

Senate of the Philippines

Linkages Update

*Volume 13 No. 5
18th Congress
Series of 2021*

This **Linkages Update** aims to provide information on legislations approved and enacted into law, bills passed on third reading by the Senate, outputs of Forums conducted by ILS, and other concerns of national importance. Presented in this issue are the Laws on Women, Children, Family Relations and Gender Equality passed during the Seventeenth Congress. This publication is a project of the Institutional Linkages Service (ILS) under the External Affairs and Relations Office.

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Researched and Reviewed : Dir. Julieta J. Cervo, CPA, DEA

Source : www.senate.gov.ph
ELLS' Implementation of Laws Update
PCW Publications

Note: *The contents of this publication are those that are considered important by the author/researcher and do not necessarily reflect those of the Senate, of its leadership or of its individual members.*

The Institutional Linkages Service is under the External Affairs and Relations headed by Deputy Secretary Enrique Luis D. Papa and Executive Director Diana Lynn Le-Cruz.

Updates on the 17th Congress Laws Passed on Women, Children, Family Relations and Gender Equality

Provided below are the laws passed and approved by the President of the Philippines during the 17th Congress with impact on Women, Children, Family Relations and Gender Equality:

REPUBLIC ACT NO. 11222

“An Act Allowing the Rectification of Simulated Birth Records and Prescribing Administrative Adoption Proceedings for the Purpose”

- APPROVED INTO LAW ON February 19, 2018
- IRR was signed on October 7, 2019 and published on the Official Gazette on November 25, 2019

UPDATE ON THE LAW

Based on the report of DSWD Undersecretary Luzviminda C. Ilagan to the Senate Department of External Affairs and Relations (DEAR), the agency is “popularizing” the program through orientation and media interviews. In the DSWD Memorandum Circular No. 2020-016, Guidelines on Simulated Birth Rectification Act, the following are the coverage of the Act:

1. Administrative adoption of a non-relative child;
2. Administrative adoption of a child within the fourth (4th) degree of affinity or consanguinity;
3. Administrative adoption of an adult, who has been consistently considered and treated as daughter or son since birth or minority;
4. Administrative adoption where the Petition for cancellation of simulated birth certificate or Petition for adoption with cancellation of simulated birth certificate is pending in court;
5. Other analogous circumstances as may be determined by the Secretary.

On the other hand, DSWD MC 2020-016 also presented the exclusion in the coverage of the Act, circumstances not limited to the following:

1. Rectification or correction of entries (i.e. to reflect the name of biological parent/s in the birth certificate. This case contemplates a situation where the purpose is only to rectify the birth record of the child but not for the person/s who caused the simulation to proceed with the adoption;
2. Administrative adoption by the relatives of the deceased person/s who simulated the birth of a child or an adult adoptee. One of the preconditions of the act is that the child has been consistently considered and treated as daughter or son by such person or person/s as defined in the guidelines, and the same is lacking in this case;
3. Administrative adoption by person/s other than the parent/s named in simulated birth certificate. This case lacks the requirement that the

child has been consistently considered and treated as daughter or son of the petitioner/s; or

4. Administrative adoption of a child by the purported father only; when the mother named in the birth certificate is the biological mother of such child. The situation does not involve “simulation of birth record”, as defined under the Act;
5. Administrative adoption of a child or person who has a registered original Certificate of Live Birth or Certificate of Founding.

Reference: https://www.dswd.gov.ph/issuances/MCs/MC_2020-016.pdf

In the case of the exclusions provided above, according to DSWD, petitioners or prospective adopters will have to go to the courts to rectify the birth certificates.

REPUBLIC ACT NO. 11313

“An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Education or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor”

- APPROVED INTO LAW ON April 17, 2018
- IRR was signed on October 28, 2019 and shall take effect 15 days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines

UPDATE ON THE LAW

PCW Executive Director informed the Senate DEAR on the milestones in the implementation of the Law:

1. On January 2020, PCW collaborated with the civil society and non-government organizations on the production and dissemination of information, communication, and educational material to create awareness of the law. While PCW and its partners agreed to produce material, the pandemic forced them to revisit their action plans and timelines;
2. PCW has coordinated with CHED to facilitate the amendment of existing sexual harassment policies in line with PA 11313. As a response, CHED has created a technical working group to study the matter;
3. PCW also coordinated with DILG to develop a joint policy to facilitate the localization of the law’s provisions at the provincial, city, municipal and barangay level. DILG -PCW Joint Memorandum Circular 2020-01 was issued on December 9, 2020 on the Guidelines on the Localization of the Safe Spaces Act.

