



HOUSE OF REPRESENTATIVES

H. No. 4273

BY REPRESENTATIVES ANGARA, CLIMACO, SILVERIO, TEODORO, DOMOGAN, SUSANO, PRIETO-TEODORO, SYJUCO, PUENTEVELLA, DEL MAR, VILLAROSA, ALMARIO, HONTIVEROS-BARAQUEL, MAZA, RODRIGUEZ, SANTIAGO (N.), MENDOZA, CHAVEZ, HATAMAN, ILAGAN, LAZATIN, MADRONA, ESTRELLA (R.), VALDEZ, CODILLA, ZUBIRI, CAJAYON, TALIÑO-MENDOZA, REYES (C.), ROMAN, COSCOLLUELA, CRUZ-GONZALES, SOON-RUIZ, ARENAS, ZIALCITA, DUMARPA, SOLIS, BONOAN-DAVID, CAYETANO, DAZA AND VILLANUEVA, PER COMMITTEE REPORT NO. 636

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

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

SEC. 2. *Declaration of Policy.* – The State affirms the role of women in nation building and shall ensure the substantive equality of women and men. It shall promote the empowerment of women and pursue equal opportunities for men and women as well as ensure their equal access to resources and to development results and outcome. Further, the State realizes that equality of men and women entails the abolition of the unequal structures and practices

that perpetuate discrimination and inequality. To realize this, the State shall endeavor to develop plans, policies, programs, measures and mechanisms to address discrimination and inequality in the economic, political, social and cultural life of men and women.

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

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

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

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

In pursuance of this policy, the State recognizes the right of women in all sectors to participate in policy formulation, planning, organization, implementation, management monitoring and evaluation of all programs and projects. It shall support policies, researches, technology and training programs

and other support services such as financing, production and marketing to encourage active participation of women in national development.

CHAPTER II

DEFINITION OF TERMS

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

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

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

(c) “Marginalization” refers to a condition where a whole category of people is excluded from useful participation in political, economic, social and cultural life.

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

These include women who may be the following:

(1) “Small farmers and rural workers” refers to those who are engaged directly or indirectly in small farms and forest areas, workers in commercial

farms and plantations, whether paid or unpaid, regular or season-bound. These shall include but shall not be limited to: (i) small farmers who own or are still amortizing lands that are not more than three (3) hectares, tenants, leaseholders and stewards; and (ii) rural workers who are either wage earners, self-employed, unpaid family workers directly and personally engaged in agriculture, small-scale mining, handicrafts and other related on-farm/off-farm activities;

(2) “Fisherfolk” refers to those directly or indirectly engaged in taking, culturing or processing fishery or aquatic resources. These include, but are not limited to, women engaged in fishing in municipal waters and coastal areas, women workers in commercial fishing and aquaculture, vendors and processors of fish and coastal products, and subsistence producers such as shell-gatherers, managers and producers of mangrove resources and other related producers;

(3) “Urban poor” refers to those residing in urban and urbanizable slum or blighted areas, with or without the benefit of security of tenure, where the income of the head of the family cannot afford in a sustained manner to provide for the family the minimum basic needs of food, health, education, housing and other essential amenities in life;

(4) “Workers in the formal economy” refers to those who are employed by any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivisions and instrumentalities, all government-owned or -controlled corporations and institutions, or as well as nonprofit private institutions or organizations;

(5) “Workers in the informal economy” refers to self-employed, occasionally or personally hired, subcontracted and unpaid family workers in household unincorporated enterprises, including home workers, micro-entrepreneurs and producers, and operators of sari-sari stores and all other categories who suffer from violation of workers’ rights;

(6) “Migrant workers” refers to Filipinos who are to be engaged, are engaged or have been engaged in a remunerated activity in a State of which they are not legal residents, whether documented or undocumented;

(7) “Indigenous peoples” refers to those who are members of any indigenous peoples/indigenous cultural communities of the Philippines as defined under Section 3(h), Chapter II of Republic Act No. 8371, otherwise known as “The Indigenous Peoples Rights Act of 1997” (IPRA of 1997);

(8) “Moro” refers to native peoples who historically inhabited Mindanao, Palawan and Sulu, and who are largely of the Islamic faith;

(9) “Children” refers to children below eighteen (18) years of age or those eighteen (18) and over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;

(10) “Senior citizens” refers to those sixty (60) years of age and above;

(11) “Persons with disabilities” refers to those who are suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment to perform an activity in the manner or within the range considered normal for a human being; and

(12) “Solo parents” refers to those who fall under the category of a solo parent defined under Republic Act No. 8972, otherwise known as the “Solo Parents Welfare Act of 2000”.

