



ENVIRONMENT AND SOCIAL MANAGEMENT GUIDELINES

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of the GREAT Women Project

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Edition



Philippine
Commission
on Women



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MESSAGE

In 2006, the Philippine Commission on Women (then known as the National Commission on the Role of Filipino Women (NCRFW), initiated a project to advance women's economic empowerment (WEE).

The GREAT Women (Gender Responsive Economic Actions for the Transformation of Women) Project, supported by the Canadian International Development Agency (CIDA), sought to contribute to a gender-responsive enabling environment for the economic empowerment of women, particularly women in microenterprises. The project was intended to serve as a means for PCW: (a) contribute to the reduction of poverty; (b) reduce social inequalities and disparities due to gender; and (c) facilitate the fulfilment of women's economic rights and the attainment of economic security.

Through the GREAT Women Project, the Philippine Commission on Women drafted and adopted an agency policy, the Environment and Social Management Guidelines (ESMG) for PCW and its partners to use as a tool for assessing programs and projects for microenterprises that are not covered by the DENR's Environmental Impact Assessment System.

This document provides a set of guidelines in assessing the gender responsiveness and environmental soundness of micro and small enterprises (specifically those that are women-led). In addition, it also aims to ensure the resiliency of microenterprises against risks and shocks brought about by disasters.

We therefore recommend to our partners to implement the Environment and Social Management Guidelines (ESMG) in their areas through the use of the tools included in this document.

We also thank the Government of Canada through the Department of Foreign Affairs, Trade and Development (DFATD) for having provided the technical and financial support to GREAT Women Project that enabled the development of the Environment and Social Management Guidelines. DFATD Canada remained a staunch advocate and PCW's partner for gender equality programs.



Remedios I. Rikken

REMEDIOS I. RIKKEN
Chairperson
Philippine Commission on Women

MESSAGE

The Government of Canada considers support for women's economic empowerment as a critical component of its development assistance program in the Philippines. Given our focus on achieving sustainable and inclusive growth in the Philippines, we are pleased with the release of the "Gender and Financial Literacy Training Manual" under the Gender-Responsive Economic Actions for the Transformation (GREAT) of Women Project.

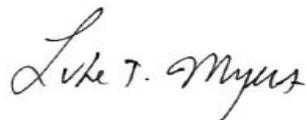
The Gender and Financial Literacy Training Manual is a welcome addition to the growing literature and evidence supporting the fact that investing in women's economic empowerment sets a direct path towards gender equality, poverty eradication and inclusive economic growth. But more than this, the Training Manual is a practical tool for communicating women's economic empowerment principles, processes, and analysis that would help local government units, particularly their enterprise development desks in assisting women's groups, microentrepreneurs, and other interested parties in helping women access and benefit from economic opportunities. For those LGUs which have shown interest in replicating the WEE approaches of the GREAT Women project, this guide is also for you.

Congratulations go to the Philippine Commission on Women and the project team for their painstaking dedication in ensuring that all the useful and relevant lessons learned in implementing the GREAT Women project are captured in this publication for sharing and wider application.

We are confident that this publication will continue to build capacity and expertise at the local and national levels among those with the responsibility to ensure that women participate equally with men in accessing productive resources and opportunities.

In closing, the Government of Canada, through its official development assistance program, remains committed to supporting gender equality and women's empowerment in the Philippines.

Mabuhay!



Luke Myers
Head of Development Cooperation
Embassy of Canada, Manila

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ENVIRONMENT AND SOCIAL MANAGEMENT GUIDELINES



GREAT WOMEN PROJECT

ENVIRONMENT AND SOCIAL MANAGEMENT GUIDELINES

I. Rationale

The Environment and Social Management Guidelines was developed under the Gender Responsive Economic Actions for the Transformation of Women (GREAT Women) Project, supported by the Canadian International Development Agency. This set of guidelines has been adopted by the PCW as an agency policy and is envisioned to be utilized by the PCW and its partners in assessing programs and projects for microenterprises that are not covered by the DENR's Environmental Impact Assessment System. Furthermore, it is targeted to be used by LGUs and local NGA offices in assessing enterprises and in providing them assistance to mitigate and/or adapt to possible social and environmental risks.

This document provides a set of guidelines in assessing the gender responsiveness and environmental soundness of micro and small enterprises (specifically those that are women-led). In addition, it also aims to ensure the resiliency of microenterprises against risks and shocks brought about by disasters.

The guidelines will be institutionalized through the issuance of a Joint Administrative Order between and among the Philippine Commission on Women, Department of Environment and Natural Resources, the Department of Interior and Local Government, and other relevant national agency partners. It is the task of the local ENR offices and local government units (LGUs) to implement the guidelines in their areas through the use of the tools included in this document.

II. Legal Mandates

1. Section 16, Article II, The Philippine Constitution

"The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

2. Chapter IV, Section 8, RA 9710 (Magna Carta 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."

3. Chapter II, Section 16, RA 7160 (Local Government Code of the Philippines)

“...Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.”

III. Objectives

This set of guidelines aim to:

1. enumerate and describe the sources/factors of environmental and social risks and impacts, the means for identifying and assessing the scope and extent of these risks and impacts, and a delineation of the governing principles and instruments for addressing them;
2. assess the gender responsiveness and environmental soundness of enterprises likely to cause adverse environmental impacts or those that are not covered by the EIA System;
3. provide guidelines for the LGUs and the local ENR offices on assisting the enterprises to be more gender responsive and environmentally sound

IV. Definition of Terms

Climate change. A change in climate that can be identified by changes in the mean and/or variability of its properties that persists for an extended period, typically decades or longer, whether due to natural variability or as a result of human activity.

Critical environmental sites. Area delineated as environmentally sensitive such that significant environmental impacts are expected if certain types of proposed projects or programs are located, developed or implemented in it.

Disaster risk reduction. Refers to the concept and practice of reducing disaster risks through systematic efforts to analyze and manage the causal factors of disasters including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events.



