

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

7 NOV 20 25 1977

RECEIVED BY: 

SENATE
Senate Bill No. 1891

Introduced by **SENATOR LACSON**

EXPLANATORY NOTE

Throughout the years there had been developments in the field of law in terms of advancing the rights of women and the latest of which is the landmark law, Republic Act No. 9262 or the Anti-Violence Against Women and Children Act. Unfortunately, RA 9262 only covered a particular area of concern, which is domestic violence and its different forms. Verily, there are still other problems confronted by Filipino women that are left unaddressed and unnoticed by the government.

Recognition by the State of the rights of our Filipino women as embodied in our Constitution, different laws, and in international agreements will mean nothing if these same rights are not protected, much less enforced. Thus, this Magna Carta for Women aims to finally put to rest all forms of discrimination and other oppressive factors that hinder the Filipino woman from realizing her fullest potential. This shall include not only the usual forms of discrimination or the common forms of violence against women but will also cover issues pertaining to their health, education, livelihood, civic awareness, political participation, and over-all empowerment.

The Magna Carta for Women hopes to achieve genuine equality of both men and women in every aspect of society while respecting their natural differences. The objectives set forth in this bill are increased participation and representation of women in all spheres of society; equal treatment of women before the law; equal access and elimination of discrimination in education, scholarships and training; non-discriminatory portrayal of women in media and film; ensured access to information and services relating to women's health; and

ensuring equal rights in all matters relating to marriage & family relations. The bill also specifically provided that customary laws will be respected only insofar as it does not contradict the above-enumerated rights.


This proposed measure shall utilize gender mainstreaming as its main building block in bringing about the needed changes in our society through the formulation of gender and development (GAD) programs by each government department/agency or local government unit. These GAD programs shall cater to their locality's specific needs or concerns based on the gender audit of their agency and the gender analysis of their existing policies or programs. Moreover, this bill also proposes the creation of a *GAD Ombud*, who will be a part of the Commission on Human Rights and who will act as the main arbitrator in the implementation of this Act.

In view thereof, the early passage of this bill is earnestly recommended,


PANFILO M. LACSON
Senator

7 NOV 20 2015

SENATE
SENATE Bill No. 1891

RECEIVED BY: 

Introduced by Senator Lacson

**AN ACT
PROVIDING FOR THE MAGNA CARTA FOR WOMEN**

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

1 CHAPTER I

2 GENERAL PROVISIONS

3 SECTION 1. Short Title. – This Act shall be known as “*The Magna Carta for*
4 *Women*”.

5 SEC. 2. Declaration of Policy. – The State recognizes the role of women in nation
6 building and shall ensure the substantive equality of women and men. It shall promote
7 the empowerment of women and pursue equal opportunities for men and women as
8 well as ensure their equal access to resources and to development results and
9 outcome.

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

15 The State affirms women’s rights as human rights and shall intensify its efforts to
16 recognize, respect, protect, fulfill and promote all human rights and fundamental
17 freedoms of women especially in the marginalized sectors of society to guarantee their
18 economic, social and cultural well-being without distinction or discrimination on account

1 of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education
2 and status.

3 The State shall provide the necessary mechanisms to enforce and guarantee the
4 realization of women's rights as well as adopt and undertake steps to include temporary
5 special measures which encompass a wide variety of legislative, executive,
6 administrative and other regulatory instruments, policies and practices aimed at
7 accelerating the equal participation of women in the political, economic, social, cultural,
8 civil or any other field. Temporary special measures must be discontinued when their
9 desired results have been achieved and sustained for a period of time.

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

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

20 CHAPTER II

21 DEFINITION OF TERMS

22 SEC. 3. Definitions. – For purposes of this Act, the following terms shall mean:

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

28 (B) Discrimination Against Women refers to any gender-based distinction,
29 exclusion or restriction which has the effect or purpose of impairing or nullifying the
30 recognition, enjoyment or exercise by women, irrespective of their marital status, on a

1 basis of equality of men and women, of human rights and fundamental freedoms in the
2 political, economic, social, cultural, civil or any other field;

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

5 (D) The marginalized refer to the basic, disadvantaged, or vulnerable persons or
6 groups who are mostly living in poverty and have little or no access to land and
7 resources, basic social and economic services such as health care, education, water
8 and sanitation, employment and livelihood opportunities, housing, social security,
9 physical infrastructure and justice system.

