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9710

MAGNA CARTA OF WOMEN

**IMPLEMENTING RULES
AND REGULATIONS**

Published by:



Office of the President
Philippine Commission on Women
1145 J. P. Laurel Street, San Miguel, Manila, Philippines 1005
Tel. No. 735-1654; 735-4955
<http://www.pcw.gov.ph>

Copyright: 2010
ISBN 978-971-8701-11-9

1st Printing
April 2010

Funded by:



**UN Joint Programme to Facilitate the Implementation
of the CEDAW Concluding Comments**

with special contributions from:



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REPUBLIC ACT NO. 9710

The Magna Carta of Women

IMPLEMENTING RULES AND REGULATIONS

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Republic of the Philippines

Congress of the Philippines

Metro Manila

Fourteenth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eight day of July, two thousand eight.



[REPUBLIC ACT NO. 9710]

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 1 GENERAL PROVISIONS

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

SEC. 2. *Declaration of Policy.* - Recognizing that the economic, political, and sociocultural realities affect women’s current condition, the State affirms the role of women in nation building and ensures the substantive equality of women and men. It shall promote empowerment of women and pursue equal opportunities for women and men and ensure 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 women and men.

The State 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 consistent with Philippine law. The State shall accord 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 fulfill its duties under international and domestic law to recognize, respect, protect, fulfill, and promote all human rights and fundamental freedoms of women, especially marginalized women, in the economic, social, political, cultural, and other fields 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 women's rights and adopt and undertake all legal measures necessary to foster and promote the equal opportunity for women to participate in and contribute to the development of the political, economic, social, and cultural realms. 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 families and communities to the fullest of their capabilities.

In pursuance of this policy, the State reaffirms the right of women in all sectors to participate in policy formulation, planning, organization, implementation, management, monitoring, and evaluation of all programs, projects, and services. 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.

SEC. 3. *Principles of Human Rights of Women.* – Human rights are universal and inalienable. All people in the world are entitled to them.

The universality of human rights is encompassed in the words of Article 1 of the Universal Declaration of Human Rights, which states that all human beings are free and equal in dignity and rights.

Human rights are indivisible. Human rights are inherent to the dignity of every human being whether they relate to civil, cultural, economic, political, or social issues.

Human rights are interdependent and interrelated. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others.

All individuals are equal as human beings by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of ethnicity, gender, age, language, sexual orientation, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status as established by human rights standards.

All people have the rights to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples, and other identified groups.

States and other duty-bearers are answerable for the observance of human rights. They have to comply with the legal norms and standards enshrined in international human rights instruments in accordance with the Philippine Constitution. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

CHAPTER II

DEFENITION OF TERMS

SEC. 4. *Definitions.* – For purposes of this Act, the following terms shall mean:

(a) “Women Empowerment” refers to the provision, availability, and accessibility of opportunities, 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.

It includes any act or omission, including by law, policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges.

A measure or practice of general application is discrimination against women if it fails to provide for mechanisms to offset or address sex or gender-based disadvantages or limitations of women, as a result of which women are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges; or women, more than men, are shown to have suffered the greater adverse effects of those measures or practices.

Provided, finally, That discrimination compounded by or intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or religion shall be considered discrimination against women under this Act.

(c) “Marginalization” refers to a condition where a whole category of people is excluded from useful and meaningful 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 other resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure, and the justice system.

These include, but are not limited to, women in the following sectors and groups:

(1) “Small Farmers and Rural Workers” refers to those who are engaged directly or indirectly in small farms and forests areas, workers in commercial farms and plantations, whether paid or unpaid, regular or season-bound. These shall include, but are not limited to, (a) small farmers who own or are still amortizing for lands that is not more than three (3) hectares, tenants, leaseholders, and stewards; and (b) 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 farm and 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 to be limited to, women engaged in fishing in municipal waters, coastal and marine 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 abode, where the income of the head of the family cannot afford in a sustained manner to provide for the family’s basic needs of food, health, education, housing, and other essentials 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 and controlled corporations and institutions, as well as nonprofit private institutions or organizations;

(5) “Workers in the Informal Economy” refers to self-employed, occasionally or personally hired, subcontracted, paid and unpaid family workers in household incorporated and 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 a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. They shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural, and political institutions, but who may have been displaced from their traditional domains 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 have historically inhabited Mindanao, Palawan, and Sulu, and who are largely of the Islamic faith;

(9) “Children” refers to those who are below eighteen (18) years of age or 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) “Substantive Equality” refers to the full and equal enjoyment of rights and freedoms contemplated under this Act. It encompasses de jure and de facto equality and also equality in outcomes.

(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) “Temporary Special Measures” refers to a variety of legislative, executive, administrative, and regulatory instruments, policies, and practices aimed at accelerating this de facto equality of women in specific areas. These measures shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of unequal or separate standards. They shall be discontinued when their objectives have been achieved.

(k) “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 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 as defined in Republic Acts No. 9208 and 9262.

(l) “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 trainees in all military training institutions.

(m) “Social Protection” refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of all women, especially 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

DUTIES RELATED TO THE HUMAN RIGHTS OF WOMEN

The State, private sector, society in general, and all individuals shall contribute to the recognition, respect, and promotion of the rights of women defined and guaranteed under this Act.

SEC. 5. The State as the Primary Duty-Bearer. – The State, as the primary duty-bearer, shall:

(a) Refrain from discriminating against women and violating their rights;

(b) Protect women against discrimination and from violation of their rights by private corporations, entities, and individuals; and

(c) Promote and fulfill the rights of women in all spheres, including their rights to substantive equality and non-discrimination.

The State shall fulfill these duties through law, policy, regulatory instruments, administrative guidelines, and other appropriate measures, including temporary special measures.

Recognizing the interrelation of the human rights of women, the State shall take measures and establish mechanisms to promote the coherent and integrated implementation and enforcement of this Act and related laws, policies, or other measures to effectively stop discrimination against and advance the rights of women.

The State shall keep abreast with and be guided by progressive developments in human rights of women under international law and design of policies, laws, and other measures to promote the objectives of this Act.

SEC. 6. Duties of the State Agencies and Instrumentalities. – These duties of the State shall extend to all state agencies, offices, and instrumentalities at all levels and government-owned and controlled corporations, subject to the Constitution and pertinent laws, policies, or administrative guidelines that define specific duties of state agencies and entities concerned.

SEC. 7. Suppletory Effect. – This chapter shall be deemed integrated into and be suppletory to other provisions of this Act, particularly those that guarantee specific rights to women and define specific roles and require specific conduct of state organs.

CHAPTER IV RIGHTS AND EMPOWERMENT

SEC. 8. *Human Rights of Women.* – All rights in the Constitution and those rights recognized under international instruments duly signed and ratified by the Philippines, in consonance with Philippine law, shall be rights of woman under this Act to be enjoyed without discrimination.

SEC. 9. *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 of 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, legal services, and social work services availed of by women who are victims of gender-related offenses until fifty percent (50%) of the personnel thereof 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 for the protection of civilian population in circumstances of emergency and armed conflict. It shall not force women, especially indigenous people, 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.

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

SEC. 10. *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, livelihood support, education, psychological health, and comprehensive health services, including protection during pregnancy.

SEC. 11. *Participating and Representation.* – The State shall undertake temporary special measures to accelerate the participation and equitable 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 the following 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 incrementally 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 international, national, and local special and decision-making bodies;

(d) International Bodies. – The State shall take all appropriate measures to ensure the opportunity of women, on equal terms with men and without any discrimination 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 women’s agenda. It shall likewise encourage the integration of women in their leadership hierarchy internal policy-making structures, appointive, and electoral nominating processes; and

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

SEC. 12. *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. 13. *Equal Access and Elimination of Discrimination in Education, Scholarships, and Training.* – (a) The State shall ensure that gender stereotypes and images in educational materials and curricula are adequately and appropriately revised. Gender-sensitive language shall be used at all times. Capacity-building on gender and development (GAD), peace and human rights, education for teachers, and all those involved in the education sector shall be pursued toward this end. Partnerships between and among players of the education sector, including the private sector, churches, and faith groups shall be encouraged.

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

(c) Expulsion and non-readmission of women faculty due to pregnancy outside of marriage shall be outlawed. No school shall turn out or refuse admission to a female student solely on the account of her having contracted pregnancy outside of marriage during her term in school.

SEC. 14. *Women in Sports.* – The State shall develop, establish, and strengthen programs for the participating 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 regardless of sex, gender identity, and other similar factors.

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 will 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, Southeast Asian Games, 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 in the same sports category: 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 divisions.

The State shall also ensure the safety and well-being of all women and girls participating in sports, especially, but not limited to, trainees, reserve members, 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 institution shall take into account its total women student population in granting athletic scholarship. There shall be a pro rata representation of women in the athletic scholarship program based on the percentage of women in the whole student population.

SEC. 15. *Women in the Military.* – The State shall pursue appropriate measures to eliminate discrimination of women in the military, police, and other similar services, including revising or abolishing policies and practices that restrict women from availing of both combat and noncombat training that are open to men, or from taking on functions other than administrative tasks, such as engaging in combat, security-related, or field operations. Women in the military shall be accorded the same promotional privileges and opportunities as men, including pay increases, additional remunerations and benefits, and awards based on their competency and quality of performance. Towards this end, the State shall ensure that the personal of women shall always be respected.

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

Further, women in the military, police, and other similar services shall be entitled to leave benefits such as maternity leave, as provided for by existing laws.

SEC. 16. *Nondiscriminatory and Nonderogatory Portrayal of Women in Media and Film.* – The State shall formulate policies and programs for the advancement of women in collaboration with government and nongovernment media-related organizations. It shall likewise endeavor to raise the consciousness of the general public in recognizing the dignity of women 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 the 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, and monitor and evaluate the implementation of gender equality guidelines.

SEC. 17. *Women's Right to Health.* – (a) Comprehensive Health Services. – The State shall, at all times, provide for a comprehensive, culture-sensitive, and gender-responsive health services and programs covering all stages of a woman's life cycle and which addresses the major causes of women's mortality and morbidity: Provided, That in the provision for comprehensive health services, due respect shall be accorded to women's religious convictions, the rights of the 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.

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) Responsible, ethical, legal, safe, and effective methods of family planning;
- (4) Family and State collaboration in youth sexuality education and health services without prejudice to the primary right and duty of parents to educate their children;
- (5) Prevention and management of reproductive tract infections, including sexually transmitted diseases, HIV, and AIDS;
- (6) Prevention and management of reproductive tract cancers like breast and cervical cancers, and other gynecological conditions and disorders;
- (7) Prevention of abortion and management of pregnancy-related complications;
- (8) 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;
- (9) Prevention and management of infertility and sexual dysfunction pursuant to ethical norms and medical standards;
- (10) Care of the elderly women beyond their child-bearing years; and
- (11) Management, treatment, and intervention of mental health problems of woman and girls.

In addition, healthy lifestyle activities are encouraged and 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 appropriate, timely, complete, and

accurate information and education of 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 and 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) Ethical, legal, safe, and effective family planning methods including fertility awareness.

SEC. 18. *Special Leave Benefits for Women.* – A 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. 19. *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 or common law relationships referred to under the Family Code without prejudice to personal or religious beliefs;
- (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 or common law spouses including the right to choose freely a profession and an occupation;
- (e) the same rights for both spouses or common law 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 V 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. 20. *Food Security and Productive Resources.* – The State recognizes the contribution of women to food production and shall ensure its sustainability and sufficiency with the active participation of women. Towards this end, the State shall guarantee, at all times, the availability in the market of safe and health-giving food to satisfy the dietary needs of the population, giving particular attention to the specific needs of poor girl-children and marginalized women, especially pregnant and lactating mothers and their young children. To further 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, the physical and economic accessibility for everyone to adequate food that is culturally acceptable and free from unsafe substances and culturally accepted, and the accurate and substantial information to the availability of food, including the right to full, accurate, and truthful information

about safe and health-giving foods and how to produce and have regular easy access to them;

(b) *Right to Resources for Food Production.* – The State shall guarantee women a vital role in food production by giving priority to their rights to land, credit, and infrastructure support, technical training, and technological and marketing assistance. The State shall promote women-friendly technology as a high priority activity in agriculture and shall promote the right to adequate food by proactively engaging in activities intended to strengthen access to, utilization of, and receipt of accurate and substantial information on resources and means to ensure women’s livelihood, including food security:

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

(2) Equal treatment shall be given to women and men beneficiaries of the agrarian reform program, wherein the vested right of a woman agrarian reform beneficiary is defined by a woman’s relationship to 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 in claiming rights to the land shall be made available to women at all times;

(5) Equal rights to women to the enjoyment, use, and management of land, 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 woman and men 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 supports to women-engaged coastal resources;

(8) There shall be no discrimination against women in the deputization of fish wardens;

(9) Women-friendly and sustainable agriculture technology shall be designed based on accessibility and viability in consultation with women's organizations;

(10) Access to small farmer-based and controlled seeds production and distribution shall be ensured and protected;

(11) Indigenous practices of women in seed storage and cultivation shall be recognized, encouraged, and protected;

(12) Equal rights shall be given to women to be members of farmers' organizations to ensure wider access to and control of the means of production;

(13) 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

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

In the enforcement of the foregoing, the requirements of law shall be observed at all times.

SEC. 21. *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 consult women and involve them in community planning and development, especially in matters pertaining to land use, zoning, and relocation.

SEC. 22. *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 fairly remunerative as family living wage, 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, 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 to protect them from occupational and health hazards taking into account women's maternal functions;

(2) Support services that will enable women to balance their family obligations and work responsibilities including, but not limited to, the establishment of day care centers and breast-feeding stations at the workplace, and providing maternity leave pursuant to the Labor Code and other pertinent laws;

(3) Membership in unions regardless of status of employment and place of employment; and

(4) Respect for the observance of indigenous peoples' cultural practices even in the workplace.

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

(a) Equal access to formal sources of credit and capital;

(b) Equal share to the produce of farms and aquatic resources;
and

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

SEC. 24. *Right to Education and Training.* – The State shall ensure the following:

(a) Women migrant workers have the opportunity to undergo skills training, if they so desire, before taking on a foreign job, and possible retraining upon return to the country;

(b) Gender-sensitive training and seminars; and

(c) Equal opportunities in scholarships based on merit and fitness especially to those interested in research and development aimed towards women-friendly farm technology.

SEC. 25. *Right to Representation and Participation.* – The State shall ensure women’s participation in policy-making or decision-making bodies in the regional, national, and international levels. It shall also ensure the participation of grassroots women leaders in decision and policy-making bodies in their respective sectors including, but not limited to, the Presidential Agrarian Reform Council (PARC) and its local counterparts; community-based resource management bodies or mechanisms on forest management and stewardship; the National Fisheries and Aquatic Resources Management Council (NFARMC) and its local counterparts; the National Commission on Indigenous People; the Presidential Commission for the Urban Poor; the National Anti-Poverty Commission; and, where applicable, the local housing boards.

SEC. 26. *Right to Information.* – Access to information regarding policies on women, including programs, projects, and funding outlays that affect them, shall be ensured.

SEC. 27. *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 the 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 remittance from abroad through appropriate bilateral and multilateral agreements. It shall likewise provide access to investment opportunities for remittances in line with national development efforts.

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

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

SEC. 28. *Recognition and Preservation of Cultural Identity and Integrity.* – The State shall recognize and respect 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.

SEC. 29. *Peace and Development.* – The peace process shall be pursued with the following considerations:

(a) Increase the number of women participating in discussions and decision-making in the peace process, including membership in peace panels recognizing women's role in conflict-prevention and peace-making and in indigenous system of conflict resolution;

(b) Ensure the development and inclusion of women's welfare and concerns in the 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) Include the peace perspective in the education curriculum and other educational undertakings; and

(e) The recognition and support for women's role in conflict-prevention, management, resolution and peacemaking, and in indigenous systems of conflict resolution.

SEC. 30. *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, prostitution, trafficking, armed conflict, women in detention, victims and survivors of rape and incest, and such other related circumstances which have incapacitated them functionally. Local government units are therefore mandated to deliver the necessary services and interventions to WEDC under their respective jurisdictions.

SEC. 31. *Services and Interventions.* – 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. 32. *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.