Ecotourism. A form of sustainable tourism within a natural and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host communities and the satisfaction of visitors.

Environmental Impact Assessment (EIA). The process of predicting the likely environmental consequences of implementing a project and designing appropriate preventive, mitigating and enhancement measures. An EIA is a process a proponent undertakes before an ECC is issued. EIA is a planning and management tool that will help government, decision makers, the proponent and affected communities decide whether the benefits of the project will outweigh the negative consequences or risks on the environment.

Enabling environment. Refers to a combination of policies, programs, institutional mechanisms, and similar measures that promote and facilitate the growth of woman MSMEs. The creation of an enabling environment is intended to achieve an enhanced and a coordinated design and implementation of support services for enterprise development so that more women can participate.

Environmental management. The entire system which includes, but not limited to, conservation, regulation and minimization of pollution, clean production, waste management, environmental law and policy, environmental education and information, study and mitigation of the environmental impacts of human activity, and environmental research.

Environmentally sound. Products, technologies or manufacturing processes that, from beginning to end, is in essential harmony with its environment and the associated ecological factors.

Gender responsiveness. The consistent and systematic attention given to the differences between women and men in society with a view to addressing structural constraints to gender equality.

Micro, small and medium enterprises (MSMEs). Any business activity or enterprise engaged in industry, agribusiness and/or services, whether single proprietorship, cooperative, partnership or corporation whose total assets, inclusive those arising from loans but exclusive of the land on which the particular business entry's office, plant, and equipment are situated, must have value falling under the following categories:

- Micro – not more than Php 3,000,000
- Small – Php 3,000,001 – Php 15,000,000
- Medium – Php 15,000,001 – Php 100,000,000

Protected areas. Refer to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

Women's economic empowerment (WEE). Refer to women's access to and control over high value productive resources and enjoyment of benefits from opportunities equal with men, e.g, information, financial assistance, trainings, markets, technology, decent jobs and humane working conditions, and social protection. It is also the presence of a balanced family life, community and productive work and women's participation in decision making and development planning processes

V. Key Concepts

Why Women?

The roles of women in the Philippines are often underestimated. They are seen as beneficiaries, and not as partners in development.

Data show that almost half of our current population is composed of women, thus, there is a need to invest and build on women's capacities and consider the various roles that they play in the society, both in the reproductive and productive spheres.

Furthermore, the UN Millennium Development Goal states that there is a need to promote gender equality and empower women which could include a focus on the importance of economic development through enterprise and private sector development.

Why Women MSMEs?

A study was conducted in 2006 – 2007 by the Philippine Center for Entrepreneurship called the Global Entrepreneurship Monitor (GEM) Report. The study assessed, compared and contrasted levels of entrepreneurship across the participating countries which include the Philippines. The report's findings are as follows:

Women entrepreneurship in the Philippines is one of the highest in the world:

- It is the women who usually start up a business; 55% with early stage entrepreneurial activity are women
- A big majority of women-owned businesses do not offer new products or services (68%), have many competitors (75%) and use old technology (66%)
- Though financial reason remain as the primary reason for discontinuing a business (38%), personal reasons are more apparent in women than men (34% vs. 21%)



- A big majority of women (60%) need financial assistance from the government. Seminar and training programs came in as far second (16%), followed by non-financial assistance in the form of space for lease, equipment and raw materials (14%)

In addition to the data presented by the GEM Report, the Department of Trade and Industry data (DTI) show that there are more women who register for new business names (49%) than males (42%), and more female entrepreneurs are taking part in DTI trainings (52%) and are actively availing business development services (54%).

Since women make up a huge part of the country's entrepreneurial activities, there is a need to provide them with an enabling environment which includes a combination of policies, programs, institutional mechanisms, and similar measures that promote and facilitate the growth of women MSMEs.

This set of guidelines plays a very integral part in the over-all enabling environment for women in enterprises especially at the local level since it identifies potential risks that the WMEs face. In addition, it also poses possible solutions to these concerns.

What are the sources and factors of environmental risks?

The following are the factors that determine the socio-environmental risk profile of the micro and small enterprises.

A. Enterprise Location

Enterprises can be physically located in or depend on critical social and environmental sites. Critical social sites are:

- cultural and historical sites;
- archaeological sites;
- anthropological sites; and
- areas covered by a Certificate of Ancestral Domain Title or Claim.

Critical environmental sites are the following:

- proclaimed protected areas;
- areas not officially declared protected but are known to be habitats of endangered species of flora and fauna, temporary migratory areas for endangered species, and/or primary rainforest and coral reefs;
- watersheds
- known hazard- and disaster-prone areas (e.g., typhoon belts, flooding, landslides, faultlines, etc.); and
- critical environmental sites, e.g. coastal and forested/watershed areas

Even if the business address/processing plant of the enterprise is outside environmentally and socially critical sites but the raw materials are obtained from these areas, the national and local DENR and LGUs are expected to do due diligence whenever practicable, and, if feasible, introduce interventions to ensure sustainability of the supply, minimize impact on the environment, the immediate community, and society, while ensuring the resiliency of the enterprises against risks brought about by climate change.

B. Type and Scale of Enterprise Activities

Economic activities affect the social, physical, and the built environment in different ways. The type and scale of enterprise activities determine the severity of impacts and risks on the environment and society.

1) Types of Activities

All types of economic activities use resources as inputs, some are renewable and others, non-renewable. The most common or basic are electricity and water. Certain types of activities extensively use machinery, undertake processes, and use toxic and hazardous substances/chemicals that require special provisions for proper disposal and storage and ensuring the health and safety of the workers like personal protective equipment. Some activities generate significant levels of noise and unusual and foul odors. All activities generate one form of waste or another -- solid, effluents/liquid, air—some types of wastes predominantly more than another and at different levels. Some of these wastes require special handling, storage, transport, disposal and treatment.