10 These include women in the following:

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

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

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

29 4. Workers in the Formal Economy – refer to those who are employed by any
30 person acting directly or indirectly in the interest of an employer in relation to an

1 employee and shall include the Government and all its branches, subdivision and
2 instrumentalities, all government-owned or controlled corporations and institutions, or as
3 well as non-profit private institutions, or organizations.

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

9 6. Migrant workers. – shall refer to Filipinos who are to be engaged, are engaged
10 or have been engaged in a remunerated activity in a State of which they are not legal
11 residents whether documented or undocumented.

12 7. Indigenous Peoples. – refer to those who are members of any indigenous
13 peoples/indigenous cultural communities of the Philippines as defined under Section
14 3(h), Chapter II of Republic Act No. 8371 otherwise known as "The Indigenous People's
15 Rights Act of 1997" (IPRA of 1997).

16 8. Moro – refer to indigenous peoples that historically inhabited Mindanao,
17 Palawan and Sulu, and who are of the Islamic faith.

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

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

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

27 12. Solo Parents. – shall refer to those who fall under the category of a solo
28 parent defined under Republic Act No. 8972, otherwise known as the "Solo Parents
29 Welfare Act of 2000".

30 (E) Gender – refers to the socially differentiated roles, characteristics and

1 expectations attributed by culture to women and men. It is created, produced,
2 reproduced and maintained by social institutions.

3 Gender roles and attributes are not natural nor biologically given.

4 (F) Gender Equality indicates that men and women enjoy the same status; have
5 equal conditions for realizing their full human potentials to contribute to and benefit from
6 the results of development

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

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

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

28 1. physical, sexual, psychological, and economic violence occurring in the family,
29 including battering, sexual abuse of female children in the household, dowry-related
30 violence, marital rape, and other traditional practices harmful to women, non-spousal

1 violence and violence related to exploitation;

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

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

7 The abovementioned acts shall be that as defined and punished by R.A. 9262,
8 otherwise known as "Anti-Violence Against Women and Their Children Act of 2004 to
9 wit:

10 Physical violence shall mean bodily or physical harm.

11 Sexual violence shall mean any act that is sexual in nature, including but not
12 limited to: rape; sexual harassment; acts of lasciviousness; treating the women or her
13 child as a sex object; making demeaning and sexually suggestive remarks; physically
14 attacking the sexual parts of the victim's body; forcing the victim to watch obscene
15 publications and indecent shows; forcing the victim to do indecent acts and/or make
16 films thereof; forcing the wife and mistress/lover to live in the conjugal home or to sleep
17 together in the same room with the abuser; causing or attempting to cause the victim to
18 engage in sexual activity by force, physical or other harm, coercion or threats thereof;
19 prostituting the women or her child.

20 Psychological violence shall mean acts or omissions causing mental or emotional
21 suffering of the victim, such as but not limited to: intimidation; harassment; stalking;
22 damage to property; public ridicule or humiliation; repeated verbal abuse; marital
23 infidelity; causing or allowing the victim to witness the physical, sexual, or psychological
24 abuse of a family member; causing or allowing the victim to witness pornography in any
25 form; causing or allowing the victim to witness abusing injury to pets; unlawful or
26 unwanted deprivation of the right to custody and/or visitation of common children.

27 Economic violence shall mean acts that make a woman financially dependent,
28 including: withdrawal of financial support; preventing the victim from engaging in any
29 legitimate profession, occupation, business or activity; deprivation of financial resources

1 and the right to conjugal, community or property owned in common; destroying
2 household property or controlling the victim's own money or properties

3 CHAPTER III

4 RIGHTS AND EMPOWERMENT

5 SEC. 4. Human Rights of Women. – All rights recognized under international
6 instruments duly signed and ratified by the Philippines, including rights under the
7 Constitution and other existing laws shall be the rights of women under this Act to be
8 enjoyed without discrimination, including but not limited to the following:

9 (a) The right to participate in all spheres of society including decision making
10 processes to fully realize their role as agents and beneficiaries of people centered
11 development. They shall participate in the formulation, implementation and evaluation
12 of policies, plans and programs for national, regional and local development;

13 (b) The right to equal treatment before the law;

14 (c) *The right to be provided with safe and healthful conditions in the*
15 *workplace;*