(e) “Gender” refers to the socially differentiated roles, characteristics and expectations attributed by culture to women and men.

(f) “Gender equality” refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.

(g) “Gender equity” refers to the policies, instruments, programs, services and actions that address the disadvantaged position of women in

society by providing preferential treatment and affirmative action. Such *temporary special measures* aimed at accelerating *de facto* equality between men and women shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of unequal or separate standards. These measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

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

(i) “Gender mainstreaming” refers to the strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. It is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels.

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

(1) Physical, sexual, psychological and economic violence occurring in the 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 (VAW), as defined in Republic Acts No. 9208 and 9262.

(k) “Women in the military” refers to women employed in the military, both in the major and technical services, who are performing combat and/or noncombat functions, providing security to the State and protecting the people from various forms of threat. It also includes women in the Philippine Military Academy and other military training institutions.

CHAPTER III

RIGHTS AND EMPOWERMENT

SEC. 4. *Human Rights of Women.* – All rights of women shall include all rights recognized under international instruments duly signed and ratified by the Philippines which are not violative or in conflict with the provisions of the Constitution and other existing laws.

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

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

(a) Within the next five (5) years, there shall be an incremental increase in the recruitment and training of women in the police force, forensics and medico-legal and legal services, and such other services availed by women who are victims of gender-related offenses until fifty percent (50%) of personnel shall be women.

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

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

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

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

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

(a) *Empowerment Within the Civil Service.* Within the next five (5) years, the number of women in third (3rd) level positions in government shall be increased to achieve a fifty-fifty (50-50) gender balance.

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

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

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

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

(f) *Private Sector.* The State shall take measures to encourage women leadership in the private sector in the form of incentives.

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

SEC. 9. *Equal Access and Elimination of Discrimination in Education, Scholarships and Training.* – (a) The State shall remove gender stereotypes and images in educational materials and curricula. Gender-sensitive language shall be used at all times. Capability-building on GAD, peace and human rights, education for teachers and all those involved in the education sector shall be pursued. Partnerships between and among players of the education sector, including the private sector and churches/faith groups, shall be encouraged.

(b) Enrollment of women and men in nontraditional skills training in vocational and tertiary levels shall be encouraged.

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

SEC. 10. *Women in Sports.* – The State shall develop, establish and strengthen programs for the participation of women and girl-children in competitive and noncompetitive sports as a means to achieve excellence, promote physical and social well-being, eliminate gender-role stereotyping and provide equal access to the full benefits of development for all persons.

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

The State shall also provide material and nonmaterial incentives to local government units, media organizations and the private sector for promoting, training and preparing women and girls for participation in competitive and noncompetitive sports, especially in local and international events, including,

but not limited to, the Palarong Pambansa, the Southeast Asian Games, the Asian Games and the Olympics.

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

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

Schools, colleges, universities or any other learning institutions shall take into account the gender of its total student population in granting athletic scholarship. There shall be *pro rata* representation of women in the athletic scholarship program based on the percentage of women in the whole student population.

SEC. 11. *Women in the Military*. – The State shall pursue appropriate measures to eliminate discrimination of women in the military, including revising or abolishing policies and practices that restrict women from availing of both combat and noncombat trainings that are open to men, or from taking on functions other than administrative tasks, such as engaging in combat or field operations. Women in the military shall be accorded the same promotional privileges as men, including pay increases, additional remunerations and benefits, and performance awards, based on their competency and performance.

Women in the military shall be provided the same right to employment as men on equal conditions, regardless of marital status and whether or not they have previously given birth to a live or still-born child. Equally, they shall

be accorded the same capacity as men to act and enter into contracts, including marriage.

Women in the military shall be entitled to leave benefits such as maternity leave, as provided for by existing laws. They shall not be subjected to imposition of sanctions or dismissed on the grounds of pregnancy or maternity or marital status.

