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SENATE

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COMMITTEE REPORT NO. 76

Submitted by the Committee on Youth, Women and Family
on JUN 11 2008.

Re: Senate Bill No. 2396, prepared by the Committee.

Recommending its approval in substitution of Senate Bill Nos. 1701, 1712, 1797, 1865, 1891, 1959, 2048, 2114, 2240 and taking into consideration S. Bill Nos. 433, 549, 632, 647, 921, 1287, 1433, 1809 and 1967.

Sponsor: Senator M.A. Madrigal

MR. PRESIDENT:

The Committee on Youth, Women and Family Relations to which were referred Senate Bill Nos. 1701, 1865, 1891, 1959, 2048, 2114 and 2240, introduced by Senators "Companera" Pia S. Cayetano, Angara, Lacson, Revilla, Jr., Gordon, Ejercito Estrada and Zubiri, respectively, *entitled*:

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

S. No. 1712, introduced by Senator Villar, *entitled*:

**"AN ACT
ENABLING THE FILIPINO WOMEN TO REALIZED THEIR FULL
POTENTIALS IN THE SERVICE OF THE NATION AND ENSURING
THEIR EQUALITY WITH MEN, ORDAINING A MAGNA CARTA OF
FILIPINO WOMEN THEREFOR AND FOR OTHER PURPOSES"**

S. No. 1797, introduced by Senator Legarda, *entitled*:

**"AN ACT
PROMOTING THE EMPOWERMENT OF WOMEN,
UPHOLDING THEIR RIGHT TO REPRESENTATION AND
PARTICIPATION, ESTABLISHING AN INCENTIVES AND
REWARDS SYSTEM FOR DESERVING ENTITIES,
GOVERNMENT AGENCIES AND LOCAL GOVERNMENT
UNITS FOR THEIR OUTSTANDING PERFORMANCE IN
UPHOLDING THE RIGHTS OF WOMEN, AND FOR
OTHER PURPOSES"**

taking into consideration S. No 433, introduced by Senator Estrada, *entitled:*

**“AN ACT
EMPOWERING WOMEN BY PROVIDING THEM WITH
FINANCIAL, EDUCATIONAL, AND INFORMATION
ASSISTANCE IN ORDER FOR THEM TO EXCEL IN
COMMERCE AND TRADE”**

S. No. 549, introduced by Senators Estrada, *entitled:*

**“AN ACT
GRANTING WOMEN EQUAL OPPORTUNITY TO ATHLETIC
SCHOLARSHIP AND TO PRIZES OF SPORTS”**

S. No. 632, introduced by Senator Estrada, *entitled:*

**“AN ACT
PROMOTING THE INTEGRATION OF WOMEN
IN THE DEVELOPMENT PROCESS”**

S. No. 647, introduced by Senator Estrada, *entitled:*

**“AN ACT
INCREASING WOMEN'S PARTICIPATION
IN ELECTIVE AND APPOINTIVE POSITIONS IN
GOVERNMENT”**

S. No. 921, introduced by Senator Legarda, *entitled:*

**“AN ACT
EMPOWERING WOMEN BY PROVIDING THEM
FINANCIAL, EDUCATIONAL AND INFORMATION
ASSISTANCE IN ORDER FOR THEM TO EXCEL
IN COMMERCE AND TRADE”**

S. No. 1287, introduced by Senator Defensor Santiago, *entitled:*

**“AN ACT
PROMOTING THE INTEGRATION OF WOMEN IN
THE DEVELOPMENT PROCESS”**

S. No. 1433, introduced by Senator Defensor Santiago, *entitled:*

**“AN ACT
GRANTING WOMEN EQUAL OPPORTUNITY TO
ATHLETIC SCHOLARSHIP AND TO PRIZES OF SPORTS”**

S. No. 1809, introduced by Senator Villar, *entitled:*

**“AN ACT
PROMOTING EQUAL OPPORTUNITIES FOR WOMEN IN
CORPORATE PUBLIC SECTOR MANAGEMENT THROUGH
MANDATED RATIO DIRECTORSHIPS IN GOVERNMENT-
OWNED AND CONTROLLED CORPORATIONS**

and S. No. 1967, introduced by Senator Defensor Santiago, *entitled:*

**“AN ACT
EMPOWERING WOMEN BY PROVIDING THEM
FINANCIAL, EDUCATIONAL AND INFORMATION
ASSISTANCE IN ORDER FOR THEM TO EXCEL
IN COMMERCE AND TRADE”**

have considered the same and have the honor to report this bill back to the Senate with the recommendation that the attached bill, S. No. 2396, prepared by the Committee, *entitled:*

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

be approved in substitution of Senate Bill Nos. 1701, 1712, 1797, 1865, 1891, 1959, 2048, 2114, 2240 and taking into consideration S. Bill Nos. 433, 549, 632, 647, 921, 1287, 1433, 1809 and 1967.

