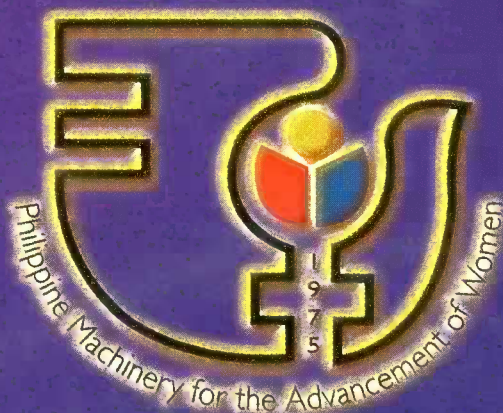


# LAWS ON WOMEN

**A Compilation**  
Volume II



NATIONAL COMMISSION ON THE ROLE OF FILIPINO WOMEN

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# LAWS ON WOMEN

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## A Compilation Volume II

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Produced by  
**National Commission on the Role of Filipino Women**  
In cooperation with the Office of  
**Senator Teresa Aquino-Oreta**

Manila, Philippines  
December 2000

## *Foreword*

**A**s Chair of the Senate Committee on Youth, Women and Family Relations, I am pleased to introduce to you this first ever, compilation of laws on women.

*As a woman legislator, I have taken it upon myself to ensure that the laws that we craft in the Congress are gender-responsive and takes into account the difference between the needs of women from men.*

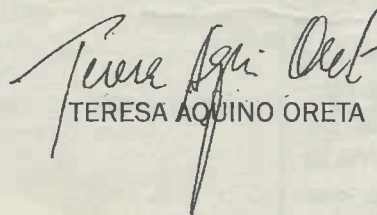
*This book, which covers laws enacted from 1900 to the present, studies the gender dimension and provides us a gender analysis of about 14,958 statutes.*

*A milestone for women was achieved when we espoused in the 1987 Philippine Constitution that the State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men.*

*However, much is yet to be attained in terms of ensuring that our laws are non-discriminatory and gender-responsive.*

*I hope that this compilation shall serve as a useful tool to its readers and users who believe that the twenty-first century belongs to the women.*

*Let us continue to relentlessly work together towards the empowerment of women and to advocate equity and equality of women and men.*

  
TERESA AQUINO ORETA



**Senator Teresa Aquino Oreta**  
Chairperson  
Senate Committee on Youth,  
Women and Family Relations

## Message

**T**he 1987 Philippine Constitution gives due recognition to the role of women in nation-building. Article 11 Section 14 declares that the State shall ensure the fundamental equality before the law of women and men. Patriarchal forces, however, have made women's contribution in history invisible. This invisibility has caused discrimination and marginalization of the women's paid and unpaid work in all aspects of our national life. The halls of congress is another significant area where the struggle for justice and equality is continually being fought to achieve gender equality and women's empowerment.

The National Commission on the Role of Filipino Women, established in 1975 as the Philippine machinery for the advancement of women, is mandated to advise the President and assist the Cabinet on policies and programs affecting women. Being the **oversight authority** on women's concerns, the Commission serves as the government's conscience affecting women's status and advancement. **The NCRFW as the national resource center** for women saw the need to compile all the laws and policies on women that have accrued through the years. Laws are a powerful medium by which women can be empowered. Included in this publication are pieces of milestone legislation that endeavor to address women's issues and concerns. This publication is, therefore, intended as a valuable reference material to benefit legislators, policy-makers, and other stakeholders who are promoting the women agenda through legislation contextualized within the vision of a gender-fair society.

NCRFW takes pride in documenting this *Compilation on the Laws on Women* covering the period of 1900 to first semester of 2000. This is a concrete product of years of hard work by our partners in legislation, who have fought for women's concerns and labored to include women's issues and needs in the



**Dr. Amelou Benitez Reyes**  
Chairperson

*legislative agenda. To all of them, the women sector owes a continuing debt of gratitude and appreciation. The quest for gender equality and justice personified by a woman holding the scales reflects the continuing struggle being advocated by the Commission in partnership with the women's movement and other stakeholders of civil society.*

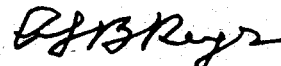
*Over the years, the NCRFW has engaged in mainstreaming gender perspectives to achieve gender equality and women's empowerment within government policies and services and monitoring the implementation of the 5% GAD Budget Policy specified in Section 27 of the yearly General Appropriations Act. In various international fora, the Commission has gained a reputation for its mission of gender mainstreaming to achieve women's empowerment, promotion of Herstory as a global movement, prevention of trafficking, and other provisions on mental health, migrant women workers, "south-south cooperation", and a framework on the integration of women in the economy. Several gender tools for capacity building have been completed as additional sources for providing institutional mechanisms to mainstream gender perspectives at all levels of decision-making.*

*As the development authority and policymaking body for women's advancement, the NCRFW is also tasked to oversee the implementation of national laws, including international treaties and commitments such as the UN Convention on ALL Forms of Discrimination Against Women (UN CEDAW) and Beijing Platform of Action (PFA) and Beijing Plus Five Women 2000 Outcome Document.*

*This Compilation of Laws on Women is another source book that serves as a concrete reward for our victories in the area of legislation as well as a constant reminder of the challenges for the continued advocacy and work that needs to be done in order to create better responsive laws for women, and to safeguard the few achievements made in the area of gender-sensitive legislation.*

*In addition, the NCRFW in collaboration with Women's Education, Development, Productivity and Research Organization (WEDPRO), CIDA has published in 1999, a two-volume guidebook – Toward Gender-Responsive Legislation. The introduction of gender-responsive legislation, the reexamination of laws, and a proactive participation in the legislative process to instill gender perspectives are the essential steps in pursuing the interests and welfare of women for them to achieve their full potentials as equal partners of men in development.*

*We acknowledge with heartfelt appreciation the legislative core group on GAD in the Philippine Congress. We wish to extend our deepest gratitude to Senator Teresa Aquino Oreta whose financial assistance made this work possible. Also, our fondest thanks to our current Commission and former Executive Director Teresita S. Castillo, who closely supervised the completion of this work.*



DR. AMELOU BENITEZ-REYES

*A short introductory gender analysis is given per category while each law is annotated. An index is found at the end of Volume II in order to facilitate its use.*

*Although the status of women is not solely determined by law, it is clear that legislation can obstruct or accelerate the achievement of full equality of women with men. In spite of the significant steps taken in the past century, discriminatory provisions still remain on the statute books. And even where laws guarantee equal treatment, they are not necessarily implemented. The reexamination of laws and a proactive participation in the legislative process will be essential in pursuing the interest and welfare of women.*

*It is our hope that this publication will serve as a reminder of the challenges that lay before us for the continued advocacy work that needs to be done in order to pass gender-responsive laws on women and to guard and protect the few gains made in the area of gender-sensitive legislation. This book will be an essential tool for legislators, gender and development advocates and lay readers in the struggle for gender responsive legislation towards women's empowerment.*

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**O**ver the years, more and more women have joined the labor force of the country. From doing housework and from rearing children, women have ventured into the field of paid work because of the growing needs of the times to augment the family income as well as the advent of women who have gone to school. Many women have even gone overseas to gain employment and these Filipinas comprise the bulk of Filipino migrant workers all over the world.

The laws passed addressing the concern of women in the labor force have evolved with the changing times. From granting maternity leave to non-discrimination laws. But there are still many reforms that women clamor for such as provision of day care facilities in the employment areas.

Employees in the public sector are governed by the Civil Service Law and its Implementing Rules. Workers in the public sector are regulated by the Labor Code and its Implementing Rules and Regulations.

Note that these standards singularly address the traditional workforce or the "formal sector" but does not apply to the "informal sector" which ranges from homeworkers, self-employed individuals, and to domestic and agricultural workers which is characterized by low wages, absence of job security and of legal protection.



I

## *Economic/ Employment*



[COMMONWEALTH ACT NO. 647]

AN ACT TO GRANT MATERNITY LEAVE TO MARRIED WOMEN WHO ARE IN  
THE SERVICE OF THE GOVERNMENT OR OF ANY OF ITS  
INSTRUMENTALITIES

SECTION 1. Married women who are permanently or temporarily appointed in the service of the Government, or in any of its branches, subdivisions, agencies, or instrumentalities, including the corporations and enterprises owned or controlled by the Government, shall, in addition to the vacation and sick leave which they may enjoy now, be entitled in case of pregnancy to a maternity leave of sixty days subject to the following conditions :

- (a) Permanent and regular employees who have rendered two or more years of continuous service, shall be entitled to maternity leave with full pay;
- (b) Permanent and regular employees who have rendered less than two years of continuous service, shall be entitled to half pay; and
- (c) Temporary employees shall be entitled to maternity leave without pay and shall be readmitted to the service at the end of their leave. No employee shall be refused readmission to the service on the ground of absence on account of maternity.

SEC. 2. The proper department head or chief of bureau or office shall, subject to the requirements of the public service, avoid the assignment of strenuous and fatiguing work to married women under their charge who are in a state of pregnancy.

SEC. 3. Any savings in the appropriation, allotment, or fund for salaries and wages, authorized for any fiscal year for the department of the government concerned, or for any of its branches, subdivisions, agencies or instrumentalities, including corporations and enterprises owned and controlled by it, may be used for the temporary employment of substitute officers or employees to take the place of those who are granted maternity leave, if the duties of the latter cannot be dispensed with without detriment to the service, and the same cannot be designed to, or distributed among, the other employees already in the service.

SEC. 4. This Act shall take effect upon its approval.

Approved, June 14, 1941.

[PRESIDENTIAL DECREE NO. 148]

AMENDING FURTHER CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED SIX HUNDRED SEVENTY-NINE, AS AMENDED, COMMONLY KNOWN AS THE WOMAN AND CHILD LABOR LAW

WHEREAS, under Section 9, Article II of the New Constitution, the State shall among other policies, afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers;

WHEREAS, there is an urgent need to translate these policies into meaningful reality consistent with the demands of national development particularly in so far as the employment of women and minors is concerned;

WHEREAS, to effect those objectives, it is necessary to amend further Republic Act No. 679, commonly known as the Woman and Child Labor Law;

Sec. 3. Section 3 of the same Act is repealed and in lieu thereof, a new Section is inserted to read as follows:

“Sec. 3. *Additional coverage.* -- Any woman who is permitted or suffered to work, with or without compensation in any nightclubs, cocktail lounges, bars, massage clinics, or in any similar places, shall be considered as employees of such establishments for purposes of this and other existing labor and social legislations.”

Sec. 4. Section 7 of the same Act is further amended by amending paragraph (b) to read as follows:

“(b) No woman, regardless of age, shall be allowed to work, with or without compensation, in any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day, except for activities which may be allowed by the Secretary of Labor through implementing rules and regulations.”

Sec. 5. Section 8 of the same Act is further amended to read as follows:

Sec. 8. *Maternity Leave Benefits.* --

(a) Every employer shall grant to any pregnant woman employee who has rendered an aggregate service of at least six months for the last twelve months, maternity leave of at least two weeks prior to the expected date of delivery and another four weeks after normal delivery or abortion, with full pay based on her regular or average weekly wages. The employer may require from any woman employee applying for maternity leave the production of a medical certificate stating that delivery will probably take place within two weeks.

- (b) The maternity leave shall be extended without pay on account of illness medically certified to arise out of the pregnancy, delivery, abortion, or miscarriage, which renders the woman unfit for work, unless she has earned unused leave credits from which such extended leave may be charged.
- (c) The maternity leave provided in the preceding paragraph shall be paid by the employer only for the first four deliveries by a woman employee after the effectivity of this Decree.
- (d) The Secretary of Labor may by regulation require an employer to establish a nursery in his workplace for the benefit of his women employees.
- (e) Establishments which are required by law to maintain a clinic or infirmary shall provide free family planning services to their employees which shall include, but not limited to, the application or use of contraceptive and/or intra-uterine devices.
- (f) In coordination with the other agencies of the Government engaged in the promotion of family planning, the Department of Labor shall develop and prescribe incentive bonus schemes to encourage family planning among the married workers in any establishment or enterprise."

Sec. 6. Section 9 of the same Act is further amended by amending paragraph (b) and by adding thereto paragraph (c) to read as follows:

"(b) It shall be the duty of every employer to give his employees not less than sixty minutes time-off for their regular meals, unless otherwise prescribed by the Secretary of Labor."

"(c) The Secretary of Labor shall also establish standards that will insure the health and safety of women employees."

Sec. 7. Section 10 of the same Act is hereby repealed.

Sec. 8. Section 12 of the same Act as amended, is further amended by amending paragraph (c) to read as follows:

"(c) It shall be unlawful for an employer to require as a condition of employment or continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married a woman employee shall be deemed resigned or separated, or to actually dismiss; discharge, discriminate or otherwise prejudice a woman employee merely by reason of her marriage."

Approved: March 13, 1973.

[PRESIDENTIAL DECREE NO. 442]

Labor Code of the Philippines

Book Three, Title I, Chapter VI - (Administration and Enforcement)

ART. 128. *Visitorial and enforcement power.* — (a) The Secretary of Labor and Employment or his duly authorized representatives, including labor regulation officers, shall have access to employer's records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary to determine violations or which may aid in the enforcement of this Code and of any labor law, wage order or rules and regulations issued pursuant thereto.

(b) Notwithstanding the provisions of Articles 129 and 217 of this Code to the contrary, and in cases where the relationship of employer-employee still exists, the Secretary of Labor and Employment or his duly authorized representatives shall have the power to issue compliance orders to give effect to the labor standards provisions of this Code and other labor legislation based on the findings of labor employment and enforcement officers or industrial safety engineers made in the course of inspection. The Secretary or his duly authorized representatives shall issue writs of execution to the appropriate authority for the enforcement of their orders, except in cases where the employer contests the findings of the labor employment and enforcement officer and raises issues supported by documentary proofs which were not considered in the course of inspection. (As amended by Republic Act No. 7730, June 2, 1994).

An order issued by the duly authorized representative of the Secretary of Labor and Employment under this Article may be appealed to the latter. In case said order involves a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Secretary of Labor and Employment in the amount equivalent to the monetary award in the order appealed from. (As amended by Republic Act No. 7730, June 2, 1994).

(c) The Secretary of Labor and Employment may likewise order stoppage of work or suspension of operations of any unit or department of an establishment when non-compliance with the law or implementing rules and regulations poses grave and imminent danger to the health and safety of workers in the workplace. Within twenty-four hours, a hearing shall be conducted to determine whether an order for the stoppage of work or suspension of operations shall be lifted or not. In case the violation is attributable to the fault of the employer, he shall pay the employees concerned their salaries or wages during the period of such stoppage of work or suspension of operation.

(d) It shall be unlawful for any person or entity to obstruct, impede, delay or otherwise render ineffective the orders of the Secretary of Labor and Employment or his duly authorized representatives issued pursuant to the authority granted under this Article, and no inferior court or entity shall issue temporary or permanent injunction or restraining order or otherwise assume jurisdiction over any case involving the enforcement orders issued in accordance with this Article.

(e) Any government employee found guilty of violation of, or abuse of authority, under this Article shall, after appropriate administrative investigation, be subject to summary dismissal from the service.

(f) The Secretary of Labor and Employment may, by appropriate regulations, require employers to keep and maintain such employment records as may be necessary in aid of his visitorial and enforcement powers under this Code.

ART. 129. *Recovery of wages, simple money claims and other benefits.* — Upon complaint of any interested party, the Regional Director of the Department of Labor and Employment or any of the duly authorized hearing officers of the Department is empowered, through summary proceeding and after due notice, to hear and decide any matter involving the recovery of wages and other monetary claims and benefits, including legal interest, owing to an employee or person employed in domestic or household service or househelper under this Code, arising from employer-employee relations: *Provided*, That such complaint does not include a claim for reinstatement: *Provided further*, That the aggregate money claims of each employee or househelper does not exceed Five thousand pesos (₱5,000.00). The Regional Director or hearing officer shall decide or resolve the complaint within thirty (30) calendar days from the date of the filing of the same. Any sum thus recovered on behalf of any employee or househelper pursuant to this Article shall be held in a special deposit account by, and shall be paid on order of, the Secretary of Labor and Employment or the Regional Director directly to the employee or househelper concerned. Any such sum not paid to the employee or househelper because he cannot be located after diligent and reasonable effort to locate him within a period of three (3) years, shall be held as a special fund of the Department of Labor and Employment to be used exclusively for the amelioration and benefit of workers.

Any decision or resolution of the Regional Director or hearing officer pursuant to this provision may be appealed on the same grounds provided in Article 223 of this Code, within five (5) calendar days from receipt of a copy of said decision or resolution, to the National Labor Relations Commission which shall resolve the appeal within ten (10) calendar days from the submission of the last pleading required or allowed under its rules.

The Secretary of Labor and Employment or his duly authorized representative may supervise the payment of unpaid wages and other monetary claims and benefits, including legal interest, found owing to any employee or househelper under this Code. (As amended by Section 2, Republic Act No. 6715, March 21, 1989).

Title III, Chapter I – (Employment of Women)

ART. 130. *Nightwork prohibition.* — No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation:

(a) In any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day; or

(b) In any commercial or non-industrial undertaking or branch thereof, other than agricultural, between midnight and six o'clock in the morning of the following day; or

(c) In any agricultural undertaking at nighttime unless she is given a period of rest of not less than nine (9) consecutive hours.

ART. 131. *Exceptions.* — The prohibitions prescribed by the preceding Article shall not apply in any of the following cases:

(a) In cases of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property, or in cases of *force majeure* or imminent danger to public safety;

(b) In case of urgent work to be performed on machineries, equipment or installation, to avoid serious loss which the employer would otherwise suffer;

(c) Where the work is necessary to prevent serious loss of perishable goods;

(d) Where the woman employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare services;

(e) Where the nature of the work requires the manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers;

(f) Where the women employees are immediate members of the family operating the establishment or undertaking; and

(g) Under other analogous cases exempted by the Secretary of Labor and Employment in appropriate regulations.

ART. 132. *Facilities for women.* — The Secretary of Labor and Employment shall establish standards that will ensure the safety and health of women employees. In appropriate cases, he shall, by regulations, require any employer to:

(a) Provide seats proper for women and permit them to use such seats when they are free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency;

(b) To establish separate toilet rooms and lavatories for men and women and provide at least a dressing room for women;

(c) To establish a nursery in a workplace for the benefit of the women employees therein; and

(d) To determine appropriate minimum age and other standards for retirement or termination in special occupations such as those of flight attendants and the like.

ART. 133. *Maternity leave benefits.* — (a) Every employer shall grant to any pregnant woman employee who has rendered an aggregate service of at least six (6) months for the last twelve (12) months, maternity leave of at least two (2) weeks prior to the expected date of delivery and another four (4) weeks after normal delivery or abortion with full pay based on her regular or average weekly wages. The employer may require from any woman employee applying for maternity leave the production of a medical certificate stating that delivery will probably take place within two weeks.

(b) The maternity leave shall be extended without pay on account of illness medically certified to arise out of the pregnancy, delivery, abortion or miscarriage, which renders the woman unfit for work, unless she has earned unused leave credits from which such extended leave may be charged.

(c) The maternity leave provided in this Article shall be paid by the employer only for the first four (4) deliveries by a woman employee after the effectivity of this Code.

ART. 134. *Family planning services; incentives for family planning.* — (a) Establishments which are required by law to maintain a clinic or infirmary shall provide free family planning services to their employees which shall include, but not be limited to, the application or use of contraceptive pills and intrauterine devices.

(b) In coordination with other agencies of the government engaged in the promotion of family planning, the Department of Labor and Employment shall develop and prescribe incentive bonus schemes to encourage family planning among female workers in any establishment or enterprise.

ART. 135. *Discrimination prohibited.* — It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex.

The following are acts of discrimination:

(a) Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employees as against a male employee, for work of equal value; and

(b) Favoring a male employee over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their sexes.

Criminal liability for the willful commission of any unlawful act as provided in this Article or any violation of the rules and regulations issued pursuant to Section 2 hereof shall be penalized as provided in Articles 288 and 289 of this Code: *Provided*, That the institution of any criminal action under this provision shall not bar the aggrieved employee from filing an entirely separate and distinct action for money claims, which may include claims for damages and other affirmative reliefs. The actions hereby authorized shall proceed independently of each other. (As amended by Republic Act No. 6725, May 12, 1989).

ART. 136. *Stipulation against marriage.* — It shall be unlawful for an employer to require as a condition of employment or continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married, a woman employee shall be deemed resigned or separated, or to actually dismiss, discharge, discriminate or otherwise prejudice a woman employee merely by reason of her marriage.

ART. 137. *Prohibited acts.* — (a) It shall be unlawful for any employer:

(1) To deny any woman employee the benefits provided for in this Chapter or to discharge any woman employed by him for the purpose of preventing her from enjoying any of the benefits provided under this Code.

(2) To discharge such woman on account of her pregnancy, or while on leave or in confinement due to her pregnancy;

(3) To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant.

ART. 138. *Classification of certain women workers.* — Any woman who is permitted or suffered to work, with or without compensation, in any night club, cocktail lounge, massage clinic, bar or similar establishments under the effective control or supervision of the employer for a substantial period of time as determined by the Secretary of Labor and Employment, shall be considered as an employee of such establishment for purposes of labor and social legislation.

Signed: May 1, 1974



[PRESIDENTIAL DECREE NO. 1202]

FURTHER AMENDING REPUBLIC ACT NO. 1161 OTHERWISE KNOWN AS  
SOCIAL SECURITY LAW

SEC. 7. Republic Act No. 1161 is hereby amended by adding a new section after Section 14 thereof, to read as follows :

“SEC. 14-A. *Maternity Leave Benefits.* – Any female employee covered under this Act for whom at least three monthly maternity contributions in the twelve-month period immediately preceding the semester of her childbirth, abortion, or miscarriage have been paid in accordance with section eighteen (a) hereof and who is currently employed shall be paid a daily maternity benefit equivalent to one hundred percent of her average daily salary credit for forty-five days subject to the following conditions :

- (a) That the employee shall have notified her employer of her pregnancy and the probable date of her childbirth which notice shall be transmitted to the SSS in accordance with the rules and regulations it may provide;
- (b) That payment shall be advanced by the employer in two equal installments within thirty days from the filing of the maternity leave application;
- (c) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided by this Act for the same compensable period of forty-five days for the same childbirth, abortion, or miscarriage;
- (d) That the maternity benefits provided under this Section shall be paid only for the first four deliveries after March 31, 1973;
- (e) That the SSS shall immediately reimburse the employer of one hundred per centum of the amount of maternity benefits advanced to the employee by the employer upon receipt of satisfactory proof of such payment and legality thereof;
- (f) That if an employee should give birth or suffer abortion or miscarriage without the required contributions having been remitted for her by her employer to the SSS, or without the latter having been previously notified by the employer of time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said employee would otherwise have been entitled to, and the SSS shall in turn pay such amount to the employee concerned.

*“Provided, however, That for contingencies occurring during the period from January 1, 1978 to June 30, 1978, the payment of social security contributions shall instead be required for entitlement to maternity benefits.*

SEC. 10. Republic Act No. 1161 is hereby amended by Adding a new section after Section 18 thereof, to read as follows:

“SEC. 18-A. Additional Contributions for Maternity Benefits. – The employer shall remit to the SSS an additional contribution equivalent to 0.4% of the monthly salary credit of all his employees and if any contribution is not paid to the SSS as herein prescribed, he shall pay, besides the contribution, a penalty of 3% per month from the date the contribution falls due until paid.

“The contribution provided hereunder shall be collected, administered and disbursed in the same manner, conditions, requirements and safeguards as those provided for other funds collected and kept by the SSS in accordance with this Act and shall be kept separate and distinct from all such other funds of the SSS.”

Approved: September 27, 1977.

[PRESIDENTIAL DECREE NO. 1636]

FURTHER AMENDING REPUBLIC ACT NO. 1161 OTHERWISE KNOWN AS  
SOCIAL SECURITY LAW

SEC. 11. Section 14-A of Republic Act No. 1161 is hereby amended to read as follows :

“SEC. 14-A. *Maternity leave benefit.* – A covered female employee who has paid at least three monthly contributions in the twelve-month period immediately preceding the semester of her childbirth, abortion, or miscarriage and who is currently employed shall be paid a daily maternity benefit equivalent to one hundred percent of her average daily salary credit for forty-five days subject to the following conditions :

- “(a) That the employee shall have notified her employer of her pregnancy and the probable date of her childbirth which notice shall be transmitted to the SSS in accordance with the rules and regulations it may provide;
  - (b) That payment shall be advanced by the employer in two equal installments within thirty days from the filing of the maternity leave application;
  - (c) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided in this Act for the same compensable period of forty-five days for the same childbirth, abortion, or miscarriage;
- (a) That the maternity benefits provided under this Section shall be paid only for the first four deliveries after March 13, 1973;
  - (b) That the SSS shall immediately reimburse the employer of one hundred percent of the amount of maternity benefits advanced to the employee by the employer upon receipt of satisfactory proof of such payment and legality thereof;
  - (c) That if an employee should give birth or suffer abortion or miscarriage without the required contributions having been remitted for her by her employer to the SSS, or without the latter having been previously notified by the employer of time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said employee would otherwise have been entitled to, and the SSS shall in turn pay such amount to the employee concerned.

SEC. 12. Section 18 and Section 18-A of Republic Act No. 1161 are hereby combined and amended to read as follows:

“SEC. 18. Employee’s contribution. – (a) Beginning as of the last day of the calendar month when an employee’s compulsory coverage takes effect and every month thereafter during his employment, the employer shall deduct and withhold from such employee’s monthly salary, wage, compensation or earnings, the employee’s contribution in an amount corresponding to his salary, wage, compensation or earnings during the month in accordance with the following schedule:

SALARY BRACKET	RANGE OF COMPENSATION	MONTHLY SALARY	MONTHLY CONTRIBUTION		
		CREDIT	EMPLOYER	EMPLOYEE	TOTAL
I	1,000 - 1,249.99	1,000	50.70	33.30	84.00
II	1,250 - 1,749.99	1,500	76.00	50.00	126.00
III	1,750 - 2,249.99	2,000	101.30	66.70	168.00
IV	2,250 - 2,749.99	2,500	126.70	83.30	210.00
V	2,750 - 3,249.99	3,000	152.00	100.00	252.00
VI	3,250 - 3,749.99	3,500	177.30	116.70	294.00
VII	3,750 - 4,249.99	4,000	202.70	133.30	336.00
VIII	4,250 - 4,749.99	4,500	228.00	150.00	378.00
IX	4,750 - 5,249.99	5,000	253.30	166.70	420.00
X	5,250 - 5,749.99	5,500	278.70	183.70	462.40
XI	5,750 - 6,249.99	6,000	304.00	200.00	504.00
XII	6,250 - 6,749.99	6,500	329.30	216.70	546.00
XIII	6,750 - 7,249.99	7,000	354.70	233.30	588.00
XIV	7,250 - 7,749.99	7,500	380.00	250.00	630.00
XV	7,750 - 8,249.99	8,000	405.30	266.70	672.00
XVI	8,250 - 8,749.99	8,500	430.70	283.30	714.00
XVII	8,750 - O V E R	9,000	456.00	300.00	756.00

The foregoing schedule of contribution shall also apply to self-employed and voluntary members.

*Provided*, That where the violation consists in failure or refusal to register employees or himself, in case of the covered self-employed or to deduct contributions from the employee’s compensation and remit the same to the SSS, the penalty shall be a fine of not less than five hundred pesos nor more than five thousand pesos and imprisonment for not less than six months nor more than one year.”

Approved: September 7, 1979.

SEC. 12. Section 18 and Section 18-A of Republic Act No. 1161 are hereby combined and amended to read as follows :

“SEC. 18. Employee’s contribution. – (a) Beginning as of the last day of the calendar month when an employee’s compulsory coverage takes effect and every month thereafter during his employment, the employer shall deduct and withhold from such employee’s monthly salary, wage, compensation or earnings, the employee’s contribution in an amount corresponding to his salary, wage, compensation or earnings during the month in accordance with the following schedule:

SALARY BRACKET	RANGE OF COMPENSATION	MONTHLY SALARY	MONTHLY CONTRIBUTION		
		CREDIT	EMPLOYER	EMPLOYEE	TOTAL
I	1,000 - 1,249.99	1,000	50.70	33.30	84.00
II	1,250 - 1,749.99	1,500	76.00	50.00	126.00
III	1,750 - 2,249.99	2,000	101.30	66.70	168.00
IV	2,250 - 2,749.99	2,500	126.70	83.30	210.00
V	2,750 - 3,249.99	3,000	152.00	100.00	252.00
VI	3,250 - 3,749.99	3,500	177.30	116.70	294.00
VII	3,750 - 4,249.99	4,000	202.70	133.30	336.00
VIII	4,250 - 4,749.99	4,500	228.00	150.00	378.00
IX	4,750 - 5,249.99	5,000	253.30	166.70	420.00
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XIII	6,750 - 7,249.99	7,000	354.70	233.30	588.00
XIV	7,250 - 7,749.99	7,500	380.00	250.00	630.00
XV	7,750 - 8,249.99	8,000	405.30	266.70	672.00
XVI	8,250 - 8,749.99	8,500	430.70	283.30	714.00
XVII	8,750 - O V E R	9,000	456.00	300.00	756.00

The foregoing schedule of contribution shall also apply to self-employed and voluntary members.

*Provided*, That where the violation consists in failure or refusal to register employees or himself, in case of the covered self-employed or to deduct contributions from the employee’s compensation and remit the same to the SSS, the penalty shall be a fine of not less than five hundred pesos nor more than five thousand pesos and imprisonment for not less than six months nor more than one year.”

Approved: September 7, 1979.

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SALARY BRACKET	RANGE OF COMPENSATION	MONTHLY SALARY	MONTHLY CONTRIBUTION		
		CREDIT	EMPLOYER	EMPLOYEE	TOTAL
I	1,000 - 1,249.99	1,000	50.70	33.30	84.00
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III	1,750 - 2,249.99	2,000	101.30	66.70	168.00
IV	2,250 - 2,749.99	2,500	126.70	83.30	210.00
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XVII	8,750 - O V E R	9,000	456.00	300.00	756.00

The foregoing schedule of contribution shall also apply to self-employed and voluntary members.

*Provided*, That where the violation consists in failure or refusal to register employees or himself, in case of the covered self-employed or to deduct contributions from the employee’s compensation and remit the same to the SSS, the penalty shall be a fine of not less than five hundred pesos nor more than five thousand pesos and imprisonment for not less than six months nor more than one year.”

Approved: September 7, 1979.

[PRESIDENTIAL DECREE NO. 1855]

AN ACT AMENDING SECTION FOUR OF THE CHARTER OF THE  
PHILIPPINE VETERANS BANK

SECTION 1. Section four of Republic Act No. 3518 is amended to read as follows :

“Sec. 4. Determination of veterans entitled to benefit from this Act,  
— (a) The term “veteran or veterans” shall include any person or persons who served in the regularly constituted air, land or naval services or arms, or in such non-regularly organized military units in the Philippines during World War II and whose services with such units are duly recognized by the Republic of the Philippines or by the Government of the United States, those who serve in the Philippine Expeditionary Force to Korea during the Korean Campaign, or in any armed conflict in which the Philippines may be involved in the future, and the retirees of the Armed Forces of the Philippines who served in the post World War II military service for at least ten years: Provided that, the said veterans or retirees have been honorably discharged or separated from the service or continue in the active military service or are carried in the military roster on inactive reserve: Provided, further, that for purposes of this Act, the term “veteran or veterans” shall also include the widows, orphans and compulsory heirs of deceased veterans in the direct ascending line and direct descending line, excluding their grandchildren and great grandchildren.

Approved: December 26, 1982

[PRESIDENTIAL DECREE NO. 1906]

AMENDING THE CHARTER OF THE PHILIPPINE VETERANS BANK AND  
RENAMING IT THE PHILIPPINE MILITARY AND VETERANS BANK

(b) Shares of stock, common and/or preferred, outstanding as of the date of the effectivity of this Act, fully subscribed and paid by the Government of the Republic of the Philippines for and in behalf of the veterans, their widows, orphans or compulsory heirs as defined and determined under Section 4 hereof shall be distributed equally among the veterans at the rate of one common and/or preferred share for each veteran: Provided, That all common shares of stock which were subscribed by the National government for and in behalf of veterans of World War II known and determined as of June 30, 1983 which are still in the name of the Republic of the Philippines, including common shares of stock already issued in the name of veterans, their widows, orphans or compulsory heirs but which have not actually been delivered to said veterans, their widows, orphans or compulsory heirs for any reason whatsoever, shall forthwith be held in trust for the veterans, their widows, orphans or compulsory heirs in whose names said shares are issued, or who shall eventually be determined by the Philippine Veterans Office to be entitled to said shares, and the voting and other rights pertaining to said shares shall be exercised by the President of the Philippines until such time as the shares have been delivered to their rightful owners.

“SEC. 4. *Definition of Terms.* – The term “veteran or veterans” shall include any person or persons who served in the regularly constituted air, land, or naval services or army, or in such non-regularly organized military units in the Philippines during World War II and whose services with such units are duly recognized by the Republic of the Philippines or by the Government of the United States, those who served in the Philippine Expeditionary Force to Korea and Vietnam, or in any armed conflict in which the Philippines may be involved in the future, and the “retirees and pensioners” of the Armed Forces of the Philippines, and the military personnel who served in the post World War II military service for at least ten years: Provided, That the said veterans or retirees have been discharged under honorable conditions from the service or continue in the active military service or are carried in the military roster on inactive reserve: Provided, further, That for purposes of this Act, the term “veteran or veterans” in the direct ascending line and direct descending line, excluding their grandchildren and great-grandchildren.

“Military personnel” shall refer to those persons in active service in any branch of the Armed Forces of the Philippines.

“Retirees and pensioners” shall include military personnel who have retired or who have been honorably separated from active service in any branch of the Armed Forces of the Philippines.

Approved: February 29, 1983.



[REPUBLIC ACT NO. 679]

AN ACT TO REGULATE THE EMPLOYMENT OF WOMEN AND CHILDREN, TO PROVIDE PENALTIES FOR VIOLATION HEREOF, AND FOR OTHER PURPOSES (REPEALED BY PRESIDENTIAL DECREE NO. 442)

SECTION 1. *Employment of children below fourteen years of age.* — (a) Children below fourteen years of age may only be employed to perform light work —

(1) which is not harmful to their health or normal development, and (2) which is not such as to prejudice their attendance in school or to benefit from the instruction there given.

(b) No child below fourteen years of age shall be employed or permitted or suffered to work on school days in any shop, factory, commercial, industrial, or agricultural establishment or any other place of labor unless such child knows how to read and write. The fact that a child knows how to read and write shall be evidenced by an educational certificate issued by the principal of the public or private elementary school in the locality where such child resides; but in case the child cannot produce said certificate, the managing employer of the establishment concerned shall conduct an intelligence test to determine whether the child can read or write.

(c) This section shall not apply —

(1) to domestic work in a family;

(2) to employment in establishment in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous under other provisions of this Act;

(3) to work done vocational, technical, or professional schools, which is essentially of an educative character and is not intended for commercial profit, provided such schools are duly authorized under the law; or

(4) to employment as gymnast, acrobat, circus or show performer, or in any dancing, theatrical or musical exhibition.

SECTION 2. *Employment of children below sixteen years of age.* — (a) No child under sixteen years of age shall be employed or permitted or suffered to work —

(1) in any industrial undertaking or in any branch or division thereof, including —

(aa) mines, quarries, and other works for the extraction of minerals from the earth;

(bb) undertakings in which articles are manufactured, transformed, altered, cleaned, repaired, ornamented, finished, adapted for sale, or broken up or demolished;

(cc) undertakings engaged in shipbuilding or in the generation, transportation or transmission of electricity or motive power of any kind.

(dd) undertakings engaged in building and civil engineering works, including constructional, repair, maintenance, alteration and demolition work; and

(ee) undertakings engaged in the transport of passengers or goods by road or rail, or in the handling of goods at docks, quays, wharves, warehouses, or airports.

(2) in any shop, factory, industrial establishment or other place of labor —

(aa) as operator of elevators, motorman, or fireman;

(bb) to operate or assist in operating or to clean machinery;

(cc) to work underground or with the use of ramps or scaffoldings; or

(dd) to do any work similar to any of the foregoing.

(3) in billiard rooms, cockpits, other place where games are played with stakes of money or things worth money, or in a bar, night club, dance hall, stadium, or race track, as waiter, boxer or jockey.

SECTION 3. *Employment of children below eighteen years of age.* — (a) No woman below eighteen years of age shall be employed or permitted or suffered to work in any bar, night club, or dance hall.

(b) No child below 18 years of age shall be employed or permitted or suffered to work in any pharmacy for the preparation of drugs.

(c) No person below eighteen years of age shall be employed or permitted or suffered to work in any shop, factory, industrial or commercial establishment or other place of labor —

(1) where the work is done in connection with the preparation or involves contamination with any noxious, poisonous, infectious or explosive substances; or

(2) where the work, not otherwise specified in this Act, involves serious danger to the life or health of the employees, as the Secretary of Labor may determine after consultation with representatives of employers and employees or organizations thereof.

(bb) undertakings in which articles are manufactured, transformed, altered, cleaned, repaired, ornamented, finished, adapted for sale, or broken up or demolished;

(cc) undertakings engaged in shipbuilding or in the generation, transportation or transmission of electricity or motive power of any kind.

(dd) undertakings engaged in building and civil engineering works, including constructional, repair, maintenance, alteration and demolition work; and

(ee) undertakings engaged in the transport of passengers or goods by road or rail, or in the handling of goods at docks, quays, wharves, warehouses, or airports.

(2) in any shop, factory, industrial establishment or other place of labor —

(aa) as operator of elevators, motorman, or fireman;

(bb) to operate or assist in operating or to clean machinery;

(cc) to work underground or with the use of ramps or scaffoldings; or

(dd) to do any work similar to any of the foregoing.

(3) in billiard rooms, cockpits, other place where games are played with stakes of money or things worth money, or in a bar, night club, dance hall, stadium, or race track, as waiter, boxer or jockey.

SECTION 3. *Employment of children below eighteen years of age.* — (a) No woman below eighteen years of age shall be employed or permitted or suffered to work in any bar, night club, or dance hall.

(b) No child below 18 years of age shall be employed or permitted or suffered to work in any pharmacy for the preparation of drugs.

(c) No person below eighteen years of age shall be employed or permitted or suffered to work in any shop, factory, industrial or commercial establishment or other place of labor —

(1) where the work is done in connection with the preparation or involves contamination with any noxious, poisonous, infectious or explosive substances; or

(2) where the work, not otherwise specified in this Act, involves serious danger to the life or health of the employees, as the Secretary of Labor may determine after consultation with representatives of employers and employees or organizations thereof.

For the purposes of paragraph (2) of subsection (c) of this section, the Secretary of Labor shall from time to time issue orders specifying the occupations which he determines would involve serious danger to the life or health of the employees and shall cause such orders to be published in newspaper of general circulation or by such other means as he deems reasonably calculated to give to interested persons general notice of such issuance. Any such order shall take effect thirty days after entry thereof.

SECTION 4. *Medical examination of children for fitness for employment.* — (a) No person below eighteen years of age shall be admitted to employment in any shop, factory, commercial, industrial or agricultural establishment or other place of labor unless he shall have been found fit for the work on which he is to be employed by a thorough medical examination conducted without cost to such person by a qualified Government physician or by any other qualified physician approved by the Secretary of Labor. The fitness for employment shall be evidenced by a certificate of the examining physician, which may issued —

(1) subject to specified conditions of employment; or

(2) for a specified employment or group of employments involving similar risks.

(b) It shall be the duty of every employer of a person under eighteen years of age to have such person medically examined at least every six months or oftener, as the Secretary of Labor may require in exceptional cases involving high health risks, to determine the continued fitness of such person for employment. Such examination shall be without cost to the employee.

(c) The Secretary of Labor have the power, in case of occupations involving high health risks, to require medical examination and re-examination for fitness for employment until the age of twenty-one years.

(d) The Secretary of Labor shall refer to the appropriate authorities for vocational guidance and physical and vocational rehabilitation the cases of children found by medical examination to require such service.

SECTION 5. *Hours of works of children; night work.* — (a) No child below sixteen years of age shall be employed or permitted or suffered to work in any shop, factory, commercial or industrial establishment or other place of labor —

(1) for more than seven daily or forty-two hour weekly; and

(2) between six o'clock in the afternoon and six o'clock in the morning of the following day.