The full integration of women in uniform shall be established within the next five (5) years with an incremental increase of twenty percent (20%) per year.

SEC. 12. *Non-discriminatory and Non-derogatory Portrayal of Women in Media and Film.* – The State shall formulate policies and programs for the advancement of women in collaboration with media-related organizations from the private sector. It shall likewise endeavor to raise the consciousness of the general public in recognizing the dignity of a woman, and the role and contribution of women in the family, community and the society through the strategic use of mass media.

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

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

SEC. 13. *Access to Information and Services Relating to Women's Health.* – (a) Comprehensive Health Services. The State shall at all times provide for comprehensive, culture-sensitive and gender-responsive health programs and services covering all stages of a woman's life cycle and which address the major causes of women's death: *Provided,* That in the provision for comprehensive health services, due respect shall be accorded to women's religious convictions, the rights of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood and the right of women to protection from hazardous drugs, devices, interventions and substances: *Provided, further,* That access to full and accurate information in accordance with the latest scientific evidence is ensured.

Access to the following services shall be ensured:

- (1) Maternal care to include pre- and post-natal services to address pregnancy and infant health and nutrition;
- (2) Promotion of breastfeeding;
- (3) Legal, ethical, medically safe and effective methods of family planning;
- (4) Adolescent and youth health services;
- (5) Addressing the top causes of morbidity and mortality;
- (6) Prevention and management of sexually transmitted diseases, HIV/AIDS and other reproductive tract infections;
- (7) Prevention and management of reproductive tract cancers like breast and cervical cancers, and other gynecological conditions and disorders;
- (8) Prevention of abortion;
- (9) In cases of violence against women and children, women and children victims and survivors shall be provided with comprehensive health services that include psychosocial, therapeutic, medical and legal interventions and assistance towards healing, recovery and empowerment;

- (10) Management, treatment and intervention of mental health problems of women and girls;
- (11) Prevention and management of infertility and sexual dysfunction; and
- (12) Care of the elderly or women beyond their reproductive years.

In addition, healthy lifestyle activities are encouraged/promoted through programs and projects as strategies in the prevention of diseases.

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

- (1) The natural and primary right and duty of parents in the rearing of the youth, the development of moral character and the right of children to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of character;
- (2) The formation of a person's sexuality that affirms human dignity; and
- (3) Legal, medically safe and effective methods of family planning including fertility awareness.

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

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

- (a) the same rights to enter into and leave marriages without prejudice to personal or religious beliefs and subject to existing laws;

- (b) the same rights to choose freely a spouse and to enter into marriage only with their free and full consent. The betrothal and the marriage of a child shall have no legal effect;
- (c) the joint decision on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (d) the same personal rights between spouses including the right to choose freely a profession and an occupation;
- (e) the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property;
- (f) the same rights to properties and resources, whether titled or not, and inheritance, whether formal or customary; and
- (g) women shall have equal rights with men to acquire, change or retain their nationality. The State shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. Various statutes of other countries concerning dual citizenship that may be enjoyed equally by women and men shall likewise be considered.

Customary laws shall be respected: *Provided, however*, That they do not discriminate against women.

CHAPTER IV

RIGHTS AND EMPOWERMENT OF MARGINALIZED SECTORS

Women in marginalized sectors are hereby guaranteed all civil, political, social and economic rights recognized, promoted and protected under existing laws including, but not limited to, the Indigenous Peoples Rights Act, the Urban Development and Housing Act, the Comprehensive Agrarian Reform

Law, the Fisheries Code, the Labor Code, the Migrant Workers Act, the Solo Parents Welfare Act and the Social Reform and Poverty Alleviation Act.

SEC. 16. *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 the 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 of 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 the use and management of such coastal and aquatic resources which may include providing support to women-managed coastal resources;
- (8) There shall be no discrimination against women in the deputization of fish wardens;
- (9) Women-friendly agriculture technology shall be designed based on accessibility and viability in consultation with women's organizations;
- (10) Access to small farmers-based and -controlled seeds production and distribution shall be ensured;
- (11) Indigenous practices of women in seed storage and cultivation shall be recognized;
- (12) Provide opportunities for empowering women fishers to be involved in the control and management not only of the catch and production of aquamarine resources but also to engage in entrepreneurial activities which will add value to production and marketing ventures; and

- (13) Provide economic opportunities for the indigenous women, particularly access to market for their produce.