On the social side, certain enterprises and activities lend themselves to specific sex/gender and age biases/prejudices. For instance, the garments industry have naturally favored young, single women which are normally the main breadwinners of the family and coming from rural, farming areas, to cope with the high quota/output based system and tight delivery schedules; single since pregnancy, child and family care lead to tardiness, absenteeism, and lower productivity; and finally, main breadwinner and youth, because older, more experienced workers and non-breadwinners are prone to union recruitment and membership.

2) Scale or Size and Density of the Enterprises

At the enterprise level, impacts of home – based, micro-enterprises may be negligible and rightfully ignored. However, at a sub-sector or industry level, these impacts can be cumulatively significant over time. It matters if the enterprises in the sub-sector are concentrated or clustered in one or a few locations or if they are unevenly scattered in a particular area.



C. Kinds of Interventions

Specific activities and interventions related to enterprise development can have impacts on the environment and society. Below are types of project interventions and their impacts:

1) Civil Works

The examples are the use and improvement of existing facilities, construction of new facilities, vertical or horizontal, including ancillary facilities such as access roads, water and electricity supply related connections, waste treatment facility (solid, water, chemical), storage for raw materials and finished products, housing for workers, and administration/management and training buildings. Certain civil works fall under the Philippine Environmental Impact Assessment System.

2) Access to or Provision of Inputs/Raw Materials, Finance, Markets, Technology (including software and hardware)

The impact depends on the type of inputs/raw materials and the technology being introduced. Technologies/equipment/machineries to be utilized in each step of the entire process should be gender sensitive and women friendly. In addition, the provider of these forms of assistance should ensure that these should be made accessible to women microentrepreneurs, especially those from the far – flung, rural areas.

3) Technical Assistance for Policy Development, Improvement in Critical Agency Processes

Technical assistance has low impact but assistance on policy development and planning, especially in environmental matters, has wide and far reaching impacts on the environment. Gender analysis should always be conducted prior to all interventions to be done/ provided.

Principles of Risk Management

The management of environmental and social risk is guided by the following principles.

A. Avoidance Before Mitigation and Adaptation

The first principle is to “Do no harm.” Where feasible, alternatives to avoid harm or lessen the cumulative harm on the environment and the effects of environmental damage to people should be chosen. Only when such alternatives do not exist after disciplined study, should the project opt to mitigate the impacts or when mitigation is no longer possible, to adapt to the changed situation.

The LGU and local NGA offices concerned should ensure that the enterprises are not located in disaster – prone areas. Hazard/risk mapping should be done in order to locate where the enterprises are, and that the LGU/agencies concerned could develop management strategies to be done in cases of emergency/disaster situations.

In order to ensure sustainability of the resource – based enterprises (marine and/or terrestrial), regular monitoring of the resources should be done. A multi-stakeholder monitoring team at the LGU level should be properly trained on biodiversity/resource monitoring. Resource assessment and monitoring activities would be very useful in developing management strategies (e.g., zoning) to prevent depletion of natural resources while ensuring the longevity and profitability of these enterprises.

B. Gender Responsiveness

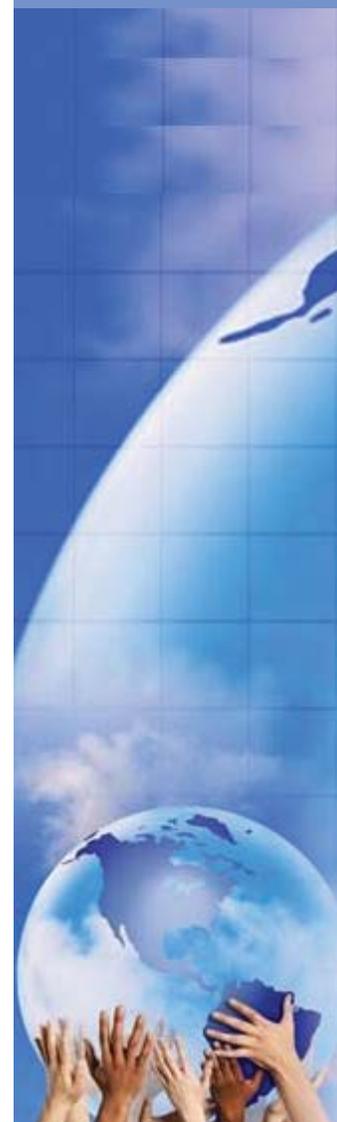
Microenterprises extensively mobilize female members of the family to assist in the day-to-day running of the business. In many poor families, these are the only avenues through which home-based women participate in the economy. In many cases, microenterprises have become the main pillars of economic support for a household because of the inability of the formal economy to generate enough jobs. This puts the burden on women who, aside from the enterprise, continue to perform reproductive work. It is also possible that while women perform most of the work, the control and access to productive resources remain largely with men. Caution must be taken that project interventions do not intensify iniquitous gender relations in the family and unduly transfer the burden of economic provision without corresponding share of men in the reproductive work of the household.

In addition, this set of guidelines considers that women should also be managers and not just users of natural resources. Thus, women's active participation in national and local governing bodies, e.g., Airshed Governing Boards, Water Quality Management Areas Governing Boards, Local Solid Waste Management Boards, Multi-Partite Monitoring Teams, Protected Area Management Board, Municipal Fisheries and Aquatic Resources Management Council, etc., are strongly recommended.

C. Zero Tolerance for Child Labor

Microenterprises are usually family-owned and operated enterprises, and it is unavoidable that children will be involved in some way in the enterprise. Since microenterprises are lowly capitalized, predominantly use cash transactions, serve micro-markets, there is natural resistance to hire outsiders and to employ the children instead. Precaution, however, has to be exercised that project interventions to promote enterprise growth does not cause children's work to deteriorate into child labor. This happens when:

a) work is done to the extent that the children's normal development and future, including schooling or education, is compromised;



b) work done is hazardous to the physical and psychological well-being of the children, due to handling of i) and exposure to sensitive chemicals, sharp equipment or tools, or toxic wastes; ii) the location of the work, e.g., on the roof or atop a tree, beneath the surface or in hazardous conditions, and iii) work is predominantly done at night.