(b) No child who has attained the age of sixteen years but is below the age of eighteen years shall be employed or permitted or suffered to work in any shop, factory, commercial or industrial establishment or other place of work between ten o'clock at

night and six o'clock in the morning of the following day. Children employed at night under the provisions of the subsection shall be granted a rest period at least thirteen consecutive hours between two working periods.

SECTION 6. *Written consent of parent.* — Other provisions of this Act notwithstanding, no person below eighteen years shall be employed or permitted or suffered to work in any shop, factory, commercial or industrial establishment, or other place of work or employment without written consent of his parent, guardian or person having custody over him.

SECTION 7. *Employment of women.* — (a) No women shall be employed in any shop factory, commercial or industrial establishment or other place of labor —

(1) to perform work which requires the employee to work always standing or which involves the lifting of heavy objects; or

(2) to work between ten o'clock at night and six o'clock in the morning of the following day.

An employer may be exempted from the requirement of paragraph (2) of subsection (a) of this section —

(1) in case of force majeure causing an interruption in the work which was not foreseen and which is not of a recurring character; or

(2) by the Secretary of Labor, if he finds, after proper investigation, that the work has to do with raw materials or materials in the course of treatment which are subject to rapid deterioration and night work is necessary to preserve such materials from loss.

(b) In any shop, factory, commercial, industrial, or agricultural establishment or other place of labor where men and women are employed, the employer shall not discriminate against any woman in respect to terms and conditions of employment on account of her sex, and shall pay equal remuneration for work of equal value for both men and women employees.

SECTION 8. *Maternity protection.* — (a) In any shop, factory, commercial, industrial, or agricultural establishment or other place of labor, the employer shall grant to any woman employed by him who may be pregnant vacation with pay for six weeks prior to the expected date of delivery and for another eight weeks after normal delivery or miscarriage at the rate of not less than sixty per cent of her regular or normal daily wages. The employer shall have the right to require any woman applying for such leave with pay under this section to produce a medical certificate stating that she will probably take place within six weeks. The vacation shall be extended for the account of illness medically certified to arise out of the pregnancy or miscarriage rendering the woman unfit for work. Prolonged absence due to an incident to pregnancy or delivery or miscarriage shall not be a valid ground for

night and six o'clock in the morning of the following day. Children employed at night under the provisions of the subsection shall be granted a rest period at least thirteen consecutive hours between two working periods.

SECTION 6. *Written consent of parent.* — Other provisions of this Act notwithstanding, no person below eighteen years shall be employed or permitted or suffered to work in any shop, factory, commercial or industrial establishment, or other place of work or employment without written consent of his parent, guardian or person having custody over him.

SECTION 7. *Employment of women.* — (a) No women shall be employed in any shop factory, commercial or industrial establishment or other place of labor —

(1) to perform work which requires the employee to work always standing or which involves the lifting of heavy objects; or

(2) to work between ten o'clock at night and six o'clock in the morning of the following day.

An employer may be exempted from the requirement of paragraph (2) of subsection (a) of this section —

(1) in case of force majeure causing an interruption in the work which was not foreseen and which is not of a recurring character; or

(2) by the Secretary of Labor, if he finds, after proper investigation, that the work has to do with raw materials or materials in the course of treatment which are subject to rapid deterioration and night work is necessary to preserve such materials from loss.

(b) In any shop, factory, commercial, industrial, or agricultural establishment or other place of labor where men and women are employed, the employer shall not discriminate against any woman in respect to terms and conditions of employment on account of her sex, and shall pay equal remuneration for work of equal value for both men and women employees.

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(b) It shall be the duty of any employer to allow any woman employed by him who is nursing a child at least one-half hour twice a day during her working hours to nurse her child.

(c) It shall be the duty of every employer having at least fifteen married women in his employ to establish an adequate nursery near the place of work where they may leave their children, said nursery to be under the supervision of either a registered or a qualified midwife.

SECTION 9. *Facilities for women and children.* — (a) It shall be the duty of every employer —

(1) to provide seats proper for women and children and permit them to use such seats when they are free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency; and

(2) to establish separate and suitable toilet rooms and lavatories for men and women and provide at least a dressing room for women and children.

The Secretary of Labor may exempt from the requirement of paragraph (2) of this subsection small shops which, on account of their small capital, cannot comply therewith.

(b) It shall be the duty of every employer to allow his employees not less than sixty minutes for their noon meals.

SECTION 10. *Special work permits; rules and regulations.* — (a) The Secretary of Labor or his duly authorized representative shall have the power to grant a special permit for the employment of any child whose employment is otherwise prohibited in this Act, whenever in his judgment the economic necessity of the family to which such child belongs requires his assistance for increasing the family income. Such permit shall be issued under such conditions as will not prejudice the compulsory school attendance of any child under the rules and regulations prescribed by the Secretary of Education under section 1 of this Act and as may be necessary for the protection of such child.

(b) The Secretary of Labor shall have power, after consultation with representatives of employers and employees or organizations thereof, to make, amend, or rescind such rules and regulations as may be necessary to carry out the purposes of this Act. Such rules and regulations, without limiting the generality of the foregoing, may define terms used in this Act and may include terms and conditions to prevent the circumvention or evasion of the provisions of this Act. Such rules and regulations shall take effect thirty days after publication in newspapers of general circulation and by such other means as the Secretary of Labor deems reasonably calculated to give the public general notice of its issuance.

SECTION 11. *Enforcement of Act.* — (a) The Director of Labor shall enforce this Act and the rules and regulations promulgated by the Secretary of Labor hereunder.

(b) Every employer employing women and children shall keep a printed abstract of this Act conspicuously posted in or about the premises wherein they are employed. Every employer shall keep a list of the women and children employed by him and shall furnish the Director of Labor with copy of such list and shall also keep on file the birth certificates, educational certificates, medical certificates and special work permits pertaining to such children.

(c) The Director of Labor or his authorized representative shall have the power to enter any place of employment, during office hours where women and children are employed, to require the production of such list, birth certificates, educational certificates, medical certificates, special work permits and other pertinent books and records, to question an employee therein and make such investigation of any fact, matter or condition as may be necessary to apprehend violations of this Act or as will aid in the proper enforcement of this Act.

SECTION 12. *Violations and penalties.* — (a) It shall be unlawful for employer to discharge any woman employed by him who may be pregnant for the purpose of preventing such woman from enjoying the benefits of section 7 of this Act or to discharge such woman while on leave on account of her pregnancy of confinement.

(b) It shall be unlawful for any employer to discharge any woman or child employed by him for having filed a complaint under this Act or to discharge such woman and child or other employee who has given testimony or is about to give testimony under this Act.

(c) Any violation of any provision of this Act shall be punished by a fine of not less than one hundred pesos nor more than five thousand pesos, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

If the violation is committed by a firm, association or corporation, the manager or in his default, the person acting as such, shall be liable.

SECTION 13. *Separability.* — If any provision of this Act or the application thereof to any person circumstance shall be held invalid, the remainder of the Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.



SECTION 14. *Repeal of prior inconsistent laws.* — Act Numbered Thirty hundred and seventy-one, entitled "An Act to regulate the employment of women and children in shops, factories, industrial, agricultural and mercantile establishments, and other places of labor in the Philippine Islands; to provide penalties for violations hereof, and for other purposes," and such other acts as are inconsistent herewith, are hereby repealed.

SECTION 15. *Effectivity.* — This Act shall take effect on its approval.

Approved: April 15, 1952

[REPUBLIC ACT NO. 1564]

AN ACT GRANTING MATERNITY LEAVE TO WOMEN IN GOVERNMENT SERVICE UNDER TEMPORARY APPOINTMENTS WHO HAVE RENDERED LESS THAN TWO YEARS OF SERVICE BY AMENDING COMMONWEALTH ACT NUMBERED SIX HUNDRED AND FORTY-SEVEN, AS AMENDED.

SECTION 1. Section one of Commonwealth Act Numbered Six hundred and forty-seven, as amended, is further amended by adding thereto two new subsections which shall read as follows:

“(d) Temporary employees who have rendered less than two years of continuous service shall be entitled to a number of days of maternity leave with pay based on the ratio of thirty days of maternity leave to two years of continuous service.

“(e) Temporary employees, who passed civil service examinations given before the date of the application for maternity leave but the result of which examinations were released after such date of application, shall be entitled to the maternity leave granted to regular employees as of the date when said examinations were given.”

SEC. 2. Such sums as are necessary to carry into effect the provisions of this Act are authorized to be appropriated, out of any funds in the National Treasury not otherwise appropriated, to carry into effect the provisions of this Act.

SEC. 3. This Act shall take effect as of June sixteen, nineteen hundred and fifty-one.

Approved, June 16, 1956.

[REPUBLIC ACT NO. 2714]

AN ACT TO ESTABLISH IN THE DEPARTMENT OF LABOR A BUREAU TO BE KNOWN AS WOMEN AND MINORS BUREAU

SECTION 1. There is hereby created in the Department of Labor a bureau to be known as the Women and Minors Bureau. It shall be under the executive authority of a director, preferably a woman, who shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments and shall receive the salary provided for under WAPCO salary range fifty-eight. The Director shall be a person who has had previous training and experience in technical and administrative fields related to labor laws affecting women and minors.

For the purposes of this Act, a "child" is any unmarried person below eighteen years of age.

SEC. 2. The Bureau shall have the following powers and duties :

- (a) To enforce the Woman and Child Labor Laws; Republic Act Numbered Six hundred seventy-nine, as amended, and the rules and regulations implementing the same; or any other law or laws on the same subject which may hereafter be enacted by Congress.
- (b) To formulate standards and policies which shall promote the welfare of working women and children, improve their working conditions, increase their efficiency, secure opportunities for their profitable employment, and provide for their social, educational and cultural advancement;
- (c) To conduct survey, studies or investigations and submit reports to the Secretary of Labor upon all matters pertaining to the welfare of working women and children and publish the results of the same in such manner and extent as the Secretary of Labor may prescribe;
- (d) To make studies and recommendations on the employment of children in factories, shops, commercial, industrial, agricultural and other places of labor establishments;
- (e) To carry on educational and informational activities and to provide technical advice on matters relating to working women and children;
- (f) To make recommendations to the Secretary of Labor with respect to the rules and regulations and interpretations relating to legislations regulating the employment of women and children, and to provide such technical assistance as may be required in the review of cases involving maternity leave and equal

pay claims appealed from regional offices to the Labor Standards Commission in which the Director of Women and Minors bureau shall be a member, together with the Director of the Bureau of Labor Standards and the other two associate commissioners;

- (g) To perform such other duties regarding problems of working women and children as the Secretary of Labor may require; and
- (h) To act as the government's clearinghouse of all information relating to working women and children.

SEC. 3. The following divisions shall be established in the Women and Minors Bureau: a research and survey division; a standards division; an informational, service and publication division; and a field services and inspection division.

SEC. 4. Subject to the Civil Service Law and regulations, the Director shall employ technical staff and such other employees as may be necessary to perform the duties and exercise the functions of the Bureau.

SEC. 5. For the purpose of inspecting and of conducting investigations and research studies, the Director of the Women and Minors Bureau or her authorized representatives shall have the power to enter any place of employment, during office hours where women and children are employed, to require the production of such lists, birth certificates, educational certificates, medical certificates, special work permits and other pertinent books and records, to question any employee therein and to make such investigations of any fact, matter or condition as may be necessary to carry out her powers and duties as specified in this law.

SEC. 6. The sum of fifty thousand pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, to carry out the provisions of this Act.

SEC. 7. The Women and Minors Division of the Bureau of Labor Standards is hereby abolished, and its functions transferred to the Women and Minors bureau, together with the records, equipment, unexpended appropriation of that Division, all the personnel therein and such other personnel as the Secretary of Labor may direct: *Provided*, That no official or employee in the Women and Minors Division shall be laid off nor the salary and/or rank reduced.

Approved, June 18, 1960.

**[REPUBLIC ACT NO. 3015]**

AN ACT GRANTING RETIRED OFFICERS AND ENLISTED MEN OF THE PHILIPPINE CONSTABULARY THE SAME RIGHTS AND PRIVILEGES ENJOYED BY RETIRED OFFICERS AND ENLISTED MEN OF THE PHILIPPINE ARMY UNDER REPUBLIC ACT NUMBERED THREE HUNDRED AND FORTY, AS AMENDED, AND AUTHORIZING THE APPROPRIATION OF THE NECESSARY FUNDS THEREFOR.

SECTION 1. All the benefits granted under Republic Act Numbered Three hundred forty, which provides for a uniform retirement system for the Armed Forces of the Philippines, to provide for separation therefrom and for other purposes, shall be applicable to the officers and enlisted men of the Philippine Constabulary who had been retired from active service before the approval of the said Republic Act Numbered Three hundred and forty, to the end that said retired officers and enlisted men of the Philippine Constabulary or their widows and minor children shall enjoy the same rights and privileges thereunder granted to the Armed Forces of the Philippines.

Enacted without Executive approval, June 19, 1960.

[REPUBLIC ACT NO. 6237]

AN ACT FURTHER AMENDING REPUBLIC ACT NUMBERED SIX HUNDRED SEVENTY-NINE, AS AMENDED BY REPUBLIC ACT NUMBERED ELEVEN HUNDRED THIRTY-ONE (re Woman and Child Labor Law)

SEC. 4. Section seven of the same Act, as amended, is further amended to read as follows:

“SEC. 7. *Employment of women.* —

(a) No women, regardless of age, shall be employed in any shop, factory, commercial or industrial establishment or other place of labor to perform work which requires the employee to work always standing or which involves the lifting of heavy objects.

(b) No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation, in any industrial undertaking or branch thereof between ten o'clock at night and ten o'clock in the morning of the following day, except those who are immediate members of the family operating or owning the same. An employer may be exempted from the requirement of this subsection —

“(1) in case of *force majeure* causing an interruption in the work which was not foreseen and which is not of a recurring character;

(2) by the Secretary of Labor, if he finds, after proper investigation, that the work has to do with raw material or materials in the course of treatment which are subject to rapid deterioration and night work is necessary to preserve such materials from loss; and

(3) by the President of the Philippines, with or without the recommendation of the Secretary of Labor, after consultation with employers and workers' organizations concerned in case of serious emergency where national interest demand the suspension of the night work prohibition for women in particular industry or industries. Such suspension shall be notified by the government to the Director General of the International Labor Office in its Annual Report on the Application of the Night Work Convention.

“(c) No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation, in any commercial or non-industrial undertaking or branch thereof, other than agricultural, between twelve o'clock

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“(c) No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation, in any commercial or non-industrial undertaking or branch thereof, other than agricultural, between twelve o'clock

midnight and seven o'clock in the morning of the following day, except those who are immediate members of the family owning or operating the same.

“(d) No woman, regardless of age shall be employed or permitted or suffered to work in any agricultural undertaking at night without giving her a period of rest of not less than nine consecutive hours.

The prohibition against night work for women provided for in subsections (b), (c) and (d) hereof shall not apply to –

- (1) women holding responsible positions of a managerial or technical character; and
- (2) women employed in health and welfare services.

“(e) In any shop, factory, commercial, industrial, non-industrial or agricultural establishment or other place of labor where men and women are employed, the employer shall not discriminate against any woman in respect to terms and conditions of employment on account of her sex, and shall pay equal remuneration for work of equal value for both men and women employees.

“(f) No woman, eighteen years or over, shall be allowed or permitted or suffered to work in any shop, factory, commercial or industrial establishment or in any place of labor without granting her a rest period of eleven consecutive hours of work between two working periods.

Approved: June 19, 1971.



[REPUBLIC ACT NO. 6657]

AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES

Chapter X (Special Areas of Concern)

"SECTION 40. *Special Areas of Concern.* -- As an integral part of the Comprehensive Agrarian Reform Program, the following principles in these special areas of concern shall be observed:

(5) Rural Women -- All qualified women members of the agricultural labor force must be guaranteed and assured equal rights to ownership of the land, equal shares of the farm's produce, and representation in advisory or appropriate decision-making bodies."

Approved: June 10, 1988

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and eighty-eight.

[REPUBLIC ACT NO. 6725]

AN ACT STRENGTHENING THE PROHIBITION ON DISCRIMINATION AGAINST WOMEN WITH RESPECT TO TERMS AND CONDITIONS OF EMPLOYMENT, AMENDING FOR THE PURPOSE ARTICLE ONE HUNDRED THIRTY-FIVE OF THE LABOR CODE, AS AMENDED

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Article One hundred thirty-five of the Labor Code, as amended, is hereby further amended to read as follows:

“Art. 135. *Discrimination Prohibited.* -- It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex.

“The following are acts of discrimination:

“(a) Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employee as against a male employee, for work of equal value; and

“(b) Favoring a male employee over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their sexes.

“Criminal liability for the willful commission of any unlawful act as provided in this article or any violation of the rules and regulations issued pursuant to Section 2 hereof shall be penalized as provided in Articles 288 and 289 of this Code: *Provided*, That the institution of any criminal action under this provision shall not bar the aggrieved

employee from filing an entirely separate and distinct action for money claims, which may include claims for damages and other affirmative reliefs. The actions hereby authorized shall proceed independently of each other.”

SEC. 2. The Secretary of Labor and Employment is hereby authorized to promulgate the necessary guidelines to implement this Article in accordance with the generally accepted practices and standards here and abroad.

SEC. 3. This Act shall take effect fifteen (15) days from the date of its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) RAMON V. MITRA  
*Speaker of the House of  
Representatives*

(Sgd.) JOVITO R. SALONGA  
*President of the Senate*

This Act which is a consolidation of Senate Bill No. 65 and House Bill No. 10848 was finally passed by the Senate and the House of Representatives on April 27, 1989, and April 26, 1989, respectively.

(Sgd.) QUIRINO D. ABAD SANTOS, JR.  
*Secretary of the House of  
Representatives*

(Sgd.) EDWIN P. ACOBA  
*Secretary of the Senate*

Approved: May 12, 1989

(Sgd.) CORAZON C. AQUINO  
*President of the Philippines*

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety-one.

[REPUBLIC ACT NO. 7322]

AN ACT INCREASING MATERNITY BENEFITS IN FAVOR OF WOMEN WORKERS IN THE PRIVATE SECTOR, AMENDING FOR THE PURPOSE SECTION 14-A OF REPUBLIC ACT NO. 1161, AS AMENDED, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section 14-A of Republic Act No. 1161, as amended, is further amended to read as follows:

“SEC. 14-A. *Maternity Leave Benefit.* -- A covered female employee who has paid at least three monthly maternity contributions in the twelve-month period preceding the semester of her childbirth, abortion or miscarriage and who is currently employed shall be paid a daily maternity benefit equivalent to one hundred percent (100%) of her present basic salary, allowances and other benefits or the cash equivalents of such benefits for sixty (60) days subject to the following conditions:

“(a) That the employee shall have notified her employer of her pregnancy and the probable date of her childbirth which notice shall be transmitted to the SSS in accordance with the rules and regulations it may provide;

“(b) That the payment shall be advanced by the employer in two equal installments within thirty (30) days from the filing of the maternity leave application;

“(c) That in case of caesarian delivery, the employee shall be paid the daily maternity benefit for seventy-eight (78) days;

“(d) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided by this Act for the same compensable period of sixty (60) days for the same childbirth, abortion, or miscarriage;

“(e) That the maternity benefits provided under this Section shall be paid only for the first four deliveries after March 13, 1973;

“(f) That the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the employee by the employer upon receipt of satisfactory proof of such payment and legality thereof; and

“(g) That if an employee should give birth or suffer abortion or miscarriage without the required contributions having been remitted for her by her employer to the SSS, or without the latter having been previously notified by the employer of the time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said employee would otherwise have been entitled to, and the SSS shall in turn pay such amount to the employee concerned.”

SEC. 2. Nothing in this Act shall be construed as to diminish existing maternity benefits under present laws and collective bargaining agreements.

SEC. 3. All laws, executive orders, proclamations, presidential decrees, rules and regulations, and other issuances, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,

(Sgd.) RAMON V. MITRA  
*Speaker of the House of  
Representatives*

(Sgd.) NEPTALI A. GONZALES  
*President of the Senate*

This bill which is a consolidation of Senate Bill No. 380 and House Bill No. 34814, was finally passed by the Senate and the House of Representatives on February 5, 1992.

(Sgd.) CAMILO L. SABIO  
*Secretary General  
House of Representatives*

(Sgd.) ANACLETO D. BADOY, JR.  
*Secretary of the Senate*

Approved: March 30, 1992

(Sgd.) CORAZON C. AQUINO  
*President of the Philippines*

**SOCIAL SECURITY SYSTEM  
CIRCULAR NO. 15-V**

TO: All Employers/Employees  
SUBJECT: Increase in Maternity Benefits

Pursuant to Republic Act No. 7322 increasing the maternity benefits provided under section 14-A of the Social Security Law, the following guidelines are hereby issued:

(1) The daily maternity benefit shall be paid for a compensable period of sixty (60) days in case of normal delivery, abortion or miscarriage, or seventy-eight (78) days in case of caesarian delivery.

(2) The payment of daily maternity benefit shall be a bar to the recovery of sickness benefits for the same compensable period.

(3) The daily maternity benefit shall be equivalent to one hundred percent (100%) of the average daily salary credit as defined under the Social Security Law.

(4) These guidelines shall be observed for child deliveries, abortions, and miscarriages occurring on or after April 23, 1992.

Circular No. 103 - It is hereby amended accordingly.

April 28, 1992

(Sgd) RENATO C. VALENCIA  
Administrator

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

First Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, nineteen hundred and ninety-two.

[REPUBLIC ACT NO. 7655]

AN ACT INCREASING THE MINIMUM WAGE OF HOUSEHELPERS, AMENDING FOR THE PURPOSE ARTICLE 143 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Subparagraphs (1), (2) and (3), Article 143 of Presidential Decree No. 442, as amended, otherwise known as the "Labor Code of the Philippines", are hereby amended to read as follows:

"ART. 143. *Minimum wage.* - (a) Househelpers shall be paid the following minimum wage rates:

(1) Eight hundred pesos (P800.00) a month for househelpers in Manila, Quezon, Pasay and Caloocan cities and municipalities of Makati, San Juan, Mandaluyong, Muntinlupa, Navotas, Malabon, Parañaque, Las Piñas, Pasig, Marikina, Valenzuela, Taguig and Pateros in Metro Manila and in highly urbanized cities;

(2) Six hundred fifty pesos (P650.00) a month for those in other chartered cities and first class municipalities; and

(3) Five hundred fifty pesos (P550.00) a month for those in other municipalities.

*Provided,* That the employers shall review the employment contracts of their househelpers every three (3) years with the end in view of improving the terms and conditions thereof.

*Provided further,* That those househelpers who are receiving at least One thousand pesos (₱1,000.00) shall be covered by the Social Security System (SSS) and be entitled to all the benefit provided thereunder.”

SEC. 2. Any violation of any provision of this Act shall be punished with an imprisonment of not more than three (3) months or a fine of not more than Two thousand pesos (₱2,000.00), or both, at the discretion of the court.

SEC. 3. Any law, executive order, letter of instruction, or any part thereof, which is inconsistent with any of the provisions of this Act is hereby repealed or amended accordingly.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House of  
Representatives*

(Sgd.) EDGARDO J. ANGARA  
*President of the Senate*

This Act, which is a consolidation of Senate Bill No. 680 and House Bill No. 8153 was finally passed by the Senate and the House of Representatives on June 3, 1993 and June 4, 1993, respectively.

(Sgd.) CAMILO L. SABIO  
*Secretary General  
House of Representatives*

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

Approved: . August 19, 1993

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*



[REPUBLIC ACT NO. 7699]

AN ACT INSTITUTING LIMITED PORTABILITY SCHEME IN THE SOCIAL SECURITY INSURANCE SYSTEMS BY TOTALIZING THE WORKERS' CREDITABLE SERVICES OR CONTRIBUTIONS IN EACH OF THE SYSTEMS

SECTION 1. It is hereby declared the policy of the State to promote the welfare of our workers by recognizing their efforts in productive endeavors and to further improve their conditions by providing benefits for their long years of contribution to the national economy. Towards this end, the State shall institute a scheme for totalization and portability of social security benefits with the view of establishing within a reasonable period a unitary social security system.

SECTION 2. *Definition of Terms.* — As used in this Act, unless the context indicates otherwise, the following terms shall mean:

a) "Contributions" shall refer to the contributions paid by the employee or worker to either the Government Service Insurance System (GSIS) or the Social Security System (SSS) on account of the worker's membership:

b) "Portability" shall refer to the transfer of funds for the account and benefit of a worker who transfers from one system to the other.

c) "Sector" shall refer to employment either in the public or private sector.

d) "System" shall refer to either the SSS as created under Republic Act No. 1161, as amended or the GSIS as created under Presidential Decree No. 1146, as amended; and

e) "Totalization" shall refer to the process of adding up the periods of creditable services or contributions under each of the Systems, for purposes of eligibility and computation of benefits.

SECTION 3. Provisions of any general or special law or rules and regulations to the contrary notwithstanding, a covered worker who transfers employment from one sector to another or is employed in both sectors shall have his credible services or contributions in both Systems credited to his service or contribution record in each of the Systems and shall be totalized for purposes of old-age, disability, survivorship and other benefits in case the covered member does not qualify for such benefits in either or both Systems without totalization: *Provided, however,* That overlapping periods of membership shall be credited only once for purposes of totalization.

SECTION 4. All contributions paid by such member personally, and those that were paid by his employers to both Systems shall be considered in the processing of benefits which he can claim from either or both Systems: *Provided, however,* That the amount of benefits to be paid by one System shall be in proportion to the number of contributions actually remitted to that System.

SECTION 5. Nothing in this Act shall be construed to diminish or reduce the benefits being enjoyed by a covered worker arising from existing laws, issuances, and company policies or practices or agreements between the employer and the employees.

SECTION 6. The Department of Labor and Employment for the private sector and the Civil Service Commission for the government sector, together with the SSS and the GSIS shall, within ninety (90) days from the effectivity of this Act, promulgate the rules and regulations necessary to implement the provisions hereof: *Provided,* That any conflict in the interpretation of the law and the implementing rules and regulations shall be resolved in favor of the workers.

SECTION 7. All laws, decrees, orders, rules and regulations, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved: May 1, 1994

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and ninety-four.

[REPUBLIC ACT NO. 7882]

AN ACT PROVIDING ASSISTANCE TO WOMEN ENGAGING IN MICRO AND COTTAGE BUSINESS ENTERPRISES, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Objective of the Act.* — It is hereby declared to be the objective of this Act to provide all possible assistance to Filipino women in their pursuit of owning, operating and managing small business enterprises.

SEC. 2. *Coverage of the Act.* — All women who are citizens of the Philippines, at least eighteen (18) years of age, regardless of civil status, shall enjoy the benefits provided in this Act.

SEC. 3. *Women With Existing Micro and Cottage Business.* — Any woman who, at the time of the effectivity of this Act shall have been engaged for at least (1) year in any micro and cottage business, with a daily inventory of goods worth not more than Twenty-five thousand pesos (P25,000) or with any business equipment with a book value of not more than Fifty thousand pesos (P50,000) shall have priority to obtain a loan not exceeding the value of her business equipment, at prime interest rate or at the rate of twelve percent (12%) per annum, whichever is lower, from any government financing institution: *Provided*, That only women with good track record in sales shall be eligible to obtain such loan.

SEC. 4. *Business Learner.* — Any woman who shall have been certified, after appropriate training, by the Technical Education and Skills Development Authority (TESDA), or any government or government-accredited training institution as eligible to operate a micro and cottage business with a maximum capitalization of Twenty-five thousand pesos (P25,000) shall likewise be eligible in obtaining a loan under the same

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and ninety-four.

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conditions as provided in the preceding Section: *Provided*, That no loan for the operation of a retail store shall be granted: *Provided, further*, That the loan shall be limited to the purchase of the basic equipment, tools and materials: *Provided, furthermore*, That such basic equipment and tools shall be subject to chattel mortgage in favor of the government financing institution concerned.

SEC. 5. *Technical Training*. — The office of the TESDA shall provide and conduct such necessary technical training and programs, free of charge, to all women who may avail of the benefits provided in Section 4 hereof.

SEC. 6. *Implementing Bureau*. — The function of accomplishing the objective of this Act is hereby given to the Bureau of Small and Medium Business Development of the Department of Trade and Industry created under Executive Order No. 133, including the authority to issue such necessary certification of eligibility to obtain a loan as provided in Sections 4 and 5 hereof.

SEC. 7. *Assurance of Loan Availability*. — There shall be earmarked from the loan portfolio of all government financing institutions such amount of money equivalent to five percent (5%) thereof for purposes of implementing the provisions of this Act.

SEC. 8. *Rules and Regulations*. — The Department of Trade and Industry shall promulgate such rules and regulations necessary to implement the provisions of this Act.

SEC. 9. *Prohibited Acts*. — The following acts are hereby prohibited:

a) to sell, mortgage, pledge or in any way encumber any of the equipment, tools or materials procured through a loan and obtained by virtue of this Act while the loan has not yet been fully paid.

b) to refuse, deny or delay without justifiable cause granting loans as provided in this Act.

SEC. 10. *Penalty*. — Any person who may be found guilty of committing any of the prohibited acts provided in the preceding Section hereof shall be sentenced to suffer a penalty of one (1) year imprisonment or a fine of not less than Five thousand pesos (P5,000) or both.

SEC. 11. *Effectivity*. — This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House of  
Representatives*

(Sgd.) EDGARDO J. ANGARA  
*President of the Senate*

This Act which is a consolidation of Senate Bill No. 45 and House Bill No. 12721 was finally passed by the Senate and the House of Representatives on February 15, 1995.

(Sgd.) CAMILO L. SABIO  
*Secretary General*  
*House of Representatives*

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

Approved: February 20, 1995

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

[REPUBLIC ACT NO. 8042]

AN ACT TO INSTITUTE THE POLICIES OF OVERSEAS EMPLOYMENT AND ESTABLISH A HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES

*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 and cited as the “Migrant Workers and Overseas Filipinos Act of 1995.”

SEC. 2. *Declaration of Policies.* —

(a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in country or overseas in general, and Filipino migrant workers, in particular.

(b) The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers.

(c) While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizen shall not, at any time, be compromised or violated. The State, therefore, shall continuously create local employment opportunities and promote the equitable distribution of wealth and the benefits of development.

(d) The State affirms the fundamental equality before the law of women and men and the significant role of women in nation-building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers.

(e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, documented or undocumented, are adequately protected and safeguarded.

(f) The right of Filipino migrant workers and all overseas Filipinos to participate in the democratic decision-making processes of the State and to be represented in institutions relevant to overseas employment is recognized and guaranteed.

(g) The State recognizes that the ultimate protection to all migrant workers is the possession of skills. Pursuant to this and as soon as practicable, the government shall deploy and/or allow the deployment only of skilled Filipino workers.

(h) Non-governmental organizations, duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect.

(i) Government fees and other administrative costs of recruitment, introduction, placement and assistance to migrant workers shall be rendered free without prejudice to the provision of Section 36 hereof.

Nonetheless, the deployment of Filipino overseas workers, whether land-based or sea-based, by local service contractors and manning agencies employing them shall be encouraged. Appropriate incentives may be extended to them.

SEC. 3. *Definitions.* — For purposes of this Act:

(a) "Migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a legal resident; to be used interchangeably with overseas Filipino worker.

(b) "Gender-sensitivity" shall mean cognizance of the inequalities and inequities prevalent in society between women and men and a commitment to address issues with concern for the respective interests of the sexes.



(c) "Overseas Filipinos" refers to dependents of migrant workers and other Filipino nationals abroad who are in distress as mentioned in Section 24 and 26 of this Act.

## I. DEPLOYMENT

SEC. 4. *Deployment of Migrant Workers.* — The State shall deploy overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection and the rights of overseas Filipino workers:

- (a) It has existing labor and social laws protecting rights of migrant workers;
- (b) It is a signatory to multilateral conventions, declarations or resolutions relating to the protection of migrant workers;
- (c) It has concluded a bilateral agreement or arrangement with the government protecting the rights of overseas Filipino workers; and
- (d) It is taking positive, concrete measures to protect the rights of migrant workers.

SEC. 5. *Termination or Ban on Deployment.*—Notwithstanding the provisions of Section 4 hereof, the government, in pursuit of the national interest or when public welfare so requires, may, at any time, terminate or impose a ban on the deployment of migrant workers.

## II. ILLEGAL RECRUITMENT

SEC. 6. *Definition.* — For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13 (f) of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines: *Provided*, That any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:

- (a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as a loan or advance;

(b) To furnish or publish any false notice or information or document in relation to recruitment or employment;

(c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code;

(d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;

(e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency;

(f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;

(g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative;

(h) To fail to submit reports on the state of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary of Labor and Employment;

(i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment;

(j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;

(k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under the Labor Code and its implementing rules and regulations;

(l) Failure to actually deploy without valid reason as determined by the Department of Labor and Employment; and

(m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault. Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage.

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having control, management or direction of their business shall be liable.

*SEC. 7. Penalties. —*

(a) Any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Two hundred thousand pesos (₱200,000.00) nor more than Five hundred thousand pesos (₱500,000.00).

(b) The penalty of life imprisonment and a fine of not less than Five hundred thousand pesos (₱500,000.00) nor more than One million pesos (₱1,000,000.00) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein.

*Provided, however,* That the maximum penalty shall be imposed if the person illegally recruited is less than eighteen (18) years of age or committed by a non-licensee or non-holder of authority.

*SEC.8. Prohibition on Officials and Employees. —* It shall be unlawful for any official or employee of the Department of Labor and Employment, the Philippine Overseas Employment Administration (POEA), or the Overseas Workers Welfare Administration (OWWA), or the Department of Foreign Affairs, or other government agencies involved in the implementation of this Act, or their relatives within the fourth civil degree of consanguinity or affinity, to engage, directly or indirectly, in the business of recruiting migrant workers as defined in this Act. The penalties provided in the immediate preceding paragraph shall be imposed upon them.

*SEC. 9. Venue. —* A criminal action arising from illegal recruitment as defined herein shall be filed with the Regional Trial Court of the province or city where the offense was committed or where the offense was committed or where the offended party actually resides at the time of the commission of the offense: *Provided,* That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts: *Provided, however,* That the aforestated provisions shall also apply to those criminal actions that have already been filed in court at the time of the effectivity of this Act.

*SEC. 10. Money Claims. —*Notwithstanding any provision of law to the contrary, the Labor Arbiters of the National Labor Relations Commission (NLRC) shall have the original and exclusive jurisdiction to hear and decide, within ninety (90) calendar days after the filing of the complaint, the claims arising out of an employer-employee

relationship or by virtue of any law or contract involving Filipino workers for overseas deployment including claims for actual moral, exemplary and other forms of damages.

The liability of the principal/employer and the recruitment/placement agency for any and all claims under this section shall be joint and several. This provision shall be incorporated in the contract for overseas employment and shall be a condition precedent for its approval. The performance bond to be filed by the recruitment/placement agency, as provided by law, shall be answerable for all money claims or damages that may be awarded to the workers. If the recruitment/placement agency is a juridical being, the corporate officers and directors and partners as the case may be, shall themselves be jointly and solidarily liable with the corporation or partnership for the aforesaid claims and damages.

Such liabilities shall continue during the entire period or duration of the employment contract and shall not be affected by any substitution, amendment or modification made locally or in a foreign country of the said contract.

Any compromise/amicable settlement or voluntary agreement on money claims inclusive of damages under this section shall be paid within four (4) months from the approval of the settlement by the appropriate authority.

In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, the worker shall be entitled to the full reimbursement of his placement fee with interest at twelve percent (12%) *per annum*, plus his salaries for the unexpired portion of his employment contract or for three (3) months for every year of the unexpired term, whichever is less.

Noncompliance with the mandatory periods for resolutions of cases provided under this section shall subject the responsible officials to any or all of the following penalties:

(a) The salary of any such official who fails to render his decision or resolution within the prescribed period shall be, or caused to be, withheld until the said official complies therewith;

(b) Suspension for not more than ninety (90) days; or

(c) Dismissal from the service with disqualification to hold any appointive public office for five (5) years.

*Provided, however,* That the penalties herein provided shall be without prejudice to any liability which any such official may have incurred under other existing laws or rules and regulations as a consequence of violating the provisions of this paragraph.

SEC. 11. *Mandatory Periods for Resolution of Illegal Recruitment Cases.* — The preliminary investigations of cases under this Act shall be terminated within a period of thirty (30) calendar days from the date of their filing. Where the preliminary investigation is conducted by a prosecution officer and a *prima facie* is established, the corresponding information shall be filed in court within twenty-four (24) hours from the termination of the investigation. If the preliminary investigation is conducted by a judge and a *prima facie case* is found to exist, the corresponding information shall be filed by the proper prosecution officer within forty-eight (48) hours from the date of receipt of the records of the case.

SEC. 12. *Prescriptive Periods.* — Illegal recruitment cases under this Act shall prescribe in five (5) years: *Provided, however,* That illegal recruitment cases involving economic sabotage as defined herein shall prescribe in twenty (20) years.

SEC. 13. *Free Legal Assistance; Preferential Entitlement Under the Witness Protection Program.* — A mechanism for free legal assistance for victims of illegal recruitment shall be established within the Department of Labor and Employment including its regional offices. Such mechanism must include coordination and cooperation with the Department of Justice, the Integrated Bar of the Philippines, and other non-governmental organizations and volunteer groups.

The provisions of Republic Act No. 6981 to the contrary notwithstanding, any person who is a victim of illegal recruitment shall be entitled to the Witness Protection Program provided thereunder.

### III. SERVICES

SEC. 14. *Travel Advisory/Information Dissemination.* — To give utmost priority to the establishment of programs and services to prevent illegal recruitment, fraud and exploitation or abuse of Filipino migrant workers, all embassies and consular offices, through the Philippine Overseas Employment Administration (POEA), shall issue travel advisories or disseminate information on labor and employment conditions, migration realities and other facts; and adherence of particular countries to international standards on human and workers' rights which will adequately prepare individuals into making informed and intelligent decisions about overseas employment. Such advisory or information shall be published in a newspaper of general circulation at least three (3) times in every quarter.

SEC. 15. *Repatriation of Workers; Emergency Repatriation Fund.* — The repatriation of the worker and the transport of his personal belongings shall be the primary responsibility of the agency which recruited or deployed the worker overseas. All costs attendant to repatriation shall be borne by or charged to the agency concerned and/or its principal. Likewise, the repatriation of remains and transport of the personal belongings of a deceased worker and all costs attendant thereto shall be borne by the principal and/or the local agency. However, in cases where the termination of

employment is due solely to the fault of the worker, the principal/employer or agency shall not in any manner be responsible for the repatriation of the former and/or his belongings.

The Overseas Workers Welfare Administration (OWWA), in coordination with appropriate international agencies, shall undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or agency. However, in cases where the principal or recruitment agency cannot be identified, all costs attendant to repatriation shall be borne by the OWWA.

For this purpose, there is hereby created and established an emergency repatriation fund under the administration, control and supervision of the OWWA, initially to consist of One hundred million pesos (₱100,000,000.00), which shall be taken from the existing fund controlled and administered by the OWWA. Thereafter, such fund shall be provided for in the General Appropriations Act from year to year: *Provided*, That the amount appropriated shall in no case be less than One hundred million pesos (₱100,000,000.00), inclusive of outstanding balances.

SEC. 16. *Mandatory Repatriation of Underage Migrant Workers.* — Upon discovery or being informed of the presence of migrant workers whose actual ages fall below the minimum age requirement for overseas deployment, the responsible officers in the foreign service shall without delay repatriate said workers and advise the Department of Foreign Affairs through the fastest means of communication available of such discovery and other relevant information.

SEC. 17. *Establishment of Re-placement and Monitoring Center.* — A re-placement and monitoring center is hereby created in the Department of Labor and Employment for returning Filipino migrant workers which shall provide a mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development.

The Department of Labor and Employment, the Overseas Workers Welfare Administration, and the Philippine Overseas Employment Administration shall, within ninety (90) days from the effectivity of this Act, formulate a program that would motivate migrant workers to plan for productive options such as entry into highly technical jobs or undertakings, livelihood and entrepreneurial development, better wage employment, and investment of savings.

For this purpose, the Technical Education and Skills Development Authority (TESDA), the Technology Livelihood Resource Center (TLRC), and other government agencies involved in training and livelihood development shall give priority to returnees who had been employed as domestic helpers and entertainers.

