


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

8 MAY -5 1975

SENATE

RECEIVED BY: 

S. No. 2240

Introduced by Senator JUAN MIGUEL F. ZUBIRI

EXPLANATORY NOTE

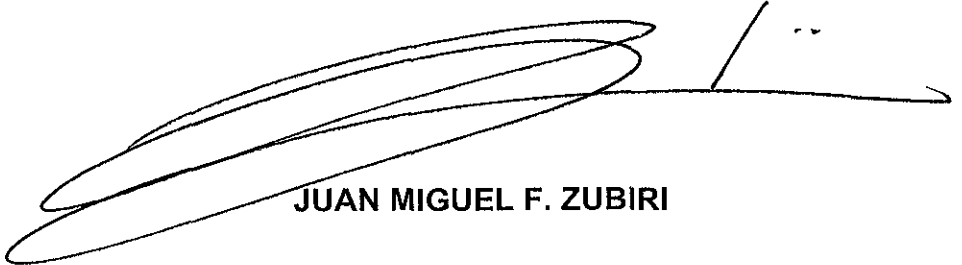
Article II, Section 14 of the 1987 Constitution states that, "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." The Constitution further illustrates this in Article XIII, Section 14 which states that, "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation."

In 1979, the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It is often described as an "international bill of rights for women." The Philippines signed the Convention on July 15, 1980 and ratified the same on August 5, 1981. Pursuant to this, the Government of the Republic of the Philippines is mandated to put the Convention's provisions into practice and is obliged to "undertake a series of measures to end discrimination against women in all forms, including the following:

1. to integrate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
2. to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
3. to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises."

This bill seeks to embody the UN's CEDAW into the "Magna Carta of Women". It strengthens the promotion of the rights and empowerment of women and of the marginalized sectors, recognizing and ensuring their pivotal role in nation-building. It also provides for institutional mechanisms for the implementation of the Magna Carta including the adoption of gender mainstreaming, establishment of Gender and Development Ombuds, and the establishment of incentives and awards system for outstanding performance of deserving entities in the promotion of women's rights and elimination of discrimination.

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




JUAN MIGUEL F. ZUBIRI

FOURTEENTH CONGRESS OF THE)
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8 MAY 15 11:55

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Introduced by Senator JUAN MIGUEL F. ZUBIRI

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

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

**CHAPTER I
GENERAL PROVISIONS**

1 **SECTION 1. Short Title.** - This Act shall be known as "The Magna Carta of
2 Women".

3
4 **SEC. 2. Declaration of Policy.** - The State recognizes the role of women in nation
5 building and shall ensure the substantive equality of women and men. It shall promote
6 the empowerment of women and pursue equal opportunities for men and women as
7 well as ensure their equal access to resources and to development results and
8 outcome.

9 It condemns discrimination against women in all its forms and pursues by all
10 appropriate means and without delay the policy of eliminating discrimination against
11 women in keeping with the Convention on the Elimination of All Forms of Discrimination
12 Against Women (CEDAW) and other international instruments. The State shall accord
13 to women the rights, protection, and opportunities available to every member of the
14 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
19 of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education
20 and status.

1 The State shall provide the necessary mechanisms to enforce and guarantee the
2 realization of women's rights as well as adopt and undertake steps to include temporary
3 special measures which encompass a wide variety of legislative, executive,
4 administrative and other regulatory instruments, policies and practices aimed at
5 accelerating the equal participation of women in the political, economic, social, cultural,
6 civil or any other field.

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

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

17 CHAPTER II 18 DEFINITION OF TERMS

19
20 **SEC.3. Definitions.** - For purposes of this Act, the following terms shall mean:

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

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

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

35 (d) **Marginalized** - refers to the basic, disadvantaged, or vulnerable persons or groups
36 who are mostly living in poverty and have little or no access to land and
37 resources, basic social and economic services such as health care, education,

1 water and sanitation, employment and livelihood opportunities, housing, social
2 security, physical infrastructure and justice system.