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

(d) Gender-sensitive curriculum, including legal literacy, books, and curriculum in the Madaris and schools 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 Ramadan, choice of clothing (including the wearing of hijab), and availability of halal food shall be ensured.)

SEC. 33. *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.

SEC. 34. Women are entitled to the recognition and protection of their rights defined and guaranteed under this Act including their right to nondiscrimination.

SEC. 35. *Discrimination Against Women is Prohibited.* – Public and private entities and individuals found to have committed discrimination against women shall be subject to the sanctions provided in Section 41 hereof. Violations of other rights of women shall be subject to sanctions under pertinent laws and regulations.

CHAPTER VI

INSTITUTIONAL MECHANISMS

SEC. 36. Gender Mainstreaming as a Strategy for Implementing the Magna Carta of Women. – Within a period prescribed in the implementing rules and regulations, the National Commission on the Role of Filipino Women (NCRFW) shall assess its gender mainstreaming program for consistency with the standards under this Act. It shall modify the program accordingly to ensure that it will be an effective strategy for implementing this Act and attaining its objectives.

All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and –controlled corporations, local government units, and other government instrumentalities shall adopt gender mainstreaming as a 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 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 local government units, 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 or the local government unit 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 or the local government unit’s GAD budget which shall be at least five percent (5%) of the agency’s or the local government unit’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 Philippine Commission on Women (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 conduct an annual audit on the use of the GAD budget for the purpose of determining its judicious use and the efficiency, and effectiveness of interventions in addressing gender issues towards the realization of the objectives of the country’s commitments, plans, and policies on women empowerment, gender equality, and GAD. Local government units are also encouraged to develop and pass a GAD Code based on the gender issues and concerns in their respective localities based on consultation with their women constituents and the women’s

empowerment and gender equality agenda of the government. 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, local government units, 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, among others, the following plans:

- (1) Macro socioeconomic plans such as the Medium-Term Philippine Development Plan and Medium-Term Philippine Investment Plan;

- (2) Annual plans of all departments, including their attached agencies, offices, bureaus, state universities and college, and government-owned and controlled corporations; and

- (3) Local plans and agenda such as executive-legislative agenda, comprehensive development plan (CDP), comprehensive land use plan (CLUP), provincial development and physical 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, states universities and colleges, government-owned and –controlled corporations, local government units, and other government instrumentalities shall establish or strengthen their GAD Focal Point System or similar GAD mechanism to catalyze and accelerate gender mainstreaming within the agency or local government unit.

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

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

(c) Generation and Maintenance of Gad Database. All departments, including their attached agencies, offices, bureaus-state universities and colleges, government-owned and –controlled corporations, local government units, 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. 37. *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. 38. *National Commission on the Role of Filipino Women (NCRFW).* – The National Commission on the Role of Filipino Women (NCRFW) shall be renamed as the Philippine Commission on Women (PCW), the primary policy-making and coordinating body of the women and gender equality concerns under the Office of the President. The PCW shall be the overall monitoring body and oversight to ensure the implementation of this Act. In doing so, the PCW may direct any government agency and instrumentality, as may be necessary 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 chairperson shall likewise report to the President in Cabinet meetings on the implementation of this Act.

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

To effectively and efficiently undertake and accomplish its functions, the PCW shall revise its structure and staffing pattern with the assistance of the Department of Budget and Management.

SEC. 39. *Commission on Human Rights (CHR).* – The Commission, acting as the Gender and Development Ombud, consistent with its mandate, shall undertake measures such as the following:

(a) Monitor with the PCW and other state agencies, among others, in developing indicators and guidelines to comply with their duties related to the human rights of women, including their right to nondiscrimination guaranteed under this Act;

(b) Designate one (1) commissioner and/or its Women's Human Rights Center to be primarily responsible for formulating and implementing programs and activities related to the promotion and protection of the human rights of women, including the investigations and complaints of discrimination and violations of their rights brought under this Act and related laws and regulations;

(c) Establish guidelines and mechanisms, among others, that will facilitate access of women to legal remedies under this Act and related laws, and enhance the protection and promotion of the rights of women, especially marginalized women;

(d) Assist in the filing of cases against individuals, agencies, institutions, or establishments that violate the provisions of this Act; and

(e) 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.

SEC. 40. Monitoring Progress and Implementation and Impact of this Act. – The PCW, in coordination with other state agencies and the CHR, shall submit to Congress regular reports on the progress of the implementation of this Act highlighting the impact thereof on the status and human rights of women: Provided, that the second report shall include an assessment of the effectiveness of this Act and recommend amendments to improve its provisions: Provided, finally, That these reports shall be submitted to Congress every three (3) years or as determined in the implementing rules and regulations.

SEC. 41. Penalties. – Upon finding of the CHR that a department, agency, or instrumentality of government, government-owned and –controlled corporation, or local government unit has violated any provision of this Act and its implementing rules and regulations, the sanctions under, administrative law, civil service, or other 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 the 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.

Filing a complaint under this Act shall not preclude the offended party 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.

SEC. 42. *Incentives and Awards.* – There shall be established an incentives and awards systems 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 local government units for their outstanding performance in upholding the rights of women and effective implementation of gender-responsive programs.

SEC. 43. *Funding.* – The initial funding requirements for the implementation of this Act shall be charged against the current appropriations of the agencies concerned. Thereafter, such sums as may be necessary for the implementation of this Act shall be included in the agencies' yearly budgets under the General Appropriations Act.

The State shall prioritize allocation of all available resources to effectively fulfill its obligations specified under this Act. The State agencies' GAD budgets, which shall be at least five percent (5%) of their total budgetary allocation, shall also be utilized for the programs and activities to implement this Act.

SEC. 44. *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

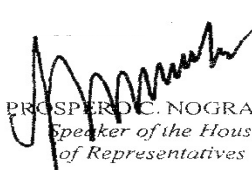
Gender Equality (House of Representatives) and with the participation of representatives from nongovernment organizations (NGOs) and civil society groups with proven track record of involvement and promotion of the rights and welfare of Filipino women and girls identified by the PCW, formulate the implementing rules and regulations (IRR) of this Act within one hundred eighty (180) days after its effectivity.

SEC. 45. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

SEC. 46. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.


SEC. 47. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation


Approved,


PROSPERO C. NOGRALES
*Speaker of the House
of Representatives*


JUAN PONCE ENRILE
President of the Senate

This Act is a consolidation of Senate Bill No. 2396 and House Bill no. 4273 was finally passed by the Senate and the House of Representatives


MARILYN B. BARUA-YAN
*Secretary General
House of Representatives*


EMMA LIRIO-REYES
Secretary of the Senate

Approved: **August 14, 2009**


GLORIA MACAPAGAL-ARROYO
President of the Philippines

O.



PGMA Hologram # **50428**



Republic of the Philippines
Office of the President
PHILIPPINE COMMISSION ON WOMEN
(formerly National Commission on the Role of Filipino Women)

BOARD RESOLUTION NO. 1

Series of 2010

APPROVING AND ADOPTING THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9710 OTHERWISE KNOWN AS THE “MAGNA CARTA OF WOMEN.”

WHEREAS, the President signed into law on August 14, 2009 Republic Act No. 9710, otherwise known as the “Magna Carta of Women,” which is a comprehensive women's human rights law that seeks to eliminate discrimination against women by recognizing, respecting, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors;

WHEREAS, Section 44 of the aforementioned law mandates the Philippine Commission on Women (PCW), in coordination with the Commission on Human Rights (CHR) 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 non-government 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, to formulate the implementing rules and regulations (IRR) of this Act within one hundred eighty days (180) days after its effectivity;

WHEREAS, the draft IRR was formulated by the Technical Drafting Committee, in coordination and consultation with other government departments and agencies, non-government organizations and other stakeholders;

WHEREAS, the validation of the draft IRR entailed a participatory and consultative process, involving government and non-government stakeholders from the National Capital Region, Luzon, Visayas and Mindanao, including the Autonomous Region in Muslim Mindanao;

WHEREAS, the enhanced draft IRR was presented during the PCW Special Board Meeting held on March 30, 2010;

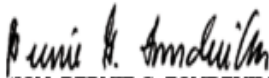
NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Chairperson and the Members of the Board of Commissioners of the Philippine Commission on Women, to approve and adopt the rules and regulations implementing RA 9710, otherwise known as the “Magna Carta of Women”

DONE this 30th day of March 2010 at Mabini Hall, Malacañang, Manila.



HON. MYRNA T. YAO

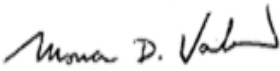
Chairperson, Philippine Commission on Women



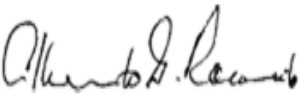
HON. BERNIE G. FONDEVILLA
Secretary, Department of Agriculture



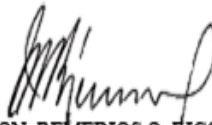
HON. JOAQUIN LAGONERA
Secretary, Department of Budget
and Management



HON. MONA D. VALISNO
Secretary, Department of Education



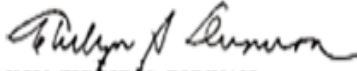
HON. ALBERTO G. ROMULO
Secretary, Department of Foreign Affairs



HON. REMEDIOS O. BICOMONG
PCW Commissioner representing Media and the Arts



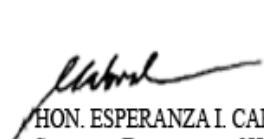
HON. FLORENZIA P. CABATINGAN
PCW Commissioner representing Labor Sector




HON. EVELYN S. DUNUAN
PCW Commissioner representing the Indigenous
Peoples




HON. MARIBETH C. FLORALDE
PCW Commissioner representing Peasants
and Fisheryfolks



HON. ESPERANZA I. CABRAL
Secretary, Department of Health



HON. GERALDINE S. PADILLA
PCW Commissioner representing the Health Sector




HON. RONALDO V. PUNO
Secretary, Department of Interior
and Local Government

HON. ISABELITA SY-PALANCA
PCW Commissioner representing Business
and Industry Sector



HON. MARIANITO D. ROQUE
Secretary, Department of Labor



HON. TERESITA U. QUIRINO
Representing National Council of Women



HON. CELIA CAPADOCIA-YANGCO
Secretary, Department of Social Welfare
and Development



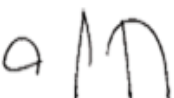
HON. AMELIA LOURDES B. REYES
PCW Commissioner representing Culture



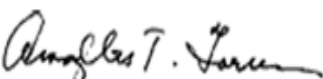
HON. JELSA A. LAPUS
Secretary, Department of Trade and Industry



HON. APOLONIA A. TOLENTINO
PCW Commissioner representing the Urban Poor



HON. AUGUSTO E. SANTOS
Acting Director General, National Economic
and Development Authority



HON. AMARYLLIS T. TORRES
PCW Commissioner representing the Academic



HON. ELSIE B. DE VEYRA
PCW Commissioner representing the Elderly
and Disabled

THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9710, OTHERWISE KNOWN AS THE “MAGNA CARTA OF WOMEN”

Pursuant to Section 44 of Republic Act No. 9710, An Act Providing for the Magna Carta of Women, the following Rules and Regulations are hereby promulgated:

RULE I GENERAL PROVISION

SECTION 1. *Title* – These Rules and Regulations shall be known and cited as The Implementing Rules and Regulations of Republic Act No. 9710, otherwise known as the “Magna Carta of Women.”

SECTION 2. *Purpose* – These Rules and Regulations are hereby promulgated to prescribe the procedures and guidelines for the implementation of the “Magna Carta of Women” in order to facilitate the compliance therewith and to achieve the objectives thereof.

SECTION 3. *Construction* – These Rules and Regulations shall be liberally construed in favor of women in order to promote the principles and rights of women and to achieve the objectives of the “Magna Carta of Women.”

SECTION 4. *Coverage* – Implementation of these Rules and Regulations includes all concerned national government agencies (NGAs), bodies, instrumentalities, including government-owned and -controlled corporations (GOCCs), private entities, local government units (LGUs), private and state universities and colleges (SUCs), and private and public schools. The equivalent units in autonomous regions shall likewise be accountable to implement these Rules and Regulations.

SECTION 5. *Declaration of Policy* – Recognizing that economic, political, and sociocultural realities affect women's current condition, the State affirms the role of women in nation building and

ensures the substantive equality of women and men. It shall promote empowerment of women, pursue equal opportunities for women and men, and ensure 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, civil, social, and cultural life of women and men.

The State 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 consistent with Philippine law. The State shall accord 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 fulfill its duties under international and domestic laws to recognize, respect, protect, fulfill, and promote all fundamental freedoms and human rights, encompassing all civil and political rights, and economic, social and cultural rights of women, especially marginalized women, 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 women's rights and adopt and undertake all legal measures necessary to foster and promote equal opportunity for women to participate and contribute politically, economically, socially, and culturally.

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 the development and upliftment of their families and communities to the fullest of their capabilities.

In pursuance of this policy, the State reaffirms the right of women in all sectors to participate in policy formulation, planning, organization, implementation, management, monitoring and evaluation of all programs, projects and services. 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.

SECTION 6. Principles of Human Rights of Women – Human rights are universal and inalienable. All people in the world are entitled to them. The universality of human rights is encompassed in Article 1 of the Universal Declaration of Human Rights (UDHR) which states that all human beings are free and equal in dignity and rights.

Human rights are indivisible. Human rights are inherent to the dignity of every human being whether they relate to civil, cultural, economic, political, or social issues.

Human rights are interdependent and interrelated. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others.

All individuals are equal as human beings by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of ethnicity, gender, age, language, sexual orientation, race, color, religion, political, or other opinion, national, social, or geographical origin, disability, property, birth, or other status as established by human rights standards.

All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation of communities, civil society, minorities, women, young people, indigenous peoples, and other identified groups.

States and other duty-bearers are answerable for the observance of human rights. They have to comply with the legal norms and standards enshrined in international human rights instruments in accordance

with the Philippine Constitution. When they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

RULE II

DEFINITION OF TERMS

SECTION 7. *Definition of Terms* – As used in these Rules and Regulations, the following terms shall mean:

A. “*Affirmative Action*” refers to a policy action that favors marginalized groups in society, such as women. While it is a special measure, it is not considered discriminatory since it aims to accelerate the attainment of equality of women. Affirmative action should not result in unequal or separate standards and must be discontinued when the objectives of equality of opportunity and treatment have been achieved;

B. “*Audit of GAD Funds*” refers to a comprehensive audit of a government agency’s policies, fund programs, projects and activities focusing on the area of gender and development to determine economy, efficiency, and effectiveness of interventions in addressing gender issues;

C. “*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. It includes any act or omission, including by law, policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges. A measure or practice of general application is discrimination against women if it fails to provide for mechanisms to offset or address sex or gender-based disadvantages or limitations of women, as a result of which

women are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges; or women, more than men, are shown to have suffered the greater adverse effects of those measures or practices. Provided, finally, That discrimination compounded by or intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or religion shall be considered discrimination against women under the Act;

D. “*Employee*” refers to any person who performs services for another and receives compensation therefor, provided, an employer-employee relationship exists between them;

E. “*Food Security*” refers to a condition where all people at all times have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life;

F. “Gender and Development (GAD)” refers to the development perspective and process that is participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, and 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;

G. “*Gender Audit*” refers to a form of “social audit” or “quality audit” which determines whether the organization’s internal practices and related support systems for gender mainstreaming are effective and are reinforcing each other and are being followed. This tool or process assists organizations in establishing a baseline, identifying critical gaps and challenges, and recommending ways of addressing them;

H. “*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;

I. “*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;

J. “*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 social, political, civil, and economic 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;

K. “*Violence Against Women (VAW)*” 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 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 as defined in Republic Acts No. 9208 and 9262. Under these Rules and Regulations, this term is used interchangeably with gender-based violence;

L. “*Gross monthly compensation*” refers to the monthly basic pay plus mandatory allowances fixed by the regional wage boards;

M. “*Gynecological disorders*” refers to disorders that would require surgical procedures such as, but not limited to, dilatation and curettage and those involving female reproductive organs such as the vagina, cervix, uterus, fallopian tubes, ovaries, breast, adnexa and pelvic floor, as certified by a competent physician. For purposes of the Act and these Rules and Regulations, gynecological surgeries shall also include hysterectomy, ovariectomy, and mastectomy;

N. “*Marginalization*” refers to a condition where a whole category of people is excluded from useful and meaningful participation in political, economic, social, and cultural life;

O. “*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 other resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure, and the justice system.