SEC. 18. *Functions of the Re-placement and Monitoring Center.* — The Center shall provide the following services:

(a) Develop livelihood programs and projects for returning Filipino migrant workers in coordination with the private sector;

(b) Coordinate with appropriate private and government agencies in the promotion, development, re-placement and the full utilization of their potentials;

(c) Institute, in cooperation with other government agencies concerned, a computer-based information system on skilled Filipino migrant workers which shall be accessible to all local recruitment agencies and employers, both public and private;

(d) Provide a periodic study and assessment of job opportunities for returning Filipino migrant workers; and

(e) Develop and implement other appropriate programs to promote the welfare of returning Filipino migrant workers.

SEC. 19. *Establishment of a Migrant Workers and Other Overseas Filipino Resource Center.* — Within the premises and under the administrative jurisdiction of the Philippine Embassy in countries where there are large concentrations of Filipino migrant workers, there shall be established a Migrant Workers and Other Overseas Filipinos Resource Center with the following services:

(a) Counselling and legal services;

(b) Welfare assistance including the procurement of medical and hospitalization services;

(c) Information, advisory and programs to promote social integration such as post-arrival orientation, settlement and community networking services and activities for social interaction;

(d) Institute a scheme of registration of undocumented workers to bring them within the purview of this Act. For this purpose, the Center is enjoined to compel existing undocumented workers to register with it within six (6) months from the effectivity of this Act, under pain of having his/her passport cancelled;

(e) Human resource development, such as training and skills upgrading;

(f) Gender sensitive programs and activities to assist particular needs of women migrant workers;

(g) Orientation program for returning workers and other migrants; and

(h) Monitoring of daily situations, circumstances and activities affecting migrant workers and other overseas Filipinos.

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(g) Orientation program for returning workers and other migrants; and

(h) Monitoring of daily situations, circumstances and activities affecting migrant workers and other overseas Filipinos.



The establishment and operations of the Center shall be a joint undertaking of the various government agencies. The Center shall be open for twenty-four (24) hours daily including Saturdays, Sundays and holidays, and shall be staffed by Foreign Service personnel, service attachés or officers who represent other Philippine government agencies abroad and, if available, individual volunteers and *bona fide* non-government organizations from the host countries. In countries categorized as highly problematic by the Department of Foreign Affairs and the Department of Labor and Employment and where there is a concentration of Filipino migrant workers, the government must provide a lawyer and a social worker for the Center. The Labor Attaché shall coordinate the operation of the Center and shall keep the Chief of Mission informed and updated on all matters affecting it.

The Center shall have a counterpart 24-hour information and assistance center at the Department of Foreign Affairs to ensure a continuous network and coordinative mechanism at the home office.

SEC. 20. *Establishment of a Shared Government Information System for Migration.* — An inter-agency committee composed of the Department of Foreign Affairs and its attached agency, the Commission on Filipino Overseas, the Department of Labor and Employment, the Philippine Overseas Employment Administration, the Overseas Workers Welfare Administration, the Department of Tourism, the Department of Justice, the Bureau of Immigration, the National Bureau of Investigation, and the National Statistics Office shall be established to implement a shared government information system for migration. The inter-agency committee shall initially make available to itself the information contained in existing data bases/files. The second phase shall involve linking of computer facilities in order to allow free-flow data exchanges and sharing among concerned agencies.

The inter-agency committee shall convene to identify existing data bases which shall be declassified and shared among member agencies. These shared data bases shall initially include, but not limited to, the following information:

- (a) Masterlists of Filipino migrant workers/overseas Filipinos classified according to occupation/job category, civil status, by country/state of destination including visa classification;
- (b) Inventory of pending legal cases involving Filipino migrant workers and other Filipino nationals, including, those serving prison terms;
- (c) Masterlists of departing/arriving Filipinos;
- (d) Statistical profile on Filipino migrant workers/overseas Filipinos/tourists;
- (e) Blacklisted foreigners/undesirable aliens;

(f) Basic data on legal systems, immigration policies, marriage laws and civil and criminal codes in receiving countries particularly those with large numbers of Filipinos;

(g) List of Labor and other human rights instruments where receiving countries are signatories;

(h) A tracking system of past and present gender disaggregated cases involving male and female migrant workers; and

(i) Listing of overseas posts which may render assistance to overseas Filipinos, in general, and migrant workers, in particular.

SEC. 21. *Migrant Workers Loan Guarantee Fund.* — In order to further prevent unscrupulous illegal recruiters from taking advantage of workers seeking employment abroad, the OWWA, in coordination with government financial institutions, shall institute financing schemes that will expand the grant of pre-departure loan and family assistance loan. For this purpose, a Migrant Workers Loan Guarantee Fund is hereby created and the revolving amount of One hundred million pesos (₱100,000,000.00) from the OWWA is set aside as a guarantee fund in favor of participating government financial institutions.

SEC.22. *Rights and Enforcement Mechanism Under International and Regional Human Rights Systems.*—The Department of Foreign Affairs is mandated to undertake the necessary initiative such as promotions, acceptance or adherence of countries receiving Filipino workers to multilateral convention, declaration or resolutions pertaining to the protection of migrant workers' rights. The Department of Foreign Affairs is also mandated to make an assessment of rights and avenues of redress under international and regional human rights systems that are available to Filipino migrant workers who are victims of abuse and violation and, as far as practicable and through the Legal Assistant for Migrant Workers Affairs created under this Act, pursue the same on behalf of the victim if it is legally impossible to file individual complaints. If a complaints machinery is available under international or regional systems, the Department of Foreign Affairs shall fully apprise the Filipino migrant workers of the existence and effectiveness of such legal options.

#### IV. GOVERNMENT AGENCIES

SEC. 23. *Role of Government Agencies.* — The following government agencies shall perform the following to promote the welfare and protect the rights of migrant workers and, as far as applicable, all overseas Filipinos:

(a) Department of Foreign Affairs. — The Department, through its home Officer of foreign posts, shall take priority action or make representation with the foreign authority concerned to protect the rights of migrant workers and other overseas Filipinos and extend immediate assistance including the repatriation of distressed or beleaguered migrant workers and other overseas Filipinos;

(b) Department of Labor and Employment — The Department of Labor and Employment shall see to it that labor and social welfare laws in the foreign countries are fairly applied to migrant workers and whenever applicable, to other overseas Filipinos including the grant of legal assistance and the referral to proper medical centers or hospitals:

(b.1) Philippine Overseas Employment Administration — Subject to deregulation and phase-out as provided under Sections 29 and 30 herein, the Administration shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements.

(b.2) Overseas Workers Welfare Administration — The Welfare officer or in his absence, the coordinating officer shall provide the Filipino migrant worker and his family all the assistance they may need in the enforcement of contractual obligations by agencies or entities and/or by their principals. In the performance of this function, he shall make representation and may call on the agencies or entities concerned to conferences or conciliation meetings for the purpose of settling the complaints or problems brought to his attention.

## V. THE LEGAL ASSISTANT FOR MIGRANT WORKERS AFFAIRS

SEC. 24. *Legal Assistant for Migrant Workers Affairs.* — There is hereby created the position of Legal Assistant for Migrant Workers Affairs under the Department of Foreign Affairs who shall be primarily responsible for the provision and overall coordination of all legal assistance services to be provided to Filipino migrant workers as well as overseas Filipinos in distress. He shall have the rank, salary and privileges equal to that of an undersecretary of said Department.

The said Legal Assistant for Migrant Workers Affairs, shall be appointed by the President and must be of proven competence in the field of law with at least ten (10) years of experience as a legal practitioner and must not have been a candidate to an elective office in the last local or national elections.

Among the functions and responsibilities of the aforesaid Legal Assistant are:

(a) To issue the guidelines, procedures and criteria for the provision of legal assistance services to Filipino migrant workers;

(b) To establish linkages with the Department of Labor and Employment, the POEA, the OWWA, and other government agencies concerned, as well as with non-governmental organizations assisting migrant workers, to ensure effective coordination and cooperation in the provision of legal assistance to migrant workers;

(c) To tap the assistance of reputable law firms and the Integrated Bar of the Philippines and other bar associations to complement the government's efforts to provide legal assistance to our migrant workers;

(d) To administer the legal assistance fund for migrant workers established under Section 25 hereof and to authorize disbursements therefrom in accordance with the purposes for which the fund was set up; and

(e) To keep and maintain the information system as provided in Section 20.

The Legal Assistant for Migrant Workers Affairs shall have authority to hire private lawyers, domestic or foreign, in order to assist him in the effective discharge of the above functions.

*SEC. 25. Legal Assistance Fund.* — There is hereby established a legal assistance fund for migrant workers, hereinafter referred to as the Legal Assistance Fund, in the amount of One hundred million pesos (₱100,000,000:00) to be constituted from the following sources:

Fifty million pesos (₱50,000,000.00) from the Contingency Fund of the President;

Thirty million pesos (₱30,000,000.00) from the Presidential Social Fund; and

Twenty million pesos (₱20,000,000.00) from the Welfare Fund for Overseas Workers established under Letter of Instruction No. 537, as amended by Presidential Decree Nos. 1694 and 1809.

Any balances of existing funds which have been set aside by the government specifically as legal assistance or defense fund to help migrant workers shall, upon effectivity of this Act, be turned over to, and form part of, the Fund created under this Act.

*SEC. 26. Uses of Legal Assistance Fund.* — The Legal Assistance Fund created under the preceding section shall be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress in accordance with the guidelines, criteria and procedures promulgated in accordance with Section 24(a) hereof. The expenditures to be charged against the Fund shall include the fees for the foreign lawyers to be hired by the Legal Assistant for Migrant Workers Affairs to represent migrant workers facing charges abroad, bail bonds to secure the temporary release of workers under detention, court fees and charges and other litigation expenses.

## VI. COUNTRY-TEAM APPROACH

SEC. 27. *Priority Concerns of Philippine Foreign Service Posts.* — The country-team approach, as enunciated under Executive Order No. 74, series of 1993, shall be the mode under which Philippine embassies or their personnel will operate in the protection of the Filipino migrant workers as well as in the promotion of their welfare. The protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the protection of the dignity and fundamental rights and freedoms of the Filipino citizen abroad, in general, shall be the highest priority concerns of the Secretary of Foreign Affairs and the Philippine Foreign Service Posts.

SEC. 28. *Country-Team Approach.* — Under the country-team approach, all officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies shall, on a per country basis, act as one country-team with a mission under the leadership of the ambassador. In this regard, the ambassador may recommend to the Secretary of the Department of Foreign Affairs the recall of officers, representatives and personnel of the Philippine government posted abroad for acts inimical to the national interest such as, but not limited to, failure to provide the necessary services to protect the rights of overseas Filipinos.

Upon receipt of the recommendation of the ambassador, the Secretary of the Department of Foreign Affairs shall, in the case of officers, representatives and personnel of other departments, endorse such recommendation to the department secretary concerned for appropriate action. Pending investigation by an appropriate body in the Philippines, the person recommended for recall may be placed under preventive suspension by the ambassador.

In host countries where there are Philippine consulates, such consulates shall also constitute part of the country-team under the leadership of the ambassador.

In the implementation of the country-team approach, visiting Philippine delegations shall be provided full support and information.

## VII. DEREGULATION AND PHASE-OUT

SEC. 29. *Comprehensive Deregulation Plan on Recruitment Activities.* — Pursuant to a progressive policy of deregulation whereby the migration of workers becomes strictly a matter between the worker and his foreign employer, the DOLE, within one (1) year from the effectivity of this Act, is hereby mandated to formulate a five-year comprehensive deregulation plan on recruitment activities taking into account labor market trends, economic conditions of the country and emerging circumstances which may affect the welfare of migrant workers.

SEC. 30. *Gradual Phase-out of Regulatory Functions.* — Within a period of five (5) years from the effectivity of this Act, the DOLE shall phase-out the regulatory functions of the POEA pursuant to the objectives of deregulation.

## VIII. PROFESSIONAL AND OTHER HIGHLY-SKILLED FILIPINOS ABROAD

SEC. 31. *Incentives to Professionals and Other Highly-Skilled Filipinos Abroad.* — Pursuant to the objective of encouraging professionals and other highly-skilled Filipinos abroad especially in the field of science and technology to participate in, and contribute to national development, the government shall provide proper and adequate incentives and programs so as to secure their services in priority development areas of the public and private sectors.

## IX. MISCELLANEOUS PROVISIONS

SEC. 32. *POEA and OWWA Board; Additional Memberships.* — Notwithstanding any provision of law to the contrary, the respective Boards of the POEA and the OWWA shall, in addition to their present composition, have three (3) members each who shall come from the women, sea-based and land-based sectors respectively, to be appointed by the President in the same manner as the other members.

SEC. 33. *Report to Congress.* — In order to inform the Philippine Congress on the implementation of the policy enunciated in Section 4 hereof, the Department of Foreign Affairs and the Department of Labor and Employment shall submit to the said body a semi-annual report of Philippine foreign posts located in countries hosting Filipino migrant workers. The report shall include, but shall not be limited to, the following information:

- (a) Masterlist of Filipino migrant workers, and inventory of pending legal cases involving them and other Filipino nationals including those serving prison terms;
- (b) Working conditions of Filipino migrant workers;
- (c) Problems encountered by the migrant workers, specifically violations of their rights;
- (d) Initiatives/actions taken by the Philippine foreign posts to address the problems of Filipino migrant workers;
- (e) Changes in the laws and policies of host countries; and
- (f) Status of negotiations on bilateral labor agreements between the Philippines and the host country.

Any officer of the government who fails to report as stated in the preceding section shall be subject to administrative penalty.

SEC. 34. *Representation in Congress.* — Pursuant to Section 5(2), Article VI of the Constitution and in line with the objective of empowering overseas Filipinos to participate in the policy-making process to address Filipino migrant concerns, two (2) sectoral representatives for migrant workers in the House of Representatives shall be appointed by the President from the ranks of migrant workers. *Provided*, That at least one (1) of the two (2) sectoral representatives shall come from the women migrant workers sector: *Provided, further*, That all nominees must have at least two (2) years experience as a migrant worker.

SEC. 35. *Exemption from Travel Tax and Airport Fee.* — All laws to the contrary notwithstanding, the migrant worker shall be exempt from the payment of travel tax and airport fee upon proper showing of proof of entitlement by the POEA.

SEC. 36. *Non-increase of Fees; Abolition of Repatriation Bond.*—Upon approval of this Act, all fees being charged by any government office on migrant workers shall remain at their present levels and the repatriation bond shall be abolished.

SEC. 37. *The Congressional Migrant Workers Scholarship Fund.*—There is hereby created a Congressional Migrant Workers Scholarship Fund which shall benefit deserving migrant workers and/or their immediate descendants below twenty-one (21) years of age who intend to pursue courses or training primarily in the field of science and technology. The initial seed fund of Two hundred million pesos (₱200,000,000.00) shall be constituted from the following sources:

(a) Fifty million pesos (₱50,000,000.00) from the unexpended Countrywide Development Fund for 1995 in equal sharing by all Members of Congress; and

(b) The remaining One hundred fifty million pesos (₱150,000,000.00) shall be funded from the proceeds of Lotto draws.

The Congressional Migrant Workers Scholarship Fund as herein created shall be administered by the DOLE in coordination with the Department of Science and Technology (DOST). To carry out the objectives of this section, the DOLE and the DOST shall formulate the necessary rules and regulations.

SEC. 38. *Appropriation and Other Sources of Funding.* — The amount necessary to carry out the provisions of this Act shall be provided for in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 39. *Migrant Workers Day.* — The day of signing by the President of this Act shall be designated as the Migrant Workers Day and shall henceforth be commemorated as such annually.

SEC. 40. *Implementing Rules and Regulations.* — The departments and agencies charged with carrying out the provisions of this Act shall, within ninety (90) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SEC. 41. *Repealing Clause.* — All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 42. *Separability Clause.* — If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SEC. 43. *Effectivity Clause.* — This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved, June 7, 1995.



Republic of the Philippines  
Congress of the Philippines  
Metro Manila

First Regular Session

Begun and held in Metro Manila, on Friday, the seventh day of July, nineteen hundred and ninety-six.

[REPUBLIC ACT NO. 8187]

AN ACT GRANTING PATERNITY LEAVE OF SEVEN (7) DAYS WITH FULL PAY TO ALL MARRIED MALE EMPLOYEES IN THE PRIVATE AND PUBLIC SECTORS FOR THE FIRST FOUR (4) DELIVERIES OF THE LEGITIMATE SPOUSE WITH WHOM HE IS COHABITING AND FOR OTHER PURPOSES

*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 "Paternity Leave Act of 1996".

SEC. 2. Notwithstanding any law, rules and regulations to the contrary, every married male employee in the private and public sectors shall be entitled to a paternity leave of seven (7) days with full pay for the first four (4) deliveries of the legitimate spouse with whom he is cohabiting. The male employee applying for paternity leave shall notify his employer of the pregnancy of his legitimate spouse and the expected date of such delivery.

For purposes of this Act, delivery shall include childbirth or any miscarriage.

SEC. 3. *Definition of Term.* — For purposes of this Act, *Paternity Leave* refers to the benefits granted to a married male employee allowing him not to report for work for seven (7) days but continues to earn the compensation therefor, on the condition that his spouse has delivered a child or suffered a miscarriage for purposes of enabling him to effectively lend support to his wife in her period of recovery and/or in the nursing of the newly-born child.

SEC. 4. The Secretary of Labor and Employment, the Chairman of the Civil Service Commission and the Secretary of Health shall, within thirty (30) days from the effectivity of this Act, issue such rules and regulations necessary for the proper implementation of the provisions hereof.

SEC. 5. Any person, corporation, trust, firm, partnership, association or entity found violating this Act or the rules and regulations promulgated thereunder shall be punished by a fine not exceeding Twenty-five thousand pesos (P25,000) or imprisonment of not less than thirty (30) days nor more than six (6) months.

If the violation is committed by a corporation, trust or firm, partnership, association or any other entity, the penalty of imprisonment shall be imposed on the entity's responsible officers, including, but not limited to, the president, vice-president, chief executive officer, general manager, managing director or partner directly responsible therefor.

SEC. 6. *Nondiminution Clause.* — Nothing in this Act shall be construed to reduce any existing benefits of any form granted under existing laws, decrees, executive orders, or any contract, agreement or policy between employer and employee.

SEC. 7. *Repealing Clause.* — All laws, ordinances, rules, regulations, issuances, or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 8. *Effectivity.* — This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in least two (2) newspapers of national circulation.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

(Sgd.) NEPTALI A. GONZALES  
*President of the Senate*

This Act which is a consolidation of Senate Bill No. 1032 and House Bill No. 7134 was finally passed by the Senate and the House of Representatives on June 8, 1996.

(Sgd.) CAMILO L. SABIO

(Sgd.) HEZEL P. GACUTAN

Approved: June 11, 1996

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday the twenty-second day of July, nineteen hundred and ninety-six.

[REPUBLIC ACT NO. 8289]

AN ACT TO STRENGTHEN THE PROMOTION AND DEVELOPMENT OF, AND ASSISTANCE TO SMALL AND MEDIUM SCALE ENTERPRISES, AMENDING FOR THAT PURPOSE REPUBLIC ACT NO. 6977, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR SMALL ENTERPRISES" AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section 3 of Republic Act No. 6977 is hereby amended to read as follows:

"SEC. 3. *Small and Medium Enterprises as Beneficiaries.* — 'Small and Medium Enterprise' shall be defined as any business activity or enterprise engaged in industry, agribusiness and/or services, whether single proprietorship, cooperative, partnership or corporation whose total assets, inclusive of those arising from loans but exclusive of the land on which the particular business entity's office, plant and equipment are situated, must have value falling under the following categories:

micro	:	less than	-	₱1,500,001
small	:	₱1,500,001	-	₱15,000,000
medium	:	₱15,000,001	-	₱60,000,000

"The above definitions shall be subject to review and adjustment by the said Council *motu proprio* or upon recommendation of sectoral organization(s) taking into account inflation and other economic indicators. The Council may use as variables the number of employees, equity capital and assets size.:

SEC. 2. Section 4 of Republic Act No. 6977 is hereby amended to read as follows:

“Sec. 4. *Eligibility for Government Assistance.* — To qualify for assistance, counseling, incentives and promotion under this Act, businesses falling under the above definition must be:

“a) duly registered with the appropriate agencies as presently provided by law: *Provided*, That in the case of micro enterprises as defined herein, registration with the office of the municipal or city treasurer shall be deemed sufficient compliance with this requirement;

“b) one hundred percent (100%) owned and capitalized by Filipino citizens if single proprietorship or partnership. If the enterprise is a juridical entity, at least sixty percent (60%) of its capital or outstanding stocks must be owned by Filipino citizens.

“c) a business activity within the major sectors of the economy, namely: industry, services, including the practice of one’s profession, the operation of tourism-related establishments, and agri-business, which for purposes of this Act refers to any business activity involving the manufacturing, processing, and/or production of agricultural produce, excluding farm level agricultural/crop production; and

“d) it must not be a branch, subsidiary or division of a large scale enterprise nor may its policies be determined by a large scale enterprise or by persons who are not owners or employees of the enterprise.

“However, this requirement shall not preclude a small and medium enterprise from accepting subcontracts from large enterprises or firms joining in cooperative activities with other small and medium enterprises.

“Programs of the financing corporation as provided in subsequent Sections of this Act shall be exclusively targeted to medium, small and micro-sized enterprises.

“Registered small enterprises shall be entitled to a share of at least ten percent (10%) of total procurement value of goods and services supplied to the Government, its bureaus, offices and agencies annually: *Provided*, That prices and quality of goods offered by the registered small enterprises are competitive.”

SEC. 3. Section 5 of Republic Act No. 6977 is hereby amended to read as follows:

“SEC. 5. *Guiding Principles.* — To set the pace for small and medium enterprise development, the State shall be guided by the following principles:

“a) Minimal set of rules and simplification of procedures and requirements. All government agencies having to do with small enterprises shall pursue the principles of minimum regulation to ensure stability of rules and to encourage entrepreneurial spirit among the citizenry. The agencies shall see to it that procedural rules and requirements, within their respective offices and in coordination with other agencies, are minimized in the act of registration, availment of financing and accessing other government services and assistance.

“b) Role of the private sector. In order to hasten growth and expansion of small and medium enterprises, the private sector throughout the country shall be encouraged to assist in the effective implementation of this Act by participating in government programs for small and medium enterprises strictly in accordance with the law, and consistent with the attainment of the purposes hereof. To encourage private sector participation, the Council, in consultation with the concerned sector, may recommend simplified procedure and localized incentives to small enterprises. The Government shall encourage the organization and establishment of small and medium enterprise industry associations at the local and regional levels preferably unified under a national federation/association.

“c) Coordination of government efforts. Government efforts shall be coordinated to achieve coherence in objectives. All appropriate offices, particularly those under the Departments of Trade and Industry, Finance, Budget and Management, Agriculture, Agrarian Reform, Environment and Natural Resources, Labor and Employment, Transportation and Communications, Public Works and Highways, Science and Technology, Local Government and Tourism as well as the National Economic and Development Authority and the Bangko Sentral ng Pilipinas, through their national, regional and provincial offices, shall to the best of their effort and in coordination with local government units, provide the necessary support and assistance to small and medium enterprises.

“d) Decentralization. The State shall accelerate the decentralization process by establishing regional and provincial offices in order to enhance and attain greater efficiency in the provision of services to the countryside and the implementation of this Act, in coordination with local government units. To this end, the government agencies shall effect a substantial delegation of authority to their regional and provincial offices to make

decisions, particularly in the registration of beneficiaries of this law, qualification for availment of benefits, accreditation of private voluntary organizations, industry associations and cooperatives, and to resolve complaints for violation of applicable laws.”

SEC. 4. Section 6 of Republic Act No. 6977 is hereby amended to read as follows:

“SEC. 6. *Creation of a Small and Medium Enterprise Development Council.* — To effectively spur the growth and development of small and medium enterprises throughout the country, and to carry out the policy declared in this Act, a Small and Medium Enterprise Development (SMED) Council is hereby created. The Council shall be attached to the Department of Trade and Industry and shall be constituted within sixty (60) days after the approval of this Act.

“The Council shall be the primary agency responsible for the promotion, growth and development of small and medium enterprises in the country by way of facilitating and closely coordinating national efforts to promote the viability and growth of small and medium enterprises, including assisting relevant agencies in the tapping of local and foreign funds for small and medium enterprise development, as well as promoting the use of existing programs, as well as seeking ways to maximize the use of our labor resources.”

SEC. 5. Section 7 of Republic Act No. 6977 is hereby amended to read, as follows:

“Sec. 7. *Composition.* — The Council shall be headed by the Secretary of Trade and Industry as Chairman, and may elect from among themselves a Vice-Chairman to preside over the Council meetings in the absence of the Chairman. The members shall be the following:

- “a) Director General of the National Economic and Development Authority;
- “b) Secretary of Agriculture;
- “c) Secretary of Labor and Employment;
- “d) Secretary of Environment and Natural Resources;
- “e) Secretary of Science and Technology;
- “f) Secretary of Tourism;
- “g) The Chairman of the Monetary Board;
- “h) Chairman of Small Business Guarantee and Finance Corporation;

“i) Chairman of the small and medium enterprises promotion body which the President shall undertake to establish under this Act; and

“j) Three (3) representatives from the private sector at large, all Filipino citizens, to represent Luzon, Visayas and Mindanao, and one representative from the small and medium enterprise sector to be appointed by the President; and

“k) a representative from the private banking sector to serve alternately among the Chamber of Thrift Banks; the Rural Bankers’ Association of the Philippines (RBAP); and the Bankers’ Association of the Philippines (BAP).

“Cabinet-rank *ex officio* members of the Council shall designate an undersecretary or assistant secretary, and the chairman of the Monetary Board or his representative, as their permanent representative in case they fail to attend meetings of the Council.

“The private sector members of the Council shall initially receive *per diem* of One thousand pesos (₱1,000) per meeting, for a maximum of twenty-four (24) meetings per year, which *per diem* may be adjusted by the Council: *Provided*, That any adjustment shall take effect upon approval of the President.

“The Department of Trade and Industry shall allocate Five million pesos (₱5,000,000) out of its savings for the initial operating expenses of the Council, after which the Council’s budget shall be included in the annual appropriation of the Department of Trade and Industry.

“The Council may, from time to time, call upon the participation of any government agency or association of local government officials in its deliberations especially when such agency is directly or indirectly concerned with and/or affecting the growth and development of small and medium enterprises in any particular area or manner.

“The Council may create an Executive Committee of five (5) members elected by the Council from among themselves or their designated permanent representatives, with at least two (2) members representing the private sector, and with authority to act for and on behalf of the Council during intervals of council meetings, and within the specific authority granted by the Council.”

SEC. 6. Section 9 of Republic Act No. 6977 is hereby amended to read as follows:

*“Sec. 9. Designation of the Bureau of Small and Medium Business Development as a Council Secretariat. — The Bureau of Small and Medium Business Development us hereby designated to act as the Council Secretariat and shall have the following duties and functions:*

“1) to prepare, in coordination with local government units and/or associations of local government officials, and recommend annual as well as medium-term small and medium enterprise development plans for approval of the Council;

“2) to coordinate the preparation of position papers and background materials for discussion or approval during Council meetings;

“3) to assist the Council in coordinating and monitoring small and medium enterprise policies and programs and activities of all government agencies with respect to small and medium enterprises;

“4) to prepare, collate and integrate all inputs to the Council’s yearly report on the status of small and medium enterprises in the country;

“5) to submit periodic reports to the Council on the progress and accomplishment of its work programs; and

“6) to perform ad hoc functions as authorized by the Council.”

SEC. 7. Section 10 of Republic Act No. 6977 is hereby amended to read as follows:

*“Sec. 10. Rationalization of Existing Small and Medium Enterprise Programs and Agencies. — The Council shall conduct continuing review of government programs for small and medium enterprises and submit to Congress and the President a report thereon together with its policy recommendations.*

“The President is hereby also empowered to establish a small and medium enterprise promotion body which shall be the principal government agency that will formulate, implement, coordinate and monitor all non-financing government programs, including fee-based services, to support and promote micro, small and medium enterprises. It shall be attached to the Department of Trade and Industry and shall be under the policy, program and administrative supervision of the SMED Council. The said office shall receive no less than fifty percent (50%) of the assets, and budgetary allocations of the agencies for promotion, development and financing of small and medium enterprises that may be henceforth dissolved and/or abolished and absorbed, incorporated and integrated into the SMED Council.”



SEC. 8. Section 11 of Republic Act No. 6977 is hereby amended to read as follows:

“Sec. 11. *Creation of Small Business Guarantee and Finance Corporation.* — There is hereby created a body corporate to be known as the Small Business Guarantee and Finance Corporation, hereinafter referred to as SBGFC, which shall source and adopt development initiatives for globally competitive small and medium enterprises in terms of finance, technology, production, management and business linkages, and provide, promote, develop and widen in both scope and service reach various alternative modes of financing for small and medium enterprises, including but not limited to, direct and indirect project lending, venture capital, financial leasing, secondary mortgage and/or rediscounting of loan papers to small businesses, secondary/regional stock markets: *Provided*, That crop production financing shall not be serviced by the Corporation.

“The Corporation shall guarantee loans obtained by qualified small and medium enterprises, local and/or regional associations’ small enterprises and industries, private voluntary organizations and/or cooperatives, under such terms and conditions adopted by its Board. It may guarantee loans up to one hundred percent (100%). It may also provide second level guarantee (i.e., reinsurance) on the credit and/or investment guarantees made by credit guarantee associations and other institutions in support of small entrepreneurs.

“The Corporation shall become liable under its guarantees upon proof that the loan has become past due under such terms and guidelines adopted by its Board and printed on the contract of guarantee.

“The Small Business Guarantee and Finance Corporation shall:

“a) be attached to the Department of Trade and Industry and shall be under the policy, program and administrative supervision of the SMED Council;

“b) have its principal place of business in Metro Manila and endeavor to have one or more branch offices in every province of the country;

“c) exercise all the general powers conferred by law upon corporations under the Corporation Code as are incidental or conducive to the attainment of the objectives of this Act;

“d) have a board of directors upon which the powers of the Corporation shall be vested, to be composed of nine (9) members including:

“1) three (3) members from the private sector appointed by the President upon recommendation of the SMED Council and from among whom the Chairman of the Board shall be appointed by the President to serve on a full-time basis;

“2) the Secretary of Trade and Industry or his Undersecretary; and

“3) a representative from each of the five (5) government financial institutions mandated in this Act to provide the initial capital of the Corporation, who shall be designated, under guidelines agreed upon by the Board Chairmen of said institutions;

“e) notwithstanding the provisions of Republic Act No. 6758, and Compensation Circular No. 10, series of 1989 issued by the Department of Budget and Management, the Board of Directors of SBGFC shall have the authority to extend to the employees and personnel thereof the allowance and fringe benefits similar to those extended to and currently enjoyed by the employees and personnel of other government financial institutions.”

SEC. 9. Section 13 of Republic Act No. 6977 is hereby amended to read as follows:

“Sec. 13. *Mandatory Allocation of Credit Resources to Small and Medium Enterprises.* — For the period of ten (10) years from the date of effectivity of this Act, all lending institutions as defined under Bangko Sentral ng Pilipinas rules, whether public or private, shall set aside at least six percent (6%) and at least two percent (2%) for small and medium enterprises, respectively, of their total loan portfolio based on their balance sheet as of the end of the previous quarter, and make it available for small and medium enterprises credit as herein contemplated.

“The Bangko Sentral ng Pilipinas, in consultation with the Council, shall formulate rules for the effective implementation of this provision: *Provided.* That the purchase of government notes, securities and other negotiable instruments, with the exception of such instruments as may be offered by the SBGFC which do not pay market rates, shall not be deemed compliance with the foregoing provision: *Provided, further.* That the Bangko Sentral ng Pilipinas shall establish an incentive program to encourage lending to small and medium industries beyond the mandatory credit allocation to said enterprises, such as possible reduction in bank's reserve requirement.

“The SMED Council shall set up the appropriate systems to monitor all loan applications of small and medium enterprises in order to account for the absorptive capacity of the small and medium enterprise sector.

“The Bangko Sentral ng Pilipinas shall require lending institutions covered by this Act to furnish to the Small and Medium Development Council on a quarterly basis regular reports on their compliance with the above provisions on the mandatory credit allocation for small and medium enterprises and expeditiously act on the Council’s reports of non-compliance therewith.”

SEC. 10. Section 14 of Republic Act No. 6977 is hereby amended to read as follows:

“Sec. 14. *Penalty Clause.* — The Bangko Sentral ng Pilipinas shall impose administrative sanctions and other penalties on the lending institutions for non-compliance with provisions of this Act including a fine of not less than Five hundred thousand pesos (₱500,000).”

SEC. 11. *Separability Clause.* — The provisions of this Act are hereby declared to be separable. If any provision of this Act shall be held unconstitutional, the remainder of the Act not otherwise affected shall remain in full force and effect.

SEC. 12. *Repealing Clause.* — All laws, executive orders, rules and regulations, or parts thereof, inconsistent herewith are hereby repealed or modified accordingly.

SEC. 13. *Effectivity.* — This Act shall take effect upon its approval.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

(Sgd.) ERNESTO M. MACEDA  
*President of the Senate*

This Act, which is a consolidation of Senate Bill No. 1283 and House Bill No. 9069 was finally passed by the Senate and the House of Representatives on May 5, 1997 and April 30, 1997, respectively.

(Sgd.) ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

(Sgd.) LORENZO E. LEYNES, JR.  
*Secretary of the Senate*

Approved: May 8, 1997

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday the twenty-second day of July, nineteen hundred and ninety-six.

[REPUBLIC ACT NO. 8291]

AN ACT AMENDING PRESIDENTIAL DECREE NO. 1146, AS AMENDED, EXPANDING AND INCREASING THE COVERAGE AND BENEFITS OF THE GOVERNMENT SERVICE INSURANCE SYSTEM, INSTITUTING REFORMS THEREIN AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Presidential Decree No. 1146, as amended, otherwise known as the "Revised Government Service Insurance Act of 1977", is hereby amended to read as follows:

*"Section 1. Title. — The short title of this Act shall be: "The Government Service Insurance System Act of 1997."*

"A. DEFINITIONS

*"SEC. 2. Definition of Terms. — Unless the context otherwise indicates, the following terms shall mean:*

*"(a) GSIS — The Government Service Insurance System created by Commonwealth Act No. 186;*

*"(b) Board — The Board of Trustees of the Government Service Insurance System;*

“(c) Employer — The national government, its political subdivisions, branches, agencies or instrumentalities, including government-owned or controlled corporations, and financial institutions with original charters, the constitutional commissions and the judiciary;

“(d) Employee or Member — Any person, receiving compensation while in the service of an employer as defined herein, whether by election or appointment, irrespective of status of appointment, including barangay and *sanggunian* officials;

“(e) Active Member — A member who is not separated from the service;

“(f) Dependents — Dependents shall be the following: (a) the legitimate spouse dependent for support upon the member or pensioner; (b) the legitimate, legitimated legally adopted child, including the illegitimate child, who is unmarried, not gainfully employed, not over the age of majority, or is over the age of majority but incapacitated and incapable of self-support due to a mental or physical defect acquired prior to age of majority; and (c) the parents dependent upon the member for support;

“(g) Primary beneficiaries — The legal dependent spouse until he/she remarries and the dependent children;

“(h) Secondary beneficiaries — The dependent parents and, subject to the restrictions on dependent children, the legitimate descendants;

“(i) Compensation — The basic pay or salary received by an employee, pursuant to his election/appointment, excluding *per diems*, bonuses, overtime pay, *honoraria*, allowances and any other emoluments received in addition to the basic pay which are not integrated into the basic pay under existing laws;

“(j) Contribution — The amount payable to the GSIS by the member and the employer in accordance with Section 5 of this Act;

“(k) Current Daily Compensation — The actual daily compensation or the actual monthly compensation divided by the number of working days in the month of contingency but not to exceed twenty-two (22) days;

“(l) Average Monthly Compensation (AMC) — The quotient arrived at after dividing the aggregate compensation received by the member during his last thirty-six (36) months of service preceding his separation/retirement/disability/death by thirty-six (36), or by the number of months he received such compensation if he has less than thirty-six (36)

months of service: *Provided*, That the average monthly compensation shall in no case exceed the amount and rate as may be respectively set by the Board under the rules and regulations implementing this Act as determined by the actuary of the GSIS: *Provided, further*, That initially the average monthly compensation shall not exceed Ten thousand pesos (P10,000.00), and premium shall be nine percent (9%) and twelve percent (12%) for employee and employer covering the AMC limit and below and two percent (2%) and twelve percent (12%) for employee and employer covering the compensation above the AMC limit;

“(m) Revalued Average Monthly Compensation — An amount equal to one hundred seventy percent (170%) of the first One thousand pesos (P1,000) of the average monthly compensation plus one hundred percent (100%) of the average monthly compensation in excess of One thousand pesos (P1,000);

“(n) Lump Sum — The basic monthly pension multiplied by sixty (60);

“(o) Pensioner — Any person receiving old-age or permanent total disability pension or any person who has received the lump sum excluding one receiving survivorship pension benefits as defined in Section 20 of this Act;

“(p) Gainful Occupation — Any productive activity that provided the member with income at least equal to the minimum compensation of government employees;

“(q) Disability — Any loss or impairment of the normal functions of the physical and/or mental faculty of a member which reduces or eliminates his/her capacity to continue with his/her current gainful occupation or engage in any other gainful occupation;

“(r) Total Disability — Complete incapacity to continue with his present employment or engage in any gainful occupation due to the loss or impairment of the normal functions of the physical and/or mental faculties of the member;

“(s) Permanent Total Disability — Accrues or arises when recovery from the impairment mentioned in Section 2(Q) is medically remote;

“(t) Temporary Total Disability — Accrues or arises when the impaired physical and/or mental faculties can be rehabilitated and/or restored to their normal functions;

“(u) Permanent Partial Disability — Accrues or arises upon the irrevocable loss or impairment of certain portion/s of the physical faculties, despite which the member is able to pursue a gainful occupation.

**“B. MEMBERSHIP IN THE GSIS**

“SEC. 3. *Compulsory Membership.* — Membership in the GSIS shall be compulsory for all employees receiving compensation who have not reached the compulsory retirement age, irrespective of employment status, except members of the Armed Forces of the Philippines and the Philippine National Police, subject to the condition that they must settle first their financial obligation with the GSIS, and contractuels who have no employer and employer relationship with the agencies they serve.

“Except for the member of the judiciary and constitutional commissions who shall have life insurance only, all members of the GSIS shall have life insurance, retirement, and all other social security protection such as disability, survivorship, separation, and unemployment benefits.

“SEC. 4. *Effect of Separation from the Service.* — A member separated from the service shall continue to be a member, and shall be entitled to whatever benefits he has qualified to in the event of any contingency compensable under this Act.

**“C. SOURCES OF FUNDS**

“SEC. 5. *Contributions.* — (a) It shall be mandatory for the member and the employer to pay the monthly contributions specified in the following schedules:

“Monthly Compensation	Percentage of Monthly Compensation Payable by	
	Member	Employer
I. Maximum Average Monthly Compensation (AMC) Limit and Below	9.0%	12.0%
II. Over the Maximum AMC Limit	9.0%	12.0%
— Up to the Maximum AMC Limit	2.0%	12.0%
— In excess of the AMC Limit		

“Members of the judiciary and constitutional commissioners shall pay three percent (3%) of their monthly compensation as personal share and their employers a corresponding three percent (3%) share for their life insurance coverage.

“(b) The employer shall include in its annual appropriation the necessary amounts for its share of the contributions indicated above, plus any additional premiums that may be required on account of hazards or risks of its employees’ occupation.

“(c) It shall be mandatory and compulsory for all employers to include the payment of contributions in their annual appropriations. Penal sanctions shall be imposed upon employers who fail to include the payment of contributions in their annual appropriations or otherwise fail to remit the accurate/exact amount of contributions on time, or delay the remittance of premium contributions to the GSIS. The heads of offices and agencies shall be administratively liable for non-remittance or delayed remittance of premium contributions to the GSIS.

“*SEC. 6. Collection and Remittance of Contributions.* — (a) The employer shall report to the GSIS the names of all its employees, their corresponding employment status, positions, salaries and such other pertinent information, including subsequent changes therein, if any, as may be required by the GSIS; the employer shall deduct each month from the monthly salary or compensation of each employee the contribution payable by him in accordance with the schedule prescribed in the rules and regulations implementing this Act.