16 (d) The right to be given to equal access to education, skills, training and
17 economic resources to develop their self –reliance and to participate fully in all aspects
18 of life;

19 (e) The right to be properly informed of the issues and concerns affecting their
20 welfare and access to comprehensive and gender sensitive health services such as
21 maternal and child care and family planning;

22 (f) The right to be heard and represented in government and in all community
23 based decision making bodies;

24 (g) The right to determine and decide their own priorities for development
25 affecting their lives, beliefs, institutions, spiritual well being and resources;

26 (h) The right to be protected from any form of discrimination, violence, sexual
27 exploitation and abuse;

28 (i) The right to be provided with basic services which shall include, but not
29 limited to water, and food, electricity, education, health and sanitation, employment,
30 housing, social security and basic physical infrastructure;

1 (j) The right to be properly and adequately informed on programs and
2 policies affecting their livelihood and economic choices; and

3 (k) The right to be given equal rights to family properties and resources
4 whether titled or not, and inherited, whether formal or customary.

5 SEC. 5. Protection from Violence- the State shall ensure that all women shall be
6 protected from all forms of violence as provided for under existing laws. Agencies of
7 government shall give priority to the defense and protection of women against gender-
8 based offenses and help women attain justice and healing. Towards this end,
9 measures to prosecute and reform offenders shall likewise be pursued.

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

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

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

24 SEC. 6. Participation and Representation. The State shall undertake temporary
25 special measures to accelerate the participation and representation of women in all
26 spheres of society particularly in the decision-making and policy-making processes in
27 government and private entities to fully realize their role as agents and beneficiaries of
28 development. It shall recognize the right of women to organize in order to promote their
29 welfare, protect their rights, express their concerns, develop skills, advance or
30 safeguard their interests and initiate action to resolve women's issues. Towards this

1 end, the government shall encourage the establishment of self help and political
2 organizations such as but not limited to cooperatives, associations and people's
3 organizations to enable members to improve their quality of life and enhance their
4 socio-cultural and political role and status in society.

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

8 (A) Empowerment in Civil Service. - The national and local governments shall
9 ensure the equitable distribution of power and decision making at all levels of the
10 bureaucracy. Appointive positions in the national and local governments from the
11 grassroots level to the top levels of management in the bureaucracy shall be open to
12 qualified women regardless of the number holding elective positions in the local political
13 units.

14 Women shall be given equal opportunities for promotion in any government
15 position up to the highest level. Within the next five (5) years, the number of women in
16 third level positions in government shall be increased to achieve a fifty-fifty gender
17 balance.

18 Every government agency shall also conduct gender sensitivity training for public
19 servants from rank and file to supervisory positions and shall also provide equal access
20 to managerial, entrepreneurial, technical and leadership training to women in the public
21 service.

22 (B) Development Councils and Planning Bodies. To ensure the participation of
23 women in all levels of development planning and program implementation, all local
24 development councils from the regional, provincial, city, municipal and barangay levels
25 shall include at least 33% of their membership representatives from the women sector.
26 They shall also be represented in national and local special decision-making bodies
27 such as but not limited to agriculture, fisheries, agrarian reform and anti-poverty
28 councils.

29 (C) International bodies. The State shall take all appropriate measures to ensure
30 women, on equal terms with men and without any discrimination, the opportunity to

1 represent their Governments at the international level and to participate in the work of
2 international organizations.

3 (D) Integration of Women in Political Parties. - All political parties shall
4 encourage recruitment of women to become members of the party and shall likewise
5 encourage the representation of women in their internal policy making structures,
6 appointive and electoral nominating process.

7 To ensure fundamental equality of men and women, all duly accredited political
8 parties are hereby encouraged to provide adequate representation of women in its slate
9 of official candidates in the election for local and national positions. The State shall
10 provide incentives to political parties with women's agenda and with women comprising
11 at least 33% of their leadership and membership.

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

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

17 SEC. 8. Equal Access and Elimination of Discrimination in Education,
18 Scholarships and Training.

19 (A) The State shall remove gender stereotypes and images in educational
20 materials and curricula. Gender-sensitive language shall be used at all times. Capacity-
21 building on gender and development (GAD), peace and human rights, education for
22 teachers and all those involved in the education sector shall be pursued toward this
23 end. Partnerships between and among players in the education sector, including the
24 private sector and churches/faith groups shall be encouraged.