SEC. 17. *Right to Housing.* – The State shall develop housing programs for women that are localized, simple, accessible, with potable water and electricity, secure, with viable employment opportunities and affordable amortization. In this regard, the State shall consult women and involve them in community planning and development, especially in matters pertaining to land use, zoning and relocation.

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

- (a) Decent work involves opportunities for work that are productive and can deliver a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.
- (b) The State shall further ensure:
- (1) support services and gears as protection for them from occupational and health hazards;
 - (2) support services which enable women to balance family obligations and work responsibilities in the establishment of day care and breastfeeding stations; and
 - (3) membership in unions regardless of status of employment and place of employment.
- (c) In recognition of the temporary nature of overseas work, the State shall exert all efforts to address the causes of out-migration by developing

local employment and other economic opportunities for women and by introducing measures to curb violence and forced and involuntary displacement of local women. The State shall ensure the protection and promotion of the rights and welfare of migrant women regardless of their work status and protect them against discrimination in wages, conditions of work and employment opportunities in host countries.

SEC. 19. *Right to Employment, Livelihood, Credit, Capital and Technology.* – The State shall ensure that women shall be provided with the following:

- (a) Equal access to formal sources of credit and capital at concessional rates;
- (b) Equal share to the produce of the farms and aquatic resources; and
- (c) Employment opportunities for returning women migrant workers, taking into account their skills and qualifications. Corrolarily, the State shall also promote skills and entrepreneurship development of returning women migrant workers.

SEC. 20. *Right to Education and Training.* – The State shall ensure the following:

- (a) Participation in trainings and extension services related to rights enumerated in Sections 6 and 8 of this Act;
- (b) Gender-sensitive trainings and seminars; and
- (c) Equal opportunities in scholarships, especially to those interested in research and development aimed towards women-friendly farm technology.

SEC. 21. *Right to Representation and Participation.* –

The State shall encourage women to organize themselves and enhance their capacities for leadership, community governance and local governance. Further, the State shall ensure women’s participation in policy-making or decision-making bodies in the regional, national and interna-

tional levels. It shall also ensure the participation of at least forty percent (40%) grassroots women leaders in decision- and policy-making bodies in their respective sectors including, but not limited to, Presidential Agrarian Reform Council (PARC) and local counterparts; community-based resource management bodies or mechanisms on forest management and stewardship; National Fisheries and Aquatic Resources Management Council (NFARMC) and local counterparts; National Commission on Indigenous Peoples, Presidential Commission for the Urban Poor and where applicable, local housing boards; and National Anti-Poverty Commission.

SEC. 22. *Right to Information.* – Access to information regarding policies on women, including programs, projects and budget, shall be ensured.

SEC. 23. *Social Protection.* – (a) The Social Security System (SSS) and the Philippine Health Insurance Corporation (PhilHealth) shall support indigenous and community-based social protection schemes.

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

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

(d) The State shall establish health insurance

programs for senior citizens and the indigents.

SEC. 24. *Recognition and Preservation of Cultural Identity/Integrity.* – The State recognizes and respects the rights of Moro and indigenous women to practice, promote, protect and preserve their own culture, traditions and institutions and to consider these rights in the formulation and implementation of national policies and programs. To this end, the State shall adopt measures in consultation with the sectors concerned, to protect their rights to their indigenous knowledge systems and practices, traditional livelihood and other manifestations of their cultures and ways of life: *Provided*, That these cultural systems and practices are not discriminatory to women as defined in this Act.

SEC. 25. *Peace and Development.* – The peace process shall be pursued with the following considerations:

- (a) The increase in number of women participating in decision-making in the peace process, including membership in peace panels;
- (b) The development and inclusion of the women's peace agenda in the overall peace strategy and women's participation in the planning, implementation, monitoring and evaluation of rehabilitation and rebuilding of conflict-affected areas;
- (c) The institution of measures to ensure the protection of civilians in conflict-affected communities with special consideration for the specific needs of women and girls;
- (d) The inclusion of the peace perspective in education curriculum and other educational undertaking; and
- (e) The recognition and support for women's role in conflict-prevention, management and resolution and peacemaking, and in indigenous systems of conflict resolution.