“(b) Each employer shall remit directly to the GSIS the employees’ and employers’ contributions within the first ten (10) days of the calendar month following the month to which the contributions apply. The remittance by the employer of the contributions to the GSIS shall take priority over and above the payment of any and all obligations, except salaries and wages of its employees.

“*SEC. 7. Interests on Delayed Remittances.* — Agencies which delay the remittance of any and all monies due the GSIS shall be charged interests as may be prescribed by the Board but not less than two percent (2%) simple interest per month. Such interest shall be paid by the employers concerned.

“*SEC. 8. Government Guarantee.* — The government of the Republic of the Philippines hereby guarantees the fulfillment of the obligations of the GSIS to its members as and when they fall due.



## “D. BENEFITS

“*SEC. 9. Computation of the Basic Monthly Pension.* — (a) The basic monthly pension is equal to:

“(1) thirty-seven and one-half percent (37.5%) of the revalued average monthly compensation; plus

“(2) two and one-half percent (2.5%) of the said revalued average monthly compensation for each year of service in excess of fifteen (15) years: *Provided*, That the basic monthly pension shall not exceed ninety percent (90%) of the average monthly compensation.

“(b) The basic monthly pension maybe adjusted upon the recommendation of the President and General Manager of the GSIS and approved by the President and General Manager of the GSIS and approved by the President of the Philippines in accordance with the rules and regulations prescribed by the GSIS: *Provided, however*, That the basic monthly pension shall not be less than One thousand and three hundred pesos (P1,300.00): *Provided, further*, That the basic monthly pension for those who have rendered at least twenty (20) years of service after the effectivity of this Act shall not be less than Two thousand four hundred pesos (P2,400.00) a month.

“*SEC. 10. Computation of Service* — (a) The computation of service for the purpose of determining the amount of benefits payable under this Act shall be from the date of original appointment/election, including periods of service at different times under one or more employers, those performed overseas under the authority of the Republic of the Philippines, and those that may be prescribed by the GSIS in coordination with the Civil Service Commission.

(b) All service credited for retirement, resignation or separation for which corresponding benefits have been awarded under this Act or other laws shall be excluded in the computation of service in case of reinstatement in the service of an employer and subsequent retirement or separation which is compensable under this Act.

“For the purpose of this section the term service shall include full time service with compensation: *Provided*, That part time and other services with compensation may be included under such rules and regulations as may be prescribed by the GSIS.

## "SEPARATION BENEFITS

"SEC. 11. *Separation Benefits.* — The separation benefit shall consist of: (a) a cash payment equivalent to one hundred percent (100%) of his average monthly compensation for each year of service he paid contributions, but not less than Twelve thousand pesos (P12,000.00) payable upon reaching sixty (60) years of age upon separation, whichever comes later: *Provided*, That the member resigns or separates from the service after he has rendered at least three (3) years of service but less than fifteen (15) years; or

"(b) A cash payment equivalent to eighteen (18) times his basic monthly pension payable at the time of resignation or separation, plus an old-age pension benefit equal to the basic monthly pension payable monthly for life upon reaching the age of sixty (60): *Provided*, That the member resigns or separates from the service after he has rendered at least fifteen (15) years of service and is below sixty (60) years of age at the time of resignation or separation.

"SEC. 12. *Unemployment or Involuntary Separation Benefits.* — Unemployment benefits in the form of monthly cash payments equivalent to fifty percent (50%) of the average compensation shall be paid to a permanent employee who is involuntarily separated from the service due to the abolition of his office or position usually resulting from reorganization: *Provided*, That he has been paying integrated contributions for at least one (1) year prior to separation. Unemployment benefits shall be paid in accordance with the following schedule:

"Contributions Made	Benefit Duration
1 year but less than 3 years	2 months
3 or more years but less than 6 years	3 months
6 or more years but less than 9 years	4 months
9 or more years but less than 11 years	5 months
11 or more years but less than 15 years	6 months

"The first payment shall be equivalent to two (2) monthly benefits. A seven-day (7) waiting period shall be imposed on succeeding monthly payments.

"All accumulated unemployment benefits paid to the employee during his entire membership with the GSIS shall be deducted from voluntary separation benefits.

"The GSIS shall prescribe the detailed guidelines in the operationalization of this section in the rules and regulations implementing this Act.

#### "RETIREMENT BENEFITS

"*SEC. 13. Retirement Benefits.* — (a) Retirement benefit shall be:

"(1) the lump sum payment as defined in this Act payable at the time of retirement plus an old-age pension benefit equal to the basic monthly pension payable monthly for life, starting upon expiration of the five-year (5) guaranteed period covered by the lump sum; or

"(2) cash payment equivalent to eighteen (18) months of his basic monthly pension plus monthly pension for life payable immediately with no five-year (5) guarantee.

"(b) Unless the service is extended by appropriate authorities, retirement shall be compulsory for an employee at sixty-five (65) years of age with at least fifteen (15) years of service: *Provided*, That if he has less than fifteen (15) years of service, he may be allowed to continue in the service in accordance with existing civil service rules and regulations.

"*SEC. 13-A. Conditions for Entitlement.* — A member who retires from the service shall be entitled to the retirement benefits enumerated in paragraph (a) of section 13 hereof: *Provided*, That:

(1) he has rendered at least fifteen (15) years of service;

(2) he is at least sixty (60) years of age at the time of retirement;  
and

(3) he is not receiving a monthly pension benefit from permanent total disability.

"*SEC. 14. Periodic Pension Adjustment.* — The monthly pension of all pensioners including all those receiving survivorship pension benefits shall be periodically adjusted as may be recommended by the GSIS' actuary and approved by the Board in accordance with the rules and regulations prescribed by the GSIS.

#### "PERMANENT DISABILITY BENEFITS

"*SEC. 15. General Conditions for Entitlement.* — A member who suffers permanent disability for reasons not due to his grave misconduct,

notorious negligence, habitual intoxication, or willful intention to kill himself or another, shall be entitled to the benefits provided for under Sections 16 and 17 immediately following, subject to the corresponding conditions thereof.

*“SEC. 16. Permanent Total Disability Benefits. — (a) If the permanent disability is total, he shall receive a monthly income benefit for life equal to the basic monthly pension effective from the date of disability: Provided, That:*

(1) he is in the service at the time of disability; or

(2) if separated from the service, he has paid at least thirty-six (36) monthly contributions within the five-year (5) period immediately preceding his disability, or has paid a total of at least one hundred eighty (180) monthly contributions, prior to his disability: *Provided, further,* That if at the time of disability, he was in the service and has paid a total of at least one hundred eighty (180) monthly contributions, in addition to the monthly income benefit, he shall receive a cash payment equivalent to eighteen (18) times his basic monthly pension: *Provided, finally,* That a member cannot enjoy the monthly income benefit for permanent disability and the old-age retirement simultaneously.

“(b) If a member who suffers permanent total disability does not satisfy conditions (1) and (2) in paragraph (a) of this section but has rendered at least three (3) years service at the time of his disability, he shall be advanced the cash payment equivalent to one hundred percent (100%) of his average monthly compensation for each year of service he paid contributions, but not less than Twelve thousand pesos (P12,000.00) which should have been his separation benefit.

“(c) Unless the member has reached the minimum retirement age, disability benefit shall be suspended when:

“(1) he is reemployed; or

“(2) he recovers from his disability as determined by the GSIS, whose decision shall be final and binding; or

“(3) he fails to present himself for medical examination when required by the GSIS.

“(d) The following disabilities shall be deemed total and permanent:

“(1) complete loss of sight of both eyes;

- “(2) loss of two (2) limbs at or above the ankle or wrist;
- “(3) permanent complete paralysis of two (2) limbs;
- “(4) brain injury resulting in incurable imbecility or insanity; and
- “(5) such other cases as may be determined by the GSIS.

“*SEC. 17. Permanent Partial Disability Benefits.* — (a) If the disability is partial, he shall receive a cash payment in accordance with a schedule of disabilities to be prescribed by the GSIS: *Provided*, That he satisfies either conditions (1) or (2) of Section 16 (a);

“(b) The following disabilities shall be deemed permanent partial:

“(1) complete and permanent loss of the use of:

- (i) any finger
- (ii) any toe
- (iii) one arm
- (iv) one hand
- (v) one foot
- (vi) one leg
- (vii) one or both ears
- (viii) hearing of one or both ears
- (ix) sight of one eye

“(2) such other cases as may be determined by the GSIS.

#### “TEMPORARY DISABILITY BENEFITS

“*SEC. 18. Temporary Total Disability Benefit.* — (a) A member who suffers temporary total disability for reasons not due to any of the conditions enumerated in Section 15 hereof shall be entitled to seventy-five percent (75%) of his current daily compensation for each day or fraction thereof of temporary disability benefit not exceeding one hundred twenty (120) days in one calendar year after exhausting all his sick leave credits and collective bargaining agreement sick leave benefits, if any, but not earlier than the fourth day of his temporary total disability: *Provided*, That:

“(1) he is in the service at the time of his disability; or

“(2) if separated, he has rendered at least three (3) years of service and has paid at least six (6) monthly contributions in the twelve-month period immediate preceding his disability.

*“Provided, however, That a member cannot enjoy the temporary total disability benefit and sick leave pay simultaneously: Provided, further, That if the disability requires more extensive treatment that lasts beyond one hundred twenty (120) days, the payment of the temporary total disability benefit may be extended by the GSIS but not to exceed a total of two hundred forty (240) days.*

*“(b) The temporary total disability benefit shall in no case be less than Seventy pesos (P70.00) a day.*

*“(c) The notices required of the member and the employer, the mode of payment, and the other requirements for entitlement to temporary total disability benefits shall be provided in the rules and regulations to be prescribed by the GSIS.*

*“SEC. 19. Non-scheduled Disability. — For injuries or illnesses resulting in a disability not listed in the schedule of partial/total disability, as provided herein, the GSIS shall determine the nature of the disability and the corresponding benefits therefor.*

#### “SURVIVORSHIP BENEFITS

*“SEC. 20. Survivorship Benefits. — When a member or pensioner dies, the beneficiaries shall be entitled to survivorship benefits provided in Sections 21 and 22 hereunder subject to the conditions therein provided for. The survivorship pension shall consist of:*

- (1) the basic survivorship pension which is fifty percent (50%) of the basic monthly pension; and*
- (2) the dependent children’s pension not exceeding fifty percent (50%) of the basic monthly pension.*

*“SEC. 21. Death of a Member. — (a) Upon the death of a member, the primary beneficiaries shall be entitled to:*

- (1) survivorship pension: Provided, That the deceased:*
  - (i) was in the service at the time of his death; or*
  - (ii) if separated from the service, has at least three (3) years of service at the time of his death and has paid thirty-six (36) monthly contributions within the five-year period immediately*

preceding his death, or has paid a total of at least one hundred eighty (180) monthly contributions prior to his death; or

(2) the survivorship pension plus a cash payment equivalent to one hundred percent (100%) of his average monthly compensation for every year of service: *Provided*, That the deceased was in the service at the time of his death with at least three (3) years of service; or

(3) a cash payment equivalent to one hundred percent (100%) of his average monthly compensation for each year of service he paid contributions, but not less than Twelve thousand pesos (P12,000.00): *Provided*, That the deceased has rendered at least three (3) years of service prior to his death but does not qualify for the benefits under item (1) or (2) of this paragraph.

(b) The survivorship pension shall be paid as follows:

(1) when the dependent spouse is the only survivor, he/she shall receive the basic survivorship pension for life or until he/she remarries;

(2) when only dependent children are the survivors, they shall be entitled to the basic survivorship pension as long as they are qualified, plus the dependent children's pension equivalent to ten percent (10%) of the basic monthly pension for every dependent child not exceeding five (5), counted from the youngest and without substitution;

(3) when the survivors are the dependent spouse and the dependent children, the dependent spouse shall receive the basic survivorship pension for life or until he/she remarries and the dependent children shall receive the dependent children's pension mentioned in the immediately preceding paragraph (2) hereof.

(c) In the absence of primary beneficiaries, the secondary beneficiaries shall be entitled to:

(1) the cash payment equivalent to one hundred percent (100%) of his average monthly compensation for each year of service he paid contributions, but not less than Twelve thousand pesos (P12000): *Provided*, That the member is in the service at the time of his death and has at least three (3) years of service; or

(2) in the absence of secondary beneficiaries, the benefits under this paragraph shall be paid to his legal heirs.

(d) For purposes of the survivorship benefits, legitimate children shall include legally adopted and legitimated children.

*“SEC. 22. Death of a Pensioner. —* Upon the death of an old-age pensioner or a member receiving the monthly income benefit for permanent disability, the qualified beneficiaries shall be entitled to the survivorship pension defined in Section 20 of this Act, subject to the provisions of paragraph (b) of Section 21 hereof. When the pensioner dies within the period covered by the lump sum, the survivorship pension shall be paid only after the expiration of the said period.

#### “FUNERAL BENEFITS

*“SEC. 23. Funeral Benefit. —* The amount of funeral benefit shall be determined and specified by the GSIS in the rules and regulations but shall not be less than Twelve thousand pesos (P12,000.00): *Provided,* That it shall be increased to at least Eighteen thousand pesos (P18,000.00) after five (5) years and shall be paid upon the death of:

- (a) an active member as defined under Section 2(e) of this Act; or
- (b) a member who has been separated from the service, but who may be entitled to future benefit pursuant to Section 4 of this Act; or
- (c) a pensioner, as defined in Section 2(o) of this Act; or
- (d) a retiree who at the time of his retirement was of pensionable age under this Act but who opted to retire under Republic Act No. 1616.

#### “LIFE INSURANCE BENEFITS

*“SEC. 24. Compulsory Life Insurance. —* All employees except for Members of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) shall, under such terms and conditions as may be promulgated by the GSIS, be compulsorily covered with life insurance, which shall automatically take effect as follows:

- (1) for those employed after the effectivity of this Act, their insurance shall take effect on the date of their employment;
- (2) for those whose insurance will mature after the effectivity of this Act, their insurance shall be deemed renewed on the day following the maturity or expiry date of their insurance;
- (3) for those without any life insurances as of the effectivity of this Act, their insurance shall take effect following said effectivity.



“*SEC. 25. Dividends.* — An annual dividend may be granted to all members of the GSIS whose life insurance is in force for at least one (1) year in accordance with a dividend allocation formula to be determined by the GSIS.

“*SEC. 26. Optional Insurance.* — Subject to the rules and regulations prescribed by the GSIS, a member may apply for insurance and/or pre-need coverage embracing life, health, hospitalization, education, memorial plans, and such other plans as may be designed by the GSIS, for himself and/or his dependents. Any employer may likewise apply for group insurance coverage for its employees. The payment of the premiums/installments for optional insurance and pre-need products may be made by the insured or his employer and/or any person acceptable to the GSIS.

“*SEC. 27. Reinsurance.* — The GSIS may reinsure any of its interests or part thereof with any private company or reinsurer whether domestic or foreign: *Provided*, That the GSIS shall submit an annual report on its reinsurance operations to the Insurance Commission.

#### “E. ADJUDICATION OF CLAIMS AND DISPUTES

“*SEC. 28. Prescription.* — Claims for benefits under this Act except for life and retirement shall prescribe after four (4) years from the date of contingency.

“*SEC. 29. Facility of Payment.* — The GSIS shall prescribe rules and regulations to facilitate payment of benefits, proceeds, and claims under this Act and any other laws administered by the GSIS. Payments made by the GSIS prior to its receipt of an adverse claim, to a beneficiary or claimant subsequently found not entitled thereto, shall not bar the legal and eligible recipient to his right to demand the payment of benefits, proceeds, and claims from the GSIS, who shall, however, have a right to institute the appropriate action in a court of law against the ineligible recipient.

“*SEC. 30. Settlement of Disputes.* — The GSIS shall have original and exclusive jurisdiction to settle any dispute arising under this Act and any other laws administered by the GSIS.

The Board may designate any member of the Board, or official of the GSIS who is a lawyer, to act as hearing officer to receive evidence, make findings of fact and submit recommendations thereon. The hearing officer shall submit his findings and recommendations, together with all the documentary and testimonial evidence to the Board within thirty (30)

working days from the time the parties have closed their respective evidence and filed their last pleading. The Board shall decide the case within thirty (30) days from the receipt of the hearing officer's findings and recommendations. The cases heard directly by the Board shall be decided within thirty (30) working days from the time they are submitted by the parties for decision.

"SEC. 31. *Appeals.* — Appeals from any decision or award of the Board shall be governed by Rules 43 and 45 of the 1997 Rules of Civil Procedure adopted by the Supreme Court on April 8, 1997 which will take effect on July 1, 1997: *Provided*, That pending cases and those filed prior to July 1, 1997 shall be governed by the applicable rules of procedure: *Provided, further*, That the appeal shall take precedence over all other cases except criminal cases when the penalty of life imprisonment or death or *reclusion perpetua* is imposable.

The appeal shall not stay the execution of the order or award unless ordered by the Board, by the Court of Appeals or by the Supreme court and the appeal shall be without prejudice to the special civil action of *certiorari* when proper.

"SEC. 32. *Execution of Decision.* — When no appeal is perfected and there is no order to stay by the Board, by the Court of Appeals or by the Supreme Court, any decision or award of the Board shall be enforced and executed in the same manner as decisions of the Regional Trial Court. For this purpose, the Board shall have the power to issue to the city or provincial sheriff or its appointed sheriff such writs of execution as may be necessary for the enforcement of such decision or award, and any person who shall fail to refuse or comply with such decision, award, writ or process after being required to do so, shall, upon application by the GSIS, be punished for contempt.

"SEC. 33. *Oaths, Witnesses, and Production of Records.* — When authorized by the Board, an official or employee of the GSIS shall have the power to administer oath and affirmation, take depositions, certify to official acts, and issue *subpoena ad testificandum* and *subpoena duces tecum* to compel the attendance of witnesses and the production of books, papers, correspondences, and other records deemed necessary as evidence in connection with any question arising under this Act. Any case of contumacy shall be dealt with in accordance with the provisions of Section 580 of the Revised Administration Code.

## "F. FUNDS OF THE GSIS

"*SEC. 34. Funds.* — All contributions payable under Section 5 of this Act together with the earnings and accruals thereon shall constitute the GSIS Social Insurance Fund. The said fund shall be used to finance the benefits administered by the GSIS under this Act. In addition, the GSIS shall administer the optional insurance fund for the insurance coverage described in Section 26 hereof, the Employees' Compensation Insurance Fund created under P.D. 626, as amended, the General Insurance Fund created under Act No. 656, as amended, and such other special funds existing or that may be created for special groups or persons rendering services to the government. The GSIS shall maintain the required reserves to guarantee the fulfillment of its obligations under this Act.

The funds of the GSIS shall not be used for purposes other than what are provided for under this Act. Moreover, no portion of the funds of the GSIS or income thereof shall accrue to the General Fund of the national government and its political subdivisions, instrumentalities and other agencies including government-owned and controlled corporations except as may be allowed under this Act.

"*SEC. 35. Deposits and Disbursements.* — All revenues collected and all accruals thereto shall be deposited, administered and disbursed in accordance with the law. A maximum expense loading of twelve percent (12%) of the yearly revenues from all sources may be disbursed for administrative and operational expenses except as may be otherwise approved by the President of the Philippines on the basis of actuarial and management studies.

"*SEC. 36. Investment of Funds.* — The funds of the GSIS which are not needed to meet the current obligations may be invested under such terms and conditions and rules and regulations as may be prescribed by the Board: *Provided*, That investments shall satisfy the requirements of liquidity, safety/security and yield in order to ensure the actuarial solvency of the funds of the GSIS: *Provided, further*, That the GSIS shall submit an annual report on all investments made to both Houses of Congress of the Philippines, to wit:

(a) In interest-bearing bonds or securities or other evidence of indebtedness of the Government of the Philippines;

(b) In interest-bearing deposits or securities in any domestic bank doing business in the Philippines: *Provided*, That in the case of such deposits, these shall not exceed at any time the unimpaired capital and surplus or total private deposits of the depository bank, whichever is smaller: *Provided, further*, That said bank has prior designation as a

depository for the purpose by the Monetary Board of the Central Monetary Authority;

(c) In direct housing loans to members and group housing projects secured by first mortgage, giving priority to the low income groups and in short and medium-term loans to members such as salary, policy, educational, emergency, stock purchase plan and other similar loans: *Provided*, That no less than forty percent (40%) of the investable fund of the GSIS Social Insurance Fund shall be invested for these purposes;

(d) In bonds, securities, promissory notes or other evidence of indebtedness of educational or medical institutions to finance the construction, improvement and maintenance of schools and hospitals;

(e) In real estate property including shares of stocks involving real estate property and investments secured by first mortgages on real estate or other collaterals acceptable to the GSIS: *Provided*, That such investments shall, in the determination of the Board, redound to the benefit of the GSIS, its members, as well as the general public;

(f) In debt instruments and other securities traded in the secondary markets;

(g) In loans to, or in bonds, debentures, promissory notes or other evidence of indebtedness of any solvent corporation created or existing under the laws of the Philippines;

(h) In common and preferred stocks of any solvent corporation or financial institution created or existing under the laws of the Philippines listed in the stock exchange with proven track record of profitability over the last three (3) years and payment of dividends at least once over the same period;

(i) In domestic mutual funds including investments related to the operations of mutual funds; and

(j) In foreign mutual funds and in foreign currency deposits or foreign currency deposits or foreign currency-denominated debts, non-speculative equities and other financial instruments or other assets issued in accordance with existing laws of the countries where such financial instruments are issued: *Provided*, That these instruments or assets are listed in bourses of the respective countries where these instruments or assets are issued: *Provided, further*, That the issuing company has proven track record of profitability over the last three (3) years and payment of dividends at least once over the same period.

*“SEC. 37. Records and Reports.* — The GSIS shall keep and cause to keep such records as may be necessary for the purpose of making actuarial studies, calculations and valuations of the funds of the GSIS including such data needed in the computation of rates of disability, mortality, morbidity, separation and retirement among the members and any other information useful for the adjustment of the benefits of the members. The GSIS shall maintain appropriate books of accounts to record its assets, liabilities, income, expenses, receipts and disbursements of funds and other financial transactions and operations.

*“SEC. 38. Examination and Valuation of the Funds.* — The GSIS shall make a periodic actuarial examination and valuation of its funds in accordance with accepted actuarial principles.

*“SEC. 39. Exemption from Tax, Legal Process and Lien.* — It is hereby declared to be the policy of the State that the actuarial solvency of the funds of the GSIS shall be preserved and maintained at all times and that contribution rates necessary to sustain the benefits under this Act shall be kept as low as possible in order not to burden the members of the GSIS and their employers. Taxes imposed on the GSIS tend to impair the actuarial solvency of its funds and increase the contribution rate necessary to sustain the benefits of this Act. Accordingly, notwithstanding any laws to the contrary, the GSIS, its assets, revenues including all accruals thereto, and benefits paid, shall be exempt from all taxes, assessments, fees, charges or duties of all kinds. These exemptions shall continue unless expressly and specifically revoked and any assessment against the GSIS as of the approval of this Act are hereby considered paid. Consequently, all laws, ordinances, regulations, issuances, opinions or jurisprudence contrary to or in derogation of this provision are hereby deemed repealed, superseded and rendered ineffective and without legal force and effect.

“Moreover, these exemptions shall not be affected by subsequent laws to the contrary unless this section is expressly, specifically and categorically revoked or repealed by law and a provision is enacted to substitute or replace the exemption referred to herein as an essential factor to maintain or protect the solvency of the fund, notwithstanding and independently of the guaranty of the national government to secure such solvency or liability.

“The funds and/or the properties referred to herein as well as the benefits, sums or monies corresponding to the benefits under this Act shall be exempt from attachment, garnishment, execution, levy or other processes issued by the courts, quasi-judicial agencies or administrative bodies including Commission on Audit (COA) disallowances and from all financial obligations of the members, including his pecuniary accountability arising from or caused or occasioned by his exercise or performance of his

official functions or duties, or incurred relative to or in connection with his position or work except when his monetary liability, contractual or otherwise, is in favor of the GSIS.

“G. ADMINISTRATION

“*SEC. 40. Implementing Body.* — The Government Service Insurance System as created under Commonwealth Act No. 186 shall implement the provisions of this Act.

“*SEC. 41. Powers and Functions of the GSIS.* — The GSIS shall exercise the following powers and functions:

(a) to formulate, adopt, amend and/or rescind such rules and regulations as may be necessary to carry out, the provisions and purposes of this Act, as well as the effective exercise of the powers and functions, and the discharge of duties and responsibilities of the GSIS, its officers and employees;

(b) to adopt or approve the annual and supplemental budget of receipts and expenditures including salaries and allowances of the GSIS personnel; to authorize such capital and operating expenditures and disbursements of the GSIS as may be necessary and proper for the effective management and operation of the GSIS;

(c) to invest the funds of the GSIS, directly or indirectly, in accordance with the provisions of this Act;

(d) to acquire, utilize or dispose of, in any manner recognized by law, real or personal property in the Philippines or elsewhere necessary to carry out the purposes of this Act;

(e) to conduct continuing actuarial and statistical studies and valuations to determine the financial condition of the GSIS and taking into consideration such studies and valuations and the limitations herein provided, re-adjust the benefits, contributions, premium rates, interest rates or the allocation or re allocation of the funds to the contingency covered;

(f) to have the power of succession;

(g) to sue and be sued;

(h) to enter into, make, perform and carry out contracts of every kind and description with any person, firm or association or corporation, domestic or foreign;

(i) to carry on any other lawful business whatsoever in pursuance of, or in connection with the provisions of this Act;

(j) to have one or more offices in and outside of the Philippines, and to conduct its business and exercise its powers throughout and in any part of the Republic of the Philippines and/or in any or all foreign countries, states and territories: *Provided*, That the GSIS shall maintain a branch office in every province where there exists a minimum of fifteen thousand (15,000) membership;

(k) to borrow funds from any source, private or government, foreign or domestic, only as an incident in the securitization of housing mortgages of the GSIS and on account of its receivables from any government or private entity;

(l) to invest, own or otherwise participate in equity in any establishment, firm or entity;

(m) to approve appointments in the GSIS except appointments to positions which are policy determining, primarily confidential or highly technical in nature according to the Civil Service rules and regulations: *Provided*, That all positions in the GSIS shall be governed by a compensation and position classification system and qualifications standards approved by the GSIS Board on trustees based on a comprehensive job analysis and audit of actual duties and responsibilities. *Provided, further*, That the compensation plan shall be comparable with the prevailing compensation plans in the private sector and shall be subject to the periodic review by the Board no more than once every four (4) years without prejudice to yearly merit reviews or increases based on productivity and probability;

(n) to design and adopt an Early Retirement Incentive Plan (ERIP) and/or financial assistance for the purpose of retirement for its own personnel;

(o) to fix and periodically review and adjust the rates of interest and other terms and conditions for loans and credits extended to members or other persons, whether natural or juridical;

(p) to enter into agreement with the Social Security System or any other entity, enterprise, corporation or partnership for the benefit of members transferring from one system to another subject to the provision of Republic Act No. 7699, otherwise known as the Portability Law;

(q) to be able to float proper instrument to liquefy long-term maturity by pooling funds for short-term secondary market;

(r) to submit annually, not later than June 30, a public report to the President of the Philippines and the Congress of the Philippines regarding its activities in the administration and enforcement of this Act during the preceding year including information and recommendations on broad policies for the development and perfection of the programs of the GSIS;

(s) to maintain a provident fund, which consists of contributions made by both the GSIS and its officials and employees and their earnings, for the payments of benefits to such officials and employees or their heirs under such terms and conditions as it may prescribe;

(t) to approve and adopt guidelines affecting investments, insurance coverage of government properties, settlement of claims, disposition of acquired assets, privatization or expansion of subsidiaries, development of housing projects, increased benefit and loan packages to members and the enforcement of the provisions of this Act;

(u) any provision of law to the contrary notwithstanding, to authorize the payment of extra remuneration to the officials and employees directly involved in the collection and/or remittance of contributions, loan repayments, and other monies due to the GSIS at such rates and under such conditions as it may adopt: *Provided*, That the best interest of the GSIS shall be observed thereby;

(v) to determine, fix and impose interest upon unpaid premiums due from employers and employees;

(w) to ensure the collection or recovery of all indebtedness, liabilities and/or accountabilities, including unpaid premiums or contributions in favor of the GSIS arising from any cause or source whatsoever, due from all obligors, whether public or private. The Board shall demand payment or settlement of the obligations referred to herein within thirty (30) days from the date the obligation becomes due, and in the event of failure or refusal of the obligor or debtor to comply with the demand, to initiate or institute the necessary or proper actions or suits, criminal, civil or administrative or otherwise, before the courts, tribunals, commissions, boards, or bodies of proper jurisdiction within thirty (30) days reckoned from the expiry date of the period fixed in the demand within which to pay or settle the account;

(x) to design and implement programs that will promote and mobilize savings and provide additional resources for social security expansion and at the same time afford individual members appropriate returns on their savings/investments. The programs shall be so designed as to spur socio-economic take-off and maintain continued growth; and



(y) to exercise such powers and perform such other acts as may be necessary, useful, incidental or auxiliary to carry out the provisions of this Act, or to attain the purposes and objectives of this Act.

“SEC. 42. *The Board of Trustees: Its Composition, Tenure and Compensation.* — The corporate powers and functions of the GSIS shall be vested in and exercised by the Board of Trustees composed of the President and General Manager of the GSIS and eight (8) other members to be appointed by the President of the Philippines, one (1) of whom shall be either the President of the Philippine Public School Teachers Association (PPSTA) or the President of the Philippine Association of School Superintendents (PASS), another two (2) shall represent the leading organizations or associations of government employees/retirees, another four (4) from the banking, finance, investment, and insurance sectors, and one (1) recognized member of the legal profession who at the time of appointment is also a member of the GSIS. The Trustees shall elect from among themselves a Chairman while the President and General Manager of the GSIS shall automatically be the vice-chairman.

The Trustees, except the President and General Manager who shall cease as trustee upon his separation, shall hold office for six (6) years without reappointment, or until their successors are duly appointed and qualified. Vacancy, other than through the expiration of the term, shall be filled for the unexpired term only. The members of the Board shall be entitled to a *per diem* of Two thousand five hundred pesos (P2,500.00) for each board meeting actually attended by them, but not to exceed Ten thousand pesos (P10,000.00) a month and reasonable transportation and representation allowances as may be fixed by the Board.

“SEC. 43. *Powers and Functions of the Board of Trustees.* — The Board of Trustees shall have the following powers and functions:

“(a) to formulate the policies, guidelines and programs to effectively carry out the purposes of this Act;

“(b) to promulgate such rules and regulations as may be necessary or proper for the effective exercise of the powers and functions as well as the discharge of the duties and responsibilities of the GSIS, its officers and employees;

“(c) upon the recommendation of the President and General Manager, to approve the annual and supplemental budget of receipts and expenditures of the GSIS, and to authorize such operating and capital expenditures and disbursements of the GSIS as may be necessary or proper for the effective management, operation and administration of the GSIS:

“(d) upon the recommendation of the President and General Manager, to approve the GSIS’s organizational and administrative structures and staffing pattern, and to establish, fix, review, revise and adjust the appropriate compensation package for the officers and employees of the GSIS with reasonable allowances, incentives, bonuses, privileges and other benefits as may be necessary or proper for the effective management, operation and administration of the GSIS, which shall be exempt from Republic Act No. 6758, otherwise known as the Salary Standardization Law and Republic Act No. 7430, otherwise known as the Attrition Law;

“(e) to fix and periodically review and adjust the rates of interest and other terms and conditions for loans and credits extended to its members or other persons, whether natural or juridical;

“(f) the provision of any law to the contrary notwithstanding, to compromise or release, in whole or in part, any claim or settle liability to the GSIS, regardless of the amount involved, under such terms and conditions as it may impose for the best interest of the GSIS;

“(g) to approve and adopt guidelines affecting investments, insurance coverage of government properties, settlements of claims, disposition of acquired assets, development of housing projects, increased benefit and loan packages to members, and the enforcement of the provisions of this Act;

“(h) to determine, fix and impose interest upon unpaid or unremitted premiums and/or contributions; and

“(i) to do and perform any and all acts necessary, proper or incidental to the attainment of the purposes and objectives of this Act.

“*SEC. 44. Appointment, Qualifications, and Compensation of the President and General Manager and of Other Personnel.* — The President and General Manager of the GSIS shall be its Chief Executive Officer and shall be appointed by the President of the Philippines. He shall be a person with management and investments expertise necessary for the effective performance of his duties and functions under this Act.

“The GSIS President and General Manager shall be assisted by one or more executive vice-presidents, senior vice-presidents and managers in addition to the usual supervisory and rank and file positions who shall be appointed and removed by the President and General Manager with the approval of the Board, in accordance with the existing Civil Service rules and regulations.

“SEC. 45. *Powers and Duties of the President and General Manager.* — The President and General Manager of the GSIS shall among others, execute and administer the policies and resolutions approved by the board and direct and supervise the administration and operations of the GSIS. The President and General Manager, subject to the approval of the Board, shall appoint the personnel of the GSIS, remove, suspend or otherwise discipline them for cause, in accordance with existing Civil Service rules and regulations, and prescribe their duties and qualifications to the end that only competent persons may be employed.

“SEC. 46. *Auditor.* — (a) The Chairman of the Commission on Audit shall be the *ex officio* auditor of the GSIS. For this purpose, he may appoint a representative who shall be the Auditor of the GSIS, and the necessary personnel to assist said representative in the performance of his duties.

“(b) The Chairman of the Commission on Audit or his authorized representative, shall submit to the Board soon after the close of each calendar year, an audited statement showing the financial condition and progress of the GSIS for the calendar year just ended.

“SEC. 47. *Legal Counsel.* — The Government Corporate Counsel shall be the legal adviser and consultant of the GSIS, but the GSIS may assign to the Office of the Government Corporate Counsel (OGCC) cases for legal action or trial, issues for legal opinions, preparation and review of contracts/agreements and others, as the GSIS may decide or determine from time to time: *Provided, however,* That the present legal services group in the GSIS shall serve as its in-house legal counsel.

“The GSIS may, subject to approval by the proper court, deputize any personnel of the legal service group to act as special sheriff in the enforcement of writs and processes issued by the court, *quasi-judicial* agencies or administrative bodies in cases involving the GSIS.

“SEC. 48. *Powers of the Insurance Commission.* — The Insurance Commissioner or his authorized representatives shall make an examination of the financial condition and methods of transacting business of the GSIS at least once every three (3) years and the report of said examination shall be submitted to the Board of Trustees and copies thereof be furnished the Office of the President of the Philippines and the two Houses of the Congress of the Philippines within five (5) days after the close of examination: *Provided, however,* That for each examination the GSIS shall pay the office of the Insurance Commissioner an amount equal to the actual expenses incurred by the said office in the conduct of the examination, including the salaries of examiners and of the actuary of such examination for the actual time spent.

## "H. GENERAL PROVISIONS

"*SEC. 49. Dispensation of Social Insurance Benefits.* — (a) The GSIS shall pay the retirement benefits to the employee on his last day of service in the government: *Provided*, That all requirements are submitted to GSIS within a reasonable period prior to the effective date of the retirement.

"(b) The GSIS shall discontinue the processing and adjudication of retirement claims under R.A. No. 1616 except refund of retirement premium and R.A. No. 910. Instead, all agencies concerned shall process and pay the gratuities of their employees. The Board shall adopt the proper rules and procedures for the implementation of this provision.

"*SEC. 50. Development and Disposition of Acquired Assets.* — The GSIS shall have the right to develop and dispose of its acquired assets obtained in the ordinary course of its business. To add value to, improve profitability on, and/or enhance the marketability of an acquired asset, the GSIS may further develop/renovate the same either with its own capital or through a joint venture arrangement with private companies or individuals.

"The GSIS may sell its acquired assets in accordance with existing Commission on Audit (COA) rules and regulations for an amount not lower than the current market value of the property. For this purpose, the GSIS shall conduct an annual appraisal of its property or acquired assets to determine its current market value. All notices of sale shall be published in newspapers of general circulation.

"No injunction or restraining order issued by any court, commission, tribunal or office shall bar, impede or delay the sale and disposition by the GSIS of its acquired assets except on questions of ownership and national or public interest.

"*SEC. 51. Government Assistance to the GSIS.* — The GSIS may call upon any employer for such assistance as may be necessary in the discharge of its duties and functions.

## "I. PENAL PROVISIONS

"*SEC. 52. Penalty.* — (a) Any person found to have participated directly or indirectly in the commission of fraud, collusion, falsification, or misrepresentation in any transaction with the GSIS whether for him or for some other persons, shall suffer the penalties provided for in Article 172 of the Revised Penal Code.

“(b) Whoever shall obtain or receive any money or check invoking any provision of this Act or any agreement thereunder, without being entitled thereto with the intent to defraud any member, any employer, the GSIS, or any third party, shall be punished by a fine of not less than Five thousand pesos (P5,000.00) nor more than Twenty thousand pesos (P20,000.00) or by imprisonment of not less than six (6) years and one (1) day to twelve (12) years, or both, at the discretion of the court.

“(c) Whoever fails or refuses to comply with the provisions of this Act or with the rules and regulations adopted by the GSIS shall be punished by a fine not less than Five thousand pesos (P5,000.00) nor more than Twenty thousand pesos (P20,000.00) or by imprisonment of not less than six (6) years and one (1) day to twelve (12) years, or both, at the discretion of the court.

“(d) The treasurer, finance officer, cashier, disbursing officer, budget officer or other official or employee who fails to include in the annual budget the amount corresponding to the employer and employee contributions, or who fails or refuses or delays by more than thirty (30) days from the time such amount becomes due and demandable, or to deduct the monthly contributions of the employee shall, upon conviction by final judgment, suffer the penalties of imprisonment from six (6) months and one (1) day to six (6) years, and a fine of not less than Three thousand pesos (P3,000.00) but not more than Six thousand pesos (P6,000.00), and in addition shall suffer absolute perpetual disqualification from holding public office and from practicing any profession or calling licensed by the government.

“(e) Any employee or member who receives or keeps fund or property belonging, payable or deliverable to the GSIS and appropriates the same, or takes or misappropriates or uses the same to any purpose other than that authorized by this Act, or permits another person to take, misappropriate or use said fund or property by expressly consenting thereto, or through abandonment or negligence, or is otherwise guilty of the misappropriation of said fund or property, in whole or in part, shall suffer the penalties provided in Article 217 of the Revised Penal Code, and in addition shall suffer absolute perpetual disqualification from holding public office and from practicing any profession or calling licensed by the government.

“(f) Any employee, who after deducting the monthly contribution or loan amortization from a member’s compensation, fails to remit the same to the GSIS within thirty (30) days from the date they should have been remitted under Section 6(a) shall be presumed to have misappropriated such contribution or loan amortization and shall suffer the penalties provided in Article 315 of the Revised Penal Code, and in addition shall suffer absolute

perpetual disqualification from holding public office and from practicing any profession or calling licensed by the government.

“(g) The heads of the offices of the national government, its political subdivisions, branches, agencies and instrumentalities, including government-owned or controlled corporations and government financial institutions, and the personnel of such offices who are involved in the collection of premium contributions, loan amortization and other accounts due the GSIS who shall fail, refuse or delay the payment, turnover, remittance or delivery of such accounts to the GSIS within thirty (30) days from the time that the same shall have been due and demandable shall, upon conviction by final judgment, suffer the penalties of imprisonment of not less than one (1) year nor more than five (5) years and a fine of not less than Ten thousand pesos (P10,000.00) nor more than Twenty thousand pesos (P20,000.00), and in addition shall suffer absolute perpetual disqualification from holding public office and from practicing any profession or calling licensed by the government.

“(h) The officers and/or personnel referred to in paragraph (g) of this section shall be liable not only criminally but also civilly to the GSIS or to the employee or member concerned in the form of damages, including surcharges and interests.

“(i) For the charges or complaints referred to in paragraph (g) of this Section, the liabilities therein set forth shall be construed as waiver of the State of its immunity from suit, hence, the above-mentioned officials and/or personnel may not invoke the defense of non-suability of the State.

“(j) Failure of the Members of the GSIS Board, including the chairman and the vice-chairman, to comply with the provisions of paragraph (w) of Section 41 hereof, shall subject them to imprisonment of not less than six (6) months nor more than one (1) year or a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00) without prejudice to any civil or administrative liability which may also arise therefrom.

Criminal actions arising from violations of the provisions of this Act may be commenced by the GSIS or by the aggrieved member, either under this Act or, in appropriate cases, under the Revised Penal Code.