These include, but are not limited to, women in the following sectors and groups:

1. “*Children*” refers to those who are below eighteen (18) years of age or 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;

2. “*Fisherfolk*” refers to those directly or indirectly engaged in taking, culturing, or processing fishery or aquatic resources. These include, but are not to be limited to, women engaged in fishing in municipal waters, coastal and marine 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. “*Indigenous Peoples*” refers to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. They shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural, and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains 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);

4. “*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;

5. “*Moro*” refers to native peoples who have historically inhabited Mindanao, Palawan, and Sulu, and who are largely of the Islamic faith;

6. “*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 as defined in Republic Act No. 7277 as amended by Republic Act No. 9442, otherwise known as the “Magna Carta for Disabled Persons;”

7. “*Senior Citizens*” refers to those sixty (60) years of age and above. This term shall be used interchangeably with elderly women, older women, or women senior citizens;

8. “*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 are not limited to: (a) small farmers who own or are still amortizing for lands not more than three (3) hectares, tenants, leaseholders, and stewards; and (b) 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 farm and off-farm activities;

9. “*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;”

10. “*Urban Poor*” refers to those residing in urban and urbanizable slum or blighted areas, with or without the benefit of security of abode, where the income of the head of the family cannot afford in a sustained manner to provide for the family's basic needs of food, health, education, housing, and other essentials in life;

11. “*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 GOCCs and institutions, as well as non-profit private institutions or organizations;

12. “*Workers in the Informal Economy*” refers to self-employed, occasionally or personally hired, subcontracted, paid and unpaid family workers in household incorporated and 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; and

13. “*Youth*” refers to those persons whose ages range from fifteen (15) to thirty (30) years old as defined in Republic Act No. 8044, otherwise known as the “Youth in Nation-Building Act;”

P. “*Medical Ethics*” refers to a set of biomedical norms that abide by the principles of autonomy or respect for persons, justice, beneficence and non-maleficence. In order to affirm autonomy, every effort must be made to discuss treatment preferences with patients and to document them in the patients' charts. The principle of beneficence requires service providers, other things being equal, to do good or what will further the patient's interest. The principle of non-maleficence requires service providers, other things being equal, to avoid harm to the patient, or what would be against the patient's interests. Justice is the principle that requires distribution of goods and services, including medical goods and services, and considers the following criteria: likelihood to benefit the patient, urgency of need, change in quality of life, and duration of benefit. As used in these Rules and Regulations, the term ethical shall relate to the foregoing definition;

Q. “*Minimum Initial Service Package for Reproductive Health (MISP)*” refers to a set of priority activities to be implemented during the onset of emergencies due to conflict situations or natural disasters, including when refugee camps are being established. These

priority activities include the following: (a) provision of reproductive health services, (b) implementation by appropriately trained health service providers, which include a coordinator for reproductive health, (c) development of guidelines and training materials on the implementation of selected interventions, and (d) availability of essential drugs, basic equipment and supplies based on the recommended standards of the Department of Health (DOH). The aim of the MISP is to reduce mortality and morbidity associated with reproductive health issues during crisis situations, particularly among women;

R. “*Sexuality*” refers to the expression of a person’s thoughts, feelings, sexual orientation and relationships, as well as the biology of the sexual response system of that person;

S. “*Social Protection*” refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of all women, especially 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;

T. “*Special leave benefits for women*” refers to a female employee’s leave entitlement of two (2) months with full pay from her employer based on her gross monthly compensation following surgery caused by gynecological disorders, provided that she has rendered continuous aggregate employment service of at least six (6) months for the last 12 months;

U. “*Substantive Equality*” refers to the full and equal enjoyment of rights and freedoms contemplated under the Act. It encompasses de jure and de facto equality and also equality in outcomes;

V. “*Temporary Special Measures*” refers to a variety of legislative, executive, administrative, and regulatory instruments, policies, and practices aimed at accelerating this de facto equality of women in specific areas. These measures shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of

unequal or separate standards. They shall be discontinued when their objectives have been achieved;

W. “*Women in the military, police and other similar services*” refers 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. Police and similar services include, among others, the Philippine National Police (PNP), Bureau of Fire Protection (BFP), Bureau of Jail Management and Penology (BJMP), National Bureau of Investigation (NBI), Philippine Drug Enforcement Agency (PDEA), other agencies with law enforcement functions and private security agencies;

X. “*Women’s Empowerment*” refers to the provision, availability, and accessibility of opportunities, services, and observance of human rights through life-cycle and rights-based approach 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.

RULE III

DUTIES RELATED TO THE HUMAN RIGHTS OF WOMEN

The State, private sector, society in general, and all individuals shall contribute to the recognition, respect, and promotion of the rights of women as defined and guaranteed under the Act.

SECTION 8. *The State as the Primary Duty-Bearer* – The State, as the primary duty-bearer, shall:

A. Refrain from discriminating against women and violating their rights;

B. Protect women against discrimination and from violation of their rights by private corporations, entities, and individuals; and

C. Promote and fulfill the rights of women in all spheres, including their rights to substantive equality and non-discrimination.

The State shall fulfill these duties through law, policy, regulatory instruments, administrative guidelines, and other appropriate measures, including temporary special measures.

Recognizing the interrelation of the human rights of women, the State shall take measures and establish mechanisms to promote the coherent and integrated implementation and enforcement of this Act and related laws, policies, or other measures to effectively stop discrimination against and advance the rights of women.

The State shall keep abreast with and be guided by progressive developments in human rights of women under international law and design of policies, laws, and other measures to promote the objectives of the Act.

SECTION 9. *Duties of the State Agencies and Instrumentalities* – These duties of the State shall extend to all state agencies, offices, and instrumentalities at all levels, and government-owned and -controlled corporations, subject to the Constitution and pertinent laws, policies, or administrative guidelines that define specific duties of state agencies and entities concerned.

SECTION 10. *Supplementary Effect* – This chapter shall be deemed integrated into and be supplementary to other provisions of the Act, particularly those that guarantee specific rights to women and define specific roles and require specific conduct of State organs.

RULE IV RIGHTS AND EMPOWERMENT

SECTION 11. *Human Rights of Women* – All rights in the Constitution and those rights recognized under international instruments duly signed and ratified by the Philippines, in consonance with Philippine law, shall be rights of women under these Rules and Regulations to be enjoyed without discrimination.

SECTION 12. *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 of women against gender-based violence and help women attain justice and healing. To attain the foregoing, the following measures shall 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, legal services, and social work services availed of by women who are victims of gender-related offenses until fifty percent (50%) of the personnel thereof shall be women. To implement this measure, concerned government agencies are mandated to undertake the following:

1. The Civil Service Commission (CSC) shall conduct personnel audit of the bureaucracy and, together with concerned government agencies and offices, recommend to the Department of Budget and Management (DBM) appropriate staffing measures and, when necessary and consistent with the goal of providing assistance to victims of gender-related offenses, the incremental creation of plantilla positions to ensure that within the next five (5) years, there would be fifty-fifty (50-50) ratio of men and women recruited and trained in the police force, forensics and medico-legal, legal and judicial services, and social work services;
2. In services predominantly occupied by women, such as social work and health, this section shall not be construed to

mean that their number will be reduced to satisfy the ratio required in this section;

3. Within six (6) months after the adoption of these Rules and Regulations, the National Police Commission (NAPOLCOM), the National Bureau of Investigation (NBI), and the Department of Justice (DOJ) shall set policies, rules and regulations for the implementation of the incremental increase on recruitment and training of women in the police force, forensics and medico-legal, legal services, and social work services; and

4. Concerned agencies shall integrate in the code of conduct for employees the services, procedures and protocols in providing assistance to women victims of gender-related offenses.

B. Women shall have the right to protection and security in situations of emergency, armed conflict, and militarization. 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 for the protection of civilian population in circumstances of emergency, armed conflict, and militarization. It shall not force women, especially indigenous and Moro peoples to abandon their lands, territories, and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition. In situations of emergency, armed conflict and militarization, the following shall be observed:

1. In no case shall women be forcibly recruited nor be required to take part in armed hostilities in situations of armed conflict;

2. Special efforts shall be made to ensure the full participation of women in the planning and management of relief operations. The Office of the Presidential Adviser on the Peace Process (OPAPP), Department of National Defense-Armed Forces of the Philippines (DND-AFP), Department

of Social Welfare and Development (DSWD), Department of the Interior and Local Government (DILG), Department of Education (DepEd), Department of Health (DOH), National Commission on Indigenous Peoples (NCIP), National Commission on Muslim Filipinos (NCMF), local government units (LGUs) and other concerned government units, shall, in their humanitarian actions, observe and implement international standards such as the Minimum Initial Service Package (MISP) for Reproductive Health;

3. In the provision of relief supplies, due consideration shall be given to the specific requirements of pregnant women, lactating mothers, sick people, senior citizens, persons with disabilities, and children;

4. Pregnant and lactating women, women and mothers with dependent children, women with disabilities who are arrested, detained or interned for reasons related to armed conflict shall have their cases considered with utmost priority and humanitarian consideration;

5. In no case shall civilian casualties be classified as collateral damage;

6. The LGUs and DSWD shall provide psychosocial interventions to combatants and non-combatants, especially children who suffered from armed conflict. LGUs may also coordinate with private individuals and organizations that have the expertise and capacity to assist those affected;

7. The OPAPP, Philippine Commission on Women (PCW), DND-AFP, Commission on Human Rights (CHR), and other concerned agencies shall formulate plans and guidelines to ensure the implementation of United Nations Security Council (UNSC) Resolutions on women, peace and security; and

8. LGUs shall provide temporary shelter to displaced women and children in situations of armed conflict.

C. All government personnel, including appointing authorities, local chief executives (LCEs) of LGUs and those in executive managerial positions involved in the protection and defense of women against gender-based violence, shall regularly undergo the mandatory training on gender and human rights, particularly on the cycle and continuum of violence, counseling and trauma healing. PCW in coordination with the CHR, DSWD, DILG, Commission on Higher Education (CHED), DepEd and CSC shall design the prescribed module for human rights, gender sensitivity and gender-responsive training. The training programs and modules developed shall be periodically reviewed to ensure effectiveness.

D. All barangays shall establish a Violence Against Women (VAW) Desk. The punong barangay shall designate a VAW desk person trained in gender-sensitive handling of cases, preferably a woman barangay kagawad or woman barangay tanod. Continuity of VAW programs and services shall be ensured at all times.

All provincial governors, and city and municipal mayors shall ensure the establishment of a VAW Desk in every barangay within their jurisdiction and provide technical and financial assistance.

1. The VAW Desk shall, among others, perform the following tasks:

- a. Assist victims of VAW in securing Barangay Protection Orders (BPO) and access necessary services;
- b. Develop the barangay's gender-responsive plan in addressing gender-based violence, including support services, capacity building and referral system;
- c. Respond to gender-based violence cases brought to the barangay;
- d. Record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases of VAW to the DILG and the City/Municipal Social Welfare Development Office (C/MSWDO);

- e. Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary;
- f. Address other forms of abuse committed against women, especially senior citizens, women with disabilities, and other marginalized groups; and
- g. Lead advocacies on the elimination of VAW in the community.

The barangays may seek assistance from the PNP, civil society organizations (CSOs), NGOs, and other LGUs in the performance of these tasks.

2. The PCW in coordination with DILG, DSWD, DOH, and DepEd shall take the lead role in the formulation of the standards and guidelines in the establishment of the VAW desk, the design of the prescribed module for capability building, and the development of monitoring and evaluation tools.

3. The DILG, C/MSWDO, City/Municipal Health Offices (C/MHO), PNP, and representative/s from LGU-accredited women civil society organizations shall monitor the establishment and evaluate the functionality of the VAW desk.

SECTION 13. *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 reconstruction efforts. The State shall provide for immediate humanitarian assistance, allocation of resources, and early resettlements, 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 gender-based violence committed against them. Responses to disaster situations shall include the provision of services, such as psychosocial support, livelihood support, education, and comprehensive health services, including protection during pregnancy.

A. The national, regional and local disaster coordinating councils shall ensure the participation of women in the development of a gender-responsive disaster management, including preparedness, mitigation, risk reduction and adaptation.

B. In disasters, calamities and other crises, LGUs and agencies concerned in all phases of relief, recovery, rehabilitation and reconstruction efforts shall develop and implement a gender-responsive and rights-based work and financial plan that include:

1. Active participation of established inter-agency and multi-sectoral humanitarian cluster mechanisms that will help ensure a more coordinated and gender-sensitive response in all stages of the emergency;
2. Improved collection and use of age and sex-disaggregated data and reproductive health indicators in rapid and comprehensive assessments for strategic gender analysis and programming of humanitarian response;
3. Timely, adequate and culturally-appropriate provision of relief goods and services such as food, water, sanitary packs, psychosocial support, livelihood, education and comprehensive health services including implementation of the MISP for sexual and reproductive health at the early stage of the crisis;
4. Proactive adoption of measures by camp managers to prevent sexual violence in evacuation centers and relocation sites which include: (a) security and safety of women and children as key criteria for the selection of evacuation sites, (b) separate functional and well-lit latrines for men and women with locks, (c) bathing facilities with privacy, (d) regular security patrols preferably by female police officers; and (e) prohibition of alcohol, drugs and gambling, among others; and
5. Active involvement of women in the various camp committees organized for food and water distribution, nutrition, sanitation and hygiene, shelter, health, education, protection

and security and safety especially in the decision-making processes.

SECTION 14. *Participation and Representation* – The State shall undertake temporary special measures to accelerate the participation and equitable 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 the following 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. All agencies shall take proactive steps to capacitate women employees to strengthen their qualifications and performance to compete for third-level positions. Given equal qualifications between men and women, appointing authorities shall appoint women in third-level positions. Further:

1. The CSC and the Career Executive Service Board (CESB) shall establish and maintain a roster of women eligible for managerial executive positions in government, indicating the positions they presently occupy whether in the private or public sector. The CSC and CESB, taking into consideration appropriate training, experience and education required or desirable for the position, shall furnish these data to the appointing and recommending authorities, including the Office of the President (OP); and

2. All NGAs, and whenever applicable the LGUs, shall submit to the CESB, every end of the semester, the list of women who were appointed to third-level positions. The CESB shall consolidate the list and track the qualification of women to third-level positions and submit to the PCW for inclusion in the report to the Congress on the implementation of the Magna Carta of Women;

B. To ensure increased 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. Further:

1. At the regional level, the Regional Development Councils (RDCs) shall endeavor to increase the women sector representation in the council with the view of reaching the forty percent (40%) target; and

2. At the local level, with reference to Article 64 (d) of the Implementing Rules and Regulations of the Local Government Code and during the periodic reorganization, the sex ratio of the mandated members of the local development councils shall be determined. In the event that the forty percent (40%) membership is not met, women shall be given preference in the selection of private sector and NGO representatives and designation of the congresspersons' representative. The LCEs shall undertake the necessary information campaign to ensure participation of NGO women representatives in the local development councils and other local special bodies;

C. Representation of women or women's groups in other policy and decision-making bodies in the international, national and local bodies shall be ensured by concerned appointing authorities;

D. All concerned agencies, especially the Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Department of Trade and Industry (DTI), and DSWD shall ensure that women are given equal opportunities to be representatives in different international bodies and positions. For this purpose, policies on recruitment and selection, qualifying examinations, assignment of posts and missions shall be reviewed and amended accordingly. All government missions geared for bilateral and multilateral negotiations shall consider gender concerns in their negotiating positions;

E. Upon the adoption of these Rules and Regulations, the Commission on Elections (COMELEC) shall incorporate in its guidelines

for accreditation of political parties, including party-list organizations, specific provisions that promote integration of women in the leadership hierarchy, internal policy-making structures, and appointive and electoral nominating process of said parties. Incentives under this Section shall be determined by the incentives and awards board as provided for in Section 42 of the Act;

F. Political parties are urged to create programs where their members can advocate on matters of policy and women members can participate meaningfully within the party; and

G. Concerned agencies shall take measures to encourage women leadership in the private sector in the form of incentives as determined by the incentives and awards board under Section 42 of the Act.