Respectfully submitted.


M.A. MADRIGAL

Chairperson

Committee on Youth, Women and Family Relations

Members:



ALAN PETER "COMPAÑERO" S. CAYETANO

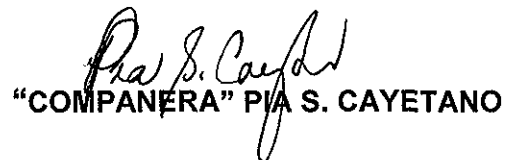


RICHARD J. GORDON



RODOLFO G. BIAZON

JUAN PONCE ENRILE


"COMPANERA" PIA S. CAYETANO

GREGORIO B. HONASAN II


FRANCIS "CHIZ" ESCUDERO


LOREN B. LEGARDA

Ex-Officio Members

JINGGOY EJERCITO ESTRADA

President Pro Tempore

FRANCIS N. PANGILINAN

Majority Leader


May unuh:

AQUILINO Q. PIMENTEL, JR.

Minority Leader

HON. MANNY VILLAR

Senate President

Senate of the Philippines

Pasay City

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

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S.B. No. 2396

RECEIVED BY: 

Prepared by the Committee on Youth, Women and Family Relations in substitution of S. Nos. 433, 549, 632, 647, 921, 1287, 1433, 1701, 1712, 1797, 1809, 1865, 1891, 1959, 1967, 2048, 2114 and 2240.

AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN

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

CHAPTER I GENERAL PROVISIONS

1 SECTION 1. Short Title. – This Act shall be known as “The Magna Carta of
2 Women of 2008.”

3 SECTION 2. Declaration of Policy. – Recognizing that the economic,
4 political, and socio-cultural realities affect women’s current condition, the State
5 affirms the role of women in nation building and ensures the substantive
6 equality of women and men. It shall promote the empowerment of women and
7 pursue equal opportunities for women and men as well as ensure their equal
8 access to resources and to development results and outcome.

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

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

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

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

17 In pursuance of this policy, the State recognizes the right of women in all
18 sectors to participate in policy formulation, planning, organization,
19 implementation, management monitoring, and evaluation of all programs and
20 other support services such as financing, production, and marketing to
21 encourage active participation of women in national development.

22 **CHAPTER II** 23 **DEFINITION OF TERMS**

24 **SECTION 3. Definitions.** -- For purposes of this Act, the following terms
25 shall mean:
26

1 (A) Women empowerment refers to the provision, availability, and
2 accessibility of opportunities and observance of human rights which enable
3 women to actively participate and contribute to the political, economic, social,
4 and cultural development of the nation as well as those which shall provide
5 them equal access to ownership, management, and control of production, and of
6 material and informational resources and benefits in the family, community, and
7 society.

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

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

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

21 These include women in the following sectors and groups:

22 1. Small Farmers and Rural Workers – those who are engaged directly or
23 indirectly in small farms and forest areas, workers in commercial farms and
24 plantations, whether paid or unpaid, regular or season-bound. These shall

1 include but are not limited to (a) small farmers who own or are still amortizing
2 for lands that is not more than three (3) hectares, tenants, leaseholders, and
3 stewards; and (b) rural workers who are either wage earners, self-employed,
4 unpaid family workers directly and personally engaged in agriculture, small
5 scale mining handicrafts, and other related farm and off-farm activities;

6 2. Fisherfolks – those directly or indirectly engaged in taking, culturing, or
7 processing fishery or aquatic resources. These include, but are not to be limited
8 to, women engaged in fishing in municipal waters and coastal areas, women
9 workers in commercial fishing and aquaculture, vendors and processors of fish
10 and coastal products, and subsistence producers such as shell-gatherers,
11 managers, and producers of mangrove resources, and other related producers;

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

17 4. Workers in the Formal Economy – those who are employed by any
18 person acting directly or indirectly in the interest of an employer in relation to an
19 employee and shall include the government and all its branches, subdivision,
20 and instrumentalities, all government-owned and controlled corporations and
21 institutions, as well as non-profit private institutions or organizations;

22 5. Workers in the Informal Economy – the self-employed, occasionally or
23 personally hired, subcontracted, and unpaid family workers in household
24 incorporated enterprises, including homeworkers, micro-entrepreneurs and

1 producers, operators of sari-sari stores, and all other categories who suffer from
2 violation of workers' rights;