3 These include women in the following:

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

13 2. *Fisherfolks* - refer to those directly or indirectly engaged in taking,
14 culturing or processing fishery or aquatic resources. These include, but
15 not limited to, women engaged in fishing in municipal waters and coastal
16 areas, women workers in commercial fishing and aquaculture, vendors
17 and processors of fish and coastal products, and subsistence producers
18 such as shell-gatherers, managers and producers of mangrove resources
19 and other related producers;

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

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

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

36 6. *Migrant Workers* - shall refer to Filipinos who are to be engaged, are
37 engaged or have been engaged in a remunerated activity in a State of
38 which they are not legal residents whether documented or undocumented;

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

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

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

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

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

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

19 (e) **Gender** - refers to the socially differentiated roles, characteristics and expectations
20 attributed by culture and society to people based on their sex. It is created,
21 produced, reproduced and maintained by social institutions.

22 Gender roles and attributes are not natural nor biologically given;

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

26 (g) **Gender Equity** - refers to the policies, instruments, programs, services and actions
27 that address the disadvantaged position of women in society by providing
28 preferential treatment and affirmative action. Such temporary special measures
29 aimed at accelerating *de facto* equality between men and women shall not be
30 considered discriminatory but shall in no way entail as a consequence the
31 maintenance of unequal or separate standards, these measures shall be
32 discounted when the objectives of equality of opportunity and treatment have
33 been achieved;

34 (h) **Gender and Development (GAD)** - refers to the development perspective and
35 process that are participatory and empowering, equitable, sustainable, free from
36 violence, respectful of human rights, supportive of self-determination and
37 actualization of human potentials. It seeks to achieve gender equality as a
38 fundamental value that should be reflected in development choices; seeks to

1 transform society's social, economic, and political structures and questions the
2 validity of the gender roles they ascribed to women and men; contends that
3 women are active agents of development and not just passive recipients of
4 development assistance, and stresses the need of women to organize
5 themselves and participate in political processes to strengthen their legal rights;

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

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

18 1. physical, sexual, psychological and economic violence occurring in the family,
19 including battering, sexual abuse of female children in the household, dowry-
20 related violence, marital rape, and other traditional practices harmful to
21 women, non-spousal violence and violence related to exploitation;

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

26 3. physical, sexual and psychological violence perpetrated or condoned by the
27 State, wherever it occurs. As defined in Republic Act 9262:

28 i. Physical violence shall mean bodily or physical harm;

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

1 other forms of sexual abuse, and all forms of violence in situations of
2 armed conflict, The State shall observe international standards,
3 particularly *International Humanitarian Laws*, for the protection of civilian
4 population in circumstances of emergency and armed conflict. It shall not
5 force women, especially indigenous peoples, to abandon their lands,
6 territories and means of subsistence, or relocate them in special centers
7 for military purposes under any discriminatory condition.

- 8 (c) All government personnel involved in the protection and defense of
9 women against gender-based violence shall undergo a mandatory training
10 of human rights and gender equality pursuant to this Act.
11

12 **SEC. 6. *Women Affected by Disasters, Calamities, and other Crisis Situations.*** -

13 Women have the right to protection and security in times of disasters, calamities and
14 other crisis situations especially in all phases of relief, recovery, rehabilitation and
15 construction efforts. The State shall provide for immediate humanitarian assistance,
16 allocation of resources and early resettlement if necessary. It shall also address the
17 particular needs of women from a gender perspective to ensure their full protection from
18 sexual exploitation and other sexual and gender-based violence committed against
19 them. Responses to disaster situations shall include the provision of services such as
20 psychosocial support, education, psychological and reproductive health.
21

22 **SEC. 7. *Participation and Representation.*** - The State shall undertake temporary
23 special measures to accelerate the participation and representation of women in all
24 spheres of society particularly in the decision-making and policy-making processes in
25 government and private entities to fully realize their role as agents and beneficiaries of
26 development.

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

30 (a) *Empowerment in Civil Service.* Within the next five (5) years, the number
31 of women in third level positions in government shall be increased to achieve a
32 fifty-fifty (50%-50%) gender balance;

33 (b) *Development Councils and Planning Bodies.* To ensure the participation of
34 women in all levels of development planning and program implementation, at
35 least forty percent (40%) of membership of all development councils from the
36 regional, provincial, city, municipal and barangay levels shall be composed of
37 women;

1 (c) *Other Policy and Decision-Making Bodies.* Women's groups shall also be
2 represented in all international, national and local special and decision-making
3 bodies;

4 (d) *International Bodies.* The State shall take all appropriate measures to
5 ensure that women, on equal terms with men and without any discrimination, the
6 opportunity to represent their Government at the international level and to
7 participate in the work of international organizations;

8 (e) *Integration of Women in Political Parties.* The State shall provide
9 incentives to political parties with a women's agenda and with women comprising
10 at least forty percent (40%) of their leadership and membership. It shall likewise
11 encourage the integration of women in their internal policy-making structures,
12 appointive and electoral nominating processes.