SECTION 15. *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 the Act.

A. The PCW shall initiate, in coordination with concerned agencies and women’s groups, the review of existing laws and policies and recommend to Congress and other appropriate bodies the repeal or amendment of discriminatory laws.

B. The executive–legislative body shall prioritize bills that will amend or repeal discriminatory provisions of existing laws, *inter alia*:

1. Family Code of the Philippines – (a) Article 14: on the provision on giving preference to the father’s consent to the marriage of children between the ages of 18 and 21; (b) Articles 96 and 124: on the provision on giving preference to the husband’s decision, in case of disagreement with the wife, on the administration and enjoyment of community and conjugal properties; (c) Article 211: on the provision of giving preference to the husband’s decision, in case of disagreement with the wife, over the persons of their common children; (d) Article 225: on the provision on giving preference to the

husband's decision, in case of disagreement with the wife, on the exercise of legal guardianship over the property of unemancipated common child; (e) Article 55, No.1: on the requirement for repeated physical abuse and grossly abusive conduct as a ground for legal separation;

2. Revised Penal Code – (a) Articles 333 and 334: on adultery and concubinage; (b) Article 202: on the definition of vagrants and prostitution; (c) Article 351: on premature marriages; and (d) Article 247: on death inflicted under exceptional circumstances;

3. Labor Code Article 130, on night work prohibition;

4. Rules of Court Rule 131 Section 3 (jj), on disputable presumptions;

5. Code of Muslim Personal Laws; and

6. RA 8353, on removal of criminal liability of rapist when victim marries him.

C. Local government units with the participation of women's groups shall also review existing ordinances and policies and repeal or amend them accordingly.

D. Nothing in this section shall preclude the recommendation for the passage of new laws.

SECTION 16. *Equal Access and Elimination of Discrimination in Education, Scholarships, and Training* – The State shall ensure that gender stereotypes and images in existing educational materials and curricula are adequately and appropriately revised. Gender-sensitive language shall be used at all times. Capacity-building on gender and development (GAD), peace and human rights education for teachers, and all those involved in the education sector shall be pursued toward this end. Partnerships between and among players of the education sector, including the private sector, churches, and faith groups shall be encouraged.

A. Within three (3) years from the adoption of these Rules and Regulations, the DepEd, CHED and the Technical Education and Skills Development Authority (TESDA) shall:

1. Develop and promote gender-sensitive curriculum:
 - a. In coordination with PCW, set minimum standards on gender sensitivity that will be integrated in the subjects/courses/training curricular, co-curricular and extra-curricular for students and trainees;
 - b. Integrate the principles of gender equality in curricular offerings and pedagogical systems and strategies;
 - c. Ensure that public and private sector professional strategies; school counseling and career education programs are gender-responsive;
 - d. Adopt comprehensive gender-fair language policy; and
 - e. Enjoin all private and public accrediting institutions/ organizations to include gender-fair curriculum in their accreditation criteria.
2. Develop gender-fair instructional materials:
 - a. Review, revise and update programs, syllabi, textbooks and other instructional materials to ensure that gender biases and discrimination are eliminated;
 - b. Develop gender-responsive instruments for the evaluation of instructional materials and curricula, including criteria about gender concepts, values, and gender-fair language; and
 - c. Ensure that evaluators and personnel in-charge of instructional materials and curricula are knowledgeable

on gender sensitivity, peace, human rights education, and use of gender-sensitive language.

3. Ensure that educational institutions implement a capacity building program on gender, peace and human rights education for their officials, faculty and non-teaching staff and personnel;
4. Promote partnerships between and among players of the education sector, including the private sector, churches, and faith groups in the pursuit of the objectives of this section;
5. Encourage advertising industry and other similar institutions to provide free use of space and installation of displays for schools, colleges and universities for campaigns to end discrimination and violence against women; and
6. Guarantee that educational institutions provide scholarship programs for marginalized women and girls. Conditions such as age, pregnancy, motherhood, disabilities, or lack of consent of husband shall not be grounds for disqualification in the grant of scholarships.

B. Enrollment of women in non-traditional skills training in vocational and tertiary levels shall be encouraged. Further:

1. The DepEd, TESDA, and CHED shall develop programs aimed at increasing the enrollment of women in non-traditional skills training in vocational and tertiary levels, and mechanisms for assessment and monitoring of compliance such as sex-disaggregated list of students, tracers of graduates and the like; and
2. Policies shall be developed to ensure that all teachers and trainers, regardless of sex, ethnicity, political, social, economic and religious status and affiliations have equal access to scholarships.

C. Expulsion and non-readmission of women faculty due to pregnancy outside of marriage shall be outlawed. No school shall

turn out or refuse admission to a female student solely on account of her being pregnant outside of marriage during her term in school.

The DepEd, CHED and TESDA shall monitor and ensure compliance of educational institutions to the following:

1. Women faculty who become pregnant outside of marriage shall not be discriminated by reason thereof. They shall not be dismissed, separated from work, forced to go on leave, re-assigned or transferred. They shall have access to work already held with no diminution in rank, pay or status and shall be entitled to all benefits accorded by law and by the concerned learning institutions;
2. No female student shall be expelled, dismissed, suspended, refused or denied of admission, or forced to take a leave of absence in any educational institution solely on grounds of pregnancy outside marriage during her school term. When needed, students who are pregnant shall be accorded with a special leave of absence from school upon advice of the attending physician, and be given an opportunity to make up for missed classes and examinations. The same leave benefits shall likewise be accorded to pregnant faculty members, and school personnel and staff;
3. Pregnant students shall be assisted through available support services while in school, such as but not limited to counseling to ensure completion of their studies;
4. Programs and policies to prevent VAW shall be developed, including institutional mechanisms for complaints in cases of rape, sexual harassment, and other forms of violence and discrimination against women, and provide assistance to students, faculty, or personnel who have been victims of VAW; and
5. Coordination with PNP, DOJ, CHR, DSWD, and the LGU so that appropriate assistance are given to female faculty and students who are victims of rape, sexual

harassment and other forms of violence against women and discrimination.

SECTION 17. *Women in Sports* – The State shall develop, establish, and strengthen programs for the participation of women and girl-children in competitive and non-competitive sports as 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 regardless of sex, gender, and other similar factors. For this purpose:

A. All sports-related organizations accredited by the Philippine Sports Commission (PSC) 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.

B. 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 in the same sports category: 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 divisions.

C. All sports-related organizations shall also ensure the safety and well-being of all women and girls participating in sports, especially, but not limited to, trainees, reserve members, 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.

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

E. The PSC and Games and Amusement Board (GAB) shall provide financial and other incentives to local government units, media organizations, and the private sector for promoting, training, and preparing women and girls for participation in competitive and non-competitive sports, especially in local and international events, including, but not limited to, the Palarong Pambansa, Southeast Asian Games, Asian Games, and the Olympics.

F. PSC and GAB in coordination with the DepEd, CHED, SUCs, LGUs, and other sports-related organizations shall endeavor to:

1. Train more female coaches for girls and women's teams;
2. Conduct activities such as sports clinics and seminars for potential female leaders, coaches, teachers at least once a year;
3. Provide equal incentives and awards for both men and women for any competition;
4. Provide equal opportunities for scholarships and travel grants for women leaders, coaches and athletes with adequate support mechanism;
5. Provide sufficient funds to support girls and women in sports;
6. Form more girls' and women's teams in athletic leagues like the Palarong Pambansa, University Athletic Association of the Philippines, National Collegiate Athletic Association, Private Schools Athletic Association, and University Games;
7. Collect sex-disaggregated data in sports participation;
8. Promote partnerships with community-based sports organizations; and

9. Increase the participation of the elderly women, women with disabilities and indigenous women through the promotion and development of programs for them in coordination with other sport organizations.

G. All government agencies and LGUs are enjoined to increase women's participation by forming women's and girls' teams in various sporting events that they organize or sponsor.

SECTION 18. *Women in the Military, Police and Other Similar Services* – The State shall pursue appropriate measures to eliminate discrimination of women in the military, police, and other similar services, including revising or abolishing policies and practices that restrict women from availing of both combat and non-combat training that are open to men, or from taking on functions other than administrative tasks, such as engaging in combat, security-related, or field operations. Women in the military shall be accorded the same promotional privileges and opportunities as men, including pay increases, additional remunerations and benefits, and awards based on their competency and quality of performance. They shall not be subjected to harassment and violence, including verbal and sexual abuses in all stages of their recruitment, training and service. Towards this end, the State shall ensure that the personal dignity of women shall always be respected.

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

Further, women in the military, police, and other similar services shall be entitled to leave benefits such as maternity leave, as provided for by existing laws. For this purpose:

A. The DND, DILG, DOJ and LGUs shall:

1. Grant the same privileges and opportunities to men and women, including pay increases, additional remunerations and benefits and awards;

2. Give equal consideration to men and women in the area or field of assignment such as, but not limited to, operational functions, administrative functions and international peacekeeping duties where women can exercise and develop their full potentials;

3. Pursue appropriate measures to eliminate discrimination of women, including revision or abolition of policies and practices that restrict women from availing both combat and non-combatant trainings that are open to men, or from taking on functions other than administrative tasks;

4. Assure non-discrimination in appointments to any key position as well as designations to boards, tribunals, committees, or any decision-making body. Women shall be represented in every committee or board where gender issues and concerns are articulated;

5. Ensure that the physical fitness tests administered on women uniformed personnel in the military, police and similar services, as requirements for entry, promotion or schooling shall be based on standards, set by the respective agencies taking into consideration women's physical and biological built. These shall be different from those required of their male counterparts. Moreover, physical fitness tests for women uniformed personnel in the military, police and similar services shall be conducted by female doctors, practitioners or tactical officers;

6. Accord women and men the same capacity to act in and enter into contracts, including marriage:

a. Allow women to contract marriage upon entry in military service or similar services, except for such positions where a marriage ban for a specific period of time is required for both men and women; and

b. Provide the benefits under existing laws such as, but not limited, to maternity leaves, solo parent privileges and leaves due to gynecological disorders;

7. Open all military and similar services, occupations, registrations, special enlistments, and trainings to women;

8. Promote the rights of women enlisted personnel in the military, police and similar services. Qualified enlisted women personnel shall not be denied of promotion to the highest non-commissioned officer position in the military, police and similar services solely on the basis of sex and sexual orientation;

9. Ensure the rights of women in the military, police and similar services to decent facilities and personal protective equipment:

a. Provide decent billet facilities and quartering, separate from the men, in the military police and similar services, regardless of the location or type of assignment;

b. Establish a child-care facility, child-minding room or breastfeeding room for women in the military, police and similar services as well as for women civilian employees; and

c. Provide women in the military, police and similar services with well-fitting personal protective equipment and other operational equipment that shall ensure their safety while in the performance of their duties;

10. Create mechanisms to implement the Act and these Rules and Regulations in the military, police and similar services. Establish or strengthen the Women's Desks, and Committee on Decorum and Investigation pursuant to the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877) or in all military units and training institutions that shall take charge of cases affecting women in the military, police and similar services as well as women civilian employees; and

11. Revise policies on uniforms to allow women in the military, police, and similar services to wear pants and appropriately low-heeled shoes in the conduct of operational duties and performance of administrative functions.

B. Increase the quota to twenty percent (20%) for female admission into all officer-candidate and non-officer schools and institutions in the military, police and similar services, including but not limited to the Philippine Military Academy (PMA), Officer Candidate School (OCS), Philippine National Police Academy (PNPA), Philippine Public Safety College (PPSC).

C. Concerned agencies shall support women in the military in training and peacekeeping operations:

1. Women shall be provided with trainings necessary for deployment in peacekeeping forces in compliance to UNSC Resolutions on women, peace and security; and

2. Female officers and enlisted personnel who are qualified to perform peacekeeping operations, subject to the requirements imposed by the requesting entity or country, shall not be denied admission and entitlement to remunerations and benefits appurtenant thereto.

SECTION 19. *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 government and non-government media-related organizations. It shall likewise endeavor to raise the consciousness of the general public in recognizing the dignity of women and the role and contribution of women in the family, community, and 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 the 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; convene a gender equality committee that will promote gender mainstreaming as a framework and affirmative action as a strategy; and monitor and evaluate the implementation of gender equality guidelines.

A. The dignity of women and their roles and contributions in all spheres of private and public life shall be promoted. The portrayal of women in a discriminatory, demeaning and/or derogatory manner in advertisements, shows and programs is not allowed. It shall not induce, encourage and/or condone violence against women in any form and/or the violation of their human rights. The PCW, in coordination with concerned agencies and media organizations, shall formulate media guidelines to protect women against discrimination in media and film.

B. The Office of the Press Secretary (OPS) and its attached agencies shall ensure the formulation of policies and implementation of programs pursuant to the Act and these Rules and Regulations. It shall also:

1. Provide over-all direction, guidance and monitoring as lead agency of government mass media in the implementation of the Act and these Rules and Regulations;
2. Formulate and implement a national communication plan and advocacy activities on the Act and these Rules and Regulations and relevant gender issues/concerns; and
3. Create a gender equality committee composed of representatives from the OPS, PCW, various self-regulatory bodies and the National Telecommunications Commission (NTC), Movie and Television Review and Classification Board (MTRCB), Film Academy of the Philippines (FAP),

Film Development Council of the Philippines (FDCP), Optical Media Board (OMB), National Commission for Culture and the Arts (NCCA), representatives of women's media NGOs to promote gender mainstreaming, formulate the gender equality guidelines and Code of Ethics for media, and monitor and evaluate the implementation thereof.

C. The NTC, MTRCB, FAP, FDCP, OMB, NCCA shall ensure that the media and film industries comply with the Act and these Rules and Regulations, including:

1. Formulation of policies and programs to raise consciousness of the general public in recognizing the dignity of women and the role and contribution of women in all spheres of private and public life;
2. Allocation of space, airtime and resources for the airing of advertisements that promote women's human rights;
3. Enhancement of programming, production and image-making that present women's needs, issues and concerns;
4. Ensuring that, in cooperation with all schools of journalism, information and communication, and national media federations and associations, regular trainings on gender equality and gender-based discrimination are integrated in the human resource development components of media organizations and corporations.

D. Self-regulatory bodies, groups, and associations for media, television, cable, film, and advertising shall also ensure compliance with the Act and these Rules and Regulations.

E. Creation of Local Media Board (LMB) in all LGUs to monitor the implementation of these Rules and Regulations shall also be encouraged.

SECTION 20. *Women's Right to Health* – The State shall, at all times, provide for comprehensive, culture-sensitive, and gender-responsive health services and programs covering all stages of a woman's life cycle and which address the major causes of women's mortality and morbidity: Provided, that in the provision for comprehensive health services, due respect shall be accorded to women's religious convictions, the rights of the spouses to found a family in accordance with their religious convictions, the demands of responsible parenthood, and the right of women to protection from hazardous drugs, devices, interventions, and substances.

In order to eliminate discrimination against women, the State shall develop and implement a comprehensive national strategy consisting of health programs, services and information for promoting women's right to health throughout their lifespan. The strategy shall have as a major goal the reduction of women's health risks, particularly those resulting from complications of pregnancy and childbirth as well as gender-based violence. It shall remove all barriers interfering with women's access to health services and information and protect women from the impact of cultural practices and norms that deny them of their full rights to health. It shall include interventions aimed at the prevention and treatment of diseases affecting women, as well as policies to provide and enable access to a full range of high quality and affordable health care services.