3 6. Migrant Workers – Filipinos who are to be engaged, are engaged, or
4 have been engaged in a remunerated activity in a state of which they are not
5 legal residents whether documented or undocumented;

6 7. Indigenous Peoples – refer to a group of people or homogenous
7 societies identified by self-ascription and ascription by other, who have
8 continuously lived as organized community on communally bounded and
9 defined territory, and who have, under claims of ownership since time
10 immemorial, occupied, possessed customs, tradition and other distinctive
11 cultural traits, or who have, through resistance to political, social, and cultural
12 inroads of colonization, non-indigenous religions and culture, became
13 historically differentiated from the majority of Filipinos. They shall likewise
14 include peoples who are regarded as indigenous on account of their descent from
15 the populations which inhabited the country, at the time of conquest or
16 colonization, or at the time of inroads of non-indigenous religions and cultures,
17 or the establishment of present state boundaries, who retain some or all of their
18 own social, economic, cultural, and political institutions, but who may have been
19 displaced from their traditional domains or who may have resettled outside their
20 ancestral domains;

21 8. Moro – native peoples who have historically inhabited Mindanao,
22 Palawan, and Sulu, and who are largely of the Islamic faith;

23 9. Children – those who are below eighteen (18) years of age or over but
24 are unable to fully take care of themselves or protect themselves from abuse,

1 neglect, cruelty, exploitation, or discrimination because of a physical or mental
2 disability or condition;

3 10. Senior Citizens – those sixty (60) years of age and above;

4 11. Persons with Disabilities – those who are suffering from restriction or
5 different abilities, as a result of a mental, physical, or sensory impairment to
6 perform an activity in the manner or within the range considered normal for a
7 human being;

8 12. Solo Parents – those who fall under the category of a solo parent
9 defined under Republic Act No. 8972, otherwise known as the “Solo Parents
10 Welfare Act of 2000.”

11 (E) Gender refers to the socially differentiated roles, characteristics, and
12 expectations attributed by culture to women and men.

13 (F) Gender equality indicates that women and men enjoy the same status
14 and have equal conditions for realizing their full human potentials to contribute
15 to and benefit from the results of development.

16 (G) Gender equity refers to the policies, instruments, programs, services,
17 and actions that address the disadvantaged position of women in society by
18 providing preferential treatment and affirmative action. Such temporary special
19 measures aimed at accelerating de facto equality between women and men shall
20 not be considered discriminatory but shall in no way entail as a consequence the
21 maintenance of unequal or separate standards. These measures shall be
22 discounted when the objectives of equality of opportunity and treatment have
23 been achieved.

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

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

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

23 1. Physical, sexual, psychological, and economic violence occurring in the
24 family, including battering, sexual abuse of female children in the household,

dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;

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

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

It also includes acts of violence against women as defined in Republic Acts No. 9208 and 9262.

(K) Women in the military refer to women employed in the military, both in the major and technical services, who are performing combat and/or non-combat functions, providing security to the state, and protecting the people from various forms of threat. It also includes women trainees in all military training institutions.

(L) Social protection refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of the marginalized by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risk. Its components are labor market programs, social insurance, social welfare, and social safety nets.

CHAPTER III

RIGHTS AND EMPOWERMENT

SECTION 4. Human Rights of Women. – All rights recognized under international instruments duly signed and ratified by the Philippines, including

1 rights under the Constitution and other existing laws shall be rights of women
2 under this Act to be enjoyed without discrimination.

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

8 Towards this end, measures to prosecute and reform offenders shall
9 likewise be pursued.

10 (A) Within the next five (5) years, there shall be an incremental increase in
11 the recruitment and training of women in the police force, forensics and medico-
12 legal, legal services, and social work services availed of by women who are
13 victims of gender-related offenses until fifty percent (50%) of the personnel
14 thereof shall be women.

15 (B) Women shall have the right to protection and security in situations of
16 armed conflict and militarization. Towards this end, they shall be protected from
17 all forms of gender-based violence, particularly rape and other forms of sexual
18 abuse, and all forms of violence in situations of armed conflict. The State shall
19 observe international standards, particularly International Humanitarian Laws,
20 for the protection of civilian population in circumstances of emergency and
21 armed conflict. It shall not force women, especially indigenous peoples, to
22 abandon their lands, territories, and means of subsistence, or relocate them in
23 special centers for military purposes under any discriminatory condition.

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

4 (D) All local government units are encouraged to establish a Violence
5 Against Women's Desk in every barangay to ensure that violence against women
6 cases are fully addressed in a gender-responsive manner.

