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**Republic Act No. 9710**      **August 14, 2009**

**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::*

**Section 1. Short Title.** - This Act shall be known as "***The Magna Carta of Women***".

**Section 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.

**Section 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 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 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 DEFINITION OF TERMS**

**Section 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 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 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 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);

(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 defused 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.

**Section 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.

**Section 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.

**Section 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

**Section 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 women under this Act to be enjoyed without discrimination.

**Section 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 peoples, to abandon their lands, territories, and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

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

(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.

**Section 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.

**Section 11. *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) 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 governments 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.

**Section 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.

**Section 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 pregnant;- 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.

**Section 14. Women in Sports.** - The State shall develop, establish, and strengthen programs for the participation of women and girl-children in competitive and noncompetitive sports as a means to achieve excellence, promote physical and social well-being, eliminate gender-role stereotyping, and provide equal access to the full benefits of development for all persons 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.

**Section 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 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.

**Section 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.

**Section 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 women 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 on all the above-stated aspects of women's health in government education and training programs, with due regard to the following:

(1) The natural and primary right and duty of parents in the rearing of the youth 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.

**Section 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.

**Section 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.

**Section 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 and 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 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;

(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.

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

**Section 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.

**Section 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.

**Section 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.

**Section 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 Peoples; the Presidential Commission for the Urban Poor; the National Anti-Poverty Commission; and, where applicable, the local housing boards.

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

**Section 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 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.

(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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

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

**Section 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

**Section 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 colleges, 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 framework plan (PDPFP), and annual investment plan.

(b) Creation and/or Strengthening of the GAD Focal Points (GFP). All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, 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 sexdisaggregated data that have been systematically gathered, regularly updated; and subjected to; gender analysis for planning, programming, and policy formulation.

**Section 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.

**Section 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 policymaking 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-a-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.

**Section 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.

**Section 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.

**Section 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.

**Section 42. Incentives and Awards.** - There shall be established an incentives and awards system which shall be administered by a board under such rules and regulations as may be promulgated by the PCW to deserving entities, government agencies, and local government units for their outstanding performance in upholding the rights of women and effective implementation of gender-responsive programs.

**Section 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.

**Section 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.

**Section 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.

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

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

Approved,

(Sgd.) **PROSPERO C. NOGRALES**  
Speaker of the House of  
Representatives

(Sgd.) **JUAN PONCE ENRILE**  
President of the Senate

This Act which is a consolidation of Senate Bill No. 2396 and House Bill No. 4273 was finally passed by the Senate and the House of Representatives on May 19, 2009 and May 20, 2009, respectively.

(Sgd.) **MARILYN B. BARUA-YAP**  
Secretary General  
House of Representatives

(Sgd.) **EMMA LIRIO-REYES**  
Secretary of Senate

Approved: **August 14, 2009**

(Sgd.) **GLORIA MACAPAGAL-ARROYO**  
*President of the Philippines*

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