A. Comprehensive Health Services - Access to the following programs and services shall be ensured:

1. Maternal care to include pre-natal services, delivery and post-natal services to address pregnancy and infant health and nutrition;
2. Promotion of breastfeeding and proper nutrition for lactating mothers;
3. Responsible, ethical, legal, safe, and effective methods of family planning;
4. Family and State collaboration in youth sexuality education

and health services without prejudice to the primary right and duty of parents to educate their children;

5. Prevention and management of reproductive tract infections, including Sexually Transmitted Infections (STIs), Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS);

6. Prevention and management of reproductive tract cancers such as breast and cervical cancers, and other gynecological conditions and disorders;

7. Prevention of abortion and management of pregnancy-related complications;

8. 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;

9. Prevention and management of infertility and sexual dysfunction pursuant to ethical norms and medical standards;

10. Care of elderly women; and

11. Management, treatment, and intervention of mental health problems of women and girls.

B. Role of Agencies – To implement the provisions on comprehensive health services, government agencies shall perform the following roles and functions:

1. The DOH shall:

a. Review and revise existing health programs, develop plans, policies, standards and guidelines in the implementation of said programs for women and girls

that are gender-responsive, rights-based and culture-sensitive;

b. Formulate standards and develop information, education, communication and advocacy strategies for the implementation of health programs for girls, female adolescents, women and older women;

c. Provide support in the development of innovative projects, strategies, and approaches for girls, female adolescents, women and older women;;

d. Establish network and coordination mechanisms with other stakeholders particularly NGOs, private and commercial sectors;

e. Generate the necessary media participation and social marketing in support of women's health programs;

f. Provide technical assistance on the implementation of programs for women and girls to the sub-national offices, LGUs, development partners and other stakeholders;

g. Develop and institutionalize a sex-disaggregated report/databank on health-related concerns;

h. Monitor and evaluate health and nutrition programs for girls, female adolescents, women and older women; and

i. Coordinate with concerned agencies to review laws, programs, and services for the protection of women to reduce maternal mortality.

2. The DepEd shall, in coordination with DOH, provide functional girl-child and adolescent health services in every school.

3. The Philippine Health Insurance Corporation (PhilHealth) shall include maternal care and women's health services in its benefit packages.

4. In appropriate cases, the DOLE shall require workplaces to provide facilities such as breastfeeding areas, toilets and dressing room and seats appropriate for women and permit them to use such seats even when they are working, provided they can perform their duties without compromising their efficiency.

5. All government agencies with health-related programs and services, including nutrition, mental health, and care for the elderly shall review and revise existing programs and develop plans, policies, standards and guidelines in the implementation of said programs for women that are gender-responsive, rights-based and culture-sensitive, to ensure women's access to the programs and services identified in Section 15.A of these Rules and Regulations.

6. The LGUs shall:

a. Promulgate and implement gender-responsive, rights-based and culture sensitive local ordinances and policies that promote the comprehensive health of girls, adolescents, women and elderly women, such as a GAD Code and/or Reproductive Health Code;

b. Formulate a health human resource development plan that will ensure the following:

i. Sufficient number of skilled health professionals to attend to all deliveries; and

ii. Availability of qualified and capable health service providers, to include coordination with the academe, a human resource deployment program to meet LGU needs;

- c. Develop health programs that:
 - i. Encourage constituents to access and demand services for women and girls;
 - ii. Involve women and girls in planning health programs and in decision-making;
 - iii. Allocate budget or resources for implementing programs for women and girls in the local level;
 - iv. Monitor progress of programs for women and girls through implementation review and research; and
 - v. Enhance parent effectiveness services and programs to include continuing education on gender-based violence such as domestic violence, rape, incest, prostitution, trafficking and other forms of violence against women and girls in every barangay;
- d. Coordinate with DOH in the organization of inter-local health zones for the purpose of ensuring the provision of health services for neighboring communities;
- e. Strengthen the local health board to respond to the health needs of girls, female adolescents, women and women senior citizens;
- f. Develop/design an award system to encourage excellent performance in the promotion and implementation of women's health programs;
- g. Organize communities with the private sector to implement health programs for women and girls; and
- h. Continue dialogues to clarify implementation of laws in relation to pregnancy that endangers the life of the mother.

7. NGOs are encouraged to:

- a. Strengthen advocacy for the promotion of the right to health of women;
- b. Conduct appropriate research that can inform health policies and programs;
- c. Participate in the formulation of health policies and programs which are culture- and gender-sensitive, gender-responsive, accessible, and affordable by national government agencies;
- d. Assist local government units in the implementation of health programs;
- e. Prepare culture- and gender-sensitive training modules and conduct corresponding trainings for LGU officials and health personnel; and
- f. Assist in the dissemination of the Act and these Rules and Regulations.

C. Comprehensive Health Information and Education

1. Interpersonal communication is crucial to ensuring the success of community-based programs and projects and should therefore be utilized to the extent possible.
2. Health education shall be provided to women clients. Appropriate educational materials and media shall be used to reinforce the health messages during the conduct of these activities.
3. Health education programs shall include:
 - a. Age appropriate adolescent health and sexuality education taught by trained educators in both public and private schools. The lessons shall emphasize

responsibility and respect for others as overarching principles in sexual behavior, without prejudice to the primary right of parents to educate their children;

b. Sexuality education for parents for them to be co-operators in adolescent health education and to enhance communication with their children;

c. Programs for the elderly in every barangay to promote and maintain their well-being and social functioning;

d. Trainings for health service providers/educators towards gender-responsiveness, culture-sensitivity, non-discrimination and non-judgmental behaviors and attitudes; and

e. Teen centers that will provide health and sexuality education and counseling.

4. To promote health education, concerned agencies shall perform the following:

a. The DepEd shall:

i. Formulate standards and develop information, education, communication, and advocacy strategies for the integration of health and nutrition concepts for women and girls in all levels/categories of schools; and

ii. Provide support in the development of innovative project, strategies and approaches for women and girls in learning institutions;

b. The CHED shall:

i. Ensure that state colleges, universities, and private institutions will integrate in their curriculum and in CHED's accreditation system, health education that

is gender-responsive, rights-based and culture-sensitive;

ii. Encourage state colleges, universities and private institutions to conduct capacity building sessions, such as gender-sensitivity and health and sexuality education for school personnel (faculty and non-teaching staff) and students to promote women's health;

iii. Expand health services and guidance counseling on youth sexuality in state colleges, universities, and private institutions; and

iv. Promote and provide funds for and disseminate research on gender issues and concerns.

5. Government agencies with health-related programs and services, including nutrition, mental health and care for the elderly are mandated to provide the necessary education and information relevant to their functions.

SECTION 21. *Special Leave Benefits for Women*

A. Any female employee in the public and private sector regardless of age and civil status shall be entitled to a special leave of two (2) months with full pay based on her gross monthly compensation subject to existing laws, rules and regulations due to surgery caused by gynecological disorders under such terms and conditions:

1. She has rendered at least six (6) months continuous aggregate employment service for the last twelve (12) months prior to surgery;

2. In the event that an extended leave is necessary, the female employee may use her earned leave credits; and

3. This special leave shall be non-cumulative and non-convertible to cash.

B. The CSC, in the case of the public sector including LGUs and other State agencies, and the DOLE, in the case of the private sector, shall issue further guidelines and appropriate memorandum circulars within sixty (60) days from the adoption of these Rules and Regulations to operationalize said policy, and monitor its implementation and act on any violations thereof.

SECTION 22. *Equal Rights in All Matters Relating to Marriage and Family Relations*

To implement this section, concerned agencies or entities shall perform the following:

A. The DSWD, DOH, and the Commission on Population (POPCOM) shall set standards and develop gender-fair modules on marriage, family relations, parent effectiveness, shared parenting and household responsibilities, and non-sexist child rearing.

B. The LGUs shall:

1. Provide trainings and seminars on the popularization of rights and obligations of spouses towards each other, management of household and parental authority to impede the stereotyping of roles, multiple burden, marginalization and subordination of women;
2. Through the local health office, local social welfare and development office, or population office, ensure gender-sensitive conduct of pre-marriage counseling program to promote family planning, responsible parenthood, equal relations and shared responsibility between spouses in parenting and household management;
3. Advocate that spouses have the moral obligation and responsibility in assuring the rights and well-being of their children, regardless of sex;
4. Ensure that couples and individuals shall be given the full range of information and services for them to exercise rights

to decide over the number and spacing of children; and

5. Include in the trainings and seminars in barangays the education and popularization of the Act and the Family Code, especially on the obligations and responsibilities of spouses to eliminate gender bias.

C. The Supreme Court (SC), DOJ, Integrated Bar of the Philippines (IBP) and lawyers associations shall ensure that gender equality and women's empowerment agenda are mainstreamed and integrated in the regular Mandatory Continuing Legal Education (MCLE) courses conducted for legal practitioners in the Philippines.

RULE V RIGHTS AND EMPOWERMENT OF MARGINALIZED SECTORS

SECTION 23. Food Security and Productive Resources

– The State recognizes the contribution of women to food production and shall ensure its sustainability and sufficiency, including in the context of climate change, with the active participation of women. Towards this end, the State shall guarantee, at all times, the availability in the market of safe and health-giving food to satisfy the dietary needs of the population, giving particular attention to the specific needs of poor girl-children and marginalized women, especially pregnant and lactating mothers and their young children.

The Department of Agriculture (DA), in coordination with other concerned departments, LGUs, and stakeholders shall: (a) undertake programs and projects on food security that are gender-responsive; (b) recognize women as farmers and fisherfolk and give them equal opportunities to participate in programs and projects; (c) ensure the active and direct participation of rural women's groups, other than Rural Improvement Clubs, in policy and program formulation, planning and designing, implementation, monitoring and evaluation of DA programs at the local levels including, but not limited to, the rice master plan; (d) ensure that girl-children and women benefit from all

DA programs; (e) ensure food safety by strengthening food management, control and regulatory systems, including provision of necessary facilities; and (f) promote community-based seed banking initiated and operated by women and barangay level sustainable resource management.

LGUs shall formulate and implement a community-based food security plan that shall respect religious and cultural practices. The plan shall be integrated into the development plans of the LGUs to ensure that it is funded and implemented. Women's groups shall actively participate in planning and designing, implementing, monitoring and evaluating the plan.

A. Right to Food

1. The DA shall:

- a. In coordination with other agencies, involve women in food production, processing, and marketing programs;
- b. In coordination with Department of Science and Technology (DOST) – Industrial Technology Development Institute (ITDI), provide updated, useful information and gender-sensitive technologies for production, processing, and marketing of food products;
- c. In coordination with the LGUs, strengthen capacities of women by designing and implementing appropriate training programs for food security;
- d. Involve women in food security program development, implementation, monitoring and evaluation; and
- e. Promote the use of organic fertilizer in food production.

2. The DTI and Food and Drug Administration (FDA), in coordination with other concerned agencies, shall provide timely and accurate information on food safety such as, but not limited to, labeling and traceability.

3. The DOST, Department of Energy (DOE), DA and other concerned agencies shall encourage the use of alternative or renewable energy in food production.

B. Right to Resources for Food Production

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

a. The Department of Agrarian Reform (DAR) shall issue the Emancipation Patent (EP) and Certificate of Land Ownership Award (CLOA), to all qualified beneficiaries regardless of sex, civil status, or physical condition. In order to protect the rights of legally married spouses where properties form part of the conjugal partnership of gains or absolute community property, the names of both shall appear in the EP and CLOA preceded by the word “spouses.” In unions where parties are not legally married, the names of both parties shall likewise appear in EP and CLOA with the conjunctive word “and” between their names;

b. DAR shall screen bonafide agrarian reform beneficiaries (ARBs). As such, either spouse or party in a relationship who individually possess qualifications shall have the right to identification, screening and selection of ARBs;

c. In no case shall a woman be excluded either in the titling of the land or issuance of stewardship contracts and patents on the account of sex, being married, or being in a union without marriage to an agrarian reform beneficiary;

d. The Department of Environment and Natural Resources (DENR) shall issue Certificate of Stewardships in the name of both spouses who shall then be co-stewards of the land;

e. The DENR shall ensure that women, regardless of civil status, shall enjoy equal rights as men in the filing, acceptance, processing, and approval of public land applications;

f. All concerned agencies shall review and revise their judicial and administrative forms, harmonize their database, and generate sex-disaggregated information; and

g. The Land Registration Authority (LRA) shall comply with the provisions of the Act and these Rules and Regulations.

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

a. The DAR, in coordination with other concerned agencies, shall develop guidelines that will recognize women's paid and unpaid work as bases for her direct and indirect contribution in the development of the land; and

b. Both spouses and parties shall be accorded equal rights and access in availing of support services as provided for in agrarian reform laws, without discrimination of sex. It shall be the joint and mutual obligation and responsibility of both spouses and parties that the support services extended to them by DAR, DA, and other concerned agencies be fully and exclusively utilized for the intended purpose.

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. Further:

- a. Property rights under customary laws shall be respected as long as they are not discriminatory to women;
 - b. The management and utilization of forest resources shall provide equal opportunities for men and women to participate and share in attendant responsibilities and benefits;
 - c. In developing Comprehensive Development and Management Plans (CDMP), Industrial Forest Management Agreement (IFMA) holders shall integrate gender concerns including the equitable participation of women in implementing the CDMP and enjoying the fruits thereof; and
 - d. The DA, in coordination with NCIP and other concerned agencies, shall promote the application of indigenous knowledge and practices on food production and preservation.
4. Information and assistance in claiming rights to the land shall be made available to women at all times. All concerned agencies with land management programs shall develop programs to provide information, education and communication, and assistance in claiming rights.
5. Equal rights of women to the enjoyment, use, and management of land, water, and other natural resources within their communities or ancestral domains shall be guaranteed. Further:
- a. Women shall participate in the management of protected areas;
 - b. The Department of Tourism (DOT) shall promote community-managed, eco-tourism projects participated by women stakeholders from the community; and

c. Government agencies in-charge of irrigation and watershed management shall provide access to small irrigation and rainwater harvesting facilities as well as programs on rehabilitation of watershed areas to small women farmers.

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 shall be guaranteed. Further:

a. The DA, through the Bureau of Fisheries and Aquatic Resources (BFAR), in coordination with National Fisheries and Aquatic Resources Management Council (NFARMC), shall assist the LGUs in developing a standard registration form for municipal fisherfolk, fishing vessels and gears as stated in Section 19 of the Philippine Fisheries Code of 1998. The Registry of Municipal Fisherfolk shall serve as basis for the identification of priority municipal fisherfolk who shall be allowed to fish within the municipal waters;

b. LGUs shall maintain an updated database of women fisherfolk that may be accessed by BFAR, PCW and other interested institutions for program development and policy-making; and

c. Women fisherfolk shall be entitled to benefits and privileges accorded to other workers under the Labor Code, Social Security System (SSS) and other laws.

7. Equal status shall be given to women and men 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-engaged coastal resources.

The LGUs and BFAR shall ensure the full participation of women in the planning and designing, implementation, monitoring and evaluation of coastal resource management programs; and designate coastal areas to be managed by women.

8. There shall be no discrimination against women in the deputization of fish wardens. Towards this end, the LGUs shall:

- a. Deputize women who are already functioning as fish wardens within six (6) months upon adoption of these Rules and Regulations;
- b. Provide venues where women's roles as effective fish wardens will be recognized;
- c. Provide capacity development training for women fish wardens; and
- d. Provide social and legal protection for all deputized fish wardens.

9. Women-friendly and sustainable agriculture technology shall be designed based on accessibility and viability in consultation with women's organizations. Further:

- a. All concerned agencies involved in research and development, including SUCs and higher education institutions (HEIs), shall allocate budget for basic and applied research to develop and promote women-friendly technologies;
- b. The DA-Bureau of Post-Harvest Research and Extension (BPRE) shall design and promote the commercial use of improved post-harvest processing facilities and equipment of selected commercial crops

among women and men, farmer-groups, processors and small-holder entrepreneurs to reduce post-harvest losses and increase income derived from value-added processing operations;

c. The BFAR and Philippine Fisheries Development Authority (PFDA) shall design and promote the use of women-friendly fishing gears and post-harvest facilities and equipment;

d. The National Dairy Authority (NDA) shall design and promote women-friendly dairy technologies;

e. The DOST shall promote appropriate women-friendly technologies and support women inventors and scientists;

f. The DA-Agricultural Training Institute (ATI) shall include sustainable agriculture practices and technologies, including varietal selection and community seedbanking in its training programs; and

g. DA and LGUs shall ensure participation of rural women by tapping existing peoples' organizations, NGOs and rural women groups in their training on food production with emphasis on sustainable agriculture and fisheries such as but not limited to production of organic inputs and fertilizers, natural farming and vermi-composting, and other technologies.