13
14 **SEC. 8. *Equal Treatment Before the Law.*** - The State shall take steps to review
15 and when necessary, amend and/or repeal existing laws that are discriminatory to
16 women, within three (3) years from effectivity of this Act.

17
18 **SEC. 9. *Equal Access and Elimination of Discrimination in Education,***
19 ***Scholarships and Training.*** -

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

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

29 (c) *Expulsion, non-readmission, prohibiting the enrollment and other related*
30 *discrimination of women students and faculty due to pregnancy outside of*
31 *marriage, shall be outlawed.*

32
33 **SEC. 10. *Women in Sports.*** - The State shall develop, establish and strengthen
34 programs for the participation of women and girl-children in competitive and non-
35 competitive sports as a means to achieve excellence, promote physical and social well-
36 being, eliminate gender-role stereotyping, and provide equal access to the full benefits
37 of development for all persons regardless of sex, gender identity and other similar
38 factors.

1 For this purpose, the State shall direct the Department of Education, the
2 Department of Health, the Philippine Sports Commission, the Games and Amusement
3 Board, the Commission on Higher Education, the Philippine Olympic Committee, and
4 the Philippine information Agency, in collaboration with national and regional sports
5 associations, media organizations and civil society organizations involved in sports and
6 sports promotion, to require the creation and use of guidelines that will establish and
7 integrate affirmative action as a strategy and gender equality as a framework in
8 planning and implementing their policies, budgets, programs and activities relating to
9 the participation of women and girls in sports.

10 The State will also provide material and non-material incentives to local
11 government units, media organizations and the private sector for promoting, training
12 and preparing women and girls for participation in competitive and non-competitive
13 sports, specially in local and international events, including, but not limited to, the
14 Palarong Pambansa, the Southeast Asian Games, the Asian Games, and the Olympics.

15 The State shall also ensure the safety and well-being of all women and girls
16 participating in sports, especially, but not limited to, trainees, reserve members,
17 members, coaches and mentors of national sports teams, whether in studying, training
18 or performance phases, by providing them comprehensive health and medical
19 insurance coverage, as well as integrated medical, nutritional and healthcare services.

20
21 **SEC. 11. *Non-discriminatory and Non-derogatory Portrayal of Women in Media***
22 ***and Film.*** - The State shall formulate policies and programs for the advancement of
23 women in collaboration with media-related organizations from the private sector. It shall
24 likewise endeavor to raise the consciousness of the general public in recognizing the
25 dignity of a woman, and the role and contribution of women in the family, community
26 and the society through the strategic use of mass media.

27 For this purpose, the State shall provide material and non-material incentives to
28 encourage ownership, management, and/or promotion of media venues and programs
29 by registered women's non-profit organizations and cooperatives involved in media and
30 communication work; as well as ensure allocation of space / airtime and resources,
31 strengthen programming, production and image-making that appropriately present
32 women's needs, issues and concerns in all forms of media, communication, information
33 dissemination and advertising.

34 The State, through the Department of Trade and Industry; the National
35 Telecommunications Commission; the Movie, Television and Review Classification
36 Board; the Optical Media Board; the Commission on Higher Education; in cooperation
37 with all schools of journalism, information and communication, as well as the national
38 media federations and associations, shall require all media organizations and

1 corporations to: integrate into their human resource development components regular
2 training on gender equality and gender-based discrimination; create and use gender
3 equality guidelines in all aspects of management, training, production, information
4 dissemination, communication and programming; and convene a gender equality
5 committee that will promote gender mainstreaming as a framework and affirmative
6 action as a strategy, monitor and evaluate the implementation of gender equality
7 guidelines.