D. Cultural Sensitivity

The LGU and agencies concerned should ensure that the enterprise should “do no harm” and to contribute to the conservation and appropriate development/adaptive re-use of the country’s historical, cultural heritage, and natural resources.

E. Compliance to Philippine Laws and International Commitments

This set of guidelines aims to ensure compliance to relevant Philippine social, cultural and environmental laws, policies and the country’s commitments to international, social and environmental conventions.

Risk Management Measures and Procedures

A. Comparison with Negative List

The measures for environmental and social risk begin with a comparison of the subsector or enterprises identified/operating with a negative list of enterprises and activities that pose a great threat both to the natural environment and the society in general. These entrepreneurial activities should be treated by the DENR and the LGU with caution, or should not be permitted at all. (Please see Annex 1)

B. Enterprise Social and Environmental Assessment (ESEA) Tool

If the enterprises pass through the negative list, the second is to examine the enterprise and proposed intervention. This is done through the conduct of an enterprise social and environmental assessment (ESEA) which is an integral part of the analysis. The ESEA tool is found in Annex 2.

C. Good Environmental and Social Practices (GESP) Plan

The findings from the assessment are analyzed and an LGU – level Good Environmental and Social Practice (GESP) Plan is crafted.

The GESP is a matrix that describes the risks and current environmental and social impacts of the enterprises, defines measures to avoid, mitigate, or if irremediable, adapt to these impacts. The measures are to be agreed upon by the stakeholders. The GESP

Plan should be integrated in the LGUs' plans, programs, and policies such as the CDP, CLUP, Environment Code, GAD Code, etc.

The roles and responsibilities of the different agencies and the WMEs in implementing the ESMF are found in Annex 3.

The scope of the GESP can be customized to a specific enterprise if the environmental and social risks posed by this enterprise are unique or peculiar.

D. Government Permitting Process

The DENR exempts microenterprises from the Philippine EIA System. However, certain civil works would fall under the EIA System. The ESEA and the GESP can be inputs but not as substitutes for the more rigorous Environmental Impact Study that is required.

Similarly, ESEA and GESP can be inputs to the requirements of other government regulatory agencies but not as substitutes for them. The necessary government permits still have to be secured for project interventions, e.g. provision of common service facilities, construction of farm to market roads, etc.

Procedural Guidelines

1. The LGU and stakeholders should be oriented and be familiarized on the guidelines, including its elements and its uses.
2. Capacity development activities on environmental and social management for the user/s of the guidelines and the tools would have to be conducted. Possible areas for capacity development include: disaster risk reduction and management, resources assessment and monitoring, occupational safety and health, gender analysis, and environmental policies, among others. These can be done in collaboration with partner agencies such as the DENR, DOST, and DOLE.
3. The Enterprise Social and Environmental Assessment (ESEA) Tool will be accomplished and administered to the enterprises by the LGU team. Ideally, the team is composed of members (technical staff) from the different departments. Preliminary data gathering should be done prior to the actual administration of the tool. Additional information on the administration of the tool is seen in the User's Manual.
4. Based on the results of the ESEA Tool, the GESP Plan matrix will have to be accomplished to address the issues and concerns of the enterprise/s. The elements to be included in the plan may be in the form of capacity development, provision of technical assistance, monitoring of resources, linkages to relevant agencies, policy development, IEC activities, etc.





ENVIRONMENT AND SOCIAL MANAGEMENT GUIDELINES Toolkit

- (1) ESGM Negative List**
- (2) Enterprise Social and Environmental
Assessment Tool**
- (3) Good Environmental and Social
Practices (GESP) Plan**

Annex 1: ESG Negative List

ESMG Negative List	National Laws/Policies
<p>1) The manufacture, marketing, and distribution of firearms and explosives, their spare parts, ammunition and accessories</p>	<p>RA 9516</p> <p>Section 2. Section 4 of Presidential Decree No. 1866, as amended, is hereby further amended to read as follows:</p> <p>SEC 3-A. Unlawful Manufacture, Sales, Acquisition, Disposition, Importation or Possession of a Part, Ingredient, Machinery, Tool or Instrument Used or Intended to be Used for the Manufacture, Construction, Assembly, Delivery or Detonation. The penalty of reclusion perpetua shall be imposed upon any person who shall willfully and unlawfully manufacture, assemble, deal in, acquire, dispose, import or possess any part, ingredient, machinery, tool or instrument of any explosive or incendiary device, whether chemical, mechanical, electronic, electrical or otherwise, used or intended to be used by that person for its manufacture, construction, assembly, delivery or detonation, where the explosive or incendiary device is capable or is intended to be made capable of producing destructive effect on contiguous objects or causing injury or death to any person.</p> <p>PD 1866</p> <p>Section 2. Presumption of Illegal Manufacture of Firearms or Ammunition. The possession of any machinery, tool or instrument used directly in the manufacture of firearms or ammunition, by any person whose business or employment does not lawfully deal with the manufacture of firearms or ammunition, shall be prima facie evidence that such article is intended to be used in the unlawful/illegal manufacture of firearms or ammunition.</p> <p>Section 3. Unlawful Manufacture, Sales, Acquisition, Disposition or Possession of Explosives. The penalty of reclusion temporal in its maximum period to reclusion perpetua shall be imposed upon any person who shall unlawfully manufacture, assemble, deal in, acquire, dispose or possess handgrenade(s), rifle grenade(s) and other explosives, including but not limited to "philbox bombs", "molotov cocktail bomb", "fire-bombs", or other incendiary devices capable of producing destructive effect on contiguous objects or causing injury or death to any person.</p> <p>Section 4. Presumption of Unlawful Manufacture. The possession of any machinery, tool or instrument directly used in the manufacture of explosives, by any person whose business or employment does not lawfully deal with the manufacture of explosives shall be prima facie evidence that such article is intended to be used in the unlawful/illegal manufacture of explosives.</p>