10. Access to small farmer-based and controlled seeds production and distribution shall be ensured and protected. Towards this end, the DA shall:

a. Provide access to seeds production, including both traditional and locally adapted varieties, planting materials, fingerlings, and broodstocks for women small farmers and fisherfolks;

- b. Include all women's organizations in its indigenous vegetables production projects;
 - c. Ensure access of small farmers and fisherfolk in seeds production and distribution as well as improved breed of animals;
 - d. Provide access to seed technology updates; and
 - e. Together with LGUs, develop and implement community seed banking and farmer-to-farmer seed exchange.
- 11. Indigenous practices of women in seed storage and cultivation shall be recognized, encouraged, and protected. Towards this end, the NCIP and concerned agencies shall:
 - a. Provide information on indigenous farming and fishing practices; and
 - b. Promote and improve indigenous knowledge and practices.
- 12. Equal rights shall be given to women to be members of farmers' organizations to ensure wider access to and control of the means of production. Further:
 - a. DA, DTI, and other concerned agencies shall provide support for marketing, credit, technologies, and training for women; and
 - b. Ensure membership of marginalized women in councils for sustainable development that are created pursuant to existing laws.
- 13. 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. For this purpose, the DA shall undertake the following:

- a. Provide capability building program to promote greater bankability and worthiness of municipal and small scale women commercial fishers. Such program shall include organizing activities, technology transfer, and skills training related to commercial fishing as well as credit management. Groups and cooperatives organized under the program shall have priority access over credit and other funds for women fisherfolk;
- b. Conduct information campaign to promote the capability-building and credit programs to women fisherfolk; and
- c. Open special credit windows in existing government financing institutions for women fisherfolk.

14. Provide economic opportunities for the indigenous and rural women particularly access to market for their produce. In the enforcement of the foregoing, the requirements of law, such as free and prior informed consent, shall be observed at all times. Further:

- a. DA, Department of Public Works and Highways (DPWH), DAR, and LGUs shall ensure access and links of production areas to markets and stimulate economic activities in the communities as well as provide better access to social services by constructing farm-to-market roads in the rural areas; and
- b. DA, DTI, TESDA, NCIP, DENR, and SUCs/HEIs shall provide trainings on marketing of agricultural and forestry products to ensure delivery of produce. These include market opportunity awareness, technology transfer on processing, labeling, and packaging.

SECTION 24. *Right to Housing* – The State, through the Housing and Urban Development Coordinating Council (HUDCC) and its attached Key Shelter Agencies namely the National Housing Authority (NHA), Home Guarantee Corporation (HGC), National Home Mortgage Finance Corporation (NHMFC), Social Housing Finance Corporation (SHFC), Housing and Land Use Regulatory Board (HLURB), Home Development Mutual Fund (HDMF), and the LGUs, 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.

A. The HUDCC, Key Shelter Agencies and the LGUs shall:

1. Ensure full participation and involvement of women in land use, zoning and community planning and development through capability building and skills training in shelter and urban development;
2. Ensure that female-headed households are not discriminated in the provision of relocation or resettlement sites and that access to basic services, facilities, employment, and livelihood opportunities are responsive to the needs of women. In cases of demolition and eviction, the HUDCC, Presidential Commission for the Urban Poor (PCUP), and LGUs or other bodies with similar functions in the local level, shall ensure the safe transfer of women and children to resettlement and relocation sites;
3. Provide basic social services in resettlement communities in accordance with existing laws;
4. Formulate policies and programs to ensure that housing programs and services are provided for women belonging to the marginalized sectors;

5. Ensure that forms and documents are gender-responsive especially those involved in transactions of (a) married couples, (b) persons in unions without marriage, and (c) single individuals. Within one (1) year from the effectivity of these Rules and Regulations, key shelter agencies shall also conduct a review of their agency guidelines to ensure that the guidelines are gender-responsive. Thereafter, a periodic review shall be conducted;

6. Monitor and evaluate gender design features in housing and urban development and all other kinds of infrastructure plans and strategies to ensure that all housing projects, whether undertaken by the government agencies or the private sector, are able to secure the privacy and safety of women and children;

7. Undertake a massive information dissemination campaign to increase the awareness of women on their property and housing rights, including the right of women to information and to transact business with shelter agencies; and

8. Ensure women's participation in the development of land use plans and implementation of zoning ordinances.

SECTION 25. *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. The DOLE in the case of private sector and the CSC in the case of public sector shall:

1. Advance women's right to decent work by promoting women's rights at work, creating opportunities for women employment, enhancing social protection coverage, and strengthening tripartism and social dialogue. To achieve this, the DOLE and CSC shall facilitate adequate consultative mechanisms with workers and employers groups, government and non-government organizations;

2. Together with other concerned agencies ensure the provision of support services and gears to protect women from occupational and health hazards taking into account women's maternal functions. Further:

a. Women workers shall be protected against safety and health hazards, including, but not limited to, exposure to hazardous chemicals, infections, conditions leading to musculoskeletal disorders, work environment leading to noise-induced hearing loss, and exposure to radiation and psychological stressors.

b. By reason of the hazardous nature of work that may cause injury or impairment in the function of any part of the body, every employer shall provide their women employees with appropriate personal protective equipment (PPE) to prevent injury or impairment in any part of their bodies as well as ensure proper maintenance of the PPE used in the workplace.

c. The DOLE, through its concerned agencies, shall make available occupational safety and health (OSH)-related programs and services to women workers in the formal and informal sectors. These include, but are not limited to, the conduct of OSH orientations and trainings, medical surveillance and research, screening tests for reproductive tract diseases, provisions for technical support/advice, and development of information, education and communication materials.

3. Work closely with both the employers and unions or worker representatives, in the private sector in promoting a safe and healthy workplace. Further:

a. Employers both in the public and private sectors shall provide services in support to balancing family obligations and work responsibilities. These include family health services but not limited to: day care and child minding centers, breastfeeding or lactation stations with

appropriate facilities and corresponding nursing/lactation breaks, health education, counseling on breastfeeding, seminars on responsible parenthood and family planning, non-sexist child-rearing, shared parenting and family responsibility, annual family day, flexible work arrangements, and anti-sexual harassment initiatives.

Compliance by government agencies and private employers shall be monitored by the CSC and DOLE, respectively. In establishing facilities as required by law, the LGUs shall make compliance thereof a pre-requisite in the grant of any form of building and business permit.

b. In the exercise of their labor rights, women workers are free to exercise their right to self-organization and are encouraged to form unions and join associations. The DOLE and CSC shall ensure that such rights are respected regardless of the workers' status and place of employment. DOLE and CSC shall also support programs that will encourage women to develop their leadership skills to accelerate their qualifications in positions of leadership.

c. Employees who are members of indigenous communities shall be allowed to observe their cultural practices in the workplace provided that the employer is notified by the applicant or employee about the cultural practice/s that she needs to observe and the cultural practice/s will neither hamper work efficiency of the employee nor be prejudicial to the operation of the workplace.

B. In recognition of the temporary nature of overseas work and the need to exert all efforts to address the causes of out-migration, the National Anti-Poverty Commission (NAPC), in the exercise of its oversight functions in the implementation of the Social Reform Agenda, shall ensure that policies and programs in addressing poverty reduction as well as initiatives taken by civil society and the basic sectors shall include local employment and other economic opportunities for women.

C. DTI, DOLE, other concerned government agencies, and the LGUs shall initiate investment friendly policies, systems, programs and procedures as well as provide technical assistance and supporting financial arrangements to returning women migrant workers to help them establish local business.

D. The DFA, DOLE, Philippine Overseas Employment Administration (POEA), and Overseas Workers' Welfare Administration (OWWA) shall be responsible in protecting the rights and promoting the welfare of women migrant workers especially those classified under the vulnerable skills categories.

These agencies shall review and forge bilateral and multilateral labor agreements to ensure safe migration, better work conditions that will curb violence against women migrant workers; conduct professional and personal development among women migrant workers through livelihood and skills development trainings, seminars, and scholarship grants; and mainstream entrepreneurship and GAD in skills training, counseling and other support services for the families of the migrant workers.

SECTION 26. *Right to Livelihood, Credit, Capital, and Technology* – All possible assistance shall be provided to women including returning women migrants in their pursuit of owning, operating and managing business enterprises towards the promotion of their economic rights and independence. Assistance shall focus on the availability of the following: credit, training and technology, information, packaging and marketing, and social protection.

A. Department of Finance (DOF), DTI, Bangko Sentral ng Pilipinas (BSP), People's Credit and Finance Corporation (PCFC), Government Financial Institutions (GFIs), and Microfinance Institutions (MFIs) shall formulate and implement policies, plans and programs to give women easy and preferential access to capital and credit for business enterprises.

B. DOLE, TESDA, NAPC, DOST, DTI, DSWD, DA, DOF, BSP, Technology Resource Center (TRC), and other Business Support Organizations (BSOs) shall ensure availability of skills trainings,

business-related training, and livelihood capability programs for women potential entrepreneurs and women entrepreneurs.

C. DTI, DOST, TRC, and BSOs shall provide trainings focused on packaging, marketing, product development, upscaling enterprises and venturing into exports, and shall ensure availability and access of women to business guides, business matching, business templates for start-ups, as well as business counseling.

D. Government Service Insurance System (GSIS), SSS, PCFC, DOF, DTI, and BSP shall enhance access of women entrepreneurs/potential entrepreneurs to credit and capital through:

1. Simplified insurance instrument through contract standardization;
2. Lowered transaction costs through cost-minimizing monitoring systems and efficient incentive schemes;
3. Affordable and transparent benefits and payments; and flexible payment schedules; and
4. Promotion of organized groups for easy access to credit and capital.

E. DA, DAR, DENR, NCIP, and DOLE shall develop guidelines to ensure that:

1. Women shall not be discriminated upon in their share of the produce of farms and aquatic resources, furthermore, to consider their reproductive and domestic functions thus equal returns of the value of work shall be recognized; and
2. Women entitlements to agriculture and other forms of assets shall be ensured and recognized based on their rights and contribution to its total value.

F. DOLE and its attached agencies shall ensure the integration of returning women migrant workers into the labor force through the provision of incentives to companies who will provide employment to returning Overseas Filipino Workers (OFWs), the elimination of any barriers to employment qualifications of migrant women workers, and the establishment of benchmark on the number of training hours to enhance knowledge and skills of OFWs.

SECTION 27. *Right to Education and Training*

A. Access to Skills Training and Retraining – Women shall be given the opportunity to benefit from skills training if they so desire before taking on job overseas, and possible retraining upon return to the country. Towards this end, the DOLE, through its attached agencies, and other concerned offices, apart from pre-departure orientation seminars for overseas bound workers, shall ensure the provision of the following:

1. Training institutions in all levels shall be made accessible to migrant women irrespective of their age, ethnicity, religion, class and marital status;
2. Extensive dissemination of available training and scholarship programs for women migrant workers to facilitate access to such opportunities that will widen their career options;
3. Language skills training and culture familiarization on the country of destination as requirements for departure, including the dissemination of information on available training providers;
4. Database on returning migrant workers who would want to avail of skills development and training; and
5. Measures to prioritize returning women migrant workers in the various skills training programs of government, subject to qualification requirements.

B. Gender Sensitivity Trainings and Seminars – All government and private training and learning providers shall develop

and implement gender sensitivity training program. In the conduct of said training program, the adoption of flexible training hours, and gender sensitive training facilities to include child-care services to accommodate women workers with work responsibilities and family obligations shall be strictly observed.

C. Equal Opportunities in Scholarships – All concerned agencies and organizations shall strictly observe criteria on merit and fitness in the grant of scholarships for technical skills training and development especially in the field of research and development aimed towards women-friendly farm technology, whether in the field of agriculture, horticulture, aquaculture or other similar areas.

SECTION 28. *Right to Representation and Participation*
– The State shall ensure women’s participation in policy-making or decision-making bodies in the national, regional and local levels. All national government agencies shall ensure that their existing participatory mechanisms shall include adequate representation of women.

A. Concerned agencies, in cooperation with women’s organizations, shall implement capability-building and leadership formation programs as well as undertake affirmative action measures to enable grassroots women leaders to effectively participate in the decision and policy-making bodies in their respective sectors, including but not limited to the following bodies:

1. Presidential Agrarian Reform Council (PARC) and its local counterparts like the Provincial Agrarian Reform Coordinating Committee (PARCCOM) and Barangay Agrarian Reform Committee (BARC);
2. Community-based resource management bodies or mechanisms on forest management and stewardship;
3. National Agricultural and Fishery Council (NAFC) and its regional and local counterparts;
4. National Fisheries and Aquatic Resources Management Council (NFARMC) and its regional and local counterparts;

5. National Commission on Indigenous Peoples (NCIP);
6. Presidential Commission for the Urban Poor (PCUP) for membership in its Board of Commissioners;
7. Local Housing Boards (LHBs), whenever applicable; and
8. National Anti-Poverty Commission (NAPC) Basic Sectoral Councils.

B. The NAPC shall ensure that its sectoral councils shall have at least thirty percent (30%) women membership and shall have gender equality concerns incorporated in their sectoral agenda. At the start of the term of the successor councils, the NAPC through the women's sectoral council shall conduct orientation on gender and development for all members of these councils.

SECTION 29. *Right to Information* – All government agencies, instrumentalities, and LGUs shall develop and make available information, education and communication (IEC) materials on their specific programs, services and funding outlays on women's empowerment and gender equality. These information shall be translated in major Filipino dialects and disseminated to the public, especially in remote or rural areas.

SECTION 30. *Social Protection*

A. The SSS and the PhilHealth shall support indigenous and community-based social protection schemes. Said agencies shall consult with NCIP and other concerned agencies and ensure that marginalized women not covered by the SSS and PhilHealth shall be able to access special packages developed for their benefit.

They shall conduct regular review and consultations among stakeholders to ensure that the benefit packages are responsive and the premiums are affordable to the marginalized sectors.

B. The State shall institute policies and programs that seek to reduce the 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. It shall likewise use the list of poor households generated by the National Household Targeting System (NHTS) as reference in identifying priority beneficiaries of the social protection programs of government. In this regard:

1. DOLE shall provide learning sessions on women workers' safety and health through existing structures within the LGUs or by creating new mechanisms;
2. DA shall ensure that the Agricultural Competitiveness Enhancement Fund created by Republic Act No. 8178, otherwise known as the "Agricultural Tariffication Act," is availed of by women farmers and fisherfolk;
3. NAPC and disaster coordinating councils, together with LGUs, shall mainstream all programs and services on poverty reduction and include OSH, disaster risk reduction and management at the local levels; and
4. DOLE, DTI and their attached agencies, DSWD, LGUs, as well as other similar agencies shall sustain labor market programs to create employment and alternative livelihood following decent work standards as provided in these Rules and Regulations with adequate resources to prevent or mitigate the effects of sudden loss of income such as emergency employment.

C. The State shall endeavor to reduce and eventually eliminate transfer costs of remittances from abroad through appropriate bilateral and multilateral agreements. It shall likewise provide access to investment opportunities for remittances in line with national development efforts. Towards this end:

1. DFA shall review existing agreements or enter into new

agreements with receiving countries of women migrant workers that will cover conditions on remittances, when such agreements do not include them; coordinate with BSP to encourage all banks and non-bank money transfer agencies to reduce costs of remittances and encourage the private sector to introduce incentive schemes; and involve women migrant workers and NGOs working with migrant groups in the review of existing agreements and new agreements; and

2. DOLE, its attached agencies POEA and OWWA, and other concerned offices shall develop and implement programs for returning women migrant workers and their families that will include employment opportunities that will match their skills and qualifications, skills and entrepreneurship development, financial literacy, and access to credit, capital and markets.

D. The State, through the PhilHealth and LGUs, shall establish a health insurance program for senior citizens and indigents.

E. The State shall support a community-based social protection scheme and develop social protection programs for women with disabilities through the National Council on Disability Affairs (NCDA) in coordination with PhilHealth, SSS, GSIS, and LGUs.