7 SECTION. 6. Women Affected by Disasters, Calamities, and Other Crisis
8 Situations. – Women have the right to protection and security in times of
9 disasters, calamities, and other crisis situations especially in all phases of relief,
10 recovery, rehabilitation, and construction efforts. The State shall provide for
11 immediate humanitarian assistance, allocation of resources, and early
12 resettlement, if necessary. It shall also address the particular needs of women
13 from a gender perspective to ensure their full protection from sexual exploitation
14 and other sexual and gender-based violence committed against them. Responses
15 to disaster situations shall include the provision of services, such as psychosocial
16 support, livelihood support, education, psychological health, and comprehensive
17 health services.

18 SECTION 7. Participation and Representation. – The State shall undertake
19 temporary special measures to accelerate the participation and representation of
20 women in all spheres of society particularly in the decision-making and policy-
21 making processes in government and private entities to fully realize their role as
22 agents and beneficiaries of development.

23 The State shall institute the following affirmative action mechanisms so
24 that women can participate meaningfully in the formulation, implementation,

1 and evaluation of policies, plans, and programs for national, regional, and local
2 development:

3 (A) Empowerment in Civil Service. – Within the next five (5) years, the
4 number of women in third level positions in government shall be increased to
5 ensure that no gender shall occupy more than sixty percent (60%) of such
6 positions;

7 (B) Development Councils and Planning Bodies. – To ensure the
8 participation of women in all levels of development planning and program
9 implementation, no more than sixty percent (60%) of the membership of all
10 development councils from the regional, provincial, city, municipal, and
11 barangay levels shall be composed by any one gender;

12 (C) Other Policy and Decision-Making Bodies. – Women's groups shall
13 also be represented in international, national, and local special and decision-
14 making bodies;

15 (D) International Bodies. – The State shall take all appropriate measures
16 to ensure the opportunity of women, on equal terms with men and without any
17 discrimination, to represent their governments at the international level and to
18 participate in the work of international organizations;

19 (E) Integration of Women in Political Parties. – The State shall provide
20 incentives to political parties with women's agenda. It shall likewise encourage
21 the integration of women in their internal policy-making structures, appointive,
22 and electoral nominating processes.

1 SECTION 8. Equal Treatment Before the Law. – The State shall take steps
2 to review and, when necessary, amend and/or repeal existing laws that are
3 discriminatory to women within three (3) years from the effectivity of this Act.

4 SECTION 9. Equal Access and Elimination of Discrimination in Education,
5 Scholarships, and Training. –

6 (A) The State shall ensure that gender stereotypes and images in
7 educational materials and curricula are adequately and appropriately revised.
8 Gender-sensitive language shall be used at all times. Capacity-building on
9 gender and development (GAD), peace and human rights, education for teachers
10 and all those involved in the education sector shall be pursued toward this end.
11 Partnerships between and among players of the education sector, including the
12 private sector, churches, and faith groups shall be encouraged.

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

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

18 SECTION 10. Women in Sports. – The State shall develop, establish, and
19 strengthen programs for the participation of women and girl-children in
20 competitive and non-competitive sports as a means to achieve excellence,
21 promote physical and social well-being, eliminate gender-role stereotyping, and
22 provide equal access to the full benefits of development for all persons regardless
23 of sex, gender identity, and other similar factors.

1 For this purpose, all sports-related organizations shall create guidelines
2 that will establish and integrate affirmative action as a strategy and gender
3 equality as a framework in planning and implementing their policies, budgets,
4 programs, and activities relating to the participation of women and girls in
5 sports.

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

12 No sports event or tournament will offer or award a different sports prize,
13 with respect to its amount or value, to women and men winners, *Provided, That*
14 the said tournament, contest, race, match, event, or game is open to both sexes.
15 *Provided, Further, That* the sports event or tournament is divided into male or
16 female division.

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

23 Schools, colleges, universities, or any other learning institution shall take
24 into account the gender of its total student population in granting athletic

1 scholarship. There shall be a *pro rata* representation of women in the athletic
2 scholarship program based on the percentage of women in the whole student
3 population.

4 SECTION 11. Women in the Military. – The State shall pursue appropriate
5 measures to eliminate discrimination of women in the military, including
6 revising or abolishing policies and practices that restrict women from availing of
7 both combat and non-combat training that are open to men, or from taking on
8 functions other than administrative tasks, such as engaging in combat, security-
9 related, or field operations. Women in the military shall be accorded with the
10 same promotional privileges as men, including pay increases, additional
11 remunerations and benefits, and performance awards based on their competency
12 and performance. Towards this end, the State shall provide women-friendly
13 equipment and establish women-friendly facilities such as barracks, patrol
14 gunboats, landing craft utilities, patrol craft escorts, auxiliary support vessels,
15 landing ship tanks, and other related facilities that would enable them to render
16 service and perform their duties equally with men.