ESMG Negative List	National Laws/Policies
<p>2) The collection, storage, and trade of endangered or protected species of flora and fauna, whether in live or preserved form; include corals, shells and sand.</p>	<p>RA 9147</p> <p>Section 23. Collection of Threatened Wildlife, By-products and Derivatives. The collection of threatened wildlife, as determined and listed pursuant to this Act, including its by-products and derivatives, shall be allowed only for scientific, or breeding or propagation purposes in accordance with Section 6 of this Act: Provided, That only the accredited individuals, business, research, educational or scientific entities shall be allowed to collect for conservation breeding or propagation purposes.</p> <p>Section 27. Illegal Acts. Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts;</p> <p>(a) killing and destroying wildlife species, except in the following instances;</p> <ul style="list-style-type: none"> i. when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities; ii. when the wildlife is afflicted with an incurable communicable disease; iii. when it is deemed necessary to put an end to the misery suffered by the wildlife; iv. when it is done to prevent an imminent danger to the life or limb of a human being; and v. when the wildlife is killed or destroyed after it has been used in authorized research or experiments. <p>(b) inflicting injury which cripples and/or impairs the reproductive system of wild life species;</p> <p>(c) effecting any of the following acts in critical habitat(s)</p> <ul style="list-style-type: none"> i. dumping of waste products detrimental to wildlife; ii. squatting or otherwise occupying any portion of the critical habitat; iii. mineral exploration and/or extraction; iv. burning; v. logging; and vi. quarrying <p>(d) introduction, reintroduction or restocking of wildlife resources;</p> <p>(e) trading of wildlife;</p> <p>(f) collecting, hunting or possessing wildlife, their by-products and derivatives;</p> <p>(g) gathering or destroying of active nests, nest trees, host plants and the like;</p> <p>(h) maltreating and/or inflicting other injuries not covered by the preceding paragraph; and</p> <p>(i) transporting of wildlife.</p>

ESMG Negative List	National Laws/Policies
<p>2) The collection, storage, and trade of endangered or protected species of flora and fauna, whether in live or preserved form; include corals, shells and sand.</p>	<p>RA 8550</p> <p>Section 91. Ban on Coral Exploitation and Exportation. It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes.</p> <p>Section 97. Fishing or Taking of Rare, Threatened or Endangered Species. It shall be unlawful to fish or take rare, threatened or endangered species as listed in the CITES and as determined by the Department.</p>
<p>3) The manufacture, marketing, and distribution of products that use raw materials from endangered species of flora and fauna, where collection of these raw materials involves extinguishing the life or will severely compromise the well-being and numbers of these endangered species of flora and fauna.</p>	<p>RA 9147</p> <p>Section 27. Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts;</p> <p>(a) killing and destroying wildlife species, except in the following instances;</p> <ul style="list-style-type: none"> i. when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities; ii. when the wildlife is afflicted with an incurable communicable disease; iii. when it is deemed necessary to put an end to the misery suffered by the wildlife; iv. when it is done to prevent an imminent danger to the life or limb of a human being; and v. when the wildlife is killed or destroyed after it has been used in authorized research or experiments. <p>(b) inflicting injury which cripples and/or impairs the reproductive system of wildlife species;</p> <p>(c) effecting any of the following acts in critical habitat(s)</p> <ul style="list-style-type: none"> i. dumping of waste products detrimental to wildlife; ii. squatting or otherwise occupying any portion of the critical habitat; iii. mineral exploration and/or extraction; iv. burning; v. logging; and vi. quarrying <p>(d) introduction, reintroduction or restocking of wildlife resources;</p> <p>(e) trading of wildlife;</p>

ESMG Negative List	National Laws/Policies
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<p>4) The manufacture, distribution, and the use of machinery, equipment and the use of methods that can lead to rapid depletion of critical natural resources, e.g. motorized bancas, chain saws or power saws, various types of illegal and banned fishing gears and methods.</p>	<p>RA 9147</p> <p>Section 27. Unless otherwise allowed in accordance with this Act, it shall be unlawful for any person to willfully and knowingly exploit wildlife resources and their habitats, or undertake the following acts;</p> <p>(a) killing and destroying wildlife species, except in the following instances;</p> <ul style="list-style-type: none"> i. when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities; ii. when the wildlife is afflicted with an incurable communicable disease; iii. when it is deemed necessary to put an end to the misery suffered by the wildlife; iv. when it is done to prevent an imminent danger to the life or limb of a human being; and v. when the wildlife is killed or destroyed after it has been used in authorized research or experiments. <p>(b) inflicting injury which cripples and/or impairs the reproductive system of wildlife species;</p>

ESMG Negative List	National Laws/Policies
	<p>(d) introduction, reintroduction or restocking of wildlife resources; (e) trading of wildlife; (f) collecting, hunting or possessing wildlife, their by-products and derivatives; (g) gathering or destroying of active nests, nest trees, host plants and the like; (h) maltreating and/or inflicting other injuries not covered by the preceding paragraph; and (i) transporting of wildlife.</p> <p>RA 8550</p> <p>Section 92. Ban on Muro-Ami, Other Methods and Gear Destructive to Coral Reefs and Other Marine Habitat. It shall be unlawful for any person, natural or juridical, to fish with gear method that destroy coral reefs, sea-grass beds, and other fishery marine life habitat as may be determined by the Department. "Muro-Ami" and any of its variation, and such similar gear and methods that require diving, other physical or mechanical acts to pound the coral reefs and other habitat to entrap, gather or catch fish and other fishery species are also prohibited.</p>
<p>5) The manufacture, trade and the use of chemical substances that are banned, restricted or scheduled for phase-out locally or internationally, (i.e. ozone depleting substances and banned chemicals.</p>	<p>RA 6969</p> <p>Section 2. Declaration of Policy. It is the policy of the State to regulate, restrict or prohibit the importation, manufacture, processing, sale, distribution, use and disposal of chemical substances and mixtures that present unreasonable risk and/or injury to health or the environment; to prohibit the entry, even in transit, of hazardous and nuclear wastes and their disposal into the Philippine territorial limits for whatever purpose; and to provide advancement and facilitate research and studies on toxic chemicals.</p>
<p>6) Enterprises engaged in commercial sex work and pornographic activities, virtual or actual.</p>	<p>RA 7610</p> <p>Art. 3 Section 5. Child Prostitution and Other Sexual Abuse. Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.</p> <p>The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:</p> <p>(a) Those who engage in or promote, facilitate or induce child prostitution</p>

