

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

SENATE
OFFICE OF THE SECRETARY

10 JUL 22 P5:39

SENATE
S. No. 1937

RECEIVED BY

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 11, Section 14 recognizes the role of women in nation building. This mandate requires the State to give women opportunities that will enhance their welfare and realize their full potential in the service of the nation.

The active participation and involvement of women in the field of trade and business must be enhanced especially at this time when the country is experiencing economic setbacks. Thus, this bill seeks to empower women in the business enterprise by developing a national program and creating an interagency committee on women's business enterprise.*

acv *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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S. No. 1937

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1 AN ACT
2 CREATING A NATIONAL WOMEN'S BUSINESS ENTERPRISE POLICY AND
3 PRESCRIBING ARRANGEMENTS FOR DEVELOPING, COORDINATING AND
4 IMPLEMENTING A NATIONAL PROGRAM FOR WOMEN'S ENTERPRISE.

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

5 SECTION 1. *Short Title.* – This Act may be cited as “Women’s Business
6 Enterprise Act.”

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

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

12 (A) “Women-owned business” means a business that is at least fifty one percent
13 (51%) owned by a woman or women who also control and operate it;

14 (B) “Control” means exercising the power to make policy decisions;

15 (C) “Operate” means being actively involved in the day-to-day management; and

16 (D) “Women’s business enterprise” means any women-owned business or
17 businesses or the efforts of a woman or women to establish, maintain or develop such a
18 business or businesses.

19 SECTION 4. *Interagency Committee on Women s Business Enterprise.* – There is
20 hereby established an Interagency Committee on Women’s Business Enterprise.

1 (A) *Committee Chairperson.* – The Chairperson of the Committee shall be
2 appointed by the President of the Philippines. The Chairperson shall be the presiding
3 officer of the Committee and shall have such duties as prescribed in this Act or by the
4 Committee in its rules of procedure.

5 The Chairperson may also represent his or her department, agency or office on the
6 committee.

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

17 (C) *Committee Meetings.* – The Committee shall meet at least quarterly at the call
18 of the Chairperson, and at such other times as may be determined to be useful according
19 to the rules of procedure adopted by the Committee.

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

22 (A) Promote, coordinate and monitor the plans, programs and operations of the
23 departments and agencies of the Executive Branch which may contribute to the
24 establishment, preservation and strengthening of women’s business enterprise with the
25 cooperation of the departments and agencies.

26 (B) Establish such policies, definitions, procedures and guidelines to govern the
27 implementation, interpretation and applications of this Act, and generally perform such

1 functions and take such steps as the Committee may deem to be necessary or appropriate
2 to achieve the purposes and carry out the provision hereof.

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

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

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

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

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

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

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

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

7 (1) Management, technical, financial and procurement assistance;

8 (2) Business-related education, training, counseling and information
9 dissemination; and

10 (3) Procurement.

11 (C) Each department of agency empowered to extend government financial
12 assistance to any program and activity shall issue regulations requiring the recipient of
13 such assistance to take appropriate affirmative action in support of women's business
14 enterprise on the ground of sex.

15 For purposes of this Section, financial assistance means assistance extended by
16 way of grant cooperative agreement, loan and guaranty. These regulations shall prescribe
17 sanctions for non-compliance. Unless otherwise specified by law, no agency sanctions
18 shall be applied until the agency or department concerned has advised the appropriated
19 person or persons of the failure to comply with its regulations and has determined that
20 compliance cannot be secured by voluntary means.

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

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

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

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

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

Approved,