17 Women in the military shall be provided with the same right to
18 employment as men on equal conditions. Equally, they shall be accorded the
19 same capacity as men to act in and enter into contracts, including marriage.

20 Further, women in the military shall be entitled to leave benefits such as
21 maternity leave, as provided for by existing laws.

22 SECTION 12. Non-Discriminatory and Non-Derogatory Portrayal of
23 Women in Media and Film. – The State shall formulate policies and programs for
24 the advancement of women in collaboration with media-related organizations

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

5 For this purpose, the State shall ensure allocation of space or airtime and
6 resources, strengthen programming, production, and image-making that
7 appropriately present women's needs, issues, and concerns in all forms of media,
8 communication, and information dissemination and advertising.

9 The State, in cooperation with all schools of journalism, information, and
10 communication, as well as the national media federations and associations, shall
11 require all media organizations and corporations to integrate into their human
12 resource development components regular training on gender equality and
13 gender-based discrimination, create and use gender equality guidelines in all
14 aspects of management, training, production, information, dissemination,
15 communication, and programming; and convene a gender equality committee
16 that will promote gender mainstreaming as a framework and affirmative action
17 as a strategy, and monitor and evaluate the implementation of gender equality
18 guidelines.

19 SECTION 13. Access to Information and Services Relating to Women's
20 Health. –

21 (A) Comprehensive Health Services. – The State shall, at all times, provide
22 for a comprehensive, culture-sensitive, and gender-responsive health services
23 and programs covering all stages of a woman's life cycle and which addresses
24 the major causes of women's mortality and morbidity; *Provided, That in the*

1 provision for comprehensive health services, due respect shall be accorded to
2 women's religious convictions, the rights of the spouses to found a family in
3 accordance with their religious convictions and the demands of responsible
4 parenthood, and the right of women to protection from hazardous drugs,
5 devices, interventions, and substances.

6 Access to the following services shall be ensured:

- 7 1. Safe motherhood, maternal and child health and nutrition;
- 8 2. Family planning;
- 9 3. Human sexuality education;
- 10 4. Adolescent and youth health services;
- 11 5. Prevention and management of reproductive tract infections, including
12 sexually transmitted diseases, HIV, and AIDS;
- 13 6. Prevention and management of reproductive tract cancers like breast
14 and cervical cancers and other gynecological conditions;
- 15 7. Prevention and management of abortion and its complications;
- 16 8. Violence against women and children – women and children victims
17 and survivors shall be provided with comprehensive health services that include
18 psychosocial therapeutic, medical and legal interventions, and assistance
19 towards healing, recovery, and empowerment, and shall also include the
20 management, treatment, and intervention of mental health problems by women
21 and girls;
- 22 9. Prevention and management of infertility and sexual dysfunction; and
- 23 10. Care of the elderly women beyond their child-bearing years.

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

3 (B) Comprehensive Health Information and Education. – The State shall
4 provide women in all sectors with timely, complete, and accurate information
5 and education on all the above-stated aspects of women’s health in government
6 education and training programs, with due regard to the following:

7 1. The natural and primary right and duty of parents in the rearing of the
8 youth and the development of moral character and the right of children to be
9 brought up in an atmosphere of morality and rectitude for the enrichment and
10 strengthening of character;

11 2. The formation of a person’s sexuality that affirms human dignity; and

12 3. Modern, safe, and effective family planning methods, including fertility
13 awareness.

14 SECTION 14. Special Leave Benefits for Single Women. – A single woman
15 employee having rendered continuous aggregate employment service of at least
16 six (6) months for the last twelve (12) months shall be entitled to a special leave
17 benefit of two (2) months with full pay based on her gross monthly
18 compensation following surgery caused by gynecological disorders.

19 SECTION 15. Equal Rights in All Matters Relating to Marriage and Family
20 Relations. – The State shall take all appropriate measures to eliminate
21 discrimination against women in all matters relating to marriage and family
22 relations and shall ensure:

23 (1) The same rights to enter into and leave partnerships or relationships
24 without prejudice to personal or religious beliefs;

1 ensure sustainability and sufficiency of its activities in the household and
2 community levels. To address this, the State shall ensure:

3 (A) Right to Food. – The State shall guarantee the availability of food in
4 quantity and quality sufficient to satisfy the dietary needs of individuals, the
5 physical and economic accessibility for everyone to adequate food that is
6 culturally acceptable and free from unsafe substances and culturally accepted,
7 and the accurate and substantial information to the availability of food;