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

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

29 SEC. 9. Non-discriminatory Portrayal of Women in Media and Film – The State
30 shall formulate policies and programs for the advancement of women in collaboration

1 with media-related organizations from the private sector. It shall likewise endeavor to
2 raise the consciousness of the general public in recognizing the dignity of a woman, and
3 the role and contribution of women in the family, community and the society through the
4 strategic use of the mass media.

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

15 The MTRCB shall revise its rules and regulations to discourage unfair or
16 derogatory portrayal of women in both media and film.

17 SEC. 10. Access to Information and Services relating to Women's Health;

18 (A) Comprehensive Health Services. – The State shall at all times provide for
19 comprehensive gender responsive health services and programs covering all stages of
20 a woman's life cycle and ensure access to the following:

- 21 1. Maternal care services;
- 22 2. Nutrition services;
- 23 3. Reproductive health services excluding abortion;
- 24 4. Adolescent and youth health services;
- 25 5. Women and children protection services;
- 26 6. Screening and appropriate management of reproductive tract infections
27 (RTIS) including sexually transmitted infections (STIS), human immunodeficiency virus
28 (HIV) and acquired immune deficiency syndrome (AIDS), breast and reproductive tract
29 cancers, and other gynecological conditions;
- 30 7. Prevention and management of abortion and its complications;

- 1 8. Healthy lifestyle activities;
- 2 9. Care of the elderly;
- 3 10. Health services for women with disabilities;
- 4 11. Post-menopausal services;
- 5 12. VAW Services – Women victims and survivors shall be provided with
- 6 comprehensive services which include psychosocial, therapeutic, medical and legal
- 7 interventions and assistance towards healing, recovery and empowerment

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

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

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

18 SEC. 11. Equal rights in all matters relating to marriage and family relations. The
19 State shall take all appropriate measures to eliminate discrimination against women in
20 all matters relating to marriage and family relations and shall ensure:

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

23 (2) The same right to choose freely a spouse and to enter into marriage only with
24 their free and full consent;

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

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

29 (5) The same rights for both spouses in respect of the ownership, acquisition,
30 management, administration, enjoyment, and disposition of property;

1 (6) The same rights to properties and resources, whether titled or not, and
2 inheritance, whether formal or customary.

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

5 CHAPTER IV

6 RIGHTS AND EMPOWERMENT OF MARGINALIZED SECTORS

7 SEC. 12. The Marginalized Sector. - The State shall, at all times provide for the
8 protection, rehabilitation and empowerment of women belonging to the marginalized
9 sectors who are economically, politically, socially and culturally disadvantaged. Women
10 falling under this category are guaranteed all the rights- civil, political, social and
11 economic recognized, promoted and protected under existing laws, including but not
12 limited to the Indigenous Peoples' Rights Act, Urban Development and Housing Act,
13 Comprehensive Agrarian Reform Law, Fisheries Code, Labor Code, Migrant Workers
14 Act, Solo Parents Welfare Act and Social Reform and Poverty Alleviation Act.

15 SEC. 13. Rights of Women in the Marginalized Sector. - The State recognizes
16 the contribution of women to food production and shall therefore ensure sustainability
17 and sufficiency of its activities in the household and community levels. To address this,
18 the State shall ensure:

19 (A) Right to Food - The State shall guarantee the availability of food in quantity
20 and quality sufficient to satisfy the dietary needs of individuals and the physical and
21 economic accessibility of everyone to adequate food that is culturally acceptable and
22 free from unsafe substances and culturally accepted.

23 (B) Right to Resources for Food Production - The State shall promote the right to
24 adequate food by proactively engaging in activities intended to strengthen access to
25 and utilization of resources and means to ensure women's livelihood, including food
26 security by providing that:

27 1. Equal status shall be given to men and women, whether married or not, in the
28 titling of the land and issuance of stewardship contracts and patents;

29 2. Equal treatment shall be given to men and women beneficiaries of the
30 agrarian reform program, wherein vested right of a woman agrarian reform beneficiary

1 is defined by the woman's relationship to the tillage, i.e. her direct and indirect
2 contribution to the development of the land;

3 3. Customary rights of women to the land, including access to and control of the
4 fruits and benefits, shall be recognized in circumstances where private ownership is not
5 possible such as ancestral domain claims;