8
9 **SEC. 12. Access to Information and Services Relating to Women's Health. -**

10 (A) *Comprehensive Health Services* - The State shall at all times provide for
11 comprehensive, culture-sensitive and gender-responsive health programs and
12 services covering all stages of a woman's reproductive years I life cycle; *Provided,*
13 That in the provision for comprehensive health services, due respect shall be
14 accorded to women's religious convictions, the rights of spouses to found a family
15 in accordance with their religious convictions and the demands of responsible
16 parenthood and the right of women to protection from hazardous drugs, devices,
17 interventions and substances, access to the following shall be ensured:

- 18 1. Maternal, child health and nutrition;
- 19 2. Family planning;
- 20 3. Safe motherhood;
- 21 4. Adolescent and youth health services;
- 22 5. Prevention and management of sexually transmitted diseases, HIV/AIDS and
23 other reproductive tract infections;
- 24 6. Prevention and management of reproductive tract cancers like breast and
25 cervical cancers and other gynecological conditions;
- 26 7. Prevention and management of abortion and its complications;
- 27 8. Violence against women and children -women and children victims and
28 survivors shall be provided with comprehensive health services that include
29 psychosocial therapeutic, medical and legal interventions and assistance
30 towards healing, recovery and empowerment;
- 31 9. Prevention and management of infertility and sexual dysfunction;
- 32 10. Care of the elderly or women beyond their reproductive years.

33 In addition, healthy lifestyle activities are encouraged and promoted through
34 programs and 'projects as a strategy in the prevention of diseases.

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

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

- 3 1. Due regard for the natural and primary right and duty of parents in the rearing of
4 the youth the development of moral character and the right of children to be
5 brought up in an atmosphere of morality and rectitude for the enrichment and
6 strengthening of character;
- 7 2. The formation of a person's sexuality that affirms human dignity;
- 8 3. Modern, safe and effective family planning method including fertility awareness.

9
10 **SEC.13. *Equal Rights in All Matters Relating to Marriage and Family Relations.*** -

11 The State shall take all appropriate measures to eliminate discrimination against women
12 in all matters relating to marriage and family relations and shall ensure:

- 13 (1) The same rights to enter into and leave partnerships or relationships without
14 prejudice to personal or religious beliefs;
- 15 (2) The same right to choose freely a spouse and to enter into marriage only with
16 their free and full consent. The betrothal and the marriage of a child shall have
17 no legal effect;
- 18 (3) The joint decision on the number and spacing of their children and to have
19 access to the information, education and means to enable them to exercise
20 these rights;
- 21 (4) The same personal rights between partners including the right to choose freely
22 a profession and an occupation;
- 23 (5) The same rights for both partners in respect of the ownership, acquisition,
24 management, administration, enjoyment, and disposition of property;
- 25 (6) The same rights to properties and resources, whether titled or not, and
26 inheritance, whether formal or customary.

27
28 Customary laws shall be respected; *Provided, however,* That they do not
29 contradict the above-enumerated rights.

30
31 **CHAPTER IV**
32 **RIGHTS AND EMPOWERMENT OF MARGINALIZED SECTORS**

33
34 Women are guaranteed all the rights - civil, political, social and economic
35 recognized, promoted and protected under existing laws, including but not limited to the
36 Indigenous Peoples' Rights Act, Urban Development and Housing Act, Comprehensive
37 Agrarian Reform Law, Fisheries Code, Labor Code, Migrant Workers Act, Solo Parents
38 Welfare Act, and Social Reform and Poverty Alleviation Act.

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SEC. 14. Food Security and Productive Resources. - The State recognizes the contribution of women to food production and shall therefore ensure sustainability and sufficiency of its activities in the household and community levels. To address this, the State shall ensure:

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

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

1. Equal status shall be given to men and women, whether married or not, in the titling of the land and issuance of stewardship contracts and patents;
2. Equal treatment shall be given to men and women beneficiaries of the agrarian reform program, wherein vested right of a woman agrarian reform beneficiary is defined by a woman's relationship to the tillage, i.e. her direct and indirect contribution to the development of the land;
3. Customary rights of women to the land, including access to and control of the fruits and benefits, shall be recognized in circumstances where private ownership is not possible such as ancestral domain claims;
4. Information and assistance on claiming rights to the land shall be made available to women at all times;
5. Equal rights to women to the enjoyment, use and management of land and water and other natural resources within their communities or ancestral domains;
6. Equal access to the use and management of fisheries and aquatic resources, and all the rights and benefits accruing to stakeholders in the fishing industry;
7. Equal status shall be given to men and women in the issuance of stewardship or lease agreements and other fishery rights that may be granted for the use and management of coastal and aquatic resources. In the same manner, women's organizations shall be given equal treatment as with other marginalized fishers organizations in the issuance of stewardship or lease agreements or other fishery rights for

- 1 the use and management of such coastal and aquatic resources which
2 may include providing support to women-engaged coastal resources;
- 3 8. There shall be no discrimination against women in the deputization of
4 fish wardens;
- 5 9. Women-friendly agriculture technology shall be designed based on
6 accessibility and viability in consultation with women's organizations;
- 7 10. Access to small farmers-based and controlled seeds production and
8 distribution shall be ensured;
- 9 11. Indigenous practices of women in seed storage and cultivation shall be
10 recognized;
- 11 12. Provide opportunities for empowering women fishers to be involved in
12 the control and management not only of the catch and production of
13 aquamarine resources but also to engage in entrepreneurial activities
14 which will add value to production and marketing ventures;
- 15 13. Provide economic opportunities for the indigenous women, particularly
16 *access to market for their produce.*
- 17

18 **SEC.15. *Right to Housing.*** - The State shall develop housing programs for
19 women that are localized, simple, accessible, secure, with viable employment
20 opportunities and affordable amortization. In this regard, the State shall consult women
21 and involve them in community planning and development especially in matters
22 pertaining to land use, zoning and relocation.

23

24 **SEC. 16. *Right to Employment, Livelihood, Credit, Capital and Technology.*** - The
25 State shall ensure that women shall be provided with the following:

- 26 (a) Equal access to formal sources of credit and capital at concessional rates;
- 27 (b) Equal share to the produce of the farms and aquatic resources;
- 28 (c) Support services and gears to protect them from occupational and health
29 hazards;
- 30 (d) Support services that will enable women to balance family obligations and
31 work responsibilities;
- 32 (e) *Membership in unions regardless of status of employment and place of*
33 *employment;*
- 34 (f) In recognition of the temporary nature of overseas work, the State shall exert
35 all efforts to address the causes of outmigration by developing local
36 employment and other economic opportunities for women and by introducing
37 measures to curb violence and forced and involuntary displacement of local

1 women. The State shall ensure the protection and promotion of the rights and
2 welfare of migrant women regardless of their work status;

3 (g) Protection against discrimination in wages, conditions of work and
4 employment opportunities in host countries;

5 (h) Employment opportunities for returning women migrant workers taking into
6 account their skills and qualifications. Corollarily, the State shall also promote
7 skills and entrepreneurship development of returning women migrant workers.
8

9 **SEC. 17. Right to Education and Training.** - The shall ensure the following:

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

12 (b) Gender-sensitive trainings and seminars;

13 (c) Equal opportunities in scholarship, especially to those interested in research
14 and development aimed towards women-friendly farm technology.
15

16 **SEC.18. Right to Representation and Participation.** - The State shall ensure
17 women's participation in policy-making or decision-making bodies in the regional,
18 national, and international levels. It shall also ensure the participation the participation of
19 at least forty percent (40%) grassroots women leaders in decision and policy making
20 bodies in their respective sectors, including but not limited to, Presidential Agrarian
21 Reform Council (PARC) and local counterparts; community-based resource
22 management bodies or mechanisms on forest management and stewardship; National
23 Fisheries and Aquatic Resources Management Council (NFARMC) and local
24 counterparts; National Commission on Indigenous Peoples, Presidential Commission
25 for the Urban Poor and where applicable, local housing boards; and National Anti-
26 Poverty Commission.
27

28 **SEC. 19. Right to Information.** - Access to information regarding policies on
29 women, including programs, projects and budget shall be ensured.
30

31 **SEC. 20. Social Protection.** -

32 (a) The Social Security System (SSS) and the Philippine Health Insurance
33 Corporation (PhilHealth) shall support indigenous and community-based social
34 protection schemes;

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

38 (c) The State shall establish health insurance program for senior citizens.