“*SEC. 53. Implementing Rules and Regulations.* — The implementing rules and regulations to carry out the provisions of this Act shall be adopted and promulgated by the GSIS not later than ninety (90) days after the approval of this Act.

*“SEC. 54. Non-impairment of Benefits, Powers, Jurisdiction, Rights, Privileges, Functions and Activities. — Nothing in this Act shall be construed to repeal, amend or limit any provision of existing laws, Presidential Decrees and Letters of Instructions, not otherwise specifically inconsistent with the provisions of this Act.*

*“SEC. 55. Exclusiveness of Benefits. — Whenever other laws provide similar benefits for the same contingencies covered by this Act, the member who qualifies to the benefits shall have the option to choose which benefits will be paid to him. However, if the benefits provided by the law chosen are less than the benefits provided under this Act, the GSIS shall pay only the difference.*

*“SEC. 56. Appropriations. — The amount necessary to carry out the provisions of this Act shall be included in the respective budgets of the agencies in the national government obligation program of the year following its enactment into law and thereafter.”*

*SEC. 2. Separability Clause. — Should any provision of this Act or any part thereof be declared invalid, the other provisions, so far as they are separable from the invalid ones, shall remain in force and effect.*

*SEC. 3. Repealing Clause. — All laws and any other law or parts of law specifically inconsistent herewith are hereby repealed or modified accordingly: *Provided*, That the rights under existing laws, rules and regulations vested upon or acquired by an employee who is already in service of as the effectivity of this Act shall remain in force and effect: *Provided, further*, That subsequent to the effectivity of this Act, a new employee or an employee who has previously retired or separated and is reemployed in the service shall be covered by the provisions of this Act.*

*“SEC. 4. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.*

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
Speaker of the House  
of Representatives

(Sgd.) ERNESTO M. MACEDA  
President of the Senate

This Act, which is a consolidation of Senate Bill No. 2013 and House Bill No. 8561 was finally passed by the Senate and House of Representatives on May 29, 1997 and May 28, 1997, respectively.

(Sgd.) ROBERTO P. NAZARENO  
Secretary General  
House of Representatives

(Sgd.) LORENZO E. LEYNES, JR.  
Secretary of the Senate

Approved: May 30, 1997

(Sgd.) FIDEL V. RAMOS  
President of the Philippines



Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Third Regular Session

[REPUBLIC ACT NO. 8425]

AN ACT INSTITUTIONALIZING THE SOCIAL REFORM AND POVERTY ALLEVIATION PROGRAM, CREATING FOR THE PURPOSE THE NATIONAL ANTI-POVERTY COMMISSION, DEFINING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title.* — This Act shall be known as the “Social Reform and Poverty Alleviation Act.”

SEC. 2. *Declaration of Policy.* — It is the policy of the State to:

(1) Adopt an area-based, sectoral and focused intervention to poverty alleviation wherein every poor Filipino family shall be empowered to meet its minimum basic needs of health, food and nutrition, water and environmental sanitation, income security, shelter and decent housing, peace and order, education and functional literacy, participation in governance, and family care and psycho-social integrity;

(2) Actively pursue asset reform or redistribution of productive economic resources to the basic sectors including the adoption of a system of public spending which is targeted towards the poor;

(3) Institutionalize and enhance the Social Reform Agenda, hereinafter known as the SRA, which embodies the results

(4) Adopt and operationalize the following principles and strategies as constituting the national framework integrating various structural reforms and anti-poverty initiatives:

(a) Social reform shall be a continuing process that addresses the basic inequities in Philippine society through a systematic package of social interventions;

(b) The SRA shall be enhanced by government in equal partnership with the different basic sectors through appropriate and meaningful consultations and participation in governance;

(c) Policy, programs and resource commitments from both government and the basic sectors shall be clearly defined to ensure accountability and transparency in the implementation of the Social Reform Agenda;

(d) A policy environment conducive to sustainable social reform shall be pursued;

(e) The SRA shall address the fight against poverty through a multi-dimensional and cross-sectoral approach which recognizes and respects the core values, cultural integrity, and spiritual diversity of target sectors and communities;

(f) The SRA shall pursue a gender-responsive approach to fight poverty;

(g) The SRA shall promote ecological balance in the different ecosystems, in a way that gives the basic sectors a major stake in the use, management, conservation and protection of productive resources;

(h) The SRA shall take into account the principle and interrelationship of population and development in the planning and implementation of social reform programs thereby promoting self-help and self-reliance; and

(i) The SRA implementation shall be focused on specific target areas and basic sectors.

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms shall mean:

(a) “Artisanal fisherfolk” – Refers to municipal, small scale or subsistence fishermen who use fishing gear which do not require boats or which only require boats below three (3) tons;

(b) “Basic sectors” – Refer to the disadvantaged sectors of Philippine society, namely: farmer-peasant, artisanal fisherfolk, workers in the formal sector and migrant workers, workers in the informal sector, indigenous peoples and cultural communities,

women, differently-abled persons, senior citizens, victims of calamities and disasters, youth and students, children, and urban poor;

(c) "Cooperative" – Refers to a duly registered association of at least fifteen (15) persons, majority of which are poor, having a common bond of interest, who voluntarily join together to achieve a lawful common social and economic end. It is organized by the members who equitably contribute the required share capital and accept a fair share of the risks and benefits of their undertaking in accordance with the universally accepted corporate principles and practices;

(d) "Capability building" – Refers to the process of enhancing the viability and sustainability of microfinance institutions through activities that include training in microfinance technologies, upgrading of accounting and auditing systems, technical assistance for the installation or improvement of management information systems, monitoring of loans and other related activities. The term capability building shall in no way refer to the provision of equity investments, seed funding, partnership's seed funds, equity participation, start-up funds or any such activity that connotes the infusion of capital or funds from the government or from the people's development trust fund to microfinance institutions as defined in this Act. Capability building precludes the grant of any loan or equity funds to the microfinance institution;

(e) "Collateral-free arrangement" – A financial arrangement wherein a loan is contracted by the debtor without the conventional loan security of a real estate or chattel mortgage in favor of the creditor. In lieu of these conventional securities, alternative arrangements to secure the loans and ensure repayment are offered and accepted;

(f) "Group character loan" – A loan contracted by a member and guaranteed by a group of persons for its repayment. The creditor can collect from any of the members of the group which guaranteed the said loan, without prejudice to the right of reimbursement of the member or members of the group who had advanced the payment in favor of the actual debtor;

(g) "Indigenous cultural communities/indigenous peoples" – As defined in Republic Act No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997;"

(h) "Migrant workers" – As defined in Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipino Act of 1995;"

(i) "Micro-enterprise" – Any economic enterprise with a capital of One hundred fifty thousand pesos (P150,000.00) and below. This amount is subject to periodic determination of the Department of Trade and Industry to reflect economic changes;

(j) "Microfinance" – A credit and savings mobilization program exclusively for the poor to improve the asset base of households and expand the access to savings of the poor. It involves the use of viable alternative credit schemes and savings programs including the extension of small loans, simplified loan application procedures, group character loans, collateral-free arrangements, alternative loan repayments, minimum requirements for savings, and small denominated savers' instruments;

(k) "Minimum basic needs" – Refers to the needs of a Filipino family pertaining to survival (food and nutrition; health; water and sanitation; clothing), security (shelter; peace and order; public safety; income and livelihood) and enabling (basic education and literacy; participation in community development; family and psycho-social care);

(l) "Human development index" – Refers to the measure of how well a country has performed, based on social indicators of people's ability to lead a long and healthy life, to acquire knowledge and skills, and to have access to the resources needed to afford a decent standard of living. This index looks at a minimum of three outcomes of development: the state of health (measured by life expectancy at birth), the level of knowledge and skill (measured by a weighted average of adult literacy and enrollment rates), and the level of real income per capita, adjusted for poverty considerations;

(m) "Nongovernment organizations" – Refers to duly registered nonstock, nonprofit organizations focusing on the upliftment of the basic or disadvantaged sectors of society by providing advocacy, training, community organizing, research, access to resources, and other similar activities;

(n) "People's organization" – Refers to a self-help group belonging to the basic sectors and/or disadvantaged groups composed of members having a common bond of interest who voluntarily join together to achieve a lawful common social or economic end;

(o) "Poor" – Refers to individuals and families whose income fall below the poverty threshold as defined by the National Economic and Development Authority and/or cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing and other essential amenities of life;

(p) "Poverty alleviation" – Refers to the reduction of absolute poverty and relative poverty.

(q) "Absolute poverty" – Refers to the condition of the household below the food threshold level;

(r) "Relative poverty" – Refers to the gap between the rich and the poor;

(s) "Social reform" – Refers to the continuing process of addressing the basic inequities in Filipino society through a systematic, unified and coordinated delivery of socioeconomic programs or packages;

(t) "Small Savers Instrument (SSI)" – Refers to an evidence of indebtedness of the Government of the Republic of the Philippines which shall be in small denominations and sold at a discount from its redemption value, payable to bearer and redeemable on demand according to a schedule printed on the instrument, with a discount lower than the full stated rate if not held to maturity. The resources generated under this scheme shall be used primarily for micro-credit for the poor. SSIs are not eligible as legal reserve of banks and legal reserves prescribed of insurance companies operating in the Philippines;

(u) "Urban poor" – Refers to individuals or families residing in urban centers and urbanizing areas whose income or combined household income falls below the poverty threshold as defined by the National Economic and Development Authority and/or cannot afford in a sustained manner to provide their minimum basic needs of food, health, education, housing and other essential amenities of life;

(v) "Workers in the formal sector" – Refers to workers in registered business enterprises who sell their services in exchange for wages and other forms of compensation;

(w) "Workers in the informal sector" – Refers to poor individuals who operate businesses that are very small in scale and are not registered with any national government agency, and to the workers in such enterprises who sell their services in exchange for subsistence level wages or other forms of compensation; and

(x) "Youth" – Refers to persons fifteen (15) to thirty (30) years old.

SEC. 4. *Adoption and Integration of Social Reform Agenda (SRA) in the National Anti-Poverty Action Agenda.* – The National Anti-Poverty Action Agenda shall principally include the core principles and programs of the Social Reform Agenda (SRA). The SRA shall have a multi-dimensional approach to poverty consisting of the following reforms:

(1) Social dimension access to quality basic services. – These are reforms which refer to equitable control and access to social services and facilities such as education, health, housing, and other basic services which enable the citizens to meet their basic human needs and to live decent lives;

(2) Economic dimension asset reform and access to economic opportunities. – Reforms which address the existing inequities in the ownership, distribution, management and control over natural and man-made resources from which they earn a living or increase the fruits of their labor;

(3) Ecological dimension sustainable development of productive resources. – Reforms which ensure the effective and sustainable utilization of the natural and ecological resource base, thus assuring greater social acceptability and increased participation of the basic sectors in environmental and natural resources conservation, management and development;

(4) Governance dimension democratizing the decision-making and management processes. – Reforms which enable the basic sectors to effectively participate in decision-making and management processes that affect their rights, interests and welfare.

The SRA shall focus on the following sector-specific flagship programs:

- (1) For farmers and landless rural workers – agricultural development;
- (2) For the fisherfolk – fisheries and aquatic resources conservation, management and development;
- (3) For the indigenous peoples and indigenous communities – respect, protection and management of the ancestral domains;
- (4) For workers in the informal sector – workers' welfare and protection;
- (5) For the urban poor – socialized housing; and
- (6) For members of other disadvantaged groups such as the women, children, youth, persons with disabilities, the elderly, and victims of natural and man-made calamities – the Comprehensive Integrated Delivery of Social Services (CIDSS).

Additionally, to support the sectoral flagship programs, the following cross-sectoral flagships shall likewise be instituted:

- (1) Institution-building and effective participation in governance;
- (2) Livelihood programs;
- (3) Expansion of micro-credit/microfinance services and capability building; and
- (4) Infrastructure buildup and development.

## TITLE I

### NATIONAL ANTI-POVERTY COMMISSION

SEC. 5. *The National Anti-Poverty Commission.* – To support the above-stated policy, the National Anti-Poverty Commission, hereinafter referred to as the NAPC, is

hereby created under the Office of the President, which shall serve as the coordinating and advisory body for the implementation of the SRA. The Presidential Commission to Fight Poverty (PCFP), the Social Reform Council (SRC), and the Presidential Council for Countryside Development (PCCD) are hereby abolished and the NAPC shall exercise the powers and functions of these agencies. The NAPC shall be the successor-in-interest of the three (3) abolished commissions and councils.

The creation and operationalization of the NAPC shall be guided by the following principles:

- (1) Incorporation of the Social Reform Agenda into the formulation of development plans at the national, regional, subregional and local levels;
- (2) Efficiency in the implementation of the anti-poverty programs by strengthening and/or streamlining present poverty alleviation processes and mechanisms, and reducing the duplication of functions and activities among various government agencies;
- (3) Coordination and synchronization of social reform and poverty alleviation programs of national government agencies;
- (4) Exercise of policy oversight responsibilities to ensure the attainment of social reform and poverty alleviation goals;
- (5) Strengthening of local government units to more effectively operationalize the SRA in local development efforts;
- (6) Institutionalization of basic sectoral and NGO participation in effective planning, decision-making, implementation, monitoring and evaluation of the SRA at all levels;
- (7) Ensuring adequate, efficient and prompt delivery of basic services to the poor; and
- (8) Enjoining government financial institutions to open credit and savings windows for the poor, and advocating the creation of such windows for the poor among private banking institutions.

SEC. 6. *Composition of the NAPC* . – The President of the Republic of the Philippines shall serve as Chairperson of the NAPC. The President shall appoint the Lead Convenor of the NAPC, either from the government or private sector, who shall likewise serve as the head of the National Anti-Poverty Commission Secretariat, and shall have the rank of a Cabinet Secretary. There shall be a vice-chairperson for the government sector and a vice-chairperson for the basic sectors; the former to be designated by the President, and the latter to be elected among the basic sector

representatives of the NAPC as vice-chairperson for the basic sector; and the following as members:

- (1) Heads of the following government bodies:
  - (a) Department of Agrarian Reform (DAR);
  - (b) Department of Agriculture (DA);
  - (c) Department of Labor and Employment (DOLE);
  - (d) Department of Budget and Management (DBM);
  - (e) Department of Social Welfare and Development (DSWD);
  - (f) Department of Health (DOH);
  - (g) Department of Education, Culture and Sports (DECS);
  - (h) Department of the Interior and Local Government (DILG);
  - (i) Department of Environment and Natural Resources (DENR);
  - (j) Department of Finance (DOF);
  - (k) National Economic and Development Authority (NEDA);
  - (l) People's Credit and Finance Corporation (PCFC), subject to Section 17 of this Act; and
  - (m) Presidential Commission on Urban Poor (PCUP);
  
- (2) Presidents of the Leagues of Local Government Units:
  - (a) League of Provinces;
  - (b) League of Cities;
  - (c) League of Municipalities;
  - (d) Liga ng mga Barangay
  
- (3) Representatives from each of the following basic sectors:
  - (a) Farmers and landless rural workers;
  - (b) Artisanal fisherfolk;
  - (c) Urban poor;
  - (d) Indigenous cultural communities/indigenous peoples;
  - (e) Workers in the formal sector and migrant workers;
  - (f) Workers in the informal sector;
  - (g) Women;
  - (h) Youth and students;
  - (i) Persons with disabilities;
  - (j) Victims of disasters and calamities;
  - (k) Senior citizens;
  - (l) Nongovernment organizations (NGOs);
  - (m) Children; and
  - (n) Cooperatives.

Sectoral councils formed by and among the members of each sector shall respectively nominate three (3) nominees from each sector within six (6) months after the



effectivity of the implementing rules and regulations of this Act, and every three (3) years thereafter and in case of vacancy. The President of the Republic of the Philippines shall, within (30) days after the submission of the list of nominees, appoint the representatives from the submitted list. Sectoral representatives shall serve for a term of three (3) years without reappointment. Appointment to any vacancy for basic sector representatives shall be only for the unexpired term of the predecessor.

The implementing rules and regulations (IRR) of this Act shall contain the guidelines for the formation of sectoral councils, the nomination process, recall procedures and such other mechanism to ensure accountability of the sectoral representatives.

**SEC. 7. Powers and Functions.** – The NAPC shall exercise the following powers and functions:

- (1) Coordinate with different national and local government agencies and the private sector to assure full implementation of all social reform and poverty alleviation programs;
- (2) Coordinate with local government units in the formulation of social reform and poverty alleviation programs for their respective areas in conformity with the National Anti-Poverty Action Agenda;
- (3) Recommend policy and other measures to ensure the responsive implementation of the commitments under the SRA;
- (4) Ensure meaningful representation and active participation of the basic sectors;
- (5) Oversee, monitor and recommend measures to ensure the effective formulation, implementation and evaluation of policies, programs and resource allocation and management of social reform and poverty alleviation programs;
- (6) Advocate for the mobilization of funds by the national and local governments to finance social reform and poverty alleviation programs and capability building activities of people's organizations;
- (7) Provide financial and non-financial incentives to local government units with counterpart resources for the implementation of social reform and poverty alleviation programs; and
- (8) Submit an annual report to Congress including, but not limited to, all aspects of its operations and programs and project implementation, financial status and other relevant data as reflected by the basic reform indicator.

SEC. 8. *Principal Office.* – The NAPC shall establish its principal office in Metro Manila and may establish such branches within the Philippines as may be deemed necessary by the President of the Philippines to carry out the powers and functions of the NAPC.

SEC. 9. *The NAPC Secretariat.* – The NAPC shall be supported by a Secretariat, which shall be headed by the Lead Convenor referred to under Section 6 hereof. The Secretariat shall provide technical and administrative support to the NAPC. It shall be formed from the unification of the secretariats of the following bodies:

- (1) Presidential Commission to Fight Poverty (PCFP);
- (2) Social Reform Council (SRC); and
- (3) Presidential Council for Countryside Development (PCCD).

Within three (3) months from the effectivity of this Act, the Office of the President shall finalize the organizational plan for the NAPC.

To provide the continuity of existing social reform and poverty alleviation related programs, all accredited organizations under the three (3) unified councils and commissions shall be automatically accredited under the NAPC until such time that additional accreditation requirements may be provided by the NAPC.

SEC. 10. *The People's Development Trust Fund.* – The People's Development Trust Fund (PDTF) is hereby established, which shall be monitored by the NAPC.

The Trust Fund in the amount of Four billion and five hundred million pesos (P4,500,000,000.00) shall be funded from the earnings of the PAGCOR in addition to appropriations by Congress, voluntary contributions, grants, gifts from both local and foreign sources as may be accepted or decided on by the NAPC. Any additional amount to the Trust Fund shall form part of the corpus of the Trust Fund, unless the donor, contributor or grantor expressly provides as a condition that the amount be included in the disburseable portion of the Trust Fund.

The President of the Philippines shall assign to any existing government department or agency the administration of the Trust Fund, based on the expertise, organizational capability, and orientation or focus of the department or agency. The NAPC shall be limited to the function of monitoring the utilization of the PDTF, while the government departments or agencies designated by the President shall directly administer the utilization of the earnings of the PDTF.

Only the fruits of the PDTF shall be used for the purposes provided in this Act. Any undisbursed fruits for the preceding year shall form part of the disburseable portion of the PDTF in the following year.

For the purpose of monitoring the earnings of the PDTF, the NAPC shall:

- (1) Source funds for the establishment of and augmentation to the Trust Fund;
- (2) Recommend to the appropriate government department or agency the accreditation of organizations and institutions that shall act as resource partners in conducting institutional development and capability building activities for accredited organizations and beneficiaries of microfinance and microenterprise programs;
- (3) Ensure that validation and monitoring activities are conducted for funded institutional development and capability building projects/programs/beneficiaries; and
- (4) Promote research and development work on livelihood and microfinance technology and publications/communications programs that assist the poor beneficiaries.

SEC. 11. *Purposes of the People's Development Trust Fund (PDTF)* - The earnings of the PDTF shall be utilized for the following purposes:

- (1) Consultancy and training services for microfinance institutions and their beneficiaries on the establishment of the necessary support services, social and financial preparation of beneficiaries, preparation of plans and programs including fund sourcing and assistance, establishment of credit and savings monitoring and evaluation mechanisms;
- (2) Scholarships or training grants for microfinance staff and officers, and selected beneficiaries;
- (3) Community organizing for microfinance, livelihood and micro-enterprise training services;
- (4) Livelihood/micro-enterprise project/program feasibility studies and researches;
- (5) Savings mobilization and incentive programs, and other similar facilities;
- (6) Information and communication systems such as baseline surveys, development monitoring systems, socioeconomic mapping surveys, organizational assessments, and other similar activities;
- (7) Legal and other management support services such as registration, documentation, contract review and enforcement, financial audit and operational assessment;
- (8) Information dissemination of microfinance technology; and

(9) Other activities to support microfinance as approved by the designated agency administering the PDTF.

The PDTF may be accessed by the following:

(a) Registered microfinance organizations engaged in providing micro-enterprise services for the poor to enable them to become viable and sustainable;

(b) Local government units providing microfinance and micro-enterprise programs to their constituents: *Provided*, That the PDTF shall not be used by the LGUs for personal services and maintenance and other operating expenses; and

(c) Local government units undertaking self-help projects where at least twenty-five percent (25%) of the total earnings of the PDTF shall be used exclusively for the provision of materials and technical services.

SEC. 12. *The Role of Local Government Units (LGUs)*. – The local government units, through the local development councils of the province, city, municipality, or barangay shall be responsible for the formulation, implementation, monitoring and evaluation of the National Anti-Poverty Action Agenda in their respective jurisdictions. The LGUs shall:

(a) Identify the poor in their respective areas based on indicators such as the minimum basic needs approach and the human development index, their location, occupation, nature of employment, and their primary resource base and formulate a provincial/city/municipality anti-poverty action agenda;

(b) Identify and source funding for specific social reform and poverty alleviation projects;

(c) Coordinate, monitor and evaluate the efforts of local government units with the private sector on planning and implementation of the local action program for social reform and poverty alleviation; and

(d) Coordinate and submit progress reports to the National Anti-Poverty Commission regarding their local action programs.

Nothing in this Act shall be construed as diminishing the powers granted to the local government units under the Local Government Code.

## TITLE II

### MICROFINANCE SERVICES FOR THE POOR

SEC. 13. *Microfinance Program*. – The programs and implementing mechanisms of the Social Reform Agenda's Flagship Program on Credit shall be integrated, adopted

and further enhanced to effectively support the objectives of this Act along the following thrusts:

- (1) Development of a policy environment, especially in the area of savings generation, supportive of basic sector initiatives dedicated to serving the needs of the poor in terms of microfinance services;
- (2) Rationalization of existing government programs for credit and guarantee;
- (3) Utilization of existing government financial entities for the provision of microfinance products and services for the poor; and
- (4) Promotion of mechanisms necessary for the implementation of microfinance services, including indigenous microfinance practices.

SEC. 14. *People's Credit and Finance Corporation (PCFC)*. – The People's Credit and Finance Corporation (PCFC), a government-controlled corporation registered with the Securities and Exchange Commission and created in accordance with Administrative Order No. 148 and Memorandum Order No. 261, shall be the vehicle for the delivery of microfinance services for the exclusive use of the poor. As a government-owned and –controlled corporation, it shall be the lead government entity specifically tasked to mobilize financial resources from both local and international funding sources for microfinance services for the exclusive use of the poor.

SEC. 15. *Increase in the Capitalization of PCFC*. – To facilitate the increase in the capitalization of the PCFC, the President of the Republic of the Philippines shall take measures to enable the amendment of the Articles of Incorporation of the PCFC such that:

(a) The authorized capital stock of the PCFC may be increased from One hundred million pesos (P100,000,000.00) to Two billion pesos (P2,000,000,000.00) divided into twenty million common shares with a par value of One hundred pesos (P100.00) per share;

(b) The subscribed capital stock may be increased from One hundred million pesos (P100,000,000.00) to Six hundred million pesos (P600,000,000.00) and the national government may subscribe the difference Five hundred million pesos (P500,000,000.00);

(c) The initial paid-up capital may be increased from One hundred million pesos (P100,000,000.00) to Two hundred fifty million pesos (P250,000,000.00), to be increased subsequently to a total of Six hundred million pesos (P600,000,000.00), such that at the end of a period of four (4) years the subscribed capital shall be fully paid-up, in the following manner:

For the initial increase in paid-up capital during the first year, the difference of One hundred fifty million pesos (P150,000,000.00) shall be paid and appropriated for by government; for the second year, One hundred fifty million pesos (P150,000,000.00); for the third year, One hundred million pesos (P100,000,000.00); and for the fourth year, One hundred million pesos (P100,000,000.00).

The appropriations for the additional paid-up capital shall be sourced from the share of the national government in the earnings of the PAGCOR, in the manner provided for under Section 18, which provides for the appropriations under this Act.

SEC. 16. *Special Credit Windows in Existing Government Financing Institutions (GFIs).* – The existing government financial institutions shall provide for the savings and credit needs of the poor. The GFIs such as the Land Bank of the Philippines, Philippine Postal Bank, Al Amanah Bank, and the Development Bank of the Philippines are hereby mandated to coordinate with NAPC and PCFC in setting up special credit windows and other arrangements, such as the servicing of Small Savers Instruments (SSIs), that will promote the microfinance program of this Act.

The private financing institutions may also provide the savings and credit requirements of the poor by setting up similar credit windows and other arrangements to promote the savings component of the microfinance program of this Act.

Special credit windows for the poor shall, as far as practicable, include an allocation for the basic sectors, as defined in this Act, particularly those living in the rural areas, agrarian reform communities, and women in the countryside.

SEC. 17. *PCFC Privatization.* – In the event that the ownership of the majority of the issued voting stocks of PCFC shall have passed to private investors (exclusively qualified nongovernment organizations, people's organizations and cooperatives), the stockholders shall cause the registration with the Securities and Exchange Commission (SEC) of the revised Articles of Incorporation and By-laws. The PCFC shall thereafter be considered as a privately organized entity subject to the laws and regulations generally applied to private corporations.

The chairman of the PCFC may still be a member of the National Anti-Poverty Commission (NAPC) upon the privatization of the PCFC: *Provided*, That the PCFC will continue its main purpose of providing for the savings and credit needs of the poor.

### TITLE III

#### APPROPRIATIONS

#### FOR THE NATIONAL ANTI-POVERTY COMMISSION (NAPC) AND THE PEOPLE'S DEVELOPMENT TRUST FUND (PDTF)

SEC. 18. *Appropriations.* – To carry out the provisions of this Act, the following amounts are appropriated as follows:

(1) The sum of One hundred million pesos (P100,000,000.00) is hereby appropriated as the initial operating fund in addition to the unutilized funds of the rationalized commission and councils. The sum shall be sourced from the President's Contingent Fund. In subsequent years, the amount necessary to implement this Act shall be included in the annual appropriations. The said amounts shall be under the management of the NAPC.

(2) The aggregate sum of Four billion and five hundred million pesos (P4,500,000,000.00) for ten (10) years is hereby appropriated for the establishment of the People's Development Trust Fund (PDTF) from the share of the national government in the earnings of the Philippine Amusement and Gaming Corporation (PAGCOR), in the following manner: on the first year, Three hundred fifty million pesos (P350,000,000.00); on the second year, Three hundred fifty million pesos (P350,000,000.00); on the third year, Four hundred million pesos (P400,000,000.00); on the fourth year, Four hundred million pesos (P400,000,000.00); on the fifth year and every year thereafter until the tenth year, Five hundred million pesos (P500,000,000.00) annually.

(3) The aggregate sum of Five hundred million pesos (P500,000,000.00) for four years shall be appropriated for the increase in the capitalization of the PCFC, from the share of the national government in the earnings of the PAGCOR, at such time that the increase in the capitalization of the PCFC, in the manner provided for under Section 15 of this Act, shall have been effected. The appropriation shall be made in the following manner: on the first year, One hundred fifty million pesos (P150,000,000.00); on the second year, One hundred fifty million pesos (P150,000,000.00); on the third year, One hundred million pesos (P100,000,000.00); and on the fourth year, One hundred million pesos (P100,000,000.00).

SEC. 19. *Transitory Provision.* – The Social Reform Council (SRC) and the representatives therein shall, in temporary capacity, exercise the powers and assume the duties of the NAPC until such time that the members of NAPC shall have been duly appointed or designated.

The Office of the President shall formulate the implementing rules and regulations (IRR) of this Act within six (6) months after its effectivity.

The assets, liabilities and personnel of PCFP, SRC and PCCD are hereby transferred to the NAPC. Personnel who cannot be absorbed by NAPC shall be entitled

to a separation pay of one-and-a-half (1 ½) months for every year of service and other benefits under existing retirement laws, at the option of the personnel concerned.

SEC. 20. *Repealing Clause.* – All laws, executive orders, rules and regulations, or parts thereof, inconsistent with this Act are hereby repealed, amended or modified accordingly. The provisions of this Act shall not be repealed, amended or modified unless expressly provided in subsequent general or special laws.

SEC. 21. *Separability Clause.* – If any provision of this Act shall be held invalid or unconstitutional, the remaining provisions thereof not affected thereby shall remain in full force and effect.

SEC. 22. *Effectivity Clause.* – This Act shall be effective on June 30, 1998.

Approved,

(Sgd.) ERNESTO M. MACEDA  
*President of the Senate*

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House of  
Representatives*

This Act which is a consolidation of House Bill No. 9360 and Senate Bill No. 1731, was finally passed by the House of Representatives and the Senate on December 9, 1997 and December 8, 1997, respectively.

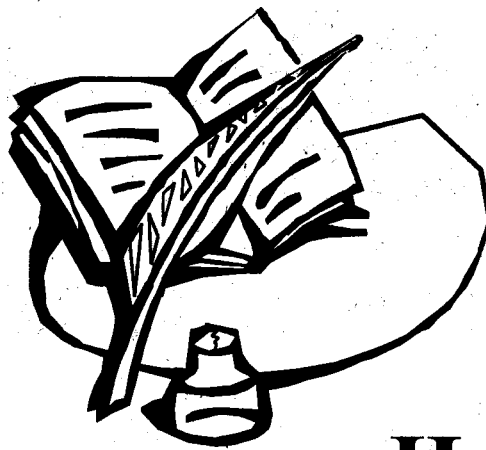
(Sgd.) LORENZO E. LEYNES, JR.  
*Secretary of the Senate*

(Sgd.) ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

Approved: 11 December 1997

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*





## II

# Marriage/ Family

**T**he Philippines values and recognizes the family as the foundation of the nation (1987 Constitution, Art. XV, Sec. 1). Being a basic autonomous social institution, the State considers, as a matter of policy, the protection of the family in all aspects, from marriage to motherhood, from birth to the end of life (Art. II, Sec. 12). The laws passed regarding this concern, such as the Family Code, reinforce these principles.

But although these laws were enacted to protect the family, it sacrifices or disregards in some respect the rights of women and somehow discriminates against people who choose not to get married who are also members of the family (and therefore also entitled to protection).

These laws addressing the family refer to the traditional view that a family is one with a mother, father, and children. Absence of one of the three, for reasons other than death (i.e. same sex relationships), will remove it from the mantle of the laws' protection. Also, society brands as broken, families whose father and mother separate. And a family is considered as not complete and happy without a child.

[ACT NO. 3753]

LAW ON REGISTRY OF CIVIL STATUS

SECTION 1. *Civil Register.* – A civil register is established for recording the civil status of persons, in which shall be entered: (a) births; (b) deaths; (c) marriages; (d) annulments of marriages; (e) divorces; (f) legitimations; (g) adoptions; (h) acknowledgment of natural children; (i) naturalization; and (j) changes of name.

SEC. 4. *Civil Register Books.* – The local civil registrars shall keep and preserve in their offices the following books, in which they shall, respectively, make the proper entries concerning the civil status of persons:

1. Birth and death register.
2. Marriage register, in which shall be entered not only the marriages solemnized but also divorces and dissolved marriages.
3. Legitimation, acknowledgment, adoption, change of name and naturalization register.

SEC. 5. *Registration and Certification of Births.* – The declaration of the physician or midwife in attendance at the birth or, in default thereof, the declaration of either parent of the newborn child, shall be sufficient for the registration of a birth in the civil register. Such declaration shall be exempt from the documentary stamp tax and shall be sent to the local civil registrar not later than thirty days after the birth, by the physician or midwife in attendance at the birth or by either parent of the newly born child.

In such declaration, the persons above mentioned shall certify to the following facts: (a) date and hour of birth; (b) sex and nationality of infant; (c) names, citizenship, and religion of parents or, in case the father is not known, of the mother alone; (d) civil status of parents; (e) place where the infant was born; (f) and such other data may be required in the regulation to be issued.

In the case of an exposed child, the person who found the same shall report to the local civil registrar the place, date, and hour of finding and other attendant circumstances.

In case of an illegitimate child, the birth certificate shall be signed and sworn to jointly by the parents of the infant or only the mother if the father refuses. In the latter case, it shall not be permissible to state or reveal in the document the name of the father who refuses to acknowledge the child, or to give therein any information by which such father could be identified.

Any foetus having human features which dies after twenty-four hours of existence completely disengaged from the maternal womb shall be entered in the proper registers as having been born and having died.

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SEC. 7. *Registration of marriages.* – All civil officers and priests or ministers authorized to solemnize marriages shall send a copy of each marriage contract solemnized by them to the local civil registrar within the time limit specified in the existing Marriage Law.

In cases of divorce and annulment of marriage, it shall be the duty of the successful petitioner for divorce or annulment of marriage to send a copy of the final decree of the court to that local civil registrar of the municipality where the dissolved or annulled marriage was solemnized.

In the marriage register there shall be entered the full name and address of each of the contracting parties, their ages, the place and date of the solemnization of the marriage, the names and addresses of the witnesses, the full name, address, and relationship of the minor contracting party or parties or the person or persons who gave their consent to the marriage, and the full name, title, and address of the person who solemnized the marriage.

In cases of divorce or annulment of marriage, there shall be recorded the names of the parties divorced or whose marriage was annulled, the date of the decree of the court, and such other details as the regulations to be issued may require.

Approved: June 22, 1963

**MALACAÑANG**  
**Manila**

**EXECUTIVE ORDER NO. 209**

**THE FAMILY CODE OF THE PHILIPPINES**

WHEREAS, almost four decades have passed since the adoption of the Civil Code of the Philippines;

WHEREAS, experience under said Code as well as pervasive changes and development have necessitated revision of its provisions on marriage and family relations to bring them closer to Filipino customs, values and ideals and reflect contemporary trends and conditions;

WHEREAS, there is need to implement policies embodied in the new Constitution that strengthen marriage and the family as basic social institutions and ensure equality between men and women;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me, do hereby order and promulgate the Family Code of the Philippines, as follows:

**TITLE I**  
**MARRIAGE**

**Chapter 1. Requisites of Marriage**

Art. 1. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law and not subject to stipulation, except that marriage settlements may fix the property relations during the marriage within the limits provided by this Code. (52a)

Art. 2. No marriage shall be valid, unless these essential requisites are present:

- (1) Legal capacity of the contracting parties who must be a male and a female; and
- (2) Consent freely given in the presence of the solemnizing officer. (53a)

Art. 3. The formal requisites of marriage are:

- (1) Authority of the solemnizing officer;

- (2) A valid marriage license except in the cases provided for in Chapter 2 of this Title; and
- (3) A marriage ceremony which takes place with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife in the presence of not less than two witnesses of legal age. (53a, 55a)

Art. 4. The absence of any of the essential or formal requisites shall render the marriage void *ab initio*, except as stated in Article 35(2).

A defect in any of the essential requisites shall render the marriage voidable as provided in Article 45.

An irregularity in the formal requisites shall not affect the validity of the marriage but the party or parties responsible for the irregularity shall be civilly, criminally and administratively liable. (n)

Art. 5. Any male or female of the age of eighteen years or upwards not under any of the impediments mentioned in Articles 37 and 38, may contract marriage. (54a)

Art. 6. No prescribed form or religious rite for the solemnization of the marriage is required. It shall be necessary, however, for the contracting parties to appear personally before the solemnizing officer and declare in the presence of not less than two witnesses of legal age that they take each other as husband and wife. This declaration shall be contained in the marriage certificate which shall be signed by the contracting parties and their witnesses and attested by the solemnizing officer.

In case of a marriage in *articulo mortis*, when the party at the point of death is unable to sign the marriage certificate, it shall be sufficient for one of the witnesses to the marriage to write the name of said party, which fact shall be attested by the solemnizing officer. (55a)

Art. 7. Marriage may be solemnized by:

- (1) Any incumbent member of the judiciary within the court's jurisdiction;
- (2) Any priest, rabbi, imam, or minister of any church or religious sect duly authorized by his church or religious sect and registered with the civil registrar general, acting within the limits of the written authority granted him by his church or religious sect and provided that at least one of the contracting parties belongs to the solemnizing officer's church or religious sect;
- (3) Any ship captain or airplane chief only in the cases mentioned in Article 31;

- (4) Any military commander of a unit to which a chaplain is assigned, in the absence of the latter, during a military operation, likewise only in the cases mentioned in Article 32; or
- (5) Any consul-general, consul or vice-consul in the case provided in Article 10. (56a)

Art. 8. The marriage shall be solemnized publicly in the chambers of the judge or in open court, in the church, chapel or temple, or in the office of the consul-general, consul or vice-consul, as the case may be, and not elsewhere, except in cases of marriages contracted at the point of death or in remote places in accordance with Article 29 of this Code, or where both of the parties request the solemnizing officer in writing in which case the marriage may be solemnized at a house or place designated by them in a sworn statement to that effect. (57a)

Art. 9. A marriage license shall be issued by the local civil registrar of the city or municipality where either contracting party habitually resides, except in marriage where no license is required in accordance with Chapter 2 of this Title. (58a)

Art. 10. Marriages between Filipino citizens abroad may be solemnized by a consul-general, consul or vice-consul of the Republic of the Philippines. The issuance of the marriage license and the duties of the local civil registrar and of the solemnizing officer with regard to the celebration of marriage shall be performed by said consular official. (75a)

Art. 11. Where a marriage license is required, each of the contracting parties shall file separately a sworn application for such license with the proper local civil registrar which shall specify the following:

- (1) Full name of the contracting party;
- (2) Place of birth;
- (3) Age and date of birth;
- (4) Civil status;
- (5) If previously married, how, when and where the previous marriage was dissolved or annulled;
- (6) Present residence and citizenship;
- (7) Degree of relationship of the contracting parties;
- (8) Full name, residence and citizenship of the father;
- (9) Full name, residence and citizenship of the mother; and
- (10) Full name, residence and citizenship of the guardian or person having charge, in case the contracting party has neither father nor mother and is under the age of twenty-one years.

The applicants, their parents or guardians shall not be required to exhibit their residence certificates in any formality in connection with the securing of the marriage license. (59a)

Art. 12. The local civil registrar, upon receiving such application, shall require the presentation of the original birth certificates or, in default thereof, the baptismal certificates of the contracting parties or copies of such documents duly attested by the persons having custody of the originals. These certificates or certified copies of the documents required by this Article need not be sworn to and shall be exempt from the documentary stamp tax. The signature and official title of the person issuing the certificate shall be sufficient proof of its authenticity.

If either of the contracting parties is unable to produce his birth or baptismal certificate or a certified copy of either because of the destruction or loss of the original, or if it is shown by an affidavit of such party or of any other person that such birth or baptismal certificate has not yet been received though the same has been required of the person having custody thereof at least fifteen days prior to the date of the application, such party may furnish in lieu thereof his current residence certificate or an instrument drawn up and sworn to before the local civil registrar concerned or any public official authorized to administer oaths. Such instrument shall contain the sworn declaration of two witnesses of lawful age, setting forth the full name, residence and citizenship of such contracting party and of his or her parents, if known, and the place and date of birth of such party. The nearest of kin of the contracting parties shall be preferred as witnesses, or, in their default, persons of good reputation in the province or the locality.