6 4. Information and assistance on claiming rights to the land shall be made
7 available to women at all times;

8 5. Equal rights of women to the enjoyment, use and management of land and
9 water and other natural resources within their communities or ancestral domains;

10 6. Equal access to the use and management of fisheries and aquatic resources,
11 and all the rights and benefits accruing to stakeholders in the fishing industry;

12 7. Equal status shall be given to men and women in the issuance of stewardship
13 or lease agreements and other fishery rights that may be granted for the use and
14 management of coastal and aquatic resources. In the same manner, women's
15 organizations shall be given equal treatment as with other marginalized fishers
16 organizations in the issuance of stewardship or lease agreements or other fishery rights
17 for the use and management of such coastal and aquatic resources which may include
18 providing support to women-managed coastal resources;

19 8. There shall be no discrimination against women in the deputization of fish
20 wardens.

21 9. Women-friendly agriculture technology shall be designed based on
22 accessibility and viability in consultation with women's organizations;

23 10. Access to small farmers-based and controlled seeds production and
24 distribution shall be ensured;

25 11. Indigenous practices of women in seed storage and cultivation shall be
26 recognized;

27 12. Provide opportunities for empowering women fishers to be involved in the
28 control and management not only of the catch and production of aquamarine resources
29 but also to engage in entrepreneurial activities which will add value to production and
30 marketing ventures;

1 13. Provide economic opportunities for the indigenous women, particularly
2 access to market for their produce.

3 SEC. 14. Right to Housing – The State shall develop housing programs for
4 women that are localized, simple, accessible, secure, with viable employment
5 opportunities and affordable amortization. In this regard, the State shall consult women
6 and involve them in community planning and development especially in matters
7 pertaining to land use, zoning and relocation.

8 SEC. 15. Right to Employment, Livelihood, Credit, Capital and Technology- the
9 State shall ensure that women shall be provided with the following:

10 (A) Equal access to formal sources of credit and capital at concessional rates;

11 (B) Equal share to the produce of the farms and aquatic resources;

12 (C) Support services and gears to protect them from occupational and health
13 hazards.

14 (D) Support services that will enable women to balance family obligations and
15 work responsibilities;

16 (E) Membership in unions regardless of status of employment and place of
17 employment;

18 (F) In recognition of the temporary nature of overseas work, the State shall exert
19 all efforts to address the causes of out-migration by developing local employment and
20 other economic opportunities for women and by introducing measures to curb violence
21 and forced and involuntary displacement of local women. The State shall ensure the
22 protection and promotion of the rights and welfare of migrant women regardless of their
23 work status;

24 (G) Protection against discrimination in wages, conditions of work and
25 employment opportunities in host countries;

26 (H) Employment opportunities for returning women migrant workers taking into
27 account their skills and qualifications. Corollarily, the State shall also promote skills and
28 entrepreneurship development of returning women migrant workers.

29 SEC. 16. Right to Education and Training – The State shall ensure the following:

30 (A) Participation in trainings and extension services related to rights enumerated

1 in Sections 6 and 8 of this Act;

2 (B) Gender-sensitive trainings and seminars;

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

5 SEC. 17. Right to Representation and Participation - The State shall ensure their
6 participation in policy-making or decision-making bodies in the regional, national, and
7 international levels. It shall also ensure the participation of at least thirty three percent
8 (33%) grassroots women leaders in decision and policy making bodies in their
9 respective sectors, including but not limited to, Presidential Agrarian Reform Council
10 (PARC) and local counterparts; community-based resource management bodies or
11 mechanisms on forest management and stewardship; National Fisheries and Aquatic
12 Resources Management Council (NFARMC) and local counterparts; National
13 Commission on Indigenous Peoples, Presidential Commission for the Urban Poor and
14 where applicable, local housing boards; and National Anti-Poverty Commission.

15 SEC. 18. Right to Information - Access to information regarding policies on
16 women, including programs, projects and budget shall be ensured.