SECTION 31. *Recognition and Preservation of Cultural Identity and Integrity* – The NCCA and NCIP in coordination with NCMF, Regional Commission on Bangsamoro Women (RCBW)–Autonomous Region in Muslim Mindanao (ARMM), and other concerned agencies shall ensure that women are consulted and shall participate in the development and implementation of policies and programs that aim to preserve their own cultures and traditions. These agencies among others shall:

A. Protect the role of women as repository of indigenous knowledge and system on education and health;

B. Conduct studies and researches on the roles and contributions of women in the different ethnic and indigenous cultures;

C. Develop materials produced in indigenous languages containing information on the rights, programs, and services available to the indigenous women;

D. Provide appropriate support for women's groups and organizations to conduct research and document women Indigenous Peoples' (IP) traditional roles in marriage, family, community, political, and economic life to determine gender issues and concerns among indigenous cultural communities/IPs;

E. Remove stereotypes and discriminatory characterization of IPs and Moro women in educational materials;

F. Collaborate with CHED and DepEd to integrate in the educational curriculum the preservation and respect of indigenous rights, cultures and traditions, provided that they are not discriminatory to women;

G. Coordinate with CHED and DepEd to ensure functional literacy and numeracy programs for indigenous communities;

H. Provide protection to women in the pursuit of their traditional livelihood and occupations;

I. Ensure that indigenous and Moro women have access to information of all services in their own languages;

J. Allow women's manner of dressing in accordance with their cultural belief;

K. Support women involved in "halal" industry; and

L. Develop appropriate programs and projects to respond to gender issues and concerns.

SECTION 32. *Peace and Development* – The peace process shall be pursued with the following considerations:

A. Increase the number of women participating in discussions and decision-making in the peace process, including their

membership in peace panels, that recognize women's role in conflict prevention and peace-making, and in indigenous system of conflict resolution. Towards this end:

1. OPAPP, PCW, AFP and CHR shall ensure the implementation of this provision especially the full participation of grassroots women organizations. They shall also ensure the implementation of UNSC resolutions on women, peace and security; and

2. LGUs shall ensure women's participation in local peace councils tasked to recommend policies and programs on peace issues in the community.

B. Ensure the development and inclusion of women's welfare and concerns in the peace agenda in the over-all peace strategy and women's participation in the planning, implementation, monitoring and evaluation of rehabilitation and rebuilding of conflict-affected areas. Towards this end:

1. OPAPP in coordination with RCBW shall support inter-faith dialogues on peace and development with women, especially in Mindanao.

2. LGUs involving people's organizations, particularly women's organizations, shall ensure the development and inclusion of women's issues and concerns in the peace agenda.

C. Inclusion of the peace perspective in the education curriculum and other educational undertakings by DepEd, CHED, SUCs, TESDA, Bureau of Cultural Heritage (BCH)-ARMM and DSWD. DepEd shall likewise pursue continuous education of internally displaced children.

D. The recognition and support for women's role in conflict-prevention, management, resolution and peacemaking, and in indigenous systems of conflict resolution. For this purpose:

1. LGUs shall institutionalize community-based conflict resolution structures where women play critical roles;
2. OPAPP, in coordination with LGUs, shall institutionalize the provision of incentives and awards in recognition of grassroots women of their exemplary achievements in peace building, and in coordination with PCW and peace NGOs, shall publish women's stories on peace and development; and
3. NCIP shall support tribal women arbiters, whenever existing, in conflict prevention management, resolutions and peacemaking, and in indigenous systems of conflict resolution.

E. The AFP in coordination with LGUs, PNP, DOH, and DSWD shall institute measures for the protection of civilians in conflict-affected communities with special consideration of the specific needs of women and girls. These measures shall include, but are not limited to, the provision of the minimum initial service including adequate breastfeeding facilities, water and sanitation facilities, services addressing special needs of adolescents, and family planning.

SECTION 33. *Women in Especially Difficult Circumstances* – For purposes of the Act and these Rules and Regulations, Women in Especially Difficult Circumstances (WEDC) shall refer to victims and survivors of sexual and physical abuse such as rape and incest, illegal recruitment, prostitution, trafficking, armed conflict, women in detention, and other related circumstances which have incapacitated them functionally. LGUs are therefore mandated to deliver the necessary services and interventions to WEDC under their respective jurisdictions.

SECTION 34. *Services and Interventions for WEDC*

A. WEDC and their families 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 and psychiatric evaluation, (d) counseling and Critical Incident Stress Debriefing (CISD), (e) legal services, (f) productivity

skills, capability building, and/or livelihood assistance, (g) education, (h) job placement, (i) financial assistance, and (j) transportation assistance. All service providers shall undergo capacity building to ensure gender-responsive, rights-based and culture-sensitive provision of services.

B. DSWD, DOLE, TESDA, DOH, DOJ, LGUs, and all other concerned agencies shall ensure that gender-responsive, rights-based and culture-sensitive services and interventions for WEDC and their families shall be provided.

C. PNP, BJMP, Bureau of Corrections (BuCor), NBI, Bureau of Immigration (BI), LGUs, and other concerned agencies shall ensure that detention areas and prisons have segregated facilities, health and sanitation services for women in their custody, including clean and sanitary toilets.

D. The Parole and Probation Board (PPB) shall ensure the annual review of cases that merits Presidential pardon, with special priority for the elderly and sick women.

E. DSWD in coordination with CHR, existing inter-agency anti-VAW mechanisms, and the pillars of the justice system shall formulate guidelines and protocols to ensure protection of women against gender-based violence.

SECTION 35. *Protection of Girl-Children*

A. Government agencies, LGUs and other concerned institutions shall pursue measures to eliminate all forms of discrimination against girl-children in education, health and nutrition, and skills development. To implement this provision, the following agencies shall perform the following roles and functions:

1. The Council for the Welfare of Children (CWC), Early Childhood Care and Development (ECCD) Council, and DepEd shall:

- a. In coordination with PCW, NCIP, NCMF, and other concerned agencies, review and enhance existing policies

and frameworks, including curriculum development, and ensure proper coordination and dissemination, for possible replication;

b. Establish and maintain age- and sex-disaggregation of children's data for use in planning;

c. Ensure that school policies uphold the dignity, practices, traditions, culture, and religious beliefs of students and indigenous children, provided they are not discriminatory to women;

d. Guarantee that all girl-children who are of pre-school and school-age have access to quality education, good health, proper nutrition, and skills development, regardless of ethnicity, socio-economic conditions, religious affiliation, and physical and mental abilities;

e. Ensure that girls and boys have equal treatment and opportunities for academic honors, leadership in school/class organizations, leadership in school activities, journalistic endeavors, and the like;

f. Promote among public and private schools the sensitivity to particular Moro and indigenous practices such as fasting in the month of Ramadan, choice of clothing (including wearing of hijab), and availability of halal food; and

g. In coordination with CHED and TESDA, closely monitor their regional operations so that programs in every region are equitably distributed, properly implemented, and all are given the opportunity to avail of the services.

2. NCIP, NCMF, RCBW, and LGUs to conduct community consultations on the effect of child marriages on the health, education, and over-all situation of a girl-child.

B. Girl-children shall be protected from all forms of abuse and exploitation. Further:

1. LGUs shall organize and make functional Local Councils for the Protection of Children (LCPCs). DILG shall monitor the compliance thereof; and
2. DILG shall institute measures for LGUs to comply with organization and functionality of the LCPCs at all levels.

C. LGUs shall ensure the organization and functionality of the LCPCs that shall adopt existing indigenous mechanisms in the protection of children; pursue measures to eliminate all forms of discrimination against girl-children in education, health, nutrition, and skills development; and protect girl-children from all forms of abuse and exploitation.

D. DepEd, CHED, NCIP, NCMF, and BCH-ARMM shall:

1. Provide equal access of Muslim and indigenous girl-children in the Madaris, schools of living culture and traditions, and regular schools;
2. Develop gender-sensitive, rights-based and culture-sensitive curriculum, including legal literacy and books, in the Madaris and schools of living culture and traditions;
3. Ensure sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadan, choice of clothing (including the wearing of hijab) and availability of halal.

SECTION 36. *Protection of Senior Citizens*

A. Senior citizens, especially those who actively contribute to productive and reproductive work, shall have continuous access to support services.

B. All programs and services for senior citizens shall be gender-responsive, rights-based and culture-sensitive. In so doing,

concerned agencies and LGUs shall ensure that specific needs and concerns of women senior citizens are identified and addressed.

C. DOH and other concerned agencies shall provide capability building on the prevention, detection and management of psycho-social problems and other geriatric concerns of women senior citizens among healthcare professionals, specifically on the handling of older person abuse.

D. LGUs shall develop and utilize supportive community resources that provide in-home services, respite care, and stress reduction with high-risk families; in addition, explore the possibilities of subsidies and support for family and caregivers to promote quality homecare for senior citizens.

E. The Office for Senior Citizens Affairs (OSCA) shall include services addressing gender-based violence.

F. All suspected cases of abuse and/or neglect of women senior citizens must be reported in accordance with existing laws. The DOH and DSWD shall require physicians, caregivers or social workers who suspect ill-treatment on women senior citizens to discuss the concern with the head of the nursing home or family. In case the ill-treatment is confirmed, or in the event of suspicious death, the same should be reported to appropriate authorities.

RULE VI INSTITUTIONAL MECHANISMS

SECTION 37. *Gender Mainstreaming as a Strategy for Implementing the Magna Carta of Women* – Within two years from the adoption of these Rules and Regulations, and every six (6) years thereafter, the PCW shall review its gender mainstreaming strategy in consultation with key stakeholders and modify the program accordingly.

Notwithstanding the review of gender mainstreaming as above-stated, all government agencies, offices, bureaus, instrumentalities, SUCs, GOCCs, and LGUs shall pursue the adoption of gender mainstreaming

as a strategy to promote and fulfill women's human rights and eliminate gender discrimination in their systems, structures, policies, programs, processes, and procedures such as the following:

A. Planning, Budgeting, Monitoring and Evaluation for GAD

1. Development of and Budgeting for GAD Plans and Programs – All agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities shall formulate their annual GAD Plans, Programs and Budgets within the context of their mandates. Further:

a. Following the conduct of a gender audit, gender analysis, and/or review of sex-disaggregated data, each agency or LGU shall develop its GAD Plans, Programs, and Budget in response to the gender gaps or issues faced by their women and men employees, as well as their clients and constituencies. Along with the Act and these Rules and Regulations, the Philippine Plan for Gender-Responsive Development (PPGD), the Beijing Platform for Action (BPfA), and the CEDAW, among others, shall serve as key documents to guide the identification of gender issues and the formulation of GAD Plans, Programs and Budget;

b. Where needed, temporary special measures shall be included in their plans. The agency or LGU is encouraged to consult with their employees and clients to ensure the relevance of their GAD Plans and Programs;

c. At least five percent (5%) of the total agency or LGU budget appropriations shall correspond to activities supporting GAD Plans and Programs. The agency GAD Budget may be allocated using any or a combination of the following:

i. As a separate GAD fund to support GAD-focused programs, projects, and activities;

- ii. As fund to support integrating gender-perspectives in regular/flagship programs and projects;
- iii. As counterpart fund to support gender-responsive Official Development Assistance (ODA) - funded projects;
- d. The head of agency or LCE shall ensure that GAD Plans, Programs, and activities are provided with adequate resources;
- e. The GAD Budget shall be drawn from the following budget items: maintenance and other operating expenses, capital outlay, and personnel services- subject to specific guidelines on GAD Planning and Budgeting that may be issued by appropriate oversight agencies;
- f. The PCW shall review the GAD Plans, Programs, and Budgets accompanied by GAD Accomplishment Reports submitted annually by the NGAs, bureaus, SUCs, GOCCs, and other government instrumentalities for gender-responsiveness. The PCW shall then return the endorsed GAD Plans and Programs to the concerned agencies for submission to the DBM. The agencies shall submit to the DBM their PCW-endorsed GAD Plans, Programs, and Budgets along with the annual agency budget proposals;
- g. The DILG shall review the GAD Plans, Programs, and Budgets for gender-responsiveness, accompanied by GAD Accomplishment Reports submitted annually. The DILG shall then return the GAD Plans, Programs, and Budget to the concerned LGUs along with its endorsement to the DBM;
- h. Provinces, Highly Urbanized Cities and Independent Component Cities shall submit to the DBM their DILG-endorsed GAD Plans, Programs, and Budget along with their budget proposals in accordance with the budget all.

2. Gender-Responsiveness of ODA-funded Projects (included and not included in the annual General Appropriations Act) – NGAs and LGUs and other government instrumentalities shall ensure that five to thirty percent (5-30%) of funds received from foreign governments and multilateral agencies are in support of gender-responsive programs and projects. Further:

- a. The National Economic and Development Authority (NEDA) shall institute measures to ensure that said allocation is achieved and sustained to enable concerned agencies and LGUs to respond to gender issues; and
- b. To ensure that agencies and LGUs comply with this requirement, they shall undergo capacity-building activities on, among others, gender sensitivity, gender analysis, and of tools such as the Harmonized Gender and Development Guidelines (HGG).

3. Enhancement of Existing Implementing Tools/Mechanisms

- a. The PCW, DBM, NEDA, and DILG shall enhance and update existing guidelines and tools on the development, implementation, and monitoring of GAD Plans and Programs and utilization of the GAD Budget by NGAs, LGUs, and other government instrumentalities;
- b. DBM shall take the lead in ensuring that gender-responsive performance-based budgeting is adopted by all agencies and LGUs;
- c. The PCW and NEDA shall take the lead in advocating the use of the HGG for project development, implementation, monitoring and evaluation;
- d. The PCW in coordination with concerned agencies shall develop or enhance gender audit tools and any other tools necessary for gender mainstreaming; and

- e. The PCW in partnership with DBM, NEDA, DILG, academe, and civil society groups shall provide technical assistance to agencies and LGUs.
4. Mainstreaming Gender Perspective in National and Local Plans – To move towards a more sustainable performance-based planning and budgeting, all agencies shall adhere to existing national guidelines in mainstreaming a gender perspective in the agency and local plans. Further:
- a. The DBM shall ensure that the Major Final Outputs, Indicators, as well as Targets under the Organizational Performance Indicator Framework (OPIF) of all NGAs are gender-responsive. This shall likewise apply to LGUs once OPIF is cascaded to them;
 - b. The NEDA shall ensure that the Medium-Term Philippine Development Plan (MTPDP) and Medium-Term Public Investment Program (MTPIP) are gender-responsive;
 - c. Likewise, all NGAs and other government instrumentalities shall ensure that their agency annual operations plan and budget are gender-responsive; and
 - d. All LGUs shall ensure that Executive-Legislative Agenda (ELA), Comprehensive Development Plan (CDP), Comprehensive Land Use Plan (CLUP), Provincial Development and Physical Framework Plan (PDPFP), and Annual Investment Plan (AIP) are gender-responsive.
5. Monitoring and Evaluation of the Implementation of and Budget Utilization for GAD Plans and Programs
- a. The PCW, in consultation with DBM, COA, DILG, NEDA, and other concerned agencies, shall ensure that an effective system to monitor and evaluate the effectiveness of the GAD budget utilization of the agencies and LGUs is in place.

b. The COA shall conduct an annual audit of GAD funds of all government agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities.

c. At the end of the fiscal period, all government agencies shall submit to PCW their GAD Accomplishment Reports including the utilization of the GAD Budget. The LGUs shall submit the same to the DILG which in turn shall consolidate and submit to the PCW.

B. Gender and Development (GAD) Code

1. To ensure sustainable gender-responsive local governance, all LGUs shall develop and pass a GAD Code to support their efforts in recognizing, respecting, protecting, fulfilling and promoting women's human rights towards the attainment of women's empowerment and gender equality in their locality, following the guidelines issued by the PCW. The GAD Code shall also serve as basis for identifying programs, activities, and projects on GAD.

2. The DILG, in close coordination with PCW, shall assist LGUs in the development and passage of their GAD Codes as well as monitor their implementation.

C. Creation and/or Strengthening of the GAD Focal Points (GFPs) – All government departments including their attached agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities shall establish or strengthen their GFP System or a similar GAD mechanism to catalyze and accelerate gender mainstreaming within the agency or LGU. The head of agencies or LCEs shall sign appropriate issuances to institutionalize the creation of the GFP in their respective agencies or LGUs. The tasks and functions of the members of the GFP shall form part of their regular key result areas and shall be given due consideration in their performance evaluation.

1. Composition of the GFP System – To ensure sustainability of initiatives in the NGAs, LGUs, and other government

instrumentalities, the GFP shall be established composed of the agency head or LCE, an executive committee, and a technical working group (TWG) or secretariat.