SEC. 26. *Women in Especially Difficult Circumstances.* – For purposes of this Act, “women in especially difficult circumstances (WEDC)” shall refer to victims and survivors of sexual and physical abuse, illegal recruitment, involuntary prostitution, trafficking, armed conflict, women in detention and such other related circumstances which have incapacitated them functionally.

The WEDC shall be provided with services and interventions as necessary such as, but not limited to, the following:

- (a) Temporary and protective custody;
- (b) Medical and dental services;
- (c) Psychological evaluation;
- (d) Counseling;
- (e) Psychiatric evaluation;
- (f) Legal services;
- (g) Productivity skills capability building;
- (h) Livelihood assistance;
- (i) Job placement;
- (j) Financial assistance; and
- (k) Transportation assistance.

SEC. 27. *Protection of Girl-Children.* – (a) The State shall pursue measures to eliminate all forms of discrimination against girl-children in education, health and nutrition and skills development.

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

(c) The State shall ensure equal access of Moro and indigenous girl-children to the Madaris, schools of living culture and traditions, and the regular schools.

(d) Gender-sensitive curriculum, including legal literacy,

books and curriculum in the Madaris and school of living culture and traditions shall be developed.

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

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

CHAPTER V

INSTITUTIONAL MECHANISMS

SEC. 29. *The Philippine Commission on Women (PCW).* – The National Commission on the Role of Filipino Women (NCRFW) shall be renamed as the Philippine Commission on Women (PCW) and shall be strengthened to be the primary coordinating agency and policy advisory body on women and gender concerns to the Office of the President and the Cabinet.

It shall also be the overall monitoring and oversight body to ensure the implementation of this Act. In doing so, the PCW shall direct all agencies to report on the implementation of this Act and for them to immediately respond to the problems brought to their attention in relation to this Act. The PCW shall also lead in ensuring that government agencies are capacitated on the effective implementation of this Act. The PCW chairperson shall likewise report to the President of the Philippines during cabinet meetings on the implementation of this Act.

To the extent possible, the PCW shall influence the systems, processes and procedures of the legislative and judicial branches of government *vis-à-vis* gender and development (GAD) to ensure the implementation of this Act.

SEC. 30. *Gender Focal Point Officer in Philippine Embassies and Consulates.* – An officer duly trained on GAD shall be designated as the gender focal point in the consular section of Philippine embassies or consulates. Said officer shall be primarily responsible in handling gender concerns of women migrant workers. Attached agencies shall cooperate in strengthening the Philippine foreign posts' programs for the delivery of services to women migrant workers.

SEC. 31. *The Gender and Development (GAD) Ombud.* – A Gender and Development Ombud shall be established in the Commission on Human Rights. The GAD Ombud shall:

- (a) monitor and oversee the strict implementation of this Act, in coordination with the PCW;
- (b) on its own or on report or complaint, have the power to require information, investigate or hear administrative complaint involving the possible violations of this Act;
- (c) use every and all reasonable means to ascertain the facts in the report or complaint, observing due process in all instances;
- (d) recommend to the President of the Philippines or the Civil Service Commission any possible administrative action based on noncompliance or failure to implement the provisions of this Act;
- (e) direct agencies to immediately respond to the problems brought to their attention in relation to the implementation of this Act and report to the Council on the action taken; and
- (f) assist in the filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act.

SEC. 32. *Gender Mainstreaming as the Strategy for Implementing the Magna Carta of Women.* – All departments, including their attached agencies,

offices, bureaus, state universities and colleges, government-owned and -controlled corporations, local government units (LGUs) and other government instrumentalities, shall adopt gender mainstreaming as the strategy to promote women's human rights and eliminate gender discrimination in their systems, structures, policies, programs, processes and procedures which shall include, but not be limited to, the following:

- (a) Planning, budgeting, monitoring and evaluation for GAD.

GAD programs addressing gender issues and concerns shall be designed and implemented based on the mandate of government agencies and LGUs, Republic Act No. 7192, gender equality agenda of the government and other GAD-related legislation, policies and commitments. The development of GAD programs shall proceed from the conduct of a gender audit of the agency/LGU and a gender analysis of its policies, programs, services and the situation of its clientele; the generation and review of sex-disaggregated data; and consultation with gender/women's rights advocates and agency/women clientele. The cost of implementing GAD programs shall be the agency's/LGU's GAD budget which shall be at least five percent (5%) of the agency's/LGU's total budget appropriations.