1 **SEC. 21. *Recognition and Preservation of Cultural Identity and Integrity.*** - The
2 State recognizes and respects the rights of Moro and indigenous women to practice,
3 *promote, protect and preserve their own culture, traditions and institutions and to*
4 *consider these rights in the formulation and implementation of national policies and*
5 *programs. To this end, the State shall adopt measures in consultation with the sectors*
6 *concerned to protect their rights to their indigenous knowledge systems and practices,*
7 *traditional livelihood and other manifestations of their cultures and ways of life;*
8 *Provided, that these cultural systems and practices are not discriminatory to women as*
9 *defined in this Act.*

10
11 **SEC. 22. *Peace and Development.*** - Peace process shall be pursued with the
12 following considerations:

- 13 (a) Increase the number of women participating in decision-making in the peace
14 process, including membership in peace panels;
- 15 (b) Ensure the development and inclusion of the women's peace agenda in the
16 over-all peace strategy and women's participation in the planning,
17 implementation, monitoring and evaluation of rehabilitation and rebuilding of
18 conflict-affected areas;
- 19 (c) Include peace perspective in education curriculum and other educational
20 undertaking;
- 21 (d) Recognize and support women's role in conflict-prevention and peacemaking,
22 and in indigenous systems of conflict resolution.

23
24 **SEC. 23. *Women in Especially Difficult Circumstances.*** - For purposes of this
25 Act, "Women in Especially Difficult Circumstances" (WEDC) shall refer to victims and
26 survivors of sexual and physical abuse, illegal recruitment, involuntary prostitution,
27 trafficking, armed conflict, women in detention, and such other related circumstances
28 which have incapacitated them functionally.

29
30 **SEC. 24. *Services and Interventions.*** - WEDC shall be provided with services
31 and interventions as necessary such as, but not limited to the following:

- 32 (a) temporary and protective custody;
- 33 (b) medical and dental services;
- 34 (c) *psychological evaluation;*
- 35 (d) counseling;
- 36 (e) psychiatric evaluation;
- 37 (f) *legal services;*
- 38 (g) productivity skills capability building;

- 1 (h) livelihood assistance;
- 2 (i) job placement;
- 3 (j) financial assistance;
- 4 (k) transportation assistance.

5

6 **SEC. 25. *Protection of Girl Children.*** -

- 7 (a) The State shall pursue measures to eliminate all forms of discrimination against
- 8 girl-children in education, health and nutrition, and skills development;
- 9 (b) Girl-children shall be protected from all forms of abuse and exploitation caused
- 10 by negative cultural attitudes and practices as well as in the economic
- 11 exploitation of child labor;
- 12 (c) Equal access of Moro and indigenous girl children in the Madaris, schools of
- 13 living culture and traditions, and the regular schools, shall be ensured;
- 14 (d) Gender-sensitive curriculum, including legal literacy, books and curriculum in the
- 15 Madaris and school of living culture and tradition, shall be developed;
- 16 (e) Sensitivity of regular schools to particular Moro and indigenous practices, such
- 17 as fasting in the month of Ramadan, choice of clothing (including the wearing of
- 18 *hijab*) and availability of *halal* food shall be ensured.

19

20 **SEC. 26. *Protection of Senior Citizens.*** - The State shall protect women senior

21 citizen from neglect, abandonment, domestic violence, abuse, exploitation and

22 discrimination. Towards this end, the State shall ensure special protective mechanisms

23 and support services against violence, sexual abuse, exploitation and discrimination of

24 older women.

25

26 **CHAPTER V**

27 **INSTITUTIONAL MECHANISMS**

28

29 **SEC. 27. *Gender Mainstreaming as the Strategy for Implementing the Magna***

30 ***Carta of Women.*** - All departments, including their attached agencies, offices, bureaus,

31 state universities and colleges, government-owned and controlled corporations, local

32 government units and other government instrumentalities, shall adopt gender

33 mainstreaming as the strategy to promote women's human rights and eliminate gender

34 discrimination in their systems, structures, policies, programs, processes and

35 procedures which shall include, but not limited to the following:

- 36 (a) Planning and budgeting for gender and development (GAD) - GAD programs
- 37 designed to address gender issues and concerns shall be designed and
- 38 implemented based on the mandate of government agencies and local