ESMG Negative List	National Laws/Policies
<p>6) Enterprises engaged in commercial sex work and pornographic activities, virtual or actual.</p>	<p>RA 9262</p> <p>Section 3. "Sexual violence" refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:...</p> <p>(b) acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion; (c) Prostituting the woman or child.</p> <p>RA 7610</p> <p>Art.7 Section 11. Sanctions of Establishments or Enterprises which Promote, Facilitate, or Conduct Activities Constituting Child Prostitution and Other Sexual Abuse, Child Trafficking, Obscene Publications and Indecent Shows, and Other Acts of Abuse. All establishments and enterprises which promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner or manager thereof being prosecuted under this Act and/or the Revised Penal Code, as amended, or special laws. A sign with the words "off limits" shall be conspicuously displayed outside the establishments or enterprises by the Department of Social Welfare and Development for such period which shall not be less than one (1) year, as the Department may determine. The unauthorized removal of such sign shall be punishable by prison correccional.</p>
<p>7) Economic activities or enterprises that employ so-called involuntary servitude, forced or compulsory labor as defined in Article 3 of the Philippine Constitution and ILO Core Convention No. 29 Concerning Forced or Compulsory Labor</p>	<p>Art. 3, Sec. 18 of the Philippine Constitution</p> <p>No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted.</p>

ESMG Negative List	National Laws/Policies
<p>8) Activities that diminish, destroy the country's national cultural treasures, important cultural properties, anthropological area, archaeological and historical sites and historical landmarks as these are defined by existing laws;</p>	<p>RA 4846</p> <p>Section 12. It shall be unlawful to explore, excavate, or make diggings on archaeological or historical sites for the purpose of obtaining materials of cultural historical value without the prior written authority from the Director of the National Museum. No excavation or diggings shall be permitted without the supervision of an archaeologist certified as such by the Director of the National Museum, or of such other person who, in the opinion of the Director, is competent to supervise the work, and who shall, upon completion of the project, deposit with the Museum a catalogue of all the materials found thereon, and a description of the archaeological context in accordance with accepted archaeological practices. When excavators shall strike upon any buried cultural property, the excavation shall be suspended and the matter reported immediately to the Director of the National Museum who shall take the appropriate steps to have the discovery investigated and to insure the proper and safe removal thereof, with the knowledge and consent of the owner. The suspension shall not be lifted until the Director of the National Museum shall so allow it.</p> <p>All exploration, excavation, or diggings on government and private property for archaeological or historical purposes shall be undertaken only by the National Museum, or any institution duly authorized by the Director of the National Museum.</p> <p>Section 13. All restorations, reconstructions, and preservations of government historical buildings, shrines, landmarks, monuments, and sites, which have been designated as "National Cultural Treasures," and "important cultural properties" shall only be undertaken with the written permission of the Director of the National Museum who shall designate the supervision of the same.</p>
<p>9) Enterprises that employ child labor</p>	<p>RA 9231</p> <p>Section 1. "Sec. 2. Declaration of State Policy and Principles. It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development including child labor and its worst forms; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same.</p>

ESMG Negative List	National Laws/Policies
9) Enterprises that employ child labor	<p data-bbox="513 207 621 239">RA 9231</p> <p data-bbox="513 281 1513 354">Section 2. "Section 12. Employment of Children. – Children below fifteen (15) years of age shall not be employed except:</p> <p data-bbox="513 396 1513 621">"1) When a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed: Provided, however, That his/her employment neither endangers his/her life, safety, health, and morals, nor impairs his/her normal development: Provided, further, That the parent or legal guardian shall provide the said child with the prescribed primary and/or secondary education; or</p> <p data-bbox="513 663 1513 926">"2) Where a child's employment or participation in public entertainment or information through cinema, theater, radio, television or other forms of media is essential: Provided, That the Employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment: Provided, further, That the following requirements in all instances are strictly complied with:</p> <p data-bbox="570 968 1513 1041">"(a) The employer shall ensure the protection, health, safety, morals and normal development of the child:</p> <p data-bbox="570 1083 1513 1230">"(b) The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and</p> <p data-bbox="570 1272 1513 1388">"(c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisitions of the child.</p> <p data-bbox="513 1430 1513 1577">"In the above-exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment which shall ensure observance of the above requirements.</p> <p data-bbox="513 1619 1513 1692">"For purposes of this Article, the term "child" shall apply to all persons under eighteen (18) years of age."</p>

ESMG Negative List	National Laws/Policies
<p>9) Enterprises that employ child labor</p>	<p>RA 9231</p> <p>Section 2. "Section 12. Employment of Children. – Children below fifteen (15) years of age shall not be employed except:</p> <p>"1) When a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed: Provided, however, That his/her employment neither endangers his/her life, safety, health, and morals, nor impairs his/her normal development: Provided, further, That the parent or legal guardian shall provide the said child with the prescribed primary and/or secondary education; or</p> <p>"2) Where a child's employment or participation in public entertainment or information through cinema, theater, radio, television or other forms of media is essential: Provided, That the Employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment: Provided, further, That the following requirements in all instances are strictly complied with:</p> <p style="padding-left: 40px;">"(a) The employer shall ensure the protection, health, safety, morals and normal development of the child:</p> <p style="padding-left: 40px;">"(b) The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and</p> <p style="padding-left: 40px;">"(c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisitions of the child.</p> <p>"In the above-exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment which shall ensure observance of the above requirements.</p> <p>"For purposes of this Article, the term "child" shall apply to all persons under eighteen (18) years of age."</p>