8 (B) Right to Resources for Food Production. – The State shall promote the
9 right to adequate food by proactively engaging in activities intended to
10 strengthen access to, utilization of, and receipt of accurate and substantial
11 information on resources and means to ensure women's livelihood, including
12 food security:

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

16 2. Equal treatment shall be given to women and men beneficiaries
17 of the agrarian reform program, wherein the vested right of a woman
18 agrarian reform beneficiary is defined by a woman's relationship to
19 tillage, *i.e.*, her direct and indirect contribution to the development of the
20 land;

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

1 4. Information and assistance in claiming rights to the land shall be
2 made available to women at all times;

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

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

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

17 8. There shall be no discrimination against women in the
18 deputization of fish wardens;

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

22 10. Access to small farmer-based and controlled seeds production
23 and distribution shall be ensured and protected;

1 11. Indigenous practices of women in seed storage and cultivation
2 shall be recognized, encouraged, and protected;

3 12. Equal rights shall be given to women to be members of farmer's
4 organizations to ensure wider access to and control of the means of
5 production;

6 13. Provide opportunities for empowering women fishers to be
7 involved in the control and management, not only of the catch and
8 production of aquamarine resources but also, to engage in entrepreneurial
9 activities which will add value to production and marketing ventures; and

10 14. Provide economic opportunities for the indigenous women,
11 particularly access to market for their produce.

12 SECTION 17. Right to Housing. – The State shall develop housing
13 programs for women that are localized, simple, accessible, with adequate water
14 and electrical facilities, and secure with viable employment opportunities and
15 affordable amortization. In this regard, the State shall consult women and
16 involve them in community planning and development especially in matters
17 pertaining to land use, zoning, and relocation.

18 SECTION 18. Right to Decent Work. – The State shall progressively realize
19 and ensure decent work standards for women that involve the creation of jobs of
20 acceptable quality in conditions of freedom, equity, security, and human dignity.

21 (A) Decent work involves opportunities for work that are productive and
22 deliver fair income, security in the workplace, and social protection for families,
23 better prospects for personal development and social integration, freedom for

1 people to express their concerns, organize, participate in the decisions that affect
2 their lives, and equality of opportunity and treatment for all women and men.

3 (B) The State shall further ensure:

4 1. Support services and gears to protect them from occupational
5 and health hazards;

6 2. Support services that will enable women to balance family
7 obligations and work responsibilities, including but not limited to the
8 establishment of day care centers and breast-feeding stations at the
9 workplace, and maternity leave of one hundred twenty (120) days for
10 pregnant public and private sector employees;

11 3. Membership in unions regardless of status of employment and
12 place of employment;

13 4. Respect for the observance of indigenous peoples' cultural
14 practices even in the workplace.

15 (C) In recognition of the temporary nature of overseas work, the State
16 shall exert all efforts to address the causes of out-migration by developing local
17 employment and other economic opportunities for women and by introducing
18 measures to curb violence and forced and involuntary displacement of local
19 women. The State shall ensure the protection and promotion of the rights and
20 welfare of migrant women regardless of their work status, and protect them
21 against discrimination in wages, conditions of work, and employment
22 opportunities in host countries.

23 SECTION 19. Right to Livelihood, Credit, Capital, and Technology. – The
24 State shall ensure that women are provided with the following:

- 1 (A) Equal access to formal sources of credit and capital;
- 2 (B) Equal share to the produce of farms and aquatic resources; and
- 3 (C) Employment opportunities for returning women migrant workers
- 4 taking into account their skills and qualifications. Corollarily, the State shall also
- 5 promote skills and entrepreneurship development of returning women migrant
- 6 workers.

7 SECTION 20. Right to Education and Training. – The State shall ensure the
8 following:

- 9 (A) Participation in trainings and extension services related to rights
- 10 enumerated in Sections 6 and 8 of this Act;
- 11 (B) Gender-sensitive training and seminars; and
- 12 (C) Equal opportunities in scholarships, especially to those interested in
- 13 research and development aimed towards women-friendly farm technology.

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

1 SECTION 22. Right to Information. – Access to information regarding
2 policies on women, including programs, projects, and budgeting, shall be
3 ensured.

4 SECTION 23. Social Protection. –

5 (A) The Social Security System (SSS) and the Philippine Health Insurance
6 Corporation (PhilHealth) shall support indigenous and community-based social
7 protection schemes.

8 (B) The State shall institute policies and programs that seek to reduce the
9 poverty and vulnerability to risks and enhance the social status and rights of the
10 marginalized women by promoting and protecting livelihood and employment,
11 protecting against hazards and sudden loss of income, and improving people's
12 capacity to manage risks.

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

17 (D) The State shall establish a health insurance program for senior citizens
18 and indigents.