17 SEC. 19. Social Protection. – (A) The Social Security System (SSS) and the
18 Philippine Health Insurance Corporation (Philhealth) shall support indigenous and
19 community-based social protection schemes;

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

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

25 SEC. 20. Recognition and Preservation of Cultural Identity/Integrity - The State
26 recognizes and respects the rights of Moro and indigenous women to practice, promote,
27 protect and preserve their own culture, traditions and institutions and to consider these
28 rights in the formulation and implementation of national policies and programs. To this
29 end, the State shall adopt measures in consultation with the sectors concerned to
30 protect their rights to their indigenous knowledge systems and practices, traditional

1 livelihood and other manifestations of their cultures and ways of life provided that these
2 cultural systems and practices are not discriminatory to women as defined in this Act

3 SEC. 21. Peace and Development – Peace process shall be pursued with the
4 following considerations:

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

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

10 (C) Include peace perspective in education curriculum and other educational
11 undertaking;

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

14 SEC. 22. Protection of Girl-children. –

15 (A) The State shall pursue measures to eliminate all forms of discrimination
16 against girl-children in education, health and nutrition and skills development.

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

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

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

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

27 SEC. 23. Protection of Senior Citizens – The State shall protect women senior-
28 citizen from neglect, abandonment, domestic violence, abuse, exploitation and
29 discrimination. Towards this end, the State shall ensure special protective mechanisms
30 and support services against violence, sexual abuse, exploitation and discrimination of

1 older women.

2 CHAPTER V

3 INSTITUTIONAL MECHANISMS

4 SEC. 24. Gender Mainstreaming as a Strategy for Implementing the Magna
5 Carta of Women. - All departments, including their attached agencies, offices, bureaus,
6 state universities and colleges, government-owned and controlled corporations, local
7 government units and other government instrumentalities, shall adopt gender
8 mainstreaming as a strategy to promote women's human rights and eliminate gender
9 discrimination in their systems, structures, policies, programs, processes and
10 procedures which shall include but not be limited to the following:

11
12 (A) PLANNING AND BUDGETING FOR GENDER AND DEVELOPMENT
13 (GAD) - GAD programs designed to address gender issues and concerns shall be
14 designed and implemented based on the mandate of government agencies and local
15 government units, RA 7192, gender equality agenda of the government and other GAD-
16 related legislation and policies. The development of the GAD programs shall proceed
17 from the conduct of a gender audit of the agency/ LGU and a gender analysis of its
18 policies, programs, services, and the situation of its clientele; the generation and review
19 of sex-disaggregated data; and consultation with gender/ women's rights advocates and
20 agency/ women clientele. The cost of implementing the GAD program shall be the
21 agency's/ LGU's GAD budget which shall be at least five percent (5%) of the agency's/
22 LGU's total budget appropriations.

23
24 LGUs are also encouraged to develop and pass a GAD Code based on the
25 gender issues and concerns in their respective localities and the women's
26 empowerment gender equality agenda of the government. The GAD Code shall also
27 serve as basis for identifying programs, activities and projects on GAD.

28
29 Where needed, temporary gender equity measures shall be provided for in the
30 plans of all departments, including their attached agencies, offices, bureaus, state
31 universities and colleges, government-owned and controlled corporations, local
32 government units and other government instrumentalities.

33
34 To move towards a more sustainable, gender-responsive and performance-
35 based planning and budgeting, gender issues and concerns shall be integrated in the
36 following plans, among others:

37

- 1 1. Macro socio-economic plans such as the Medium-Term Philippine Development
2 Plan and Medium-Term Philippine Investment Plan;
3
- 4 2. Annual plans of all departments, including their attached agencies, offices,
5 bureaus, state universities and colleges, government-owned and controlled
6 corporations;
7
- 8 3. Local plans/ agenda such as executive-legislative agenda, comprehensive
9 development plan (CDP), comprehensive land use plan (CLUP), provincial
10 development and physical framework plan (PDPFP), annual investment plan.
11

12 (B) CREATION AND/OR STRENGTHENING OF THE GAD FOCAL POINT
13 SYSTEM. - Considering the concept of Gender and Development (GAD) as being a
14 development perspective and process that are participatory in nature and seeks to
15 empower an equitable, sustainable, free from violence, respectful of human rights,
16 supportive of self-determination and actualization of human potentials in achieving
17 gender equality as a fundamental value that should be reflected in development choices
18 and seeks to transform society's social, economic and political structures by making
19 women active agents of development and not just passive recipients of development
20 assistance, and stresses the need of women to organize themselves and participate in
21 political processes to strengthen their legal rights, all departments, including their
22 attached agencies, offices, bureaus, state universities and colleges, government-owned
23 and controlled corporations, local government units and other government
24 instrumentalities shall establish or strengthen their GAD Focal Point System or similar
25 GAD mechanism to catalyze and accelerate gender mainstreaming within the agency/
26 LGU.
27