The presentation of the birth or baptismal certificate shall not be required if the parents of the contracting parties appear personally before the local civil registrar concerned and swear to the correctness of the lawful age of said parties, as stated in the application, or when the local civil registrar shall, by merely looking at the applicants upon their personally appearing before him, be convinced that either or both of them have the required age. (60a)

Art. 13. In case either of the contracting parties has been previously married, the applicant shall be required to furnish, instead of the birth or baptismal certificate required in the last preceding article, the death certificate of the deceased spouse or the judicial decree of the absolute divorce, or the judicial decree of annulment or declaration of nullity of his or her previous marriage. In case the death certificate cannot be secured, the party shall make an affidavit setting forth this circumstance and his or her actual civil status and the name and date of death of the deceased spouse. (61a)

Art. 14. In case either or both of the contracting parties, not having been emancipated by a previous marriage, are between the ages of eighteen and twenty-one, they shall, in addition to the requirements of the preceding articles, exhibit to the local civil registrar, the consent to their marriage of their father, mother, surviving parent or guardian, or persons having legal charge of them, in the order mentioned. Such consent shall be manifested in writing by the interested party, who personally appears before the proper local civil registrar, or in the form of an affidavit made in the presence of two witnesses and attested before any official authorized by law to administer oaths. The personal manifestation shall be recorded in both applications for marriage license, and the affidavit, if one is executed instead, shall be attached to said applications. (61a)

Art. 15. Any contracting party between the age of twenty-one and twenty-five shall be obliged to ask their parents or guardian for advice upon the intended marriage. If they do not obtain such advice, or if it be unfavorable, the marriage license shall not be issued till after three months following the completion of the publication of the application therefor. A sworn statement by the contracting parties to the effect that such advice has been sought, together with the written advice given, if any, shall be attached to the application for marriage license. Should the parents or guardian refuse to give any advice, this fact shall be stated in the sworn statement. (62a)

Art. 16. In cases where parental consent or parental advice is needed, the party or parties concerned shall, in addition to the requirements of the preceding articles, attach a certificate issued by a priest, imam or minister authorized to solemnize marriage under Article 7 of this Code or a marriage counsellor duly accredited by the proper government agency to the effect that the contracting parties have undergone marriage counselling. Failure to attach said certificate of marriage counselling shall suspend the issuance of the marriage license for a period of three months from the completion of the publication of the application. Issuance of the marriage license within the prohibited period shall subject the issuing officer to administrative sanctions but shall not affect the validity of the marriage.

Should only one of the contracting parties need parental consent or parental advice, the other party must be present at the counselling referred to in the preceding paragraph. (n)

Art. 17. The local civil registrar shall prepare a notice which shall contain the full names and residences of the applicants for a marriage license and other data given in the applications. The notice shall be posted for ten consecutive days on a bulletin board outside the office of the local civil registrar located in a conspicuous place within the building and accessible to the general public. This notice shall request all persons having knowledge of any impediment to the marriage to advise the local civil registrar thereof. The marriage license shall be issued after the completion of the period of publication. (63a)

Art. 18. In case of any impediment known to the local civil registrar or brought to his attention, he shall note down the particulars thereof and his findings thereon in the application for a marriage license, but shall nonetheless issue said license after the completion of the period of publication, unless ordered otherwise by a competent court at his own instance or that of any interested party. No filing fee shall be charged for the petition nor a bond required for the issuance of the order. (64a)

Art. 19. The local civil registrar shall require the payment of the fees prescribed by law or regulations before the issuance of the marriage license. No other sum shall be collected in the nature of a fee or tax of any kind for the issuance of said license. It shall, however, be issued free of charge to indigent parties, that is, those who have no visible means of income or whose income is insufficient for their subsistence, a fact established by their affidavit or by their oath before the local civil registrar. (65a)



Art. 20. The license shall be valid in any part of the Philippines for a period of one hundred twenty days from the date of issue, and shall be deemed automatically cancelled at the expiration of said period if the contracting parties have not made use of it. The expiry date shall be stamped in bold characters on the face of every license issued. (65a)

Art. 21. When either or both of the contracting parties are citizens of a foreign country, it shall be necessary for them before a marriage license can be obtained, to submit a certificate of legal capacity to contract marriage, issued by their respective diplomatic or consular officials.

Stateless persons or refugees from other countries shall, in lieu of the certificate of legal capacity herein required, submit an affidavit stating the circumstances showing such capacity to contract marriage. (66a)

Art. 22. The marriage certificate, in which the parties shall declare that they take each other as husband and wife, shall also state:

- (1) The full name, sex and age of each contracting party;
- (2) Their citizenship, religious and habitual residence;
- (3) The date and precise time of the celebration of the marriage;
- (4) That the proper marriage license has been issued according to law, except in marriages provided for in Chapter 2 of this title;
- (5) That either or both of the contracting parties have secured the parental consent in appropriate cases;
- (6) That either or both of the contracting parties have complied with the legal requirement regarding parental advice in appropriate cases; and
- (7) That the parties have entered into a marriage settlement, if any, attaching a copy thereof. (67a)

Art. 23. It shall be the duty of the person solemnizing the marriage to furnish either of the contracting parties, the original of the marriage certificate referred to in Article 6 and to send the duplicate and triplicate copies of the certificate not later than fifteen days after the marriage to the local civil registrar of the place where the marriage was solemnized. Proper receipts shall be issued by the local civil registrar to the solemnizing officer transmitting copies of the marriage certificate. The solemnizing officer shall retain in his file the quadruplicate copy of the marriage certificate, the original of the marriage license and, in proper cases, the affidavit of the contracting party regarding the solemnization of the marriage in a place other than those mentioned in Article 8. (68a)

Art. 24. It shall be the duty of the local civil registrar to prepare the documents required by this Title, and to administer oaths to all interested parties without any charge in both cases. The documents and affidavits filed in connection with applications for marriage licenses shall be exempt from documentary stamp tax. (n)

Art. 25. The local civil registrar concerned shall enter all applications for marriage licenses filed with him in a registry book strictly in the order in which the same are received. He shall record in said book the names of the applicants, the date on which the marriage license was issued, and such other data as may be necessary. (n)

Art. 26. All marriages solemnized outside the Philippines in accordance with the laws in force in the country where they were solemnized, and valid there as such, shall also be valid in this country, except those prohibited under Articles 35(1), (4), (5) and (6), 36, 37 and 38. (71a)

Where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall likewise have capacity to remarry under Philippine law. (n) (as amended by E.O. No. 227, dated July 77, 1987)

## **Chapter 2. Marriages Exempt from License Requirement**

Art. 27. In case either or both of the contracting parties are at the point of death, the marriage may be solemnized without the necessity of a marriage license and shall remain valid even if the ailing party subsequently survives. (72a)

Art. 28. If the residence of either party is so located that there is no means of transportation to enable such party to appear personally before the local civil registrar, the marriage may be solemnized without the necessity of a marriage license. (72a)

Art. 29. In the cases provided for in the two preceding articles, the solemnizing officer shall state in an affidavit executed before the local civil registrar or any other person legally authorized to administer oaths that the marriage was performed in *articulo mortis* or that the residence of either party, specifying the barrio or barangay, is so located that there is no means of transportation to enable such party to appear personally before the local civil registrar and that the officer took the necessary steps to ascertain the ages and relationship of the contracting parties and the absence of a legal impediment to the marriage. (72a)

Art. 30. The original of the affidavit required in the last preceding article, together with a legible copy of the marriage contract, shall be sent by the person solemnizing the marriage to the local civil registrar of the municipality where it was performed within the period of thirty days after the performance of the marriage. (73a)

Art. 31. A marriage in *articulo mortis* between passengers or crew members may also be solemnized by a ship captain or by an airplane pilot not only while the ship is at sea or the plane is in flight, but also during stopovers at ports of call. (74a)

Art. 32. A military commander of a unit who is a commissioned officer, shall likewise have authority to solemnize marriages in *articulo mortis* between persons within the zone of military operation, whether members of the armed forces or civilians. (74a)

Art. 33. Marriages among Muslims or among members of the ethnic cultural communities may be performed validly without the necessity of a marriage license, provided that they are solemnized in accordance with their customs, rites or practices. (78a)

Art. 34. No license shall be necessary for the marriage of a man and a woman who have lived together as husband and wife for at least five years and without any legal impediment to marry each other. The contracting parties shall state the foregoing facts in an affidavit before any person authorized by law to administer oaths. The solemnizing officer shall also state under oath that he ascertained the qualifications of the contracting parties and found no legal impediment to the marriage. (76a)

### Chapter 3. Void and Voidable Marriages

Art. 35. The following marriages shall be void from the beginning:

- (1) Those contracted by any party below eighteen years of age even with the consent of parents or guardians;
- (2) Those solemnized by any person not legally authorized to perform marriages unless such marriages were contracted with either or both parties believing in good faith that the solemnizing officer had the legal authority to do so;
- (3) Those solemnized without a license, except those covered by the preceding Chapter;
- (4) Those bigamous or polygamous marriages not falling under Article 41;
- (5) Those contracted through mistake of one contracting party as to the identity of the other; and
- (6) Those subsequent marriages that are void under Article 53.

Art. 36. A marriage contracted by any party who, at the time of the celebration, was psychologically incapacitated to comply with the essential marital obligations of marriage, shall likewise be void even if such incapacity becomes manifest only after its solemnization. (as amended by E.O. No. 227)

Art. 37. Marriages between the following are incestuous and void from the beginning, whether the relationship between the parties be legitimate or illegitimate:

- (1) Between ascendants and descendants of any degree; and
- (2) Between brothers and sisters, whether of the full- or half-blood. (81a)

Art. 38. The following marriages shall be void from the beginning for reasons of public policy:

- (1) Between collateral blood relatives, whether legitimate or illegitimate, up to the fourth civil degree;
- (2) Between step-parents and step-children;
- (3) Between parents-in-law and children-in-law;
- (4) Between the adopting parent and the adopted child;
- (5) Between the surviving spouse of the adopting parent and the adopted child;
- (6) Between the surviving spouse of the adopted child and the adopter;
- (7) Between an adopted child and a legitimate child of the adopter;
- (8) Between adopted children of the same adopter; and
- (9) Between parties where one, with the intention to marry the other, killed that other person's spouse or his or her own spouse. (82a).

Art. 39. The action or defense for the declaration of absolute nullity of a marriage shall not prescribe. However, in the case of marriage celebrated before the effectivity of this Code and falling under Article 36, such action or defense shall prescribe in ten years after this Code shall have taken effect. (n) (as amended by E.O. 227, dated July 17, 1987)

Art. 40. The absolute nullity of a previous marriage may be invoked for purposes of remarriage on the basis solely of a final judgment declaring such previous marriage void. (n)

Art. 41. A marriage contracted by any person during the subsistence of a previous marriage shall be null and void, unless before the celebration of the subsequent marriage, the prior spouse had been absent for four consecutive years and the spouse present had a well-founded belief that the absent spouse was already dead. In case of disappearance where there is danger of death under the circumstances set forth in the provisions of Article 391 of the Civil Code, an absence of only two years shall be sufficient.

For the purpose of contracting the subsequent marriage under the preceding paragraph, the spouse present must institute a summary proceeding as provided in this Code for the declaration of presumptive death of the absentee, without prejudice to the effect of reappearance of the absent spouse. (83a)

Art. 42. The subsequent marriage referred to in the preceding Article shall be automatically terminated by the recording of the affidavit of reappearance of the absent spouse, unless there is a judgment annulling the previous marriage or declaring it void *ab initio*.

A sworn statement of the fact and circumstances of reappearance shall be recorded in the civil registry of the residence of the parties to the subsequent marriage at the instance of any interested person, with due notice to the spouses of the subsequent marriage and without prejudice to the fact of reappearance being judicially determined in case such fact is disputed. (n)

Art. 43. The termination of the subsequent marriage referred to in the preceding Article shall produce the following effects:

- (1) The children of the subsequent marriage conceived prior to its termination shall be considered legitimate, and their custody and support in case of dispute shall be decided by the court in a proper proceeding;
- (2) The absolute community of property or the conjugal partnership, as the case may be, shall be dissolved and liquidated, but if either spouse contracted said marriage in bad faith, his or her share of the net profits of the community property or conjugal partnership property shall be forfeited in favor of the common children or, if there are none, the children of the guilty spouse by a previous marriage or, in default of children, the innocent spouse;
- (3) Donations by reason of marriage shall remain valid except that if the donee contracted the marriage in bad faith, such donations made to said donee are revoked by operation of law;
- (4) The innocent spouse may revoke the designation of the other spouse who acted in bad faith as a beneficiary in any insurance policy, even if such designation be stipulated as irrevocable; and
- (5) The spouse who contracted the subsequent marriage in bad faith shall be disqualified to inherit from the innocent spouse by testate and intestate succession. (n)

Art. 44. If both spouses of the subsequent marriage acted in bad faith, said marriage shall be void *ab initio* and all donations by reason of marriage and testamentary dispositions made by one in favor of the other are revoked by operation of law. (n)

Art. 45. A marriage may be annulled for any of the following causes, existing at the time of the marriage:

- (1) That the party in whose behalf it is sought to have the marriage annulled was eighteen years of age or over but below twenty-one, and the marriage was solemnized without the consent of the parents, guardian or person having substitute parental authority over the party, in that order, unless after attaining the age of twenty-one, such party freely cohabited with the other and both lived together as husband and wife;
- (2) That either party was of unsound mind, unless such party, after coming to reason, freely cohabited with the other as husband and wife;
- (3) That the consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband and wife;
- (4) That the consent of either party was obtained by force, intimidation or undue influence, unless the same having disappeared or ceased, such party thereafter freely cohabited with the other as husband and wife;
- (5) That either party was physically incapable of consummating the marriage with the other, and such incapacity continues and appears to be incurable; or
- (6) That either party was afflicted with a sexually-transmissible disease found to be serious and appears to be incurable. (85a);

Art. 46. Any of the following circumstances shall constitute fraud referred to in number 3 of the preceding Article;

- (1) Non-disclosure of a previous conviction by final judgment of the other party of a crime involving moral turpitude;
- (2) Concealment by the wife of the fact that at the time of the marriage, she was pregnant by a man other than her husband;
- (3) Concealment of a sexually-transmissible disease, regardless of its nature, existing at the time of the marriage; or;
- (4) Concealment of drug addiction, habitual alcoholism, homosexuality or lesbianism existing at the time of the marriage.

No other misrepresentation or deceit as to character, health, rank, fortune or chastity shall constitute such fraud as will give grounds for action for the annulment of marriage. (86a)

Art. 47. The action for annulment of marriage must be filed by the following persons and within the periods indicated herein:

- (1) For causes mentioned in number 1 of Article 45, by the party whose parent or guardian did not give his or her consent, within five years after attaining the age of twenty-one; or by the parent or guardian or person having legal charge of the minor, at any time before such party reaches the age of twenty-one;
- (2) For causes mentioned in number 2 of Article 45, by the sane spouse who had no knowledge of the other's insanity; by any relative, guardian or person having legal charge of the insane, at any time before the death of either party; or by the insane, spouse during a lucid interval or after regaining sanity;
- (3) For causes mentioned in number 3 of Article 45, by the injured party, within five years after the discovery of the fraud;
- (4) For causes mentioned in number 4 of Article 45, by the injured party, within five years from the time of the force, intimidation or undue influence disappeared or ceased;
- (5) For causes mentioned in numbers 5 and 6 of Article 45 by the injured party, within five years after the marriage. (87a)

Art. 48. In all cases of annulment or declaration of absolute nullity of marriage, the court shall order the prosecuting attorney or fiscal assigned to it to appear on behalf of the State to take steps to prevent collusion between the parties and to take care that evidence is not fabricated or suppressed.

In the cases referred to in the preceding paragraph, no judgment shall be based upon a stipulation of facts or confession of judgment. (88a)

Art. 49. During the pendency of the action and in the absence of adequate provisions in a written agreement between the spouses, the court shall provide for the support of the spouses and the custody and support of their common children. The court shall give paramount consideration to the moral and material welfare of said children and their choice of the parent with whom they wish to remain as provided for in Title IX. It shall also provide for appropriate visitation rights of the other parent. (n)

Art. 50. The effects provided for in paragraphs (2), (3), (4) and (5) of Article 43 and in Article 44 shall also apply in proper cases to marriages which are declared void *ab initio* or annulled by final judgment under Articles 40 and 45.

The final judgment in such cases shall provide for the liquidation, partition and distribution of the properties of the spouses, the custody and support of the common children, and the delivery of their presumptive legitimes, unless such matters had been adjudicated in previous judicial proceedings.

All creditors of the spouses as well as of the absolute community or the conjugal partnership shall be notified of the proceedings for liquidation.

In the partition, the conjugal dwelling and the lot on which it is situated, shall be adjudicated in accordance with the provisions of Articles 102 and 129.

Art. 51. In said partition, the value of the presumptive legitimes of all common children, computed as of the date of the final judgment of the trial court, shall be delivered in cash, property or sound securities, unless the parties, by mutual agreement judicially approved, had already provided for such matters.

The children or their guardian, or the trustee of their property, may ask for the enforcement of the judgment.

The delivery of the presumptive legitimes herein prescribed shall in no way prejudice the ultimate successional rights of the children accruing upon the death of either or both of the parents; but the value of the properties already received under the decree of annulment or absolute nullity shall be considered as advances on their legitime.  
(n)

Art. 52. The judgment of annulment or of absolute nullity of the marriage, the partition and distribution of the properties of the spouses, and the delivery of the children's presumptive legitimes shall be recorded in the appropriate civil registry and registries of property; otherwise, the same shall not affect third persons. (n)

Art. 53. Either of the former spouses may marry again after complying with the requirements of the immediate preceding Article; otherwise, the subsequent marriage shall be null and void.

Art. 54. Children conceived or born before the judgment of annulment or absolute nullity of the marriage under Article 36 has become final and executory, shall be considered legitimate. Children conceived or born of the subsequent marriage under Article 53 shall likewise be legitimate.

## **TITLE II LEGAL SEPARATION**

Art. 55. A petition for legal separation may be filed on any of the following grounds:

- (1) Repeated physical violence or grossly abusive conduct directed against the petitioner, a common child, or a child of the petitioner;
- (2) Physical violence or moral pressure to compel the petitioner to change religious or political affiliation;



- (3) Attempt of respondent to corrupt or induce the petitioner, a common child, or a child of the petitioner, to engage in prostitution, or connivance in such corruption or inducement;
- (4) Final judgment sentencing the respondent to imprisonment of more than six years, even if pardoned;
- (5) Drug addiction or habitual alcoholism of the respondent;
- (6) Lesbianism or homosexuality of the respondent;
- (7) Contracting by the respondent of a subsequent bigamous marriage, whether in the Philippines or abroad;
- (8) Sexual infidelity or perversion;
- (9) Attempt by the respondent against the life of the petitioner; or;
- (10) Abandonment of petitioner by respondent without justifiable cause for more than one year.

For purposes of this Article the term "child" shall include a child by nature or by adoption. (97a)

Art. 56. The petition for legal separation shall be denied on any of the following grounds:

- (1) Where the aggrieved party has condoned the offense or act complained of;
- (2) Where the aggrieved party has consented to the commission of the offense or act complained of;
- (3) Where there is connivance between the parties in the commission of the offense or act constituting the ground for legal separation;
- (4) Where both parties have given ground for legal separation;
- (5) Where there is collusion between the parties to obtain the decree of legal separation; or
- (6) Where the action is barred by prescription. (100a)

Art. 57. An action for legal separation shall be filed within five years from the time of the occurrence of the cause. (102a)

Art. 58. An action for legal separation shall in no case be tried before six months shall have elapsed since the filing of the petition. (103)

Art. 59. No legal separation may be declared unless the court has taken steps towards the reconciliation of the spouses and is fully satisfied, despite such efforts, that reconciliation is highly improbable. (n)

Art. 60. No decree of legal separation shall be based upon a stipulation of facts or a confession of judgment.

In any case, the court shall order the prosecuting attorney or fiscal assigned to it to take steps to prevent collusion between the parties and to take care that the evidence is not fabricated or suppressed. (101a)

Art. 61. After the filing of the petition for legal separation, the spouses shall be entitled to live separately from each other.

The court, in the absence of a written agreement between the spouses, shall designate either of them or a third person to administer the absolute community or conjugal partnership property. The administrator appointed by the court shall have the same powers and duties as those of a guardian under the Rules of Court. (104a)

Art. 62. During the pendency of the action for legal separation, the provisions of Article 49 shall likewise apply to the support of the spouses and the custody and support of the common children. (105a)

Art. 63. The decree of legal separation shall have the following effects:

- (1) The spouses shall be entitled to live separately from each other, but the marriage bonds shall not be severed;
- (2) The absolute community or the conjugal partnership shall be dissolved and liquidated but the offending spouse shall have no right to any share of the net profits earned by the absolute community or the conjugal partnership, which shall be forfeited in accordance with the provisions of Article 43(2);
- (3) The custody of the minor children shall be awarded to the innocent spouse, subject to the provisions of Article 213 of this Code; and
- (4) The offending spouse shall be disqualified from inheriting from the innocent spouse by intestate succession. Moreover, provisions in favor of the offending spouse made in the will of the innocent spouse shall be revoked by operation of law. (106a);

Art. 64. After the finality of the decree of legal separation, the innocent spouse may revoke the donations made by him or by her in favor of the offending spouse, as well

as the designation of the latter as a beneficiary in any insurance policy, even if such designation be stipulated as irrevocable. The revocation of the donations shall be recorded in the registries of property in the places where the properties are located. Alienations, liens and encumbrances registered in good faith before the recording of the complaint for revocation in the registries of property shall be respected. The revocation of or change in the designation of the insurance beneficiary shall take effect upon written notification thereof to the insured.

The action to revoke the donation under this Article must be brought within five years from the time the decree of legal separation has become final. (107a)

Art. 65. If the spouses should reconcile, the corresponding joint manifestation under oath duly signed by them shall be filed with the court in the same proceeding for legal separation. (n)

Art. 66. The reconciliation referred to in the preceding Article shall have the following consequences:

- (1) The legal separation proceedings, if still pending, shall thereby be terminated in whatever stage; and
- (2) The final decree of legal separation shall be set aside, but the separation of property and any forfeiture of the share of the guilty spouse already effected shall subsist, unless the spouses agree to revive their former property regime.

The court order containing the foregoing shall be recorded in the proper civil registries. (108a)

Art. 67. The agreement to revive the former property regime referred to in the preceding Article shall be executed under oath and shall specify:

- (1) The properties to be contributed anew to the restored regime;
- (2) Those to be retained as separate properties of each spouse; and
- (3) The names of all their known creditors, their addresses and the amounts owing to each.

The agreement of revival and the motion for its approval shall be filed with the court in the same proceeding for legal separation, with copies of both furnished to the creditors named therein. After due hearing, the court shall, in its order, take measures to protect the interest of creditors and such order shall be recorded in the proper registries of property.

The recording of the order in the registries of property shall not prejudice any creditor not listed or not notified, unless the debtor-spouse has sufficient separate properties to satisfy the creditor's claim. (195a, 108a)

### **TITLE III RIGHTS AND OBLIGATIONS BETWEEN HUSBAND AND WIFE**

Art. 68. The husband and wife are obliged to live together, observe mutual love, respect and fidelity, and render mutual help and support. (109a)

Art. 69. The husband and wife shall fix the family domicile. In case of disagreement, the court shall decide.

The court may exempt one spouse from living with the other if the latter should live abroad or there are other valid and compelling reasons for the exemption. However, such exemption shall not apply if the same is not compatible with the solidarity of the family. (110a)

Art. 70. The spouses are jointly responsible for the support of the family. The expenses for such support and other conjugal obligations shall be paid from the community property and, in the absence thereof, from the income or fruits of their separate properties. In case of insufficiency or absence of said income or fruits, such obligations shall be satisfied from their separate properties. (111a)

Art. 71. The management of the household shall be the right and duty of both spouses. The expenses for such management shall be paid in accordance with the provisions of Article 70. (115a)

Art. 72. When one of the spouses neglects his or her duties to the conjugal union or commits acts which tend to bring danger, dishonor or injury to the other or to the family, the aggrieved party may apply to the court for relief. (116a)

Art. 73. Either spouse may exercise any legitimate profession, occupation, business or activity without the consent of the other. The latter may object only on valid, serious, and moral grounds.

In case of disagreement, the court shall decide whether or not:

- (1) The objection is proper, and;
- (2) Benefit has accrued to the family prior to the objection or thereafter. If the benefit accrued prior to the objection, the resulting obligation shall be enforced against the separate property of the spouse who has not obtained consent.;

The foregoing provisions shall not prejudice the rights of creditors who acted in good faith. (117a)

## **TITLE IV PROPERTY RELATIONS BETWEEN HUSBAND AND WIFE**

### **Chapter 1. General Provisions**

Art. 74. The property relations between husband and wife shall be governed in the following order:

- (1) By marriage settlements executed before the marriage;
- (2) By the provisions of this Code; and
- (3) By the local customs. (118)

Art. 75. The future spouse may, in the marriage settlements, agree upon the regime of absolute community, conjugal partnership of gains, complete separation of property, or any other regime. In the absence of marriage settlements, or when the regime agreed upon is void, the system of absolute community of property as established in this Code shall govern. (119a)

Art. 76. In order that any modification in the marriage settlements may be valid, it must be made before the celebration of the marriage, subject to the provisions of Articles 66, 67, 128, 135 and 136 (121)

Art. 77. The marriage settlements and any modification thereof shall be in writing, signed by the parties and executed before the celebration of the marriage. They shall not prejudice third persons unless they are registered in the local civil registry where the marriage contract is recorded as well as in the proper registries of property. (122a)

Art. 78. A minor who according to law may contract marriage may also enter into marriage settlements, but they shall be valid only if the persons designated in Article 14 to give consent to the marriage are made parties to the agreement, subject to the provisions of Title IX of this Code. (120a)

Art. 79. For the validity of any marriage settlement executed by a person upon whom a sentence of civil interdiction has been pronounced or who is subject to any other disability, it shall be indispensable for the guardian appointed by a competent court to be made a party thereto. (123a)

Art. 80. In the absence of a contrary stipulation in the marriage settlement, the property relations of the spouses shall be governed by Philippine laws, regardless of the place of the celebration of the marriage and their residence.

This rule shall not apply:

- (1) Where both spouses are aliens;
- (2) With respect to the extrinsic validity of contracts affecting property not situated in the Philippines and executed in the country where the property is located; and
- (3) With respect to the extrinsic validity of contracts entered into in the Philippines but affecting property situated in a foreign country whose laws require different formalities for their extrinsic validity. (124a);

Art. 81. Everything stipulated in the settlements or contracts referred to in the preceding articles in consideration of a future marriage, including donations between the prospective spouses made therein, shall be rendered void if the marriage does not take place. However, stipulations that do not depend upon the celebration of the marriage shall be valid. (125a)

## **Chapter 2. Donations by Reason of Marriage**

Art. 82. Donations by reason of marriage are those which are made before its celebration, in consideration of the same, and in favor of one or both of the future spouses. (126)

Art. 83. These donations are governed by the rules on ordinary donations established in Title III of Book III of the Civil Code, insofar as they are not modified by the following articles. (127a)

Art. 84. If the future spouses agree upon a regime other than the absolute community of property, they cannot donate to each other in their marriage settlements more than one-fifth of their present property. Any excess shall be considered void.

Donations of future property shall be governed by the provisions on testamentary succession and the formalities of wills. (130a)

Art. 85. Donations by reason of marriage of property subject to encumbrances shall be valid. In case of foreclosure of the encumbrance and the property is sold for less than the total amount of the obligation secured, the donee shall not be liable for the deficiency. If the property is sold for more than the total amount of said obligation, the donee shall be entitled to the excess. (131a)

Art. 86. A donation by reason of marriage may be revoked by the donor in the following cases:

- (1) If the marriage is not celebrated or judicially declared void *ab initio* except donations made in the marriage settlements, which shall be governed by Article 81;
- (2) When the marriage takes place without the consent of the parents or guardian as required by law;
- (3) When the marriage is annulled, and the donee acted in bad faith;
- (4) Upon legal separation, the donee being the guilty spouse;
- (5) If it is with a resolutive condition and the condition is complied with;
- (6) When the donee has committed an act of ingratitude as specified by the provisions of the Civil Code on donations in general. (132a);

Art. 87. Every donation or grant of gratuitous advantage, direct or indirect, between the spouse during the marriage shall be void, except moderate gifts which the spouses may give each other on the occasion of any family rejoicing. The prohibition shall also apply to persons living together as husband and wife without a valid marriage. (133a)

### **Chapter 3. System of Absolute Community**

#### **Section 1. General Provisions**

Art. 88. The absolute community of property between spouses shall commence at the precise moment that the marriage is celebrated. Any stipulation, express or implied, for the commencement of the community regime at any other time shall be void. (145a)

Art. 89. No waiver of rights, interests, shares and effects of the absolute community of property during the marriage can be made except in case of judicial separation of property.

When the waiver takes place upon a judicial separation of property, or after the marriage has been dissolved or annulled, the same shall appear in a public instrument and shall be recorded as provided in Article 77. The creditors of the spouse who made such waiver may petition the court to rescind the waiver to the extent of the amount sufficient to cover the amount of their credits. (146a)

Art. 90. The provisions on co-ownership shall apply to the absolute community of property between the spouses in all matters not provided for in this Chapter. (n)

## Section 2. What Constitutes Community Property

Art. 91. Unless otherwise provided in this Chapter or in the marriage settlements, the community property shall consist of all the property owned by the spouses at the time of the celebration of the marriage or acquired thereafter. (197a)

Art. 92. The following be excluded from these community property:

- (1) Property acquired during the marriage by gratuitous title by either spouse, and the fruits as well as the income thereof, if any, unless it is expressly provided by the donor, testator or grantor that they shall form part of the community property;
- (2) Property for personal and exclusive use of either spouse; however, jewelry shall form part of the community property;
- (3) Property acquired before the marriage by either spouse who has legitimate descendants by a former marriage, and the fruits as well as the income, if any, of such property. (201a)

Art. 93. Property acquired during the marriage is presumed to belong to the community, unless it is proved that it is one of those excluded therefrom. (160a)

## Section 3. Charges Upon and Obligations of the Absolute Community

Art. 94. The absolute community of property shall be liable for:

- (1) The support of the spouses, their common children, and legitimate children of either spouse; however, the support of illegitimate children shall be governed by the provisions of this Code on Support;
- (2) All debts and obligations contracted during the marriage by the designated administrator-spouse for the benefit of the community, or by both spouses, or by one spouse with the consent of the other;
- (3) Debts and obligations contracted by either spouse without the consent of the other to the extent that the family may have been benefited;
- (4) All taxes, liens, charges and expenses, including major or minor repairs, upon the community property;
- (5) All taxes and expenses for mere preservation made during marriage upon the separate property of either spouse used by the family;



- (6) Expenses to enable either spouse to commence or complete a professional or vocational course, or other activity for self-improvement;
- (7) Antenuptial debts of either spouse insofar as they have redounded to the benefit of the family;
- (8) The value of what is donated or promised by both spouses in favor of their common legitimate children for the exclusive purpose of commencing or completing a professional or vocational course or other activity for self-improvement;
- (9) Antenuptial debts of either spouse other than those falling under paragraph (7) of this Article, the support of illegitimate children of either spouse, and liabilities incurred by either spouse by reason of a crime or a quasi-delict, in case of absence or insufficiency of the exclusive property of the debtor-spouse, the payment of which shall be considered as advances to be deducted from the share of the debtor-spouse upon liquidation of the community; and
- (10) Expenses of litigation between the spouses unless the suit is found to be groundless.

If the community property is insufficient to cover the foregoing liabilities, except those falling under paragraph (9), the spouses shall be solidarily liable for the unpaid balance with their separate properties. (161a, 162a, 163a, 202a-205a)

Art. 95. Whatever may be lost during the marriage in any game of chance, betting, sweepstakes, or any other kind of gambling, whether permitted or prohibited by law, shall be borne by the loser and shall not be charged to the community but any winnings therefrom shall form part of the community property. (164a)

#### Section 4. Ownership, Administration, Enjoyment and Disposition of the Community Property

Art. 96. The administration and enjoyment of the community property shall belong to both spouses jointly. In case of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for a proper remedy, which must be availed of within five years from the date of the contract implementing such decision.

In the event that one spouse is incapacitated or otherwise unable to participate in the administration of the common properties, the other spouse may assume sole powers of administration. These powers do not include the powers of disposition or encumbrance which must have the authority of the court or the written consent of the other spouse. In the absence of such authority or consent, the disposition or encumbrance shall be void. However, the transaction shall be construed as a continuing offer on the part of the consenting spouse and the third person, and may be perfected as a binding

contract upon the acceptance by the other spouse or authorization by the court before the offer is withdrawn by either or both offerors. (206a)

Art. 97. Either spouse may dispose by will of his or her interest in the community property. (n)

Art. 98. Neither spouse may donate any community property without the consent of the other. However, either spouse may, without the consent of the other, make moderate donations from the community property for charity or on occasion of family rejoicing or family distress. (n)

#### Section 5. Dissolution of Absolute Community Regime

Art. 99. The absolute community terminates:

- (1) Upon the death of either spouse;
- (2) When there is a decree of legal separation;
- (3) When the marriage is annulled or declared void; or
- (4) In case of judicial separation of property during the marriage under Articles 134 to 138. (175a)

Art. 100. The separation in fact between husband and wife shall not affect the regime of absolute community except that:

- (1) The spouse who leaves the conjugal home or refuses to live therein, without just cause, shall not have the right to be supported;
- (2) When the consent of one spouse to any transaction of the other is required by law, judicial authorization shall be obtained in a summary proceeding;
- (3) In the absence of sufficient community property, the separate property of both spouses shall be solidarily liable for the support of the family. The spouse present shall, upon proper petition in a summary proceeding, be given judicial authority to administer or encumber any specific separate property of the other spouse and use the fruits or proceeds thereof to satisfy the latter's share. (178a)

Art. 101. If a spouse without just cause abandons the other or fails to comply with his or her obligations to the family, the aggrieved spouse may petition the court for receivership, for judicial separation of property or for authority to be the sole administrator of the absolute community, subject to such precautionary conditions as the court may impose.

The obligations to the family mentioned in the preceding paragraph refer to marital, parental or property relations.

A spouse is deemed to have abandoned the other when he or she has left the conjugal dwelling without any intention of returning. The spouse who has left the conjugal dwelling for a period of three months or has failed within the same period to give any information as to his or her whereabouts shall be *prima facie* presumed to have no intention of returning to the conjugal dwelling. (178a)

## Section 6. Liquidation of the Absolute Community Assets and Liabilities

Art. 102. Upon dissolution of the absolute community regime, the following procedure shall apply:

- (1) An inventory shall be prepared, listing separately all the properties of the absolute community and the exclusive properties of each spouse.
- (2) The debts and obligations of the absolute community shall be paid out of its assets. In case of insufficiency of said assets, the spouses shall be solidarily liable for the unpaid balance with their separate properties in accordance with the provisions of the second paragraph of Article 94.
- (3) Whatever remains of the exclusive properties of the spouses shall thereafter be delivered to each of them.
- (4) The net remainder of the properties of the absolute community shall constitute its net assets, which shall be divided equally between husband and wife, unless a different proportion or division was agreed upon in the marriage settlements, or unless there has been a voluntary waiver of such share as provided in this Code. For purposes of computing the net profits subject to forfeiture in accordance with Articles 43, No. (2) and 63, No. (2), the said profits shall be the increase in value between the market value of the community property at the time of the celebration of the marriage and the market value at the time of its dissolution.
- (5) The presumptive legitimes of the common children shall be delivered upon partition, in accordance with Article 51.
- (6) Unless otherwise agreed upon by the parties, in the partition of the properties, the conjugal dwelling and the lot on which it is situated shall be adjudicated to the spouse with whom the majority of the common children choose to remain. Children below the age of seven years are deemed to have chosen the mother, unless the court had decided otherwise. In case there is no such majority, the court shall decide, taking into consideration the best interests of said children.  
(n)

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- (2) The debts and obligations of the absolute community shall be paid out of its assets. In case of insufficiency of said assets, the spouses shall be solidarily liable for the unpaid balance with their separate properties in accordance with the provisions of the second paragraph of Article 94.
- (3) Whatever remains of the exclusive properties of the spouses shall thereafter be delivered to each of them.
- (4) The net remainder of the properties of the absolute community shall constitute its net assets, which shall be divided equally between husband and wife, unless a different proportion or division was agreed upon in the marriage settlements, or unless there has been a voluntary waiver of such share as provided in this Code. For purposes of computing the net profits subject to forfeiture in accordance with Articles 43, No. (2) and 63, No. (2), the said profits shall be the increase in value between the market value of the community property at the time of the celebration of the marriage and the market value at the time of its dissolution.
- (5) The presumptive legitimes of the common children shall be delivered upon partition, in accordance with Article 51.
- (6) Unless otherwise agreed upon by the parties, in the partition of the properties, the conjugal dwelling and the lot on which it is situated shall be adjudicated to the spouse with whom the majority of the common children choose to remain. Children below the age of seven years are deemed to have chosen the mother, unless the court had decided otherwise. In case there is no such majority, the court shall decide, taking into consideration the best interests of said children.  
(n)

Art. 103. Upon the termination of the marriage by death, the community property shall be liquidated in the same proceeding for the settlement of the estate of the deceased.

If no judicial settlement proceeding is instituted, the surviving spouse shall liquidate the community property either judicially or extra-judicially within one year from the death of the deceased spouse. If upon the lapse of the said period, no liquidation is made, any disposition or encumbrance involving the community property of the terminated marriage shall be void.

Should the surviving spouse contract a subsequent marriage without complying with the foregoing requirements, a mandatory regime of complete separation of property shall govern the property relations of the subsequent marriage. (n)

Art. 104. Whenever the liquidation of the community property of two or more marriages contracted by the same person before the effectivity of this Code is carried out simultaneously, the respective capital, fruits and income of each community shall be determined upon such proof as may be considered according to the rules of evidence. In case of doubt as to which community the existing properties belong, the same shall be divided between or among the different communities in proportion to the capital and duration of each. (189a)

#### **Chapter 4. Conjugal Partnership of Gains**

##### **Section 1. General Provisions**

Art. 105. In case the future spouses agree in the marriage settlements that the regime of conjugal partnership of gains shall govern their property relations during marriage, the provisions in this Chapter shall be of supplementary application.

The provisions of this Chapter shall also apply to conjugal partnerships of gains already established between spouses before the effectivity of this Code, without prejudice to vested rights already acquired in accordance with the Civil Code or other laws, as provided in Article 255. (n)

Art. 106. Under the regime of conjugal partnerships of gains, the husband and wife place in a common fund the proceeds, products, fruits and income from their separate properties and those acquired by either or both spouses through their efforts or by chance, and, upon dissolution of the marriage of the partnership, the net gains or benefits obtained by either or both spouses shall be divided equally between them, unless otherwise agreed in the marriage settlements. (142a)

Art. 107. The rules provided in Articles 88 and 89 shall also apply to the conjugal partnership of gains. (n)

Art. 108. The conjugal partnership shall be governed by the rules on the contract of partnership in all that is not in conflict with what is expressly determined in this Chapter or by the spouses in their marriage settlements. (147a)

## Section 2. Exclusive Property of Each Spouse

Art. 109. The following shall be the exclusive property of each spouse:

- (1) That which is brought to the marriage as his or her own;
- (2) That which each acquires during the marriage by gratuitous title;
- (3) That which is acquired by right of redemption, by barter or by exchange with property belonging to only one of the spouses; and
- (4) That which is purchased with exclusive money of the wife or of the husband. (148a)

Art. 110. The spouses retain the ownership, possession, administration and enjoyment of their exclusive properties.