19 (E) The State shall support women with disabilities on a community-based
20 social protection scheme.

21 SECTION 24. Recognition and Preservation of Cultural Identity and
22 Integrity. – The State shall recognize and respect the rights of Moro and
23 indigenous women to practice, promote, protect, and preserve their own culture,
24 traditions, and institutions and to consider these rights in the formulation and

1 implementation of national policies and programs. To this end, the State shall
2 adopt measures in consultation with the sectors concerned to protect their rights
3 to their indigenous knowledge systems and practices, traditional livelihood, and
4 other manifestations of their cultures and ways of life; *Provided*, That these
5 cultural systems and practices are not discriminatory to women.

6 SECTION 25. Peace and Development. – The peace process shall be
7 pursued with the following considerations:

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

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

14 (C) Institute measures to ensure the protection of civilians in conflict-
15 affected communities.

16 (D) Include the peace perspective in the education curriculum and other
17 educational undertaking; and

18 (E) Recognize and support women's role in conflict-prevention and
19 peacemaking and in indigenous systems of conflict resolution.

20 SECTION 26. Women in Especially Difficult Circumstances. – For
21 purposes of this Act, "women in especially difficult circumstances" (WEDC)
22 shall refer to victims and survivors of sexual and physical abuse, illegal
23 recruitment, prostitution, trafficking, armed conflict, women in detention,
24 victims of rape-incest, and such other related circumstances which have

1 incapacitated them functionally. Local government units are therefore mandated
2 to deliver the necessary services and interventions to WEDC under their
3 respective jurisdictions.

4 SECTION 27. Services and Interventions. – WEDC shall be provided with
5 services and interventions as necessary such as, but not limited to, the following:

- 6 (A) Temporary and protective custody;
- 7 (B) Medical and dental services;
- 8 (C) Psychological evaluation;
- 9 (D) Counseling;
- 10 (E) Psychiatric evaluation;
- 11 (F) Legal services;
- 12 (G) Productivity skills capability building;
- 13 (H) Livelihood assistance;
- 14 (I) Job placement;
- 15 (J) Financial assistance; and
- 16 (K) Transportation assistance.

17 SECTION 28. Protection of Girl-Children. –

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

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

1 (C) Equal access of Moro and indigenous girl-children in the Madaris,
2 schools of living culture and traditions, and the regular schools shall be ensured.

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

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

9 SECTION 29. Protection of Senior Citizens. – The State shall protect
10 women senior citizens from neglect, abandonment, domestic violence, abuse,
11 exploitation, and discrimination. Towards this end, the State shall ensure special
12 protective mechanisms and support services against violence, sexual abuse,
13 exploitation, and discrimination of older women.

14 CHAPTER V
15 INSTITUTIONAL MECHANISMS
16

17 SECTION 30. Gender Mainstreaming as a Strategy for Implementing the
18 Magna Carta of Women. – All departments, including their attached agencies,
19 offices, bureaus, state universities and colleges, government-owned and
20 controlled corporations, local government units, and other government
21 instrumentalities shall adopt gender mainstreaming as a strategy to promote
22 women's human rights and eliminate gender discrimination in their systems,
23 structures, policies, programs, processes, and procedures which shall include,
24 but not limited to, the following:

25 (A) Planning and Budgeting for Gender and Development (GAD). – GAD
26 programs designed to address gender issues and concerns shall be designed and

1 implemented based on the mandate of government agencies and local
2 government units, Republic Act No. 7192, gender equality agenda of the
3 government, and other GAD-related legislation and policies. The development of
4 the GAD programs shall proceed from the conduct of a gender audit of the
5 agency or local government unit and a gender analysis of its policies, programs,
6 services, and the situation of its clientele; the generation and review of sex-
7 disaggregated data; and consultation with gender or women's rights advocates
8 and agency or women clientele. The cost of implementing the GAD program
9 shall be the agency's or local government unit's GAD budget which shall be at
10 least five percent (5%) of the agency's or local government unit's total budget
11 appropriation.

12 The utilization and outcome of the GAD budget shall be annually
13 monitored and evaluated in terms of its success in influencing the gender-
14 responsive implementation of agency programs funded by the remainder of the
15 ninety-five percent (95%) budget.

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

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

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

4 1. Macro socio-economic plans such as the Medium-Term Philippine
5 Development Plan and Medium-Term Philippine Investment Plan;

6 2. Annual plans of all departments, including their attached agencies,
7 offices, bureaus, state universities and colleges, and government-owned and
8 controlled corporations; and

9 3. Local plans and agenda such as executive-legislative agenda,
10 comprehensive development plan (CDP), comprehensive land use plan (CLUP),
11 provincial development and physical framework plan (PDPFP), and annual
12 investment plan.

