evaluation.

(C) **Generation and Maintenance of GAD Database.** - All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations, local government units and other government instrumentalities shall develop and maintain a GAD database containing gender statistics and sex-disaggregated data that have been systematically gathered, regularly updated and subjected to gender analysis for planning, programming and policy formulation.

**SECTION 23. *Gender Focal Point Officer in Philippine Embassies and Consulates.*** - An officer duly trained on gender and development shall be designated as the gender focal point officer in the consular section of Philippine embassies or consulates. Said officer shall be primarily responsible in handling gender concerns of women migrant workers. Attached agencies shall cooperate in strengthening the Philippine foreign posts' program for the delivery of services to women migrant workers.

**SECTION 24. *The Philippine Commission on Women.*** - The National Commission on the Role of Filipino Women (NCRFW) shall be renamed as Philippine Commission on Women (PCW) and strengthened to be the primary coordinating agency and policy advisory on women and gender concerns to the Office of the President and the Cabinet. It shall also be the overall monitoring body to ensure the implementation of this Act. In doing so, the PCW shall direct all agencies to report on the implementation of the Act and for them to immediately respond to the problems brought to their attention in relation to this Act. The PCW shall also lead in ensuring that government agencies are capacitated on effective implementation of this Law. The

Chairperson shall likewise report to the President in Cabinet meetings on the implementation of this Act.

To the extent possible, the PCW shall influence the systems, processes and procedures of the legislative and judicial branches of government vis-à-vis GAD to ensure the implementation of this Act.

**SECTION 25. *The Gender and Development (GAD) Ombud.*** - A gender and development Ombud shall be established in the Commission on Human Rights. The GAD Ombud shall:

- (1) monitor and oversee the strict implementation of this Act, in coordination with NCRFW;
- (2) on its own or on report or complaint, have the power to require information, investigate or hear administrative complaint involving the possible violations of this Act;
- (3) use every and all reasonable means to ascertain the facts in the report or complaint, in all instances observing due process;
- (4) recommend to the President or the Civil Service Commission any possible administrative action based on non-compliance or failure to implement the provisions of this Act;
- (5) direct agencies to immediately respond to the problems brought to their attention in relation to the implementation of this Act and report to the Council on action taken; and
- (6) assist in filing of cases against individuals, agencies, institutions or establishment that violate the provision of this Act.

**SECTION 26. *Incentives and awards.*** - There shall be established an incentives and awards system which shall be administered by a board under such rules and regulations as may be promulgated by the PCW to deserving entities, government agencies and local government units for their outstanding performance in upholding the rights of women and effective implementation of gender-responsive programs.

**SECTION 27. *Implementing Rules and Regulations.*** - As the lead agency, the PCW shall, in coordination with the Commission on Human Rights and all departments and agencies, formulate the Implementing Rules and Regulations (IRR) of this Act within ninety (90) days after its effectivity.

**SECTION 28. *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. 29. *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. 30. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved,*