Either spouse may, during the marriage, transfer the administration of his or her exclusive property to the other by means of a public instrument, which shall be recorded in the registry of property of the place where the property is located. (137a, 168a, 169a)

Art. 111. A spouse of age may mortgage, encumber, alienate or otherwise dispose of his or her exclusive property, without the consent of the other spouse, and appear alone in court to litigate with regard to the same. (n)

Art. 112. The alienation of any exclusive property of a spouse administered by the other automatically terminates the administration over such property and the proceeds of the alienation shall be turned over to the owner-spouse. (n)

Art. 113. Property donated or left by will to the spouses, jointly and with designation of determinate shares, shall pertain to the donee-spouse as his or her own exclusive property, and in the absence of designation, share and share alike, without prejudice to the right of accretion when proper. (150a)

Art. 114. If the donations are onerous, the amount of the charges shall be borne by the exclusive property of the donee-spouse, whenever they have been advanced by the conjugal partnership of gains. (151a)

Art. 115. Retirement benefits, pensions, annuities, gratuities, usufructs and similar benefits shall be governed by the rules on gratuitous or onerous acquisitions as may be proper in each case. (n)

### Section 3. Conjugal Partnership Property

Art. 116. All property acquired during the marriage, whether the acquisition appears to have been made, contracted or registered in the name of one or both spouses, is presumed to be conjugal unless the contrary is proved. (160a)

Art. 117. The following are conjugal partnership properties:

- (1) Those acquired by onerous title during the marriage at the expense of the common fund, whether the acquisition be for the partnership, or for only one of the spouses;
- (2) Those obtained from the labor, industry, work or profession of either or both of the spouses;
- (3) The fruits, natural, industrial or civil, due or received during the marriage from the common property, as well as the net fruits from the exclusive property of each spouse;
- (4) The share of either spouse in the hidden treasure which the law awards to the finder or owner of the property where the treasure is found;
- (5) Those acquired through occupation such as fishing or hunting;
- (6) Livestock existing upon the dissolution of the partnership in excess of the number of each kind brought to the marriage by either spouse; and
- (7) Those which are acquired by chance, such as winnings from gambling or betting. However, losses therefrom shall be borne exclusively by the loser-spouse. (153a, 154, 155, 159)

Art. 118. Property bought on installment paid partly from exclusive funds of either or both spouses and partly from conjugal funds belongs to the buyer or buyers if full ownership was vested before the marriage and to the conjugal partnership if such ownership was vested during the marriage. In either case, any amount advanced by the partnership or by either or both spouses shall be reimbursed by the owner or owners upon liquidation of the partnership. (n)

Art. 119 Whenever an amount or credit payable within a period of time belongs to one of the spouses, the sums which may be collected during the marriage in partial payments or by installments on the principal shall be the exclusive property of the spouse. However, interests falling due during the marriage on the principal shall belong to the conjugal partnership. (156a, 157a)

Art. 120. The ownership of improvements, whether for utility or adornment, made on the separate property of the spouses at the expense of the partnership or through

the acts or efforts of either or both spouses shall pertain to the conjugal partnership, or to the original owner-spouse, subject to the following rules:

When the cost of the improvement made by the conjugal partnership and any resulting increase in value are more than the value of the property at the time of the improvement, the entire property of one of the spouses shall belong to the conjugal partnership, subject to reimbursement of the value of the property of the owner-spouse at the time of the improvement, otherwise, said property shall be retained in ownership by the owner-spouse, likewise subject to reimbursement of the cost of the improvement.

In either case, the ownership of the entire property shall be vested upon the reimbursement, which shall be made at the time of the liquidation of the conjugal partnership. (158a)

#### Section 4. Charges Upon and Obligations of the Conjugal Partnership

Art. 121. The conjugal partnership shall be liable for:

- (1) The support of the spouses, their common children, and the legitimate children of either spouse; however, the support of illegitimate children shall be governed by the provisions of this Code on Support;
- (2) All debts and obligations contracted during the marriage by the designated administrator-spouse for the benefit of the conjugal partnership of gains, or by both spouses or by one of them with the consent of the other;
- (3) Debts and obligations contracted by either spouse without the consent of the other to the extent that the family may have been benefited;
- (4) All taxes, liens, charges and expenses, including major or minor repairs upon the conjugal partnership property;
- (5) All taxes and expenses for mere preservation made during the marriage upon the separate property of either spouse;
- (6) Expenses to enable either spouse to commence or complete a professional, vocational, or other activity for self-improvement;
- (7) Antenuptial debts of either spouse insofar as they have redounded to the benefit of the family;
- (8) The value of what is donated or promised by both spouses in favor of their common legitimate children for the exclusive purpose of commencing or completing a professional or vocational course or other activity for self-improvement; and



(9) Expenses of litigation between the spouses unless the suit is found to be groundless.

If the conjugal partnership is insufficient to cover the foregoing liabilities, the spouses shall be solidarily liable for the unpaid balance with their separate properties. (161a)

Art. 122. The payment of personal debts contracted by the husband or the wife before or during the marriage shall not be charged to the conjugal partnership except insofar as they redounded to the benefit of the family.

Neither shall the fines and pecuniary indemnities imposed upon them be charged to the partnership.

However, the payment of personal debts contracted by either spouse before the marriage, that of fines and indemnities imposed upon them, as well as the support of illegitimate children of either spouse, may be enforced against the partnership assets after the responsibilities enumerated in the preceding Article have been covered, if the spouse who is bound should have no exclusive property or if it should be insufficient; but at the time of the liquidation of the partnership, such spouse shall be charged for what has been paid for the purposes above-mentioned. (163a)

Art. 123. Whatever may be lost during the marriage in any game of chance, or in betting, sweepstakes, or any other kind of gambling whether permitted or prohibited by law, shall be borne by the loser and shall not be charged to the conjugal partnership but any winnings therefrom shall form part of the conjugal partnership property. (164a)

## Section 5. Administration of the Conjugal Partnership Property

Art. 124. The administration and enjoyment of the conjugal partnership property shall belong to both spouses jointly. In case of disagreement, the husband's decision shall prevail, subject to recourse to the court by the wife for a proper remedy, which must be availed of within five years from the date of the contract implementing such decision.

In the event that one spouse is incapacitated or otherwise unable to participate in the administration of the conjugal properties, the other spouse may assume sole powers of administration. These powers do not include disposition or encumbrance without authority of the court or the written consent of the other spouse. In the absence of such authority or consent, the disposition or encumbrance shall be void. However, the transaction shall be construed as a continuing offer on the part of the consenting spouse and the third person, and may be perfected as a binding contract upon the acceptance by the other spouse or authorization by the court before the offer is withdrawn by either or both offerors. (165a)

Art. 125. Neither spouse may donate any conjugal partnership property without the consent of the other. However, either spouse may, without the consent of the other,

make moderate donations from the conjugal partnership property for charity or on occasions of family rejoicing or family distress. (174a)

## Section 6. Dissolution of Conjugal Partnership Regime

Art. 126. The conjugal partnership terminates:

- (1) Upon the death of either spouse;
- (2) When there is a decree of legal separation;
- (3) When the marriage is annulled or declared void; or
- (4) In case of judicial separation of property during the marriage under Article 134 to 138. (175a)

Art. 127. The separation in fact between husband and wife shall not affect the regime of conjugal partnership, except that:

- (1) The spouse who leaves the conjugal home or refuses to live therein, without just cause, shall not have the right to be supported;
- (2) When the consent of one spouse to any transaction of the other is required by law, judicial authorization shall be obtained in a summary proceeding;
- (3) In the absence of sufficient conjugal partnership property, the separate property of both spouses shall be solidarily liable for the support of the family. The spouse present shall, upon petition in a summary proceeding, be given judicial authority to administer or encumber any specific separate property of the other spouse and use the fruits or proceeds thereof to satisfy the latter's share. (178a)

Art. 128. If a spouse without just cause abandons the other or fails to comply with his or her obligations to the family, the aggrieved spouse may petition the court for receivership, for judicial separation of property, or for authority to be the sole administrator of the conjugal partnership property, subject to such precautionary conditions as the court may impose.

The obligations to the family mentioned in the preceding paragraph refer to marital, parental or property relations.

A spouse is deemed to have abandoned the other when he or she has left the conjugal dwelling without intention of returning. The spouse who has left the conjugal dwelling for a period of three months or has failed within the same period to give any information as to his or her whereabouts shall be *prima facie* presumed to have no intention of returning to the conjugal dwelling. (167a, 191a)

## Section 7. Liquidation of the Conjugal Partnership Assets and Liabilities

Art. 129. Upon the dissolution of the conjugal partnership regime, the following procedure shall apply:

- (1) An inventory shall be prepared, listing separately all the properties of the conjugal partnership and the exclusive properties of each spouse.
- (2) Amounts advanced by the conjugal partnership in payment of personal debts and obligations of either spouse shall be credited to the conjugal partnership as an asset thereof.
- (3) Each spouse shall be reimbursed for the use of his or her exclusive funds in the acquisition of property or for the value of his or her exclusive property, the ownership of which has been vested by law in the conjugal partnership.
- (4) The debts and obligations of the conjugal partnership shall be paid out of the conjugal assets. In case of insufficiency of said assets, the spouses shall be solidarily liable for the unpaid balance with their separate properties, in accordance with the provisions of paragraph (2) of Article 121.
- (5) Whatever remains of the exclusive properties of the spouses shall thereafter be delivered to each of them.
- (6) Unless the owner has been indemnified from whatever source, the loss or deterioration of movables used for the benefit of the family, belonging to either spouse, even due to fortuitous event, shall be paid to said spouse from the conjugal funds, if any.
- (7) The net remainder of the conjugal partnership properties shall constitute the profits, which shall be divided equally between husband and wife, unless a different proportion or division was agreed upon in the marriage settlements or unless there has been a voluntary waiver or forfeiture of such share as provided in this Code.
- (8) The presumptive legitimes of the common children shall be delivered upon partition in accordance with Article 151.
- (9) In the partition of the properties, the conjugal dwelling and the lot on which it is situated shall, unless otherwise agreed upon by the parties, be adjudicated to the spouse with whom the majority of the common children choose to remain. Children below the age of seven years are deemed to have chosen the mother, unless the court has decided otherwise. In case there is no such majority, the court shall decide, taking into consideration the best interests of said children. (181a, 182a, 183a, 184a, 185a)

Art. 130. Upon the termination of the marriage by death, the conjugal partnership property shall be liquidated in the same proceeding for the settlement of the estate of the deceased.

If no judicial settlement proceeding is instituted, the surviving spouse shall liquidate the conjugal partnership property either judicially or extra-judicially within one year from the death of the deceased spouse. If upon the lapse of the one-year period no liquidation is made, any disposition or encumbrance involving the conjugal partnership property of the terminated marriage shall be void.

Should the surviving spouse contract a subsequent marriage without compliance with the foregoing requirements, a mandatory regime of complete separation of property shall govern the property relations of the subsequent marriage. (n)

Art. 131. Whenever the liquidation of the conjugal partnership properties of two or more marriages contracted by the same person before the effectivity of this Code is carried out simultaneously, the respective capital, fruits and income of each partnership shall be determined upon such proof as may be considered according to the rules of evidence. In case of doubt as to which partnership the existing properties belong, the same shall be divided between the different partnerships in proportion to the capital and duration of each. (189a)

Art. 132. The Rules of Court on the administration of estates of deceased persons shall be observed in the appraisal and sale of property of the conjugal partnership, and other matters which are not expressly determined in this Chapter. (187a)

Art. 133. From the common mass of property, support shall be given to the surviving spouse and to the children during the liquidation of the inventoried property and until what belongs to them is delivered; but from this shall be deducted that amount received for support, which exceeds the fruits or rents pertaining to them. (188a)

#### **Chapter 5. Separation of Property of the Spouses and Administration of Common Property by One Spouse During the Marriage**

Art. 134. In the absence of an express declaration in the marriage settlements, the separation of property between spouses during the marriage shall not take place except by judicial order. Such judicial separation of property may either be voluntary or for sufficient cause. (190a)

Art. 135. Any of the following shall be considered sufficient cause for judicial separation of property:

- (1) That the spouse of the petitioner has been sentenced to a penalty which carries with it civil interdiction;
- (2) That the spouse of the petitioner has been judicially declared an absentee;

- (3) That loss of parental authority of the spouse of petitioner has been decreed by the court;
- (4) That the spouse of the petitioner has abandoned the latter or failed to comply with his or her obligations to the family as provided for in Article 101;
- (5) That the spouse granted the power of administration in the marriage settlements has abused that power; and
- (6) That at the time of the petition, the spouses have been separated in fact for at least one year and reconciliation is highly improbable.

In the cases provided for in Numbers (1), (2) and (3), the presentation of the final judgment against the guilty or absent spouse shall be enough basis for the grant of the decree of judicial separation of property. (191a)

Art. 136. The spouses may jointly file a verified petition with the court for the voluntary dissolution of the absolute community or the conjugal partnership of gains, and for the separation of their common properties.

All creditors of the absolute community or of the conjugal partnership of gains, as well as the personal creditors of the spouse, shall be listed in the petition and notified of the filing thereof. The court shall take measures to protect the creditors and other persons with pecuniary interest. (191a)

Art. 137. Once the separation of property has been decreed, the absolute community or the conjugal partnership of gains shall be liquidated in conformity with this Code.

During the pendency of the proceedings for separation of property, the absolute community or the conjugal partnership shall pay for the support of the spouses and their children. (192a)

Art. 138. After dissolution of the absolute community or of the conjugal partnership, the provisions on complete separation of property shall apply. (191a)

Art. 139. The petition for separation of property and the final judgment granting the same shall be recorded in the proper local civil registries and registries of property. (193a)

Art. 140. The separation of property shall not prejudice the rights previously acquired by creditors. (194a)

Art. 141. The spouses may, in the same proceedings where separation of property was decreed, file a motion in court for a decree reviving the property regime that existed between them before the separation of property in any of the following instances:

- (1) When the civil interdiction terminates;
- (2) When the absentee spouse reappears;
- (3) When the court, being satisfied that the spouse granted the power of administration in the marriage settlements will not again abuse that power, authorizes the resumption of said administration;
- (4) When the spouse who has left the conjugal home without a decree of legal separation resumes common life with the other;
- (5) When parental authority is judicially restored to the spouse previously deprived thereof;
- (6) When the spouses who have been separated in fact at least one year, reconcile and resume common life; or
- (7) When after voluntary dissolution of the absolute community of property or conjugal partnership has been judicially decreed upon the joint petition of the spouses, they agree to the revival of the former property regime. No voluntary separation of property may thereafter be granted.

The revival of the former property regime shall be governed by Article 67. (195a)

Art. 142. The administration of all classes of exclusive property of either spouse may be transferred by the court to the other spouse:

- (1) When one spouse becomes the guardian of the other;
- (2) When one spouse is judicially declared an absentee;
- (3) When one spouse is sentenced to a penalty which carries with it civil interdiction; or
- (4) When one spouse becomes a fugitive from justice or is in hiding as an accused in a criminal case.

If the other spouse is not qualified by reason of incompetence, conflict of interest, or any other just cause, the court shall appoint a suitable person to be the administrator.  
(n)

### **Chapter 6. Regime of Separation of Property**

Art. 143. Should the future spouses agree in the marriage settlements that their property relations during marriage shall be governed by the regime of separation of property, the provisions of this Chapter shall be of suppletory. (212a)

Art. 144. Separation of property may refer to present or future property or both. It may be total or partial. In the latter case, the property not agreed upon as separate shall pertain to the absolute community. (213a)

Art. 145. Each spouse shall own, dispose of, possess, administer and enjoy his or her own separate estate, without need of the consent of the other. To each spouse shall belong all earnings from his or her profession, business or industry and all fruits, natural, industrial or civil, due or received during the marriage from his or her separate property. (214a)

Art. 146. Both spouses shall bear the family expenses in proportion to their income, or, in case of insufficiency or default thereof, to the current market value of their separate properties.

The liabilities of the spouses to creditors for family expenses shall, however, be solidary. (215a)

### **Chapter 7. Property Regime of Unions Without Marriage**

Art. 147. When a man and a woman who are capacitated to marry each other, live exclusively with each other as husband and wife without the benefit of marriage or under a void marriage, their wages and salaries shall be owned by them in equal shares and the property acquired by both of them through their work or industry shall be governed by the rules on co-ownership.

In the absence of proof to the contrary, properties acquired while they lived together shall be presumed to have been obtained by their joint efforts, work or industry, and shall be owned by them in equal shares. For purposes of this Article, a party who did not participate in the acquisition by the other party of any property shall be deemed to have contributed jointly in the acquisition thereof if the former's efforts consisted in the care and maintenance of the family and of the household.

Neither party can encumber or dispose by acts *inter vivos* of his or her share in the property acquired during cohabitation and owned in common, without the consent of the other, until after the termination of their cohabitation.

When only one of the parties to a void marriage is in good faith, the share of the party in bad faith in the co-ownership shall be forfeited in favor of their common children. In case of default of or waiver by any or all of the common children or their descendants, each vacant share shall belong to the respective surviving descendants. In the absence of descendants, such share shall belong to the innocent party. In all cases, the forfeiture shall take place upon termination of the cohabitation. (144a)

Art. 148. In cases of cohabitation not falling under the preceding Article, only the properties acquired by both of the parties through their actual joint contribution of money, property, or industry shall be owned by them in common in proportion to their

respective contributions. In the absence of proof to the contrary, their contributions and corresponding shares are presumed to be equal. The same rule and presumption shall apply to joint deposits of money and evidences of credit.

If one of the parties is validly married to another, his or her share in the co-ownership shall accrue to the absolute community or conjugal partnership existing in such valid marriage. If the party who acted in bad faith is not validly married to another, his or her share shall be forfeited in the manner provided in the last paragraph of the preceding Article.

The foregoing rules on forfeiture shall likewise apply even if both parties are in bad faith. (144a)

## **TITLE V THE FAMILY**

### **Chapter 1. The Family as an Institution**

Art. 149. The family, being the foundation of the nation, is a basic social institution which public policy cherishes and protects. Consequently, family relations are governed by law and no custom, practice or agreement destructive of the family shall be recognized or given effect. (216a, 218a)

Art. 150. Family relations include those:

- (1) Between husband and wife;
- (2) Between parents and children;
- (3) Among other ascendants and descendants; and
- (4) Among brothers and sisters, whether of the full- or half-blood. (217a)

Art. 151. No suit between members of the same family shall prosper unless it should appear from the verified complaint or petition that earnest efforts toward a compromise have been made, but that the same have failed. If it is shown that no such efforts were in fact made, the case must be dismissed.

This rule shall not apply to cases which may not be the subject of compromise under the Civil Code. (222a)

### **Chapter 2. The Family Home**

Art. 152. The family home, constituted jointly by the husband and the wife or by an unmarried head of a family, is the dwelling house where they and their family reside, and the land on which it is situated. (223a)



Art. 153. The family home is deemed constituted on a house and lot from the time it is occupied as a family residence. From the time of its constitution and so long as any of its beneficiaries actually resides therein, the family home continues to be such and is exempt from execution, forced sale or attachment except as hereinafter provided and to the extent of the value allowed by law. (223a)

Art. 154. The beneficiaries of a family home are:

- (1) The husband and wife, or an unmarried person who is the head of a family; and
- (2) Their parents, ascendants, descendants, brothers and sisters, whether the relationship be legitimate or illegitimate, who are living in the family home and who depend upon the head of the family for legal support. (226a)

Art. 155. The family home shall be exempt from execution, forced sale or attachment except:

- (1) For nonpayment of taxes;
- (2) For debts incurred prior to the constitution of the family home;
- (3) For debts secured by mortgages on the premises before or after such constitution; and
- (4) For debts due to laborers, mechanics, architects, builders, materialmen and others who have rendered service or furnished material for the construction of the building. (243a)

Art. 156. The family home must be part of the properties of the absolute community or the conjugal partnership, or of the exclusive properties of either spouse with the latter's consent. It may also be constituted by an unmarried head of a family on his or her own property.

Nevertheless, property that is the subject of a conditional sale on installments where ownership is reserved by the vendor only to guarantee payment of the purchase price may be constituted as a family home. (227a, 228a)

Art. 157. The actual value of the family home shall not exceed, at the time of its constitution, the amount of three hundred thousand pesos in urban areas, and two hundred thousand pesos in rural areas, or such amounts as may hereafter be fixed by law.

In any event, if the value of the currency changes after the adoption of this Code, the value most favorable for the constitution of a family home shall be the basis of evaluation.

For purposes of this Article, urban areas are deemed to include chartered cities and municipalities whose annual income at least equals that legally required for chartered cities. All others are deemed to be rural areas. (231a)

Art. 158. The family home may be sold, alienated, donated, assigned or encumbered by the owner or owners thereof with the written consent of the person constituting the same, the latter's spouse, and a majority of the beneficiaries of legal age. In case of conflict, the court shall decide. (235a)

Art. 159. The family home shall continue despite the death of one or both spouses or of the unmarried head of the family for a period of ten years or for as long as there is a minor beneficiary, and the heirs cannot partition the same unless the court finds compelling reasons therefor. This rule shall apply regardless of whoever owns the property or constituted the family home. (238a)

Art. 160. When a creditor whose claim is not among those mentioned in Article 155 obtains a judgment in his favor, and he has reasonable grounds to believe that the family home is actually worth more than the maximum amount fixed in Article 157, he may apply to the court which rendered the judgment for an order directing the sale of the property under execution. The court shall so order if it finds that the actual value of the family home exceeds the maximum amount allowed by law as of the time of its constitution. If the increased actual value exceeds the maximum allowed in Article 157 and results from subsequent voluntary improvements introduced by the person or persons constituting the family home, by the owner or owners of the property, or by any of the beneficiaries, the same rule and procedure shall apply.

At the execution sale, no bid below the value allowed for a family home shall be considered. The proceeds shall be applied first to the amount mentioned in Article 157, and then to the liabilities under the judgment and the costs. The excess, if any, shall be delivered to the judgment debtor. (247a, 248a)

Art. 161. For purposes of availing of the benefits of a family home as provided for in this Chapter, a person may constitute, or be the beneficiary of, only one family home. (n)

Art. 162. The provisions in this Chapter shall also govern existing family residences insofar as said provisions are applicable. (n)

## TITLE VI PATERNITY AND FILIATION

### Chapter 1. Legitimate Children

Art. 163. The filiation of children may be by nature or by adoption. Natural filiation may be legitimate or illegitimate. (n)

Art. 164. Children conceived or born during the marriage of the parents are legitimate.

Children conceived as a result of artificial insemination of the wife with the sperm of the husband or that of a donor or both are likewise legitimate children of the husband and his wife, provided that both of them authorized or ratified such insemination in a written instrument executed and signed by them before the birth of the child. The instrument shall be recorded in the civil registry together with the birth certificate of the child. (255a, 258a)

Art. 165. Children conceived and born outside a valid marriage are illegitimate, unless otherwise provided in this Code. (n)

Art. 166. Legitimacy of a child may be impugned only on the following grounds:

- (1) That it was physically impossible for the husband to have sexual intercourse with his wife within the first 120 days of the 300 days which immediately preceded the birth of the child because of:
  - (a) the physical incapacity of the husband to have sexual intercourse with his wife;
  - (b) the fact that the husband and wife were living separately in such a way that sexual intercourse was not possible; or
  - (c) serious illness of the husband, which absolutely prevented sexual intercourse;
- (2) That it is proved that for biological or other scientific reasons, the child could not have been that of the husband, except in the instance provided in the second paragraph of Article 164; or
- (3) That in case of children conceived through artificial insemination, that written authorization or ratification of either parent was obtained through mistake, fraud, violence, intimidation, or undue influence. (255a)

Art. 167. The child shall be considered legitimate although the mother may have declared against its legitimacy or may have been sentenced as an adulteress. (256a)

Art. 168. If the marriage is terminated and the mother contracted another marriage within three hundred days after such termination of the former marriage, these rules shall govern in the absence of proof to the contrary:

- (1) A child born before one hundred eighty days after the solemnization of the subsequent marriage is considered to have been conceived during the former

marriage, provided it be born within three hundred days after the termination of the former marriage;

- (2) A child born after one hundred eighty days following the celebration of the subsequent marriage is considered to have been conceived during such marriage, even though it be born within the three hundred days after the termination of the former marriage. (259a)

Art. 169. The legitimacy or illegitimacy of a child born after three hundred days following the termination of the marriage shall be proved by whoever alleges such legitimacy or illegitimacy. (261a)

Art. 170. The action to impugn the legitimacy of the child shall be brought within one year from the knowledge of the birth or its recording in the civil register, if the husband or, in a proper case, any of his heirs, should reside in the city or municipality where the birth took place or was recorded.

If the husband or, in his default, all of his heirs do not reside at the place of birth as defined in the first paragraph or where it was recorded, the period shall be two years if they should reside in the Philippines; and three years if abroad. If the birth of the child has been concealed from or was unknown to the husband or his heirs, the period shall be counted from the discovery or knowledge of the birth of the child or of the fact of registration of said birth, whichever is earlier. (263a)

Art. 171. The heirs of the husband may impugn the filiation of the child within the period prescribed in the preceding article only in the following cases:

- (1) If the husband should die before the expiration of the period fixed for bringing his action;
- (2) If he should die after the filing of the complaint without having desisted therefrom; or
- (3) If the child was born after the death of the husband (262a)

## **Chapter 2. Proof of Filiation**

Art. 172. The filiation of legitimate children is established by any of the following:

- (1) The record of birth appearing in the civil registrar or a final judgment; or
- (2) An admission of legitimate filiation in a public document or a private handwritten instrument and signed by the parent concerned.

In the absence of the foregoing evidence, the legitimate filiation shall be proved by:

- (1) The open and continuous possession of the status of a legitimate child; or
- (2) Any other means allowed by the Rules of Court and special laws. (265a, 266a, 267a)

Art. 173. The action to claim legitimacy may be brought by the child during his or her lifetime and shall be transmitted to the heirs should the child die during minority or in a state of insanity. In these cases, the heirs shall have a period of five years within which to institute the action.

The action already commenced by the child shall survive notwithstanding the death of either or both of the parties. (268a)

Art. 174. Legitimate children shall have the right:

- (1) To bear the surnames of the father and the mother, in conformity with the provisions of the Civil Code on Surnames;
- (2) To receive support from their parents, their ascendants, and in proper cases, their brothers and sisters, in conformity with the provisions of this Code on Support; and
- (3) To be entitled to the legitime and other successional rights granted to them by the Civil Code. (264a)

### **Chapter 3. Illegitimate Children**

Art. 175. Illegitimate children may establish their illegitimate filiation in the same way and on the same evidence as legitimate children.

The action must be brought within the same period specified in Article 173, except when the action is based on the second paragraph of Article 172, in which case the action may be brought during the lifetime of the alleged parent. (289a)

Art. 176. Illegitimate children shall use the surname and shall be under the parental authority of their mother, and shall be entitled to support in conformity with this Code. The legitime of each illegitimate child shall consist of one-half of the legitime of a legitimate child. (287a)

### **Chapter 4. Legitimated Children**

Art. 177. Only children conceived and born outside of wedlock of parents who, at the time of the conception of the former, were not disqualified by any impediment to marry each other may be legitimated. (269a)

Art. 178. Legitimation shall take place by a subsequent valid marriage between parents. The annulment of a voidable marriage shall not affect the legitimation. (270a)

Art. 179. Legitimated children shall enjoy the same rights as legitimate children. (272a)

Art. 180. The effects of legitimation shall retroact to the time of the child's birth. (273a)

Art. 181. The legitimation of children who died before the celebration of the marriage shall benefit their descendants. (274)

Art. 182. Legitimation may be impugned only by those who are prejudiced in their rights, within five years from the time their cause of action accrues. (275a)

## TITLE VII

### ADOPTION

Art. 183. A person of age and in possession of full civil capacity and legal rights may adopt, provided he is in a position to support and care for his children, legitimate or illegitimate, in keeping with the means of the family.

Only minors may be adopted, except in the cases when the adoption of a person of majority age is allowed in this Title.

In addition, the adopter must be at least sixteen years older than the person to be adopted, unless the adopter is the parent by nature of the adopted, or is the spouse of the legitimate parent of the person to be adopted. (27a, EO 91 and PD 603)

Art. 184. The following persons may not adopt:

- (1) The guardian with respect to the ward prior to the approval of the final accounts rendered upon the termination of their guardianship relation;
- (2) Any person who has been convicted of a crime involving moral turpitude;
- (3) An alien, except:
  - (a) A former Filipino citizen who seeks to adopt a relative by consanguinity;
  - (b) One who seeks to adopt the legitimate child of his or her Filipino spouse; or

- (c) One who is married to a Filipino citizen and seeks to adopt jointly with his or her spouse a relative by consanguinity of the latter.

Aliens not included in the foregoing exceptions may adopt Filipino children in accordance with the rules on inter-country adoption as may be provided by law. (28a, EO 91 and PD 603)

Art. 185. Husband and wife must jointly adopt, except in the following cases:

- (1) When one spouse seeks to adopt his own illegitimate child; or
- (2) When one spouse seeks to adopt the legitimate child of the other. (29a, EO 91 and PD 603)

Art. 186. In case husband and wife jointly adopt or one spouse adopts the legitimate child of the other, joint parental authority shall be exercised by the spouses in accordance with this Code. (29a, EO 91 and PD 603)

Art. 187. The following may not be adopted:

- (1) A person of legal age, unless he or she is a child by nature of the adopter or his or her spouse, or, prior to the adoption, said person had been consistently considered and treated by the adopter as his or her own child during minority.
- (2) An alien with whose government the Republic of the Philippines has no diplomatic relations; and
- (3) A person who has already been adopted unless such adoption has been previously revoked or rescinded. (30a, EO 91 and PD 603)

Art. 188. The written consent of the following to the adoption shall be necessary:

- (1) The person to be adopted, if ten years of age or over;
- (2) The parents by nature of the child, the legal guardian, or the proper government instrumentality;
- (3) The legitimate and adopted children, ten years of age or over, of the adopting parent or parents;
- (4) The illegitimate children, ten years of age or over, of the adopting parent, if living with said parent and the latter's spouse, if any; and
- (5) The spouse, if any, of the person adopting or to be adopted. (31a, EO 91 and PD 603)

Art. 189. Adoption shall have the following effects:

- (1) For civil purposes, the adopted shall be deemed to be a legitimate child of the adopters and both shall acquire the reciprocal rights and obligations arising from the relationship of parent and child, including the right of the adopted to use the surname of the adopter;
- (2) The parental authority of the parents by nature over the adopted shall terminate and be vested in the adopters, except that if the adopter is the spouse of the parent by nature of the adopted, parental authority over the adopted shall be exercised jointly by both spouses; and
- (3) The adopted shall remain an intestate heir of his parents and other blood relatives. (39(1)a, (2)a, (3)a, PD 603)

Art. 190. Legal or intestate succession to the estate of the adopted shall be governed by the following rules:

- (1) Legitimate and illegitimate children and descendants and the surviving spouse of the adopted shall inherit from the adopted, in accordance with the ordinary rules of legal or intestate succession;
- (2) When the parents, legitimate or illegitimate, or the legitimate ascendants of the adopted concur with the adopters, they shall divide the entire estate, one-half to be inherited by the parents or ascendants and the other half, by the adopters;
- (3) When the surviving spouse or the illegitimate children of the adopted concur with the adopters, they shall divide the entire estate in equal shares, one-half to be inherited by the spouse or the illegitimate children of the adopted and the other half, by the adopters;
- (4) When the adopters concur with the illegitimate children and the surviving spouse of the adopted, they shall divide the entire estate in equal shares, one-third to be inherited by the illegitimate children, one-third by the surviving spouse, and one-third by the adopters;
- (5) When only the adopters survive, they shall inherit the entire estate; and
- (6) When only collateral blood relatives of the adopted survive, then the ordinary rules of legal or intestate succession shall apply. (39(4)a, PD 603)

Art. 191. If the adopted is a minor or otherwise incapacitated, the adoption may be judicially rescinded upon petition of any person authorized by the court or proper government instrumentality acting on his behalf, on the same grounds prescribed for loss or suspension of parental authority. If the adopted is at least eighteen years of age, he



may petition for judicial rescission of the adoption on the same grounds prescribed for disinheriting an ascendant. (40a, PD 603)

Art. 192. The adopters may petition the court for the judicial rescission of the adoption in any of the following cases:

- (1) If the adopted has committed any act constituting a ground for disinheriting a descendant; or
- (2) When the adopted has abandoned the home of the adopters during minority for at least one year, or, by some other acts, has definitely repudiated the adoption. (41a, PD 603)

Art. 193. If the adopted minor has not reached the age of majority at the time of the judicial rescission of the adoption, the court in the same proceeding shall reinstate the parental authority of the parents by nature, unless the latter are disqualified or incapacitated, in which case the court shall appoint a guardian over the person and property of the minor. If the adopted person is physically or mentally handicapped, the court shall appoint in the same proceeding a guardian over his person or property or both.

Judicial rescission of the adoption shall extinguish all reciprocal rights and obligations between the adopters and the adopted arising from the relationship of parent and child. The adopted shall likewise lose the right to use the surnames of the adopters and shall resume his surname prior to the adoption.

The court shall accordingly order the amendment of the records in the proper registries. (42a, PD 603)

## TITLE VIII SUPPORT

Art. 194. Support comprises everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family.

The education of the person entitled to be supported referred to in the preceding paragraph shall include his schooling or training for some profession, trade or vocation, even beyond the age of majority. Transportation shall include expenses in going to and from school, or to and from place of work. (290a)

Art. 195. Subject to the provisions of the succeeding articles, the following are obliged to support each other to the whole extent set forth in the preceding article:

- (1) The spouses;
- (2) Legitimate ascendants and descendants;

- (3) Parents and their legitimate children and the legitimate and illegitimate children of the latter;
- (4) Parents and their illegitimate children and the legitimate and illegitimate children of the latter; and
- (5) Legitimate brothers and sisters, whether of the full- or half-blood. (291a)

Art. 196. Brothers and sisters not legitimately related, whether of the full or half-blood, are likewise bound to support each other to the full extent set forth in Article 194, except only when the need for support of the brother or sister, being of age, is due to a cause imputable to the claimant's fault or negligence. (291a)

Art. 197. In case of legitimate ascendants; descendants, whether legitimate or illegitimate, and brothers and sisters, whether legitimately or illegitimately related, only the separate property of the person obliged to give support shall be answerable provided that in case the obligor has no separate property, the absolute community or the conjugal partnership, if financially capable, shall advance the support, which shall be deducted from the share of the spouse obliged upon the liquidation of the absolute community or of the conjugal partnership. (n)

Art. 198. During the proceedings for legal separation or for annulment of marriage, and for declaration of nullity of marriage, the spouses and their children shall be supported from the properties of the absolute community or the conjugal partnership. After final judgment granting the petition, the obligation of mutual support between the spouses ceases. However, in case of legal separation, the court may order that the guilty spouse shall give support to the innocent spouse, specifying the terms of such order. (292a)

Art. 199. Whenever two or more persons are obliged to give support, the liability shall devolve upon the following persons in the order herein provided:

- (1) The spouse;
- (2) The descendants in the nearest degree;
- (3) The ascendants in the nearest degree; and
- (4) The brothers and sisters. (294a)

Art. 200. When the obligation to give support falls upon two or more persons, the payment of the same shall be divided between them in proportion to the resources of each.

However, in case of urgent need and by special circumstances, the judge may order only one of them to furnish the support provisionally, without prejudice to his right to claim from the other obligors the share due from them.

When two or more recipients at the same time claim support from one and the same person legally obliged to give it, should the latter not have sufficient means to satisfy all claims, the order established in the preceding article shall be followed, unless the concurrent obligees should be the spouse and a child subject to parental authority, in which case the child shall be preferred. (295a)

Art. 201. The amount of support, in the cases referred to in Articles 195 and 196, shall be in proportion to the resources or means of the giver and to the necessities of the recipient. (296a)

Art. 202. Support in the cases referred to in the preceding article shall be reduced or increased proportionately, according to the reduction or increase of the necessities of the recipient and the resources or means of the person obliged to furnish the same. (297a)

Art. 203. The obligation to give support shall be demandable from the time the person who has a right to receive the same needs it for maintenance, but it shall not be paid except from the date of judicial or extrajudicial demand.

Support *pendente lite* may be claimed in accordance with the Rules of Court.

Payment shall be made within the first five days of each corresponding month, or when the recipient dies, his heirs shall not be obliged to return what he has received in advance. (298a)

Art. 204. The person obliged to give support shall have the option to fulfill the obligation either by paying the allowance fixed, or by receiving and maintaining in the family dwelling the person who has a right to receive support. The latter alternative cannot be availed of in case there is a moral or legal obstacle thereto. (299a)

Art. 205. The right to receive support under this Title as well as any money or property obtained as such support shall not be levied upon on attachment or execution. (302a)

Art. 206. When, without the knowledge of the person obliged to give support, it is given by a stranger, the latter shall have a right to claim the same from the former, unless it appears that he gave it without any intention of being reimbursed. (2164a)

Art. 207. When the person obliged to support another unjustly refuses or fails to give support when urgently needed by the latter, any third person may furnish support to the needy individual, with a right of reimbursement from the person obliged to give support. This Article shall particularly apply when the father or mother of a child under the age of majority unjustly refuses to support or fails to give support to the child when urgently needed. (2166a)

Art. 208. In case of contractual support or that given by will, the excess in amount beyond that required for legal support shall be subject to levy on attachment or execution.

Furthermore, contractual support shall be subject to adjustment whenever modification is necessary due to changes in circumstances manifestly beyond the contemplation of the parties. (n)

## TITLE IX PARENTAL AUTHORITY

### Chapter 1. General Provisions

Art. 209. Pursuant to the natural right and duty of parents over the person and property of their unemancipated children, parental authority and responsibility shall include the caring for and rearing them for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being. (n)

Art. 210. Parental authority and responsibility may not be renounced or transferred except in the cases authorized by law. (313a)

Art. 211. The father and the mother shall jointly exercise parental authority over the persons of their common children. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.

Children shall always observe respect and reverence toward their parents and are obliged to obey them as long as the children are under parental authority. (311a)

Art. 212. In case of absence or death of either parent, the parent present shall continue exercising parental authority. The remarriage of the surviving parent shall not affect the parental authority over the children, unless the court appoints another person to be the guardian of the person or property of the children. (n)

Art. 213. In case of separation of the parents, parental authority shall be exercised by the parent designated by the Court. The Court shall take into account all relevant considerations, especially the choice of the child over seven years of age, unless the parent chosen is unfit. (n)

No child under seven years of age shall be separated from the mother, unless the court finds compelling reasons to order otherwise.

Art. 214. In case of death, absence or unsuitability of the parents, substitute parental authority shall be exercised by the surviving grandparent. In case several survive, the one designated by the court, taking into account the same consideration mentioned in the preceding article, shall exercise the authority. (355a)

Art. 215. No descendant shall be compelled, in a criminal case, to testify against his parents and grandparents, except when such testimony is indispensable in a crime against the descendant or by one parent against the other. (315a)

## **Chapter 2. Substitute and Special Parental Authority**

Art. 216. In default of parents or a judicially appointed guardian, the following persons shall exercise substitute parental authority over the child in the order indicated:

- (1) The surviving grandparent, as provided in Art. 214;
- (2) The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
- (3) The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.

Whenever the appointment of a judicial guardian over the property of the child becomes necessary, the same order of preference shall be observed. (349a, 351a, 354a)

Art. 217. In case of foundlings, abandoned, neglected or abused children and other children similarly situated, parental authority shall be entrusted in summary judicial proceedings to heads of children's homes, orphanages and similar institutions duly accredited by the proper government agency. (314a)

Art. 218. The school, its administrators and teachers, or the individual, entity or institution engaged in child care shall have special parental authority and responsibility over the minor child while under their supervision, instruction or custody.

Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution. (349a)

Art. 219. Those given the authority and responsibility under the preceding Article shall be principally and solidarily liable for damages caused by the acts or omissions of the unemancipated minor. The parents, judicial guardians or the persons exercising substitute parental authority over said minor shall be subsidiarily liable.

The respective liabilities of those referred to in the preceding paragraph shall not apply if it is proved that they exercised the proper diligence required under the particular circumstances.

All other cases not covered by this and the preceding articles shall be governed by the provisions of the Civil Code on quasi-delicts. (n)

## **Chapter 3. Effect of Parental Authority Upon the Persons of the Children**

Art. 220. The parents and those exercising parental authority shall have with respect to their unemancipated children or wards the following rights and duties:

- (1) To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
- (2) To give them love and affection, advice and counsel, companionship and understanding;
- (3) To provide them with moral and spiritual guidance, inculcate in them honestly, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
- (4) To enhance, protect, preserve and maintain their physical and mental health at all times;
- (5) To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;
- (6) To represent them in all matters affecting their interests;
- (7) To demand from them respect and obedience;
- (8) To impose discipline on them as may be required under the circumstances; and
- (9) To perform such other duties as are imposed by law upon parents and guardians. (316a)

Art. 221. Parents and other persons exercising parental authority shall be civilly liable for the injuries and damages caused by the acts or omissions of their unemancipated children living in their company and under their parental authority subject to the appropriate defenses provided by law. (2180(2)a and (4)a)

Art. 222. The courts may appoint a guardian of the child's property, or a guardian *ad litem* when the best interests of the child so require. (317)

Art. 223. The parents or, in their absence or incapacity, the individual, entity or institution exercising parental authority, may petition the proper court of the place where the child resides, for an order providing for disciplinary measures over the child. The child shall be entitled to the assistance of counsel, either of his choice or appointed by the court, and a summary hearing shall be conducted wherein the petitioner and the child shall be heard.

However, if in the same proceeding the court finds the petitioner at fault, irrespective of the merits of the petition, or when the circumstances so warrant, the court may also order the deprivation or suspension of parental authority or adopt such other measures as it may deem just and proper. (318a)

Art. 224. The measures referred to in the preceding article may include the commitment of the child for not more than thirty days in entities or institutions engaged in child care or in children's home duly accredited by the proper government agency.