For NGAs and other government instrumentalities, the GFP executive committee shall be chaired by an Undersecretary or its equivalent, with the bureau and service directors or their equivalent as members. In cases where the agency head is not of Cabinet Secretary rank, the next highest official shall be designated as Chair of the GFP executive committee. The GFP TWG or secretariat shall be composed of, but not limited to, the key staff from the following offices: planning, finance, budget, senior technical officer from each major bureau/division/office, and where feasible, the statistics and management information office.

For LGUs, the GFP executive committee shall be chaired by the LCE with the department heads and Chairs of the Sanggunian Committees on Women, Children and Family, and Appropriations, and representatives from the PNP's Women's Desk, Indigenous Peoples (IPs), and Persons with Disabilities, private sectors, and other non-government organizations as members. The GFP TWG or secretariat shall be composed of, but not limited to, technical staff from the various departments and concerned Sanggunian committees. The GFP TWG Chair shall be elected from among the GFP TWG members. The secretariat shall be designated by the GFP TWG Chair.

The agency/LGU shall ensure that all members of the GFP undergo capacity building programs on gender and development which shall include but not be limited to: gender sensitivity training (GST), gender analysis, GAD planning and budgeting, and gender audit.

2. General Functions of the GAD Focal Point – The GFP shall ensure and sustain the agency's or LGU's critical consciousness and support on women and gender issues. The GFP shall take a lead role in direction-setting, advocacy, planning, monitoring and evaluation, and technical advisory on mainstreaming GAD perspectives in the agency/LGU programs, projects, activities, and processes. In doing so, the GFP shall:

- a. Lead the assessment of the gender-responsiveness of policies, strategies, programs, activities, and projects of the agency/LGU based on the priority needs and concerns of its constituency, and the formulation of recommendations and ensure their implementation;
- b. Assist in the formulation of new policies such as the GAD Code in advancing women's status in the case of LGUs;
- c. Lead in setting up appropriate systems and mechanisms to ensure the generation, processing, review, and updating of sex-disaggregated data or GAD database to serve as basis in performance-based gender-responsive planning;
- d. Coordinate efforts of different divisions/offices/units of the agency or LGU and advocate for the integration of GAD perspectives in all their systems and processes;
 - e. Spearhead the preparation of the agency or LGU annual performance-based GAD Plans, Programs, and Budget in response to the women and gender issues of their employees/constituencies, following the format and procedure prescribed by the PCW;
- f. Lead in monitoring the effective implementation of the GAD Code and any other GAD-related policies, and the annual GAD Plans, Programs, and Budget;
- g. Lead the preparation of the annual agency/LGU GAD Accomplishment Report and other GAD reports that may be required under the Act;
- h. Promote the participation of women and gender advocates, other civil society groups and private organizations in the various stages of development planning cycle; and
- i. Ensure that all personnel of the agency/LGU including the auditors are capacitated on GAD. The PCW shall issue guidelines to further assist the agencies, LGUs,

and other government instrumentalities in creating and strengthening their GFP System.

D. GAD Database – All departments, including their attached agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities shall develop and maintain a GAD database containing GAD information to include gender statistics and age- and sex-disaggregated data that have been systematically produced/gathered, regularly updated to serve as inputs or bases for planning, programing, and policy formulation. The National Statistical Coordination Board (NSCB), upon the recommendation of the Inter-Agency Committee on Gender Statistics (IACGS), shall issue statistical policies on the generation of data support on gender issues and improve the system of collection and dissemination of gender statistics at the national and local levels.

SECTION 38. *Gender Focal Point Officer in Philippine Embassies and Consulates* – All Philippine Embassies and Consulates shall have at least one (1) duly appointed and trained Gender Focal Point Officer (GFPO) within three (3) years. However, in countries where there is large population of women migrant workers, the GFPO shall be in place by end of December 2010. Embassies and Consulates shall ensure that there is always one duly-trained GFPO in the embassy/consulate at any given time. As such, there shall be an Alternate GFPO also appointed to take over the tasks and functions of the GFPO when the latter is absent.

A. The qualifications of the GFPO include the following:

1. Preferably with at least five (5) years experience in working with gender-related matters including assistance to nationals (ATN) matters;
2. Has attended intensive training on GAD and GAD-related areas (e.g. VAW, HIV-AIDS, Migration);
3. Preferably with graduate course in women studies; and

4. Preferably a woman especially in areas with large population of women migrant workers.

B. The GFPO or Alternate GFPO shall be duly appointed by the Secretary of Foreign Affairs upon the recommendation of the GFP of the DFA. The appointee shall be subject to the administrative provisions of Foreign Service personnel under Republic Act No. 7157 or the “Foreign Service Act of 1992.” DFA will include in the assignment orders “GFPO” designations of officers/staff.

C. The Foreign Service Institute (FSI) and the PCW shall establish the minimum basic training requirements of GFPO. The PCW shall prepare an exhaustive listing of gender sensitivity and other related trainings and their point equivalents for purposes of determining training requirement equivalencies.

All foreign service officers as well as officers of other service agencies (e.g., DOLE, DSWD, OWWA, DTI, DOT, DND/AFP, DA) due for posting overseas shall undergo minimum basic training requirements on gender sensitivity as a requirement prior to departure.

D. The GAD Secretariat in the DFA shall establish communication and information technology linkages among the focal point officer network in the Foreign Service.

E. DFA shall set up the GFPO system not later than 30 December 2010 and shall be responsible in the information dissemination of the existence of GFPO. It shall also prepare a long-term GAD Plan which shall be the basis of the GFPO in preparing the annual work and budget plan.

F. DOLE must ensure that all information as to who are the GFPO in all embassies and consulates, including contact numbers, addresses and email address, are included in the Pre-Departure Orientation Seminar (PDOS) of departing overseas workers/professionals

SECTION 39. Philippine Commission on Women

A. As the oversight body on women's concerns, the PCW shall act as catalyst for gender mainstreaming, authority on women's concerns, and lead advocate of women's empowerment, gender equity, and gender equality. The PCW shall:

1. Act as the primary policy-making and coordinating body on women and gender equality concerns under the OP;

2. Serve as the over-all monitoring body and oversight to ensure the implementation of the Act and these Rules and Regulations. In doing so, the PCW may direct government agencies and instrumentalities, as may be necessary, to report on the implementation of the Act and these Rules and Regulations and for them to immediately respond to the problems brought to their attention;

3. Lead in ensuring that government agencies are capacitated on the effective implementation of the Act and these Rules and Regulations;

4. Report to the President in Cabinet meetings the status of the implementation of the Act and these Rules and Regulations;

5. Endeavor to influence the systems, processes, and procedures of the executive, legislative, and judicial branches of government vis-à-vis GAD to ensure the implementation of the Act and these Rules and Regulations.

B. To effectively and efficiently undertake and accomplish its functions, the PCW, within one (1) year from the adoption of these Rules and Regulations shall revise its structure and staffing patterns with the assistance of the DBM.

SECTION 40. Commission on Human Rights – Consistent with its mandate, the CHR, as the Gender and Development Ombud (Gender Ombud), shall advocate for the promotion and protection of women's human rights, strengthen its Human Rights Education program, investigate violations including those committed by private

institutions or by private individuals, monitor compliance, and recommend appropriate measures to the CSC or to the concerned department of the government for its effective implementation.

A. The CHR shall:

1. Monitor with the PCW and other concerned agencies, compliance with the Act. In developing indicators and issuance of guidelines for its implementation by concerned agencies, CHR shall ensure that the human rights of women, including their right to non-discrimination are guaranteed.

2. Establish guidelines and mechanisms that will facilitate access of women to legal remedies under the Act and related laws, and enhance the protection and promotion of the rights of women, especially marginalized women.

3. Assist in the filing of cases against individuals, agencies, institutions, or establishments that violate the provisions of the Act. For this purpose, the CHR shall:

- a. Provide legal assistance such as preparation of necessary pleadings, referral letters, and counseling;
- b. Forge Memoranda of Agreement with Bar Associations, NGOs, law firms, and organizations providing legal aid to ensure adequate and competent legal representation for complainants;
- c. Accredite lawyers who will accept pro bono cases under the Act; and
- d. Create an efficient system of case referrals to appropriate government departments or agencies.

Victims of violations of the Magna Carta of Women shall be considered victims of human rights violations, and shall be entitled to other forms of assistance available in the CHR.

4. Regularly submit to Congress, copy furnished PCW an assessment report of compliance of the Act with its recommendations, which shall include any possible administrative action. Acting on CHR's recommendations, the OP, the CSC, or the concerned agency may, if necessary, issue any of the following: (a) administrative and/or executive orders, (b) memorandum circulars, (c) proclamations, (d) resolutions, and other issuances.

B. The CHR en banc shall designate one (1) Commissioner, who together with the Women's Human Rights Center (WHRC), shall be primarily responsible, for the formulation of policies, development, and implementation of program and activities related to the promotion and protection of human rights of women. The Regional Offices of the Commission shall discharge the functions of the Gender Ombud within their respective jurisdictions and shall implement these program undertake investigations of complaints of discrimination and violations or rights under the Act. The Barangay Human Rights Action Center (BHRAC) shall be the support arm of these Regional Offices.

Within one (1) year from the adoption of these Rules and Regulations, the CHR with the assistance of the DBM shall revise the structure and staffing pattern of the WHRC to effectively and efficiently execute its functions.

The designated Focal Commissioner shall directly supervise the WHRC in the performance of its functions under the Act.

SECTION 41. Monitoring Progress and Implementation and Impact of the Act – The PCW in coordination with other agencies and the CHR shall develop an effective and efficient system to monitor and evaluate the implementation of the Act.

A. To establish a baseline data, the agencies/LGUs shall submit within one hundred eighty days (180) days from the adoption of these Rules and Regulations a report on the women's current status in their respective sectors/localities. The NGAs, offices, bureaus, and all other government instrumentalities shall submit their baseline reports to the PCW. The LGUs shall submit their reports to the DILG for consolidation and submission to PCW. The PCW and CHR, in coordination with the DILG, shall circulate to all government

agencies and LGUs the suggested format and content of the baseline and progress report ninety (90) days upon adoption of these Rules and Regulations.

B. As the law is a comprehensive compilation of the duties of the State to the women of the country, all agencies and LGUs shall conduct their own monitoring of the effectiveness of their programs. NGAs and other government instrumentalities shall submit to the PCW their progress report on the implementation of the Act within January of every year. Likewise, the LGUs shall submit to DILG a progress report on the implementation of the Act within January of every year. The DILG shall consolidate and submit the LGU reports to PCW within March of every year. The agencies and LGUs are encouraged to gather reports on the implementation of the Act from CSOs and the private sector.

C. The PCW, in coordination with other state agencies and the CHR, shall consolidate all annual reports and prepare an assessment report for submission to the the Committee on Oversight of the Congress every three (3) years. The assessment report shall highlight the results/outcome of the law's implementation and its impact on the status and human rights of women. The PCW shall take note of agencies' non-compliance and shall make recommendations for the Committee's appropriate action.

D. At the regional and local levels, the PCW shall engage existing mechanisms like the regional/local development councils for the implementation and monitoring of the Act.

SECTION 42. Penalties – The CHR shall recommend to the CSC, DILG, Sandiganbayan, Office of the Ombudsman, and other pertinent offices or bodies sanctions either administrative or disciplinary for individuals who fail to comply with and implement the Act, including non-compliance to the GAD Budget policy.

The CSC shall act on CHR's recommendations sixty (60) days upon receipt thereof. In the case of LGUs, the DILG shall conduct the appropriate response to CHR's recommendation also within sixty (60) days from the date of receipt. Both agencies are required to furnish CHR with the actions taken.

CHR shall establish the guidelines for the processing and handling of violations committed by private entities or individuals. If the violation is committed by a private entity or individual, the CHR shall forward its recommendation to the appropriate agency of the government. In violations which are considered civil cases, appropriate damages shall be determined by the proper court. As for those offenses which are criminal in nature, CHR shall assist the victim or complainant in the filing of cases and develop guidelines and mechanisms for such purpose.

If the violation is committed by the AFP as an institution, or by any of its officers, the recommendation shall be forwarded to the DND.

The filing of complaint under the Act shall not preclude the offended party 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.

SECTION 43. Incentives and Awards – There shall be established an incentives and awards system which shall be administered by a board under such Rules and Regulations and standards as may be promulgated by the PCW. Provided, that equivalent awards shall be given by the PCW to deserving entities, government agencies, and local government units for their outstanding achievement and/or performance in upholding the rights of women and effective implementation of gender-responsive programs.

RULE VII

FINAL PROVISIONS

SECTION 44. Separability Clause – If for any reason, any part or provisions of these Rules and Regulations shall be held unconstitutional or invalid, other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 45. Effectivity – These Rules and Regulations shall take effect fifteen (15) days after complete publication in two (2) newspapers of general circulation.

APPENDIX

List of Acronyms

AFP	Armed Forces of the Philippines
AIDS	Acquired Immunodeficiency Syndrome
ARB	Agrarian Reform Beneficiary
ARMM	Autonomous Region in Muslim Mindanao
BCH	Bureau of Cultural Heritage
BFAR	Bureau of Fisheries and Aquatic Resources
BSO	Business Support Organization
BSP	Bangko Sentral ng Pilipinas
C/MSWDO Office	City/Municipal Social Welfare and Development Office
CEDAW Discrimination Against Women	Convention on the Elimination of All Forms of Discrimination Against Women
CHED	Commission on Higher Education
CHR	Commission on Human Rights
CDMP	Comprehensive Development and Management Plan
CESB	Career Executive Service Board
CLOA	Certificate of Land Ownership Award
CSC	Civil Service Commission
CSO	Civil Society Organization
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DBM	Department of Budget and Management
DENR	Department of Environment and Natural Resources
DepEd	Department of Education
DFA	Department of Foreign Affairs
DILG	Department of the Interior and Local Government
DND	Department of National Defense
DOF	Department of Finance
DOH	Department of Health
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DOST	Department of Science and Technology
DOT	Department of Tourism
DSWD	Department of Social Welfare and Development
DTI	Department of Trade and Industry

EP	Emancipation Patent
FAP	Film Academy of the Philippines
FDCP	Film Development Council of the Philippines
GAB	Games and Amusement Board
GAD	Gender and Development
GFP	GAD Focal Point
GFPO	Gender Focal Point Officer
GOCC	Government-Owned and -Controlled Corporation
GSIS	Government Service Insurance System
HEI	Higher Education Institution
HGG	Harmonized Gender and Development Guidelines
HIV	Human Immunodeficiency Virus
HUDCC	Housing and Urban Development Council
IP	Indigenous Peoples
LCE	Local Chief Executive
LCPC	Local Councils for the Protection of Children
LGU	Local Government Unit
MISP	Minimum Initial Service Package
MTRCB	Movie and Television Review and Classification Board
NAPC	National Anti-Poverty Commission
NAPOLCOM	National Police Commission
NBI	National Bureau of Investigation
NCCA	National Commission for Culture and the Arts
NCIP	National Commission on Indigenous Peoples
NCMF	National Commission on Muslim Filipinos (formerly Office on Muslim Affairs)
NEDA	National Economic and Development Authority
NFARMC	National Fisheries and Aquatic Resources Management Council
NGA	National Government Agency
NGO	Non-Government Organization
NTC	National Telecommunications Commission
ODA	Official Development Assistance
OFW	Overseas Filipino Worker

OMB	Optical Media Board
OPAPP	Office of the Presidential Adviser on the Peace Process
OP	Office of the President
OPS	Office of the Press Secretary
OSH	Occupational Safety and Health
OWWA	Overseas Workers' Welfare Administration
PCFC	People's Credit and Finance Corporation
PCUP	Presidential Commission for the Urban Poor
PCW	Philippine Commission on Women
PhilHealth	Philippine Health Insurance Corporation
PNP	Philippine National Police
POEA	Philippine Overseas Employment Administration
PPE	Personal Protective Equipment
PSC	Philippine Sports Commission
RCBW	Regional Commission on Bangsamoro Women
SSS	Social Security System
SUCs	State Universities and Colleges
TESDA Authority	Technical Education and Skills Development
TRC	Technology Resource Center
TWG	Technical Working Group
UNSC	United Nations Security Council
VAW	Violence Against Women
WEDC	Women in Especially Difficult Circumstances
WHRC	Women's Human Rights Center

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