1 government units, Republic Act 7192, gender equality agenda of the
2 government and other GAD-related legislation and policies. The development
3 of the GAD programs shall proceed from the conduct of a gender audit of the
4 agency/LGU and a gender analysis of its policies, programs, services and the
5 situation of its clientele; the generation and review of sex-disaggregated data;
6 and consultation with gender/women's rights advocates and agency/women
7 clientele. The cost of implementing the GAD program shall be the
8 agency's/LGU's GAD budget which shall be at least five percent (5%) of the
9 agency's/LGU's total budget appropriations.

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

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

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

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

31 (b) Creation and/or strengthening of the GAD focal points – All departments,
32 including their attached agencies, offices, bureaus, state universities and
33 colleges, government-owned and controlled corporations, local government
34 units and other government instrumentalities shall establish or strengthen
35 their GAD Focal Points or similar GAD mechanism.

36 GAD Focal Points shall be composed of key fulltime personnel with
37 decision-making powers, coming from strategic offices and units, and
38 chaired by the agency head or local chief executive. The GAD shall serve as

1 the catalysts and/or advocates that will facilitate the implementation of this
2 Act.

3 The tasks and functions of the members of the GFP shall form part of their
4 regular key result areas.

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

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

18
19 **SEC. 28. *Philippine Commission on Women (PCW)*.** - The National Commission
20 on the Role of Filipino Women (NCRFW) shall be renamed as Philippine Commission
21 on Women (PCW) and strengthened to be the primary coordinating agency and policy
22 advisory on women and gender concerns to the Office of the President and the Cabinet.

23 It shall also be the overall monitoring body to ensure the implementation of this
24 Act. In doing so, the PCW shall direct all agencies to report on the implementation of the
25 Act and for them to immediately respond to the problems brought to their attention in
26 relation to this Act. The PCW shall also lead in ensuring that government agencies are
27 capacitated on effective implementation of this law. The Chairperson shall likewise
28 report to the President in Cabinet meetings on the implementation of this Act.

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

32
33 **SEC. 29. *The Gender and Development (GAD) Ombud*.** - A gender and
34 development Ombuds shall be established in the Commission on Human Rights to:

35 (a) monitor and oversee the strict implementation of this Act, in coordination with
36 NCRFW (PCW);

1 (b) on its own or on report or complaint, have the power to require information,
2 investigate or hear administrative complaint involving the possible violations
3 of this Act;

4 (c) use every and all reasonable means to ascertain the facts in the report or
5 complaint, in all instances observing due process;

6 (d) recommend to the President or the Civil Service Commission any possible
7 administrative action based on non-compliance or failure to implement the
8 provisions of this Act;

9 (e) direct agencies to immediately respond to the problems brought to their
10 attention in relation to the implementation of this Act and report to the Council
11 on action taken; assist in filing of cases against individuals, agencies,
12 institutions or establishments that violate the provisions of this Act.

13
14 **SEC. 30. *Incentives and Awards.*** - There shall be established an incentives and
15 awards systems which shall be administered by a board under such rules and
16 regulations as may be promulgated by the NCRFW (PCW) to deserving entities,
17 government agencies and local government units for their outstanding performance in
18 upholding the rights of women and effective implementation of gender-responsive
19 programs.

20 **CHAPTER VI**
21 **FINAL PROVISIONS**

22
23 **SEC. 31. *Implementing Rules and Regulations.*** - As the lead agency, the
24 NCRFW (PCW) shall, in coordination with the Commission on Human Rights and all
25 departments and agencies including both Houses of Congress through the Senate
26 Committee on Youth, Women and Family Relations and the House Committee on
27 Women and Gender Equality as observers.

28
29 **SEC. 32. *Separability Clause.*** - If any provision or part hereof is held invalid or
30 unconstitutional, the remainder of the law or the provision not otherwise affected shall
31 remain valid and subsisting.

32
33 **SEC. 33. *Repealing Clause.*** - Any law, presidential decree or issuance,
34 executive order, letter of instruction, administrative order, rule or regulation contrary to,
35 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
36 accordingly.

1 **SEC. 34. *Effectivity Clause.***-This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

3 Approved,