Annex 2: Enterprise Social and Environmental Assessment Tool Environment and Social Management Guidelines

Enumerator: _____

Questionnaire No. _____

ENTERPRISE SOCIAL AND ENVIRONMENTAL ASSESSMENT TOOL

Name of Proprietor	
Name of Respondent	
Position	
Age	
Location/Business Address	
No. of years in business operation	
End Products	

Part 1: ENVIRONMENTAL ASSESSMENT

A. POTENTIAL RISKS FACED BY THE ENTERPRISE

1. Have you experienced rapid changes in the local climate over the past 5 years? (e.g., changes in rainfall patterns, amount of rainfall, hotter summers, etc.)

- 0 – NO
- 1 – YES

If yes, please describe these changes

2. Do you experience flooding in this area?

- 0 – NO
- 1 – YES

If yes,

(a) What is the frequency of the flooding? (average number in one year)

(b) What is the average depth of the flooding? (in inches)

3. Do you experience landslides/mudslides in this area?

- 0 – NO
- 1 – YES

If yes,

(a) What is the frequency of the landslides/mudslides? (average number in one year)

(b) What is the estimated area affected? (in square meters)

Enterprise Social and Environmental Assessment Tool Environment and Social Management Guidelines

ENTERPRISE SOCIAL AND ENVIRONMENTAL ASSESSMENT TOOL

4. (If area is coastal) do you notice changes in the shoreline/beach area? (decreasing shoreline)

0 – NO

1 – YES

If yes, please describe these changes

5. Do you experience earthquakes in this area?

0 – NO

1 – YES

If yes, when was the last earthquake occurrence? What is the estimated magnitude?

B. POTENTIAL RISKS POSED BY THE ENTERPRISE

1. Does the enterprise operate inside or in proximity to critical environmental sites?

0 – NO

1 – YES

If yes, please identify which specific critical environmental sites:

<input type="checkbox"/> proclaimed protected areas	<input type="checkbox"/> hazard-prone areas
<input type="checkbox"/> areas not officially declared protected but are known to be habitats of endangered species of flora and fauna	<input type="checkbox"/> natural disaster prone areas, e.g. coastal areas, riverbanks, and critical slopes
<input type="checkbox"/> temporary migratory areas for endangered species of birds or fishes or aquatic fauna	<input type="checkbox"/> others, please specify:
<input type="checkbox"/> mangroves, estuaries, swamps, and marshlands	

2. Does the enterprise use resource based raw materials?

0 – NO

1 – YES

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ENTERPRISE SOCIAL AND ENVIRONMENTAL ASSESSMENT TOOL

Please identify the raw materials used and sources of these raw materials:

Raw Materials Used	Sources**

** primary forests, secondary forests, plantation forests, CBFM/Agroforestry areas, grasslands, marshlands/swamps, agricultural lands, river banks, river, stream, mangrove areas, coral reefs, open sea

3. Does the enterprise use chemicals in its production processes?

- 0 – NO
- 1 – YES

If yes, please enumerate each chemical used and use/s and quantity of each chemical:

Chemical	Uses	Quantity (in liters)

4. Does the enterprise generate solid wastes?

- 0 – NO
- 1 – YES

If yes, please enumerate the SOLID wastes generated, quantity (in kilos), and disposal practices

Waste generated	Quantity	Method of Disposal

Enterprise Social and Environmental Assessment Tool Environment and Social Management Guidelines

5. Does the enterprise generate any hazardous waste (Please refer to Attachment A for list of Hazardous Wastes)?
Enumerate types of wastes

0 – NO
1 – YES

Hazardous Wastes	Quantity	Method of Disposal

6. Does the enterprise when in operation generate significant degree of noise?

0 – NO
1 – YES

7. Does the enterprise when in operation generate significant foul or unusual odors?

0 – NO
1 – YES

8. Does the enterprise generate air emissions from combustion processes?

0 – NO
1 – YES

9. Is water a significant and indispensable input in the processes employed in this enterprise?

0 – NO
1 – YES

If yes, please specify the quantities being used in each process:

Process	Source of Water	Quantity of Water Used (in liters)

Enterprise Social and Environmental Assessment Tool Environment and Social Management Guidelines

10. Does the enterprise generate sewage or water-carried human or animal wastes and other effluents as the predominant or most significant waste?

0 – NO

1 – YES

If yes, please specify the wastes and quantities being generated:

Waste	Quantity (in liters)

Part 2: SOCIAL ASSESSMENT

1. Does the enterprise/sub-sector operate inside, or near to critical socio-cultural and historical sites?

0 – NO

1 – YES

If yes, please identify which specific critical socio-cultural and historical sites:

<input type="checkbox"/> cultural and historical sites	<input type="checkbox"/> anthropological sites
<input type="checkbox"/> burial grounds, religious and sacred areas	<input type="checkbox"/> others, please specify
<input type="checkbox"/> archaeological sites	
<input type="checkbox"/> areas covered by a Certificate of Ancestral Domain Title or Claim	

2. Do accidents happen during enterprise operations?

0 – NO

1 – YES

If yes, what are the usual accidents occurring during enterprise operations?

3. Are there safety signages in place?

0 – NO

1 – YES

4. Does the enterprise use equipment/implements:

a. that are sharp

0 – NO

1 – YES

Enterprise Social and Environmental Assessment Tool Environment and Social Management Guidelines

b. with rapid, battery or electrically powered moving or vibrating parts?