13 (B) Creation and/or Strengthening of the GAD Focal Points (GFP). – All
14 departments, including their attached agencies, offices, bureaus, state
15 universities and colleges, government-owned and controlled corporations, local
16 government units, and other government instrumentalities shall establish or
17 strengthen their GAD Focal Point System or similar GAD mechanism to catalyze
18 and accelerate gender mainstreaming within the agency or local government
19 unit.

20 The GAD Focal Point System shall be composed of the agency head or
21 local chief executive, an Executive Committee with an Undersecretary (or its
22 equivalent), LGU official, or office in a strategic decision-making position as
23 Chair; and a Technical Working Group or Secretariat which is composed of

1 representatives from various divisions or offices within the agency or local
2 government unit.

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

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

13 SECTION 31. Gender Focal Point Officer in Philippine Embassies and
14 Consulates. – An officer duly trained on gender and development shall be
15 designated as the gender focal point officer in the consular section of Philippine
16 embassies or consulates. Said officer shall be primarily responsible in handling
17 gender concerns of women migrant workers.

18 SECTION 32. National Commission on the Role of Filipino Women
19 (NCRFW). – The National Commission on the Role of Filipino Women (NCRFW)
20 shall be renamed as the Philippine Commission on Women (PCW) and
21 strengthened to be the primary coordinating agency and policy advisory on
22 women and gender concerns to the Office of the President and the Cabinet. It
23 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

1 implementation of this Act and for them to immediately respond to the problems
2 brought to their attention in relation to this Act. The PCW shall also lead in
3 ensuring that government agencies are capacitated on effective implementation
4 of this Act. The Chairperson shall likewise report to the President in Cabinet
5 meetings on the implementation of this Act.

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

9 SECTION 33. The Gender and Development (GAD) Ombud. – A gender
10 and development Ombud shall be established in the Commission on Human
11 Rights. The GAD Ombud shall:

12 (1) Monitor and oversee the strict implementation of this Act, in
13 coordination with the PCW;

14 (2) On its own or upon a report or complaint, have the power to require
15 information, investigate, or hear administrative complaints involving the
16 possible violations of this Act;

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

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

22 (5) Direct agencies to immediately respond to the problems brought to
23 their attention in relation to the implementation of this Act and report to the
24 PCW on the action taken; and

1 (6) Assist in the filing of cases against individuals, agencies, institutions,
2 or establishments that violate the provisions of this Act.

3 SECTION 34. Incentives and Awards. – There shall be established an
4 incentives and awards system which shall be administered by a board under
5 such rules and regulations as may be promulgated by the PCW to deserving
6 entities, government agencies, and local government units for their outstanding
7 performance in upholding the rights of women and effective implementation of
8 gender-responsive programs.

9 SECTION 35. Penalties. – Upon finding of the Gender Ombud that a
10 department, agency, or instrumentality of government, government-owned and
11 controlled corporation, or local government unit has violated any provision of
12 this Act and its Implementing Rules and Regulations, the sanctions under
13 administrative law, civil service, or other appropriate laws shall be
14 recommended to the Civil Service Commission and/or the Department of Interior
15 and Local Government. The person directly responsible for the violation as well
16 as the head of the agency or local chief executive shall be held liable under this
17 Act.

18 If the violation is committed by a private entity or individual, the person
19 directly responsible for the violation shall be liable to pay damages.

20 Filing a complaint under this Act shall not preclude the offended party
21 from pursuing other remedies available under the law.

22 SECTION 36. Implementing Rules and Regulations. – As the lead agency,
23 the PCW shall, in coordination with the Commission on Human Rights, all
24 concerned departments and agencies, and with the participation of

1 representatives from non-government organizations and civil society groups
2 with a proven track record of involvement and promotion of the rights and
3 welfare of Filipino women and girls to be determined by the PCW, formulate the
4 Implementing Rules and Regulations (IRR) of this Act within six (6) months after
5 its effectivity.

6 SECTION 37. Separability Clause. – If any provision or part hereof is held
7 invalid or unconstitutional, the remainder of the law or the provision not
8 otherwise affected shall remain valid and subsisting.

9 SECTION 38. Repealing Clause. – Any law, presidential decree or
10 issuance, executive order, letter of instruction, administrative order, rule, or
11 regulation contrary to, or inconsistent with, the provisions of this Act is hereby
12 repealed, modified, or amended accordingly.

13 SECTION 39. Effectivity Clause. – This Act shall take effect fifteen (15)
14 days after its publication in at least two (2) newspapers of general circulation.

15 Approved,