<https://dilg.gov.ph/issuances/jc/Guidelines-on-the-Localization-of-the-Safe-Spaces-Act/150>

<https://pcw.gov.ph/guidelines-on-the-localization-of-the-safe-spaces-act/>

Among those included in the guidelines provided under DILG-PCW JMC 2020-01 are as follows:

1. Set-up of an Anti-Sexual Harassment (ASH) Desk at the City/Municipal Hall for the purpose of expediting the receipt and processing of complaints and reports of Gender-Based Sexual Harassment (GBSH) in streets and public spaces. (Section 5.1.2.6)
2. Ensure the setting-up and maintenance of functional CCTV camera in major roads, alleys and sidewalks in their respective areas to and in the filing of cases and gathering of evidence as well as the prevention of GBSH in streets and public spaces. (Section 5.1.1.8)
3. Pass an ordinance, in line with the provisions stated in RA11313, to prevent the occurrence and efficiently respond to GBSH in streets and public spaces; and designate public spaces, regardless of ownership and nature as safe spaces against GBSH. (Sections 5.1.1.1, 5.1.2.1, and 5.1.3.1)

The IRR of SBH Law also provides the prescription period for any action arising from the violation of any provision of RA No. 11313. The offenses committed are those found in Sections 11.a, 11.b, 11.c, 12, 16 and 21.

Other Reference:

- ELLS Update on Laws as of November 2020

PUBLICATIONS OF THE INSTITUTIONAL LINKAGES SERVICE (ILS)

- **“THE SENATE AS AN INSTITUTION”**

This book is a briefing manual on the workings of the Senate, its composition and its history. It is meant to give information/guidance on the specific functions of the offices and services in the Senate Proper and in the Senate Secretariat. It also includes the directory of the Senators and the Senate Secretariat Officers.
- **“ILS RESOURCE DIRECTORY”**

This directory is a two-volume compilation of contact person(s) and addresses of Non-Government Organizations, Cooperatives, Foundations, Associations, etc. The Resource Directory aims to provide the Senators and staff, as well as the Committee Secretary, with the listing of the external clients of the Senate who could be partners in crafting legislative measures. The Directory is also meant to establish linkages with the external clients of the Senate with the end in view of making external clients an active partner in the legislative process.
- **“LINKAGES CIRCULAR”**

This publication is a collation of bills, resolutions, and committee reports filed/adopted by the Senators and taken up on the floor for a particular week/month. The Circular is meant to inform and guide the public or interested parties/groups on newly-filed bills and their statuses. The purpose of the publication is to encourage external clients’ reaction and suggestions.
- **“LINKAGES REPORT”**

This publication is a digest of the accomplishments of the Senate and of press releases of the Senators and other issues related to legislation. The Report is meant to inform the public of the accomplishments of the Senate for a particular period and the stand of a particular Senator on issues of national importance and other concerns about the Senate.
- **“LINKAGES UPDATE”**

This publication is an abstract of laws passed and Senate bills on third reading and their statuses in the House of Representatives. The Update is meant to inform the public of the laws approved by the President of the Philippines and the bills passed by the Senate and forwarded to the House of Representatives for concurrence/approval.
- **“LINKAGES BILLS ALERT”**

This publication aims to inform and update concerned Non-Government Organizations (NGOs) and the public on Senate bills filed per month and their committee(s) referrals.

The Senate As an Institution

The Senate of the Philippines is one of the pillars of the country's lawmaking body, the other one is the House of Representatives. It is composed of 24 elected Senators whose terms of office shall be six (6) years. This dynamic institution is established to balance our economic, social and political environment and whose concerns are national in scope.

As the bastion of democracy, its action is centered on consensus and consultation with the end purpose of serving the best interest of the Filipino people.

The **Senate** also values the importance of having productive and harmonious relationships with institutions from the government and the private sectors to create an environment where rapport and goodwill among institutions prevail. Its main objective is the passage of good, implementable and doable laws in pursuit of democratic ideals that would truly serve the national interest and the welfare of the people.

We will be happy to receive inquiries, comments, suggestions and recommendations on a particular law or Senate bill. You may send your letter to the address stated below:

Senate of the Philippines
Institutional Linkages Service
Rm. 411, 4th Floor, GSIS Building
Financial Center, Pasay City

Or send it thru email address: senateexternalils@gmail.com or
senateexternalils@yahoo.com.ph

Or you may call us at telephone numbers:

8552-6601 to 80 (locals 4104-4106)
8552-6826 (Direct Line)
8552-6687(Telefax)

Office of The INSTITUTIONAL LINKAGES SERVICE (ILS)

JULIETA J. CERVO, CPA, DPA, CEO
Director III/Service Chief

Staff

RHONA BEATRIZ D. ALTOMIA
MA. TERESA A. CASTILLO
OLIVIA GAY C. CASTILLO
NELSON C. MACATANGAY
GERARDO R. SERRANO
PAULITA D. SULIT