- 0 – NO
- 1 – YES

Please specify what are these equipment/implements and its use/s:

Equipment/Implement	Use/s

5. Does it use equipment/ implements that:

a. generate significant amount of light

- 0 – NO
- 1 – YES

b. generate significant amount of heat

- 0 – NO
- 1 – YES

6. Does the work area have proper ventilation?

- 0 – NO
- 1 – YES

7. Does the work area have proper lighting?

- 0 – NO
- 1 – YES

8. Does the enterprise/sub-sector extensively involve children in different processes?

- 0 – NO
- 1 – YES

If yes, enumerate the work/tasks that children perform and the conditions and the location where they are performed.

Task/s	Condition	Location

Enterprise Social and Environmental Assessment Tool

Environment and Social Management Guidelines

9. Does the enterprise predominantly have women as employees? (other than the woman proprietor-owner)

- 0 – NO
- 1 – YES

If yes, answer the following questions:

- (a) How many women are employed? _____
- (b) Please enumerate the work/tasks that women perform and the conditions and the location where they are performed.

Task/s	Condition	Location

- (c) What types/kinds of personal protective equipment do women use during enterprise operations?

- (d) How many hours (in a day) do women employees/workers normally devote working for the enterprise?

- (e) How much compensation do the women workers receive (daily basis)?

- (f) What benefits do women employees/workers receive?

<input type="checkbox"/> SSS	<input type="checkbox"/> Financial bonuses
<input type="checkbox"/> Health Insurance (PhilHealth)	<input type="checkbox"/> Access to trainings
<input type="checkbox"/> PAG-IBIG	<input type="checkbox"/> Meals
<input type="checkbox"/> 13th month pay	<input type="checkbox"/> Profit sharing
<input type="checkbox"/> Leave benefits (please specify)	<input type="checkbox"/> Others, please specify

10. Does the enterprise have special structures/facilities/measures that cater to women's needs?

- 0 – NO
- 1 – YES

If yes, what are these?

<input type="checkbox"/> Separate changing/ comfort rooms	<input type="checkbox"/> Anti-sexual harassment policy
<input type="checkbox"/> Breastfeeding area	<input type="checkbox"/> Transportation services
<input type="checkbox"/> Day care	<input type="checkbox"/> Profit sharing
<input type="checkbox"/> First aid kit/s	<input type="checkbox"/> Others, please specify

ATTACHMENT A. PRESCRIBED HAZARDOUS WASTES

(As per DENR Administrative Order 92 – 29, IRR for RA 6969)

Class	Subcategory	Waste Number
Plating Wastes	Discarded plating solutions and salts with a cyanide concentration of less than 200 ppm.	A101
	Discarded heat treatment solutions and salts with a cyanide concentration of less than 200 ppm.	A102
	Plating solutions and salts containing cyanides at a concentration exceeding 200 ppm.	A103
	Heat treatment solutions and salts containing cyanides at a concentration exceeding 200 ppm.	A104
	Complexed cyanide solutions and salts	A105
	Other cyanide wastes arising from the plating and heat treatment industries	A199
Acid Waste	Sulfuric Acid	B201
	Hydrochloric Acid	B202
	Nitric Acid	B203
	Phosphoric Acid	B204
	Hydrofluoric Acid	B205
	Mixture of Sulfuric and Hydrochloric Acid	B206
	Other inorganic acids	
	Organic acids	B207
	Other mixed acids	B208 B299
Alkali Wastes	Caustic soda	C301
	Potash	C302
	Alkaline cleaners	C303
	Ammonium Hydroxide	C304
	Lime slurries	C305
	Lime-neutralized metal sludges	C306
	Other alkaline materials	C399
Inorganic Chemical Wastes	Nontoxic salts	D401
	Arsenic and its compound	D402
	Boron compounds	D403
	Cadium and its compounds	D404
	Chromium compounds	D405
	Lead compounds	D406
	Mercury and mercuric compounds	D407
	Other salts and complexes	D499
Reactive Chemical Wastes	Oxidizing agents	D501
	Reducing agents	D502
	Explosive and unstable chemicals	D503
	Highly reactive chemicals	D599

ATTACHMENT A. PRESCRIBED HAZARDOUS WASTES

(As per DENR Administrative Order 92 – 29, IRR for RA 6969)

Class	Subcategory	Waste Number
Paints	Aqueous-based	E601
Resins	Solvent-based	E202
Latices/inks Dyes/Adhesives/Organic Sludges	Other mixed	E699
Organic Solvents	Flash point > 61°C Flash point < 61°C Chlorinated solvents and Residues	F701 F702 F703
Putrescible/Organic Wastes	Animal/abattoir wastes Grease trap wastes from industrial or Commercial premises Others	G801 G802 G899
Textile	Tannery wastes Other textile wastes	H901 H999
Oil	Waste oils Interceptor sludges Vegetable oils Waste tallow Oil/water mixtures	I101 I102 I103 I104 I105
Containers	Portable containers previously containing toxic chemical substances	J201
Immobilized Wastes	Solidified and polymerized wastes Chemically fixed wastes Encapsulated Wastes	K301 K302 K303
Organic Chemicals	Aliphatics Aromatics and phenolics Highly odorous Surfactants and detergents Halogenated solvents Polychlorinated biphenyls and related materials Other organic chemicals	L401 L402 L403 L404 L405 L406 L499
Miscellaneous Wastes	Pathogenic or infectious wastes Asbestos wastes Pharmaceuticals wastes and drugs Pesticides	M501 M502 M503 M504

GREAT Women Project Management Office
Philippine Commission on Women

1145 J. P. Laurel St., San Miguel, Manila
1005 PHILIPPINES

Tel: (+63-2) 734-1731, 735-1654 loc. 123
Fax: (+63-2) 736-4449

Website: www.pcw.gov.ph



Government of Canada Gouvernement du Canada

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