28 The GAD Focal Point System shall be composed of the agency head/ local chief
29 executive, an Executive Committee with an Undersecretary (or its equivalent) / LGU
30 official/ officer in a strategic decision-making position as Chair; and a Technical Working
31 Group or Secretariat which is composed of representatives from various divisions/
32 offices within the agency or LGU.
33

34 The tasks and functions of the members of the GFP shall form part of their
35 regular key result areas and shall be given due weight in their performance evaluation.
36

37 (D) GENERATION AND MAINTENANCE OF GAD DATABASE - All
38 departments, including their attached agencies, offices, bureaus, state universities and
39 colleges, government-owned and controlled corporations, local government units and

1 other government instrumentalities shall develop and maintain a GAD database
2 containing gender statistics and sex-disaggregated data that have been systematically
3 gathered, regularly updated and subjected to gender analysis for planning,
4 programming and policy formulation.

5 SEC. 25. Gender and Development Officer Abroad. - An officer duly trained on
6 gender and development shall be designated as the gender focal point in the consular
7 section of Philippine embassies or consulates. Said officer shall be primarily
8 responsible in handling gender concerns of women migrant workers. Attached
9 agencies shall cooperate in strengthening the Philippine foreign posts' program for the
10 delivery of services to women migrant workers.

11 SEC. 26. The Philippine Commission on Women. The National Commission
12 on the Role of Filipino Women (NCRFW) shall be renamed as Philippine Commission
13 on Women (PCW) and strengthened as the primary coordinating agency and policy
14 advisory on women and gender concerns to the Office of the President and the Cabinet.
15 It shall also be the overall monitoring body to ensure the implementation of this Act. In
16 doing so, the PCW shall direct all agencies to report on the implementation of the Act
17 and for them to immediately respond to the problems brought to their attention in
18 relation to this Act. The PCW shall also lead in ensuring that government agencies are
19 capacitated in the effective implementation of this Law. The Chairperson shall likewise
20 report to the President in Cabinet meetings on the implementation of this Act.

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

24 SEC. 27. The Gender and Development (GAD) Ombud. - A Gender and
25 Development Ombud (GAD Ombud) shall be established in the Commission on Human
26 Rights. The GAD Ombud shall:

27 (1) Monitor and oversee the strict implementation of this Act, inc coordination
28 with NCRFW;

29 (2) On its own or on report or complaint, have the power to require
30 information, investigate or hear administrative complaint involving the possible violations

1 of this Act;

2 (3) Use every and all reasonable means to ascertain the facts in the report or
3 complaint, in all instances observing due process;

4 (4) Recommend to the President or the Civil Service Commission any
5 possible administrative action based on non-compliance or failure to implement the
6 provisions of this Act;

7 (5) Direct agencies to immediately respond to the problems brought to their
8 attention in relation to the implementation of this Act and report to the Council on action
9 taken; and

10 (6) Assist in filing of cases against individuals, agencies, institutions or
11 establishment that violate the provision of this Act.

12 SEC. 28. Incentives and awards- there shall be established an incentives and
13 awards system which shall be administered by a board under such rules and
14 regulations as may be promulgated by the NCRFW to deserving entities, government
15 agencies and local government units for their outstanding performance in upholding the
16 rights of women and effective implementation of gender-responsive programs.

17 CHAPTER VI

18 FINAL PROVISIONS

19 SEC. 29. Implementing Rules and Regulations. – As the lead agency, the
20 NCRFW shall, in coordination with the Commission on Human Rights and all
21 departments and agencies, formulate the Implementing Rules and Regulations (IRR) of
22 this Act within ninety (90) days after its effectivity.

23 SEC. 30. Separability Clause. – If any provision or part hereof is held invalid or
24 unconstitutional, the remainder of the law or the provision not otherwise affected shall
25 remain valid and subsisting.

26 SEC. 31. Repealing Clause. – Any law, presidential decree or issuance,
27 executive order, letter of instruction, administrative order, rule or regulation contrary to,
28 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
29 accordingly.

30 SEC. 32. Effectivity Clause. – This Act shall take effect fifteen (15) days after its

1 publication in at least two (2) newspapers of general circulation.

2 Approved,