Pursuant to Republic Act No. 7192, otherwise known as the Women in Development and Nation Building Act, which allocates five percent (5%) to thirty percent (30%) of overseas development assistance to GAD, government agencies receiving official development assistance should ensure the allocation and proper utilization of such funds to gender-responsive programs that complement the government GAD funds, and annually report accomplishments thereof to the National Economic and Development Authority (NEDA) and the PCW.

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

The Commission on Audit (COA) shall be tapped to conduct an audit on the use of the GAD budget for the purpose of determining economy, efficiency and effectiveness of interventions in addressing gender issues and in contributing to the attainment of the objectives of the country's commitments, plans and policies on GAD.

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

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

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

- (1) Macro socioeconomic plans such as the Medium-Term Philippine Development Plan and the Medium-Term Philippine Investment Plan;
- (2) Annual plans of all departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations;
- (3) Local plans/agenda, such as executive-legislative agenda, comprehensive development plan (CDP), comprehensive land use plan (CLUP), provincial development and physical framework plan (PDPFP), and annual investment plan;
- (b) Creation and/or Strengthening of the GAD Focal Points (GFP).

All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled

corporations, LGUs and other government instrumentalities, shall establish or strengthen their GAD Focal Points or similar GAD mechanism.

The GAD Focal Point System shall be composed of the agency head/local chief executive, an executive committee with undersecretary (or its equivalent)/LGU official/office in a strategic decision-making position as chair; and a technical working group or secretariat which is composed of representatives from various divisions/offices within the agency or LGU.

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

(c) Generation and maintenance of GAD database.

All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, LGUs and other government instrumentalities, shall develop and maintain a GAD database containing gender statistics and sex-disaggregated data that have been systematically gathered, regularly updated and subjected to gender analysis for planning, programming and policy formulation.

SEC. 33. *Incentives and Awards.* – There shall be established an incentives and awards system which shall be administered by a board under such rules and regulations as may be promulgated by the PCW to deserving entities, government agencies and LGUs for their outstanding performance in upholding the rights of women and effective implementation of gender-responsive programs.

SEC. 34. *Penalties.* – Upon findings of the GAD Ombud that a department, agency or instrumentality of government, government-owned and -controlled corporation and LGUs has violated any provision of this Act and its implementing rules and regulations, the sanctions under the administrative law, civil service or appropriate laws, shall be recommended to the Civil Service Commission and/or the Department of the Interior and Local Government. The person directly responsible for the violation, as well as the head of agency or local chief executive, shall be held liable under this Act. If

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

The filing of a complaint under this Act shall not preclude the offended party or the State from pursuing other remedies available under the law and to invoke any of the provisions of existing laws especially those recently enacted laws protecting women and children, including the Women in Development and Nation Building Act (Republic Act No. 7192), the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610), the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877), the Anti-Rape Law of 1997 (Republic Act No. 8353), the Rape Victim Assistance and Protection Act of 1998 (Republic Act No. 8505), the Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208) and the Anti-Violence Against Women and Their Children Act of 2004 (Republic Act No. 9262). If violence has been proven to be perpetrated by agents of the State including, but not limited to, extrajudicial killings, enforced disappearances, torture and internal displacements, such shall be considered aggravating offenses with corresponding penalties depending on the severity of the offenses.

CHAPTER VI

FINAL PROVISIONS

SEC. 35. *Implementing Rules and Regulations.* – As the lead agency, the PCW shall, in coordination with the Commission on Human Rights and all concerned government departments and agencies including, as observers, both Houses of Congress through the Committee on Youth, Women and Family Relations (Senate) and the Committee on Women and Gender Equality (House of Representatives) and with the participation of representatives from nongovernment organizations (NGOs) and civil society groups with proven track record of involvement and promotion of the rights and welfare of Filipino women and girls identified by the PCW, formulate the implementing rules and

regulations (IRR) of this Act within one hundred eighty (180) days after its effectivity.

SEC. 36. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 37. *Repealing Clause.* – Presidential Decree No. 633, creating the NCRFW and its succeeding amendatory laws (Executive Order Numbered 208 and 268) and any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

SEC. 38. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

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