The parent exercising parental authority shall not interfere with the care of the child whenever committed but shall provide for his support. Upon proper petition or at its own instance, the court may terminate the commitment of the child whenever just and proper. (319a)

#### **Chapter 4. Effect of Parental Authority Upon the Property of the Children**

Art. 225. The father and the mother shall jointly exercise legal guardianship over the property of their unemancipated common child without the necessity of a court appointment. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.

Where the market value of the property or the annual income of the child exceeds ₱50,000, the parent concerned shall be required to furnish a bond in such amount as the court may determine, but not less than ten per centum (10%) of the value of the property or annual income, to guarantee the performance of the obligations prescribed for general guardians.

A verified petition for approval of the bond shall be filed in the proper court of the place where the child resides, or, if the child resides in a foreign country, in the proper court of the place where the property or any part thereof is situated.

The petition shall be docketed as a summary special proceeding in which all incidents and issues regarding the performance of the obligations referred to in the second paragraph of this Article shall be heard and resolved.

The ordinary rules on guardianship shall be merely suppletory except when the child is under substitute parental authority, or the guardian is a stranger, or a parent has remarried, in which case the ordinary rules on guardianship shall apply. (320a)

Art. 226. The property of the unemancipated child earned or acquired with his work or industry or by onerous or gratuitous title shall belong to the child in ownership and shall be devoted exclusively to the latter's support and education, unless the title or transfer provides otherwise.

The right of the parents over the fruits and income of the child's property shall be limited primarily to the child's support and secondarily to the collective daily needs of the family. (321a, 323a)

Art. 227. If the parents entrust the management or administration of any of their properties to an unemancipated child, the net proceeds of such property shall belong to the owner. The child shall be given a reasonable monthly allowance in an amount not less than that which the owner would have paid if the administrator were a stranger, unless the owner grants the entire proceeds to the child. In any case, the proceeds thus given in whole or in part shall not be charged to the child's legitime. (322a)

### **Chapter 5. Suspension or Termination of Parental Authority**

Art. 228. Parental authority terminates permanently:

- (1) Upon the death of the parents;
- (2) Upon the death of the child; or
- (3) Upon emancipation of the child. (327a)

Art. 229. Unless subsequently revived by a final judgment, parental authority also terminates:

- (1) Upon adoption of the child;
- (2) Upon appointment of a general guardian;
- (3) Upon judicial declaration of abandonment of the child in a case filed for the purpose;
- (4) Upon final judgment of a competent court divesting the party concerned of parental authority; or
- (5) Upon judicial declaration of absence or incapacity of the person exercising parental authority. (327a)

Art. 230. Parental authority is suspended upon conviction of the parent or the person exercising the same of a crime which carries with it the penalty of civil interdiction. The authority is automatically reinstated upon service of the penalty or upon pardon or amnesty of the offender. (330a)

Art. 231. The court in an action filed for the purpose or in a related case may also suspend parental authority if the parent or the person exercising the same:

- (1) Treats the child with excessive harshness or cruelty;
- (2) Gives the child corrupting orders, counsel or example;
- (3) Compels the child to beg; or
- (4) Subjects the child or allows him to be subjected to acts of lasciviousness.



The grounds enumerated above are deemed to include cases which have resulted from culpable negligence of the parent or the person exercising parental authority.

If the degree of seriousness so warrants, or the welfare of the child so demands, the court shall deprive the guilty party of parental authority or adopt such other measures as may be proper under the circumstances.

The suspension or deprivation may be revoked and the parental authority revived in a case filed for the purpose or in the same proceeding if the court finds that the cause therefor has ceased and will not be repeated. (332a)

Art. 232. If the person exercising parental authority has subjected the child or allowed him to be subjected to sexual abuse, such person shall be permanently deprived by the court of such authority. (n)

Art. 233. The person exercising substitute parental authority shall have the same authority over the person of the child as the parents.

In no case shall the school administrator, teacher or individual engaged in child care exercising special parental authority inflict corporal punishment upon the child. (n)

## TITLE X EMANCIPATION AND AGE OF MAJORITY

Art. 234. Emancipation takes place by the attainment of majority. Unless otherwise provided, majority commences at the age of twenty-one years.

Emancipation also takes place:

- (1) By the marriage of the minor; or
- (2) By the recording in the Civil Registrar of an agreement in a public instrument executed by the parent exercising parental authority and the minor at least eighteen years of age. Such emancipation shall be irrevocable. (397a, 398a, 400a, 401a)

Art. 235. The provisions governing emancipation by recorded agreement shall also apply to an orphan minor and the person exercising parental authority but the agreement must be approved by the court before it is recorded. (n)

Art. 236. Emancipation for any cause shall terminate parental authority over the person and property of the child who shall then be qualified and responsible for all acts of civil life. (412a)

Art. 237. The annulment or declaration of nullity of the marriage of a minor or of the recorded agreement mentioned in the foregoing Article 234 and 235 shall revive the

parental authority over the minor but shall not affect acts and transactions that took place prior to the recording of the final judgment in the Civil Register. (n)

## TITLE XI SUMMARY JUDICIAL PROCEEDINGS IN THE FAMILY LAW

### Chapter 1. Scope of Application

Art. 238. Until modified by the Supreme Court, the procedural rules in this Title shall apply in all cases provided for in this Code requiring summary court proceedings. Such cases shall be decided in an expeditious manner, without regard to technical rules. (n)

### Chapter 2. Separation in Fact Between Husband and Wife

Art. 239. When a husband and wife are separated in fact, or one has abandoned the other and one of them seeks judicial authorization for a transaction where the consent of the other spouse is required by law but such consent is withheld or cannot be obtained, a verified petition may be filed in court alleging the foregoing facts.

The petition shall attach the proposed deed, if any, embodying the transaction, and, if none, shall describe in detail the said transaction and state the reason why the required consent thereto cannot be secured. In any case, the final deed duly executed by the parties shall be submitted to and approved by the court. (n)

Art. 240. Claims for damages by either spouse, except costs of the proceedings, may be litigated only in a separate action. (n)

Art. 241. Jurisdiction over the petition shall, upon proof of notice to the other spouse, be exercised by the proper court authorized to hear family cases, if one exists, or in the regional trial court or its equivalent sitting in the place where either of the spouses resides. (n)

Art. 242. Upon the filing of the petition, the court shall notify the other spouse, whose consent to the transaction is required, of said petition, ordering said spouse to show cause why the petition should not be granted, on or before the date set in said notice for the initial conference. The notice shall be accompanied by a copy of the petition and shall be served at the last known address of the spouse concerned. (n)

Art. 243. A preliminary conference shall be conducted by the judge personally without the parties being assisted by counsel. After the initial conference, if the court deems it useful, the parties may be assisted by counsel at the succeeding conferences and hearings. (n)

Art. 244. In case of non-appearance of the spouse whose consent is sought, the court shall inquire into the reasons for his failure to appear, and shall require such appearance, if possible. (n)

Art. 245. If, despite all efforts, the attendance of the non-consenting spouse is not secured, the court may proceed *ex parte* and render judgment as the facts and circumstances may warrant. In any case, the judge shall endeavor to protect the interests of the non-appearing spouse. (n)

Art. 246. If the petition is not resolved at the initial conference, said petition shall be decided in a summary hearing on the basis of affidavits, documentary evidence or oral testimonies at the sound discretion of the court. If testimony is needed, the court shall specify the witnesses to be heard and the subject matter of their testimonies, directing the parties to present said witnesses. (n)

Art. 247. The judgment of the court shall be immediately final and executory. (n)

Art. 248. The petition for judicial authority to administer or encumber specific separate property of the abandoning spouse and to use the fruits or proceeds thereof for the support of the family shall also be governed by these rules. (n)

### **Chapter 3. Incidents Involving Parental Authority**

Art. 249. Petitions filed under Articles 223, 225 and 235 of this Code involving parental authority shall be verified. (n)

Art. 250. Such petitions shall be filed in the proper court of the place where the child resides. (n)

Art. 251. Upon the filing of the petition, the court shall notify the parents or, in their absence or incapacity, the individuals, entities or institutions exercising parental authority over the child. (n)

Art. 252. The rules in Chapter 2 hereof shall also govern summary proceedings under this Chapter insofar as they are applicable. (n)

### **Chapter 4. Other Matters Subject to Summary Proceedings**

Art. 253. The foregoing rules in Chapters 2 and 3 hereof shall likewise govern summary proceedings filed under Articles 41, 51, 69, 73, 96, 124 and 217, insofar as they are applicable. (n)

**TITLE XII  
FINAL PROVISIONS**

Art. 254. Titles III, IV, V, VI, VII, VIII, IX, XI and XV of Book I of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, as amended, and Articles 17, 18, 19, 27, 28, 29, 30, 31, 39, 40, 41 and 42 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, as amended, and all laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof, inconsistent herewith are hereby repealed.

Art. 255. If any provision of this Code is held invalid, all the other provisions not affected thereby shall remain valid. (n)

Art. 256. This Code shall have retroactive effect insofar as it does not prejudice or impair vested or acquired rights in accordance with the Civil Code or other laws.

Art. 257. This Code shall take effect one year after the completion of its publication in a newspaper of general circulation, as certified by the Executive Secretary, Office of the President.

Done in the City of Manila, this 6th day of July, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO  
President  
Republic of the Philippines

By the President:

(Sgd.) JOKER P. ARROYO  
Executive Secretary

Note: The Family Code took effect on August 4, 1988. All newspapers published the entire Family Code last August 4, 1987. But the Supreme Court said that August 3, 1988 is the date of effectivity of the Family Code. Note also that Arts. 235 and 237 of the Family Code have been repealed by R.A. 6809. So also, Art. 236 is now amended and for this purpose, see R.A. 6809 in Appendix "K", *infra*. Note also that mayors can now solemnize marriages under the Local Government Code of 1991.

[ PRESIDENTIAL DECREE NO. 1043 ]

AMENDING REPUBLIC ACT NO. 3835 ESTABLISHING THE WOMEN'S AUXILIARY CORPS IN THE ARMED FORCES OF THE PHILIPPINES, TO PROVIDE FOR THE PROCUREMENT OF ITS OFFICERS AND ENLISTED PERSONNEL AND OTHER PURPOSES

SECTION 1. Section 1 of the Act is hereby amended to read as follows:

“Section 1. There is established in the Armed Forces of the Philippines a Women's Auxiliary Corps which shall perform non-combat/administrative duties and such other functions and services as may be prescribed by the Secretary of National Defense. It shall be composed of officers and enlisted women, the full complement of which shall be as determined annually by the Chief of Staff, AFP, subject to the approval of the Secretary of National Defense; *Provided*, that the ratio of officers to enlisted women shall be one officer for every twenty enlisted women; and *Provided, further*, that the number of officers in each grade shall be considered within the total authorized strength of the AFP for each grade in accordance with Republic Act No. 291, as amended by Presidential Decree No. 360.”

SECTION 2. Section 2 of the Act is hereby amended to read as follows:

“Section 2. Officers of the Women's Auxiliary Corps shall be commissioned in the Regular and Reserve Forces of the AFP by the President of the Philippines upon the recommendation of the Secretary of National Defense. All persons appointed officers in the Regular Force pursuant to this Section shall be unmarried female native-born citizens of the Philippines between the ages of twenty-one and twenty-six years who are holders of Bachelor's degrees from any school, college or university recognized by the government and who possess such additional qualifications as may be prescribed by the Secretary of National Defense; *Provided, however*, that all initial commissions in the Regular Force shall be in the rank of Second Lieutenant; *Provided, further, that*, the President, under such rules and regulations as he may prescribe, is hereby authorized to commission officers in the Regular Component of the Corps in ranks above Second Lieutenant but not higher than Captain from among the officers in the active service within one year from the effectivity of this Decree.”

SECTION 3. Section 3 of the Act is hereby amended to read as follows:

“Section 3. Any unmarried and without dependent female citizen of the Philippines, between the ages of eighteen and twenty-six years,

able-bodied, physically and mentally fit, of good moral character and habits and who has completed the second year of any course from a college or university recognized by the government may be enlisted in the Women's Auxiliary Corps for a term of three years; *Provided that*, insofar as practicable, enlistments shall be apportioned among the various provinces in the Philippines; *Provided, further*, that high school graduates who possess technical or special skills necessary in the performance of non-combatant/administrative duties and other functions and services as may be determined by the Secretary of National Defense may be enlisted in the Women's Auxiliary Corps."

SECTION 4. Section 4 of the Act is hereby amended to read as follows:

"Section 4. The names of all commissioned officers of the Women's Auxiliary Corps shall be contained in separate Promotion Lists, which shall be known as the Women's Auxiliary Corps Promotion Lists, similar to but separate and distinct from those prescribed by law and regulations for the other Major and Technical Services of the Armed Forces of the Philippines. These officers of the Women's Auxiliary Corps shall be promoted in the same manner as other commissioned officers of the Armed Forces of the Philippines. Enlisted women of the Corps shall likewise be promoted in the same manner as enlisted men of the Armed Forces of the Philippines."

SECTION 5. Section 5 of the Act is hereby amended to read as follows:

"Section 5. Except as otherwise specifically provided, all laws and regulations now or hereafter applicable to commissioned officers and enlisted men of the AFP shall likewise be applicable respectively to commissioned officers and enlisted women of the Women's Auxiliary Corps: *Provided*, that any commissioned officer or enlisted woman who contracts marriage while in the active service shall be automatically separated from the service, unless she has, at the time of said marriage, already completed at least five (5) years of continuous active military service in the AFP; *Provided, further*, that all laws and regulations on maternity leave now or hereafter applicable to female employees of the government shall be applicable to married members of the Corps, provided finally that members of the Women's Auxiliary Corps who were previously separated or discharged honorably by reason of marriage may be called to active duty subject to the conditions aforementioned and in accordance with rules and regulations as the Secretary of National Defense, upon recommendation by the Chief of Staff, AFP may prescribe."

This Decree takes effect upon approval.

Approved: October 25, 1976

[PRESIDENTIAL DECREE NO. 1083]

A DECREE TO ORDAIN AND PROMULGATE A CODE RECOGNIZING THE SYSTEM OF FILIPINO MUSLIM LAWS, CODIFYING MUSLIM PERSONAL LAWS, AND PROVIDING FOR ITS ADMINISTRATION AND FOR OTHER PURPOSES

Art. 16. *Capacity to contract marriage.* – (1) Any Muslim male at least fifteen years of age and any Muslim female of the age of puberty or upwards and not suffering from any impediment under the provisions of this Code may contract marriage. A female is presumed to have attained puberty upon reaching the age of fifteen.

(2) However, the *Shari'a* District Court may, upon petition of a proper *wali*, order the solemnization of the marriage of a female who though less than fifteen but not below twelve years of age, has attained puberty.

(3) Marriage through a *wali* by a minor below the prescribed ages shall be regarded as betrothal and may be annulled upon the petition of either party within four years after attaining the age of puberty, provided no voluntary cohabitation has taken place and the *wali* who contracted the marriage was other than the father or paternal grandfather.

Art. 18. *Authority to solemnize marriage.* – Marriage may be solemnized :

- (a) By the proper *wali* of the woman to be wedded;
- (b) Upon authority of the proper *wali*, by any person who is competent under Muslim law to solemnize marriage; or
- (c) By the judge of the *Shari'a* District Court of *Shari'a* Circuit Court or any person designated by the judge, should the proper *wali* refuse without justifiable reason, to authorize the solemnization.

Art. 19. *Place of solemnization.* – Marriage shall be solemnized publicly in any mosque, office of the *Shari'a* judge, office of the District or Circuit Registrar, residence of the bride or her *wali*, or at any other suitable place agreed upon by the parties.

Art. 20. *Specification of dower.* – The amount or value of the dower may be fixed by the contracting parties (*marh-musamma*) before, during, or after the celebration of the marriage. If the amount or the value thereof has not been so fixed, a proper dower (*marh-mithl*) shall, upon petition of the wife, be determined by the court according to the social standing of the parties.

Art. 21. *Payment of dower.* – Subject to the stipulation of the parties, the dower may be fully or partially paid before, during, or after the marriage. the property or estate of the husband shall be liable for the unpaid dower, or any part thereof.

Art. 26. *Prohibition due to fosterage (tahrim-birrada'a).* – (1) No person may validly contract marriage with any woman who breastfed him for at least five times within two years after his birth.

(2) The prohibition on marriage by reason of consanguinity shall likewise apply to persons related by fosterage within the same degrees, subject to exception recognized by Muslim law.

Art. 27. *By a husband.* – Notwithstanding the rule of Islamic law permitting a Muslim to have more than one wife but one wife unless he can deal with them with equal companionship and just treatment as enjoined by Islamic law and only in exceptional cases.

Art. 28. *By widow.* – No widow shall contract a subsequent marriage unless she has observed an *'idda* of four months and ten days counted from the date of the death of her husband. If at that time the widow is pregnant, she may remarry within a reasonable time after delivery. In such case, she shall produce the corresponding death certificate.

Art. 29. *By divorce.* – (1) No woman shall contract a subsequent marriage unless she has observed an *'idda* of three monthly courses counted from the date of divorce. However, if she is pregnant at the time of the divorce, she may remarry only after the delivery.

(2) Should a repudiated woman and her husband reconcile during her *'idda*, he shall have a better right to take her back without need of a new marriage contract.

(3) Where it is indubitable that the marriage has not been consummated when the divorce was affected, no *'idda* shall be required.

Art. 30. *Marriage after three talag.* (1) Where a wife has been thrice repudiated (*talag bain lubra*) on three different occasions by her husband, he cannot remarry her without unless she shall have remarried another person who divorces her after consummation of the intervening marriage and the expiration of the *'idda*.

(2) No solemnizing officer shall perform the subsequent marriage mentioned in the preceding paragraph unless he has ascertained that there was no collusion among the parties.

Art. 35. *Rights and obligations of the husband.* – The husband shall fix the residence of the family. The court may exempt the wife from living with her husband on any of the following grounds :



- (a) Her dower is not satisfied in accordance with the stipulations; or
- (b) The conjugal dwelling is not in keeping with her social standing or is, for any person, not safe for the members of the family or her property.

Art. 36. Rights and obligations of the wife. – (1) The wife shall dutifully manage the affairs of the household. She may purchase things necessary for the maintenance of the family, and the husband shall be bound to reimburse the expenses, if he has not delivered the proper sum.

(2) The wife cannot, without the husband's consent, acquire any property by gratuitous title, except from her relatives who are within the prohibited degrees in marriage.

(3) The wife may, with her husband's consent, exercise any profession or occupation or engage in lawful business which is in keeping with Islamic modesty and virtue. However, if the husband refuses to give his consent on the ground that his income is sufficient for the family according to its social standing or his opposition is based on serious and valid grounds, the matter shall be referred to the Agama Arbitration Council.

(4) The wife shall have the right to demand the satisfaction of her *mahr*.

(5) Unless otherwise stipulated in the marriage settlements, the wife retain ownership and administration of her exclusive property.

(6) The wife shall be entitled to an equal and just treatment by the husband.

Art. 40. Ante-nuptial property. – The wife shall not lose ownership and administration of all properties brought by her to the marriage in the absence of any written agreement to the contrary, and she may dispose of the same by deed or otherwise even without the consent of her husband.

Art. 41. Exclusive property of each spouse. – The following shall be the exclusive property of each spouse :

- (a) Properties brought to the marriage by the husband or the wife;
- (b) All income derived by either spouse from any employment, occupation or trade;
- (c) Any money or property acquired by either spouse during marriage by lucrative title;
- (d) The dower (*mahr*) of the wife and nuptial gifts to each spouse;
- (e) Properties acquired by right of redemption, purchase or exchange of the exclusive property of either; and
- (f) All fruits of properties in the foregoing paragraphs.

Art. 44. Right to sue and be sued. – The wife may, independently of the husband, sue or be sued in the following cases :

- (a) When the litigation is between husband and wife;
- (b) If the suit concerns her exclusive property;
- (c) If the litigation is incidental to her profession, occupation or business;
- (d) If the litigation concerns the exclusive property of the husband, the administration of which has been transferred to her; or
- (e) Such other appropriate cases as may be followed by the general principles of Islamic law and other laws.

Art. 45. Definition and forms. – Divorce is the formal dissolution of the marriage bond in accordance with this Code to be granted only after the exhaustion of all possible means of reconciliation between the spouses. It may be effected by:

- (a) Repudiation of the wife by the husband (*talag*);
- (b) Vow of continence by the husband (*ila*);
- (c) Injurious assanilation of the wife by the husband (*zihar*);
- (d) Act of imprecation (*li'an*);
- (e) Redemption by the wife (*khul'*);
- (f) Exercise by the wife of the delegated right to repudiate (*tafwid*); or
- (g) Judicial decree (*faskh*).

Art. 46. *Divorce by talag*. – (1) A divorce by *talag* may be effected by the husband in a single repudiation of his wife during her non-menstrual period (*tuhr*) within which he has totally abstained from carnal relation with her. Any number of repudiations made during one *tuhr* shall constitute only one repudiation and shall become irrevocable after the expiration of the prescribed '*idda*'.

(2) A husband who repudiates his wife, either for the first or second time, shall have the right to take her back (*ruju*) within the prescribed '*idda*' by resumption of cohabitation without need of a new contract of marriage. Should he fail to do so, the repudiation shall become irrevocable (*Talag bain sugra*).

Art. 47. *Divorce by Ila*. – Where a husband makes a vow to abstain from any carnal relations (*ila*) with his wife and keeps such *ila* for a period of not less than four months, she may be granted a decree of divorce by the court after due notice and hearing.

Art. 48. *Divorce by zihar*. – Where the husband has injuriously assimilated (*zihar*) his wife to any of his relatives within the prohibited decrees of marriage, they shall mutually refrain from having carnal relation until he shall have performed the prescribed expiation. The wife may ask the court to require her husband to perform the expiation or to pronounce a regular *talag* should he fail or refuse to do so, without prejudice to her right of seeking other appropriate remedies.

Art. 49. Divorce by *li'an*. – Where the husband accuses his wife in court of adultery, a decree of perpetual divorce may be granted by the court after due hearing and after the parties shall have performed the prescribed acts of imprecation (*li'an*).

Art. 50. Divorce by *khul'*. – The wife may, after having offered to return or renounce her dower or to pay any other lawful consideration for her release (*khul'*) from the marriage bond, petition the court for divorce. The court shall, in meritorious cases and after fixing the consideration, issue the corresponding decree.

Art. 51. Divorce by *tafwid*. – If the husband has delegated (*tafwid*) to the wife the right to effect a *talag* at the time of the celebration of the marriage or thereafter, she may repudiate the marriage and the repudiation would have the same effect as if it were pronounced by the husband himself.

Art. 52. Divorce by *faskh*. – The court may, upon petition of the wife, decree a divorce by *faskh* on any of the following grounds:

- (a) Neglect or failure of the husband to provide support for the family for at least six consecutive months;
- (b) Conviction of the husband by final judgment sentencing him to imprisonment for at least one year;
- (c) Failure of the husband to perform for six months without reasonable cause his marital obligation in accordance with this code;
- (d) Impotency of the husband;
- (e) Insanity or affliction of the husband with an incurable disease which would make the continuance of the marriage relationship injurious to the family;
- (f) Unusual cruelty of the husband as defined under the next succeeding article; or
- (g) Any other cause recognized under Muslim law for the dissolution of marriage by *faskh* either at the instance of the wife or the proper *wali*.

Art. 53. *Faskh* on the ground of unusual cruelty. – A decree of *faskh* on the ground of unusual cruelty may be granted by the court upon petition of the wife if the husband:

- (a) Habitually assaults her or makes her life miserable by cruel conduct even if this does not result in physical injury;
- (b) Associates with persons of ill-repute or leads an infamous life or attempts to force the wife to live an immoral life;

- (c) Compels her to dispose of her exclusive property or prevents her from exercising her legal rights over it;
- (d) Obstructs her in the observance of her religious practices; or
- (e) Does not treat her justly and equitably as enjoined by Islamic law.

Art. 54. *Effects of irrevocable talag or faskh.* – A *talag* or *faskh*, as soon as it becomes irrevocable, shall have the following effects:

- (a) The marriage bond shall be severed and the spouses may contract another marriage in accordance with this Code;
- (b) The spouses shall lose their mutual rights of inheritance;
- (c) The custody of children shall be determined in accordance with Article 78 of this Code;
- (d) The wife shall be entitled to recover from the husband her whole dower in case the *talag* has been affected after the consummation of the marriage, or one-half thereof if effected before its consummation;
- (e) The husband shall not be discharged from his obligation to give support in accordance with Article 67; and
- (f) The conjugal partnership, if stipulated in the marriage settlements, shall be dissolved and liquidated.

Art. 55. *Effects of other kinds of divorce.* – The provisions of the article immediately preceding shall apply to the dissolution of marriage by *ila*, *zihar*, *li'an* and *khul'*, subject to the effects of compliance with the requirements of the Islamic law relative to such divorces.

## Section 2. 'Idda

Art. 56. *'Idda defined.* – 'Idda is the period of waiting prescribed for a woman whose marriage has been dissolved by death or by divorce the completion of which shall enable her to contract a new marriage.

Art. 57. *Period.* – (1) Every wife shall be obliged to observe 'idda as follows:

- (a) In case of dissolution of marriage by death, four months and ten days counted from the death of her husband;

- (b) In case of termination of marriage by divorce, for three monthly courses; or
- (c) In case of a pregnant woman, for a period extending until her delivery.

(1) Should the husband die while the wife is observing 'idda for divorce, another 'idda for death shall be observed in accordance with paragraph 1(a).

Art. 60. *Children of subsequent marriage.* – Should the marriage be dissolved and the wife contracts another marriage after the expiration of her 'IDDA, the child born within six months from the dissolution of the prior marriage shall be presumed to have been conceived during the former marriage, and if born thereafter, during the latter.

Art. 61. *Pregnancy after dissolution.* – If, after the dissolution of marriage, the wife believes that she is pregnant by her former husband, she shall, within thirty days from the time she became aware of her pregnancy, notify the former husband or his heirs of that fact. The husband or his heirs may ask the court to take measures to prevent a simulation of birth.

Art. 62. *Rights of legitimate child.* – A legitimate child shall have the right:

- (a) To bear the surnames of the father and of the mother;
- (b) To receive support from the father or, in his default, from his heirs in accordance with Articles 65 and 68; and
- (c) To share in the legitimate (*furud*) and other successional rights which this Code recognizes in his favor.

Art. 63. *Acknowledgement by father.* – Acknowledgement (*igra*) of a child by the father shall establish paternity and confer upon each the right inherit from the other exclusively in accordance with Article 94, provided the following conditions are complied with:

- (a) The acknowledgement is manifested by the father's acceptance in public that he is the father of the child who does not impugn it; and
- (b) The relations does not appear impossible by reason of disparity in age.

Art. 64. *Adoption.* – No adoption in any form shall confer upon any person the status and rights of a legitimate child under Muslim law except that said person may receive a gift (*hiba*).

Art. 67. *Support for wife and infant.* – (1) The wife shall be entitled to support during the marriage. In cases of divorce (*talag*), her right shall be extended up to the

expiration of the *'idda*. However, in case the wife is pregnant at the time of the separation, she shall be entitled to support until delivery.

- (2) Any divorced nursing mother who continues to breastfeed her child for two years shall be entitled to support until the time of weaning.

Art. 68. Support between ascendants and descendants shall be obliged to support each other in the order in which they are called to succeed by intestacy the person who has a right to claim support.

Art. 69. *Payment.* – (1) The obligation to support shall be demandable from the time the recipient needs it for maintenance, but it shall not be paid except from the date it is extrajudicially demanded.

- (3) Payment shall be made daily, weekly or monthly in advance, and when the recipient dies, his heirs shall not be obliged to return what he had received in advance.
- (4) If the recipient is the wife, the rule established in the foregoing paragraph shall apply even though the marriage is dissolved.

Art. 75. *Effects upon property of children.* – (1) The father, or in his absence the mother, shall be the legal administrator of the property of the child under parental authority. If the property is worth more than five thousand pesos, the father or the mother shall give a bond to be approved by the court.

- (2) The court may appoint a guardian (*wasi*) in the absence of one who is natural or testamentary.

Art. 77. *Extinguishment of parental authority.* – (1) Parental authority terminates upon the death of the parents or the child, or upon emancipation.

- (3) Subject to Article 78, the widowed mother who contracts a subsequent marriage shall lose parental authority and custody over all children by the deceased husband, unless the second husband is related to them within the prohibited degrees of consanguinity.
- (4) The court may deprive a person of parental authority or suspend the exercise thereof if he treats his children with excessive harshness, gives them corrupting or immoral orders and counsel. or abandons them.

Art. 78. *Care and custody.* – (1) The care and custody of children below seven years of age whose parents are divorced shall belong to the mother or, in her absence, to the maternal grandmother, the paternal grandmother, the sister and aunts. In their default, it shall devolve upon the father and the nearest paternal relatives. The minor above seven years of age but below the age of puberty may choose the parent with whom he wants to stay.

- (2) The unmarried daughter who has reached the age of puberty shall stay with the father; the son, under the same circumstances, shall stay with the mother.

Art. 79. *Guardian for marriage (wali)*. – The following persons shall have authority to act as guardian for marriage (*wali*) in the order of precedence:

- (a) Father;
- (b) Paternal grandfather;
- (c) Brother and other paternal relatives;
- (d) Paternal grandfather's executor or nominee; or
- (e) The court.

Art. 80. *Guardian of minor's property*. – The following persons shall exercise guardianship over the property of minors in the order of precedence:

- (a) Father;
- (b) Father's executor or nominee;
- (c) Paternal grandfather;
- (d) Paternal grandfather's nominee;
- (e) The court.

Art. 85. *Registration of revocation of divorce*. – Within seven days after the revocation of a divorce by *ruju*, the husband shall, with the wife's written consent, file a statement thereof with the Circuit Registrar in whose records that divorce was previously entered.

Art. 94. *Succession from acknowledging person*. – Without prejudice to the order of succession of heirs, mutual rights of inheritance shall obtain:

- (a) Between the acknowledging father and the acknowledged child; and
- (b) Between the kinsman acknowledged through another person and the acknowledger.

Art. 95. *Succession by illegitimate child*. – A child who was the cause of the mother's having been divorced by *li'an* shall have mutual rights of succession only with the mother and her relatives.

Art. 96. *Succession between divorced persons*. – (1) The husband who divorces his wife shall have mutual rights of inheritance with her while she is observing her *'idda*. After the expiration of the *'idda*, there shall be no mutual rights of succession between them.

- (2) The husband who, while in a condition of death-illness, divorces his wife shall not inherit from her, but she shall have the right to succeed him even after the expiration of her *'idda*.

Art. 98. *Succession by absentee.* – The share of an heir who is missing or otherwise absent at the time of the death of the decedent shall be reserved:

- (a) Until he reappears and claims it;
- (b) Until he is proven dead; or
- (c) Until the lapse of ten years after which he shall be presumed dead by decree of the court.

Art. 99. *Order of succession.* – The heirs of a decedent shall inherit in the following order:

- (a) Sharers (*ashab-ul-furud*) shall be entitled to fixed shares;
- (b) Residuaries (*ashab-ul-mirath*) shall be entitled to the residue;
- (c) In the absence of the foregoing, the distant kindred (*dhaw-ul-arham*) who are blood relatives but are neither sharers nor residuaries; and
- (d) In default of the above, the acknowledged kinsman, universal legatee, or the public treasury (*bait-ul-mal*), in that order.

Art. 107. *Bequest by operation of law.* – Should the testator die without having made a bequest in favor of any child of his son who predeceased him, or who simultaneously dies with him, such child shall be entitled to one-third of the share that would have pertained to the father if he were alive. The parent or spouse, who is otherwise disqualified to inherit in view of Article 93(c), shall be entitled to one-third of what he or she would have received without such disqualification.

Art. 110. Who are sharers. – The following persons shall be entitled to the inheritance as sharers to the extent set forth in the succeeding articles:

- (a) The husband, the wife;
- (b) The father, the mother, the grandfather, the grandmother;
- (c) The daughter and the son's daughter in the direct line;
- (d) The full sister, the consanguine sister, the uterine sister and the uterine brother;

Art. 111. *Share of surviving husband.* – The husband surviving together with a legitimate child or a child of the decedent's son shall be entitled to one-fourth of the hereditary estate; should there be no such descendants, he shall inherit one-half of the estate.

Art. 112. *Share of surviving wife.* – The wife surviving together with a legitimate child or a child of the decedent's son shall be entitled to one-eighth of the hereditary estate; in the absence of such descendants, she shall inherit one-fourth of the estate.



Art. 113. *Share of surviving father.* – The father succeeding together with the legitimate son of a decedent or a son of the decedent's son shall be entitled, as sharer, to one-sixth of the hereditary estate. the father who succeeds together with a legitimate daughter of the decedent or a daughter of the decedent's son shall inherit, as sharer, one-sixth of the inheritance without prejudice to his share as residuary.

Art. 114. *Share of surviving mother.* – The mother succeeding as sharer together with the child or a child of the decedent's son, or with two or more brothers or sisters of the decedent, shall be entitled to one-sixth of the hereditary estate. Should she survive without any such descendant or with only one brother or sister, she shall inherit one-third of the estate.

Art. 115. *Share of paternal grandfather.* – The paternal grandfather succeeding together with the child of the decedent or, in default thereof, with his descendants in the direct male line however, distant, shall be entitled to one-sixth of the hereditary estate. Should he survive with any sharer other than the brothers or sisters of the decedent, he shall be entitled to one-sixth without prejudice to his right as a residuary.

Art. 116. *Share of paternal grandmother.* – The paternal grandmother succeeding in default of the mother, father, or intermediate grandfather of the decedent shall be entitled, as sharer, to one-sixth of the hereditary estate

Art. 117. *Share of surviving daughter.* – (1) If the decedent leaves no son but one daughter, the latter shall be entitled to inherit, as sharer, one-half of the hereditary estate. Two or more daughters shall share equally two-thirds thereof. Should one or more daughters survive with one or more sons of the decedent, the latter shall be entitled to double the share of the former.

(2) Should a lone daughter of the decedent survive together with his son's daughter, the two-thirds share shall be divided between them, one-half thereof to pertain to the former and one-sixth of the latter.

Art. 118. *Share of son's daughter.* – The son's daughter shall, in the absence of any child of the decedent, be entitled to one-half of the hereditary state. Two or more daughters of the decedent's son shall share the two-thirds of the estate *per capita*.

Art. 119. *Share of full sister.* – Should the decedent leave neither descendant, father, nor full brother, the full sister shall be entitled as sharer to the extent of one-half of the hereditary estate. Two or more full sisters shall inherit two-thirds of the estate *per capita*.

Art. 120. *Share of consanguine sister.* – Should the decedent leave neither descendant, full brother, nor full sister, the consanguine sister shall be entitled to one-half of the hereditary estate. Two or more consanguine sisters shall inherit two-thirds of the estate *per capita*.

Art. 121. *Share of uterine brother or sister.* – The share of a uterine brother or sister shall be one-sixth of the hereditary estate should there be no surviving descendant, father, paternal grandfather, or full brother and sister of the decedent. Two or more uterine brothers or sisters shall inherit one-third of the estate *per capita*.

Art. 122. *Participation of full brother.* – (1) One or more full brothers or sisters surviving together, or one or more consanguine brothers or sisters surviving together, shall participate in the hereditary estate, a brother to inherit double the share of a sister.

(2) The provision of the next succeeding article notwithstanding, the full brother shall, if nothing is left for him after the distribution of shares and he survives with uterine brothers, participate with the latter in the one-third of the hereditary estate *per capita*.

Art. 125. *Residuaries in their own right.* – The following persons are residuaries in their own right:

- (a) Male descendants of the decedent in the direct line, however distant in degree;
- (b) Male ascendants of the decedent in the direct line, however distant in degree;
- (c) Full-blood or consanguine brothers of the decedent and their male descendants, however, distant in degree; and
- (d) Full-blood or consanguine paternal uncles of the decedent and their male descendants, however distant in degree.

Art. 126. *Residuaries in another's right.* – The following persons shall succeed as residuaries in another's right:

- (a) Daughters surviving with the son of the decedent;
- (b) Son's daughters surviving with their own brothers;
- (c) Full sisters surviving with their full brothers; and
- (d) Consanguine sisters surviving with their consanguine brothers.

Art. 127. *Residuaries together with another.* – Full-blood or consanguine sisters, surviving with daughters of the decedent or with the son's daughters, however, distant in degree from the decedent, are residuaries together with another.

Art. 128. *Preference among residuaries.* – Preference among residuaries shall be governed by the following rules:

- (a) The residuary nearer in degree shall be preferred to the more remote of the same class.

- (b) The residuary with full-blood relationship shall be preferred to those of the half-blood of the same degree of relationship in the same class.
- (c) The residuaries of the same class, degree and blood relationship shall share equally, subject to the rule of the male having a share double that of the female in proper cases.

Art. 131. Relatives included. – Distant kindred includes the following :

- (a) The daughter's children and the children of the son's daughter and their descendants;
- (b) The excluded grandfather and the excluded grandmother;
- (c) The sister's children, the brother's daughters, the sons of the uterine brothers, and their descendants; and
- (d) The paternal aunts, the uterine uncles and the maternal aunts and uncles.

Art.161. Divorce by *talag* and *tafwid*. – (1) Any Muslim male who has pronounced a *talag* shall, without delay, file with the Clerk of Court of the *Shari'a* Circuit Court of the place where his family resides a written notice of such fact and the circumstances attended thereto, after having served a copy thereof to the wife concerned. The *talag* pronounced shall not become irrevocable until after the expiration of the prescribed *'idda*. The notice filed shall be conclusive evidence that *talag* has been pronounced.

- (2) Within seven days from the receipt of notice, the Clerk of Court shall require each of the parties to nominate a representative. The representatives shall be appointed by the Court to constitute, together with the Clerk of Court as Chairman, an Agama Arbitration Council. The Agama Arbitration Council shall submit to the Court a report on the result of the arbitration, on the basis of which and such other evidence as may be allowed, the Court shall issue the corresponding order.
- (3) The provisions of this article shall be observed should the wife exercise *tafwid*.

Art. 162. Subsequent marriages. -- Any Muslim husband desiring to contract a subsequent marriage shall, before so doing, file a written notice thereof with the Clerk of Court of the *Shari'a* Circuit court of the place where his family resides. Upon receipt of said notice, the Clerk shall serve a copy thereof to the wife or wives. Should any of them object, an Agama Arbitration Council shall be constituted in accordance with the provisions of paragraph (2) of the preceding article. If the Agama Arbitration Council fails to obtain the wife's consent to the proposed marriage, the Court shall, subject to Article 27, decide whether or not to sustain her objection.

Art. 182. Marriage before expiration of *'idda*. – Any widow or divorced woman who, having been married under Muslim law or under this code, contracts another marriage before the expiration of the prescribed *'idda* shall suffer the penalty of a fine not exceeding five hundred pesos.

DONE in the City of Manila this 4<sup>th</sup> day of February in the year of Our Lord nineteen hundred and seventy-seven.

[ REPUBLIC ACT NO. 386 ]

AN ACT TO ORDAIN AND INSTITUTE THE CIVIL CODE OF THE PHILIPPINES

Title XIII. – Use of Surnames (n)

Art. 364. Legitimate and legitimated children shall principally use the surname of the father.

Art. 365. An adopted child shall bear the surname of the adopter.

Art. 366. A natural child acknowledged by both parents shall principally use the surname of the father. If recognized by only one of the parents, a natural child shall employ the surname of the recognizing parent.

Art. 367. Natural children by legal fiction shall principally employ the surname of the father.

Art. 368. Illegitimate children referred to in Article 287 shall bear the surname of the mother.

Art. 369. Children conceived before the decree annulling a voidable marriage shall principally use the surname of the father.

Art. 370. A married woman may use:

- (1) Her maiden first name and surname and add her husband's surname, or
- (2) Her maiden first name and her husband's surname or
- (3) Her husband's full name, but prefixing a word indicating that she is his wife, such as "*Mrs.*"

Art. 371. In case of annulment of marriage, and the wife is the guilty party, she shall resume her maiden name and surname. If she is the innocent spouse, she may resume her maiden name and surname. However, she may choose to continue employing her former husband's surname, unless:

- (1) The court decrees otherwise, or
- (2) She or the former husband is married again to another person.

Art. 372. When legal separation has been granted, the wife shall continue using her name and surname employed before the legal separation.

Art. 373. A widow may use the deceased husband's surname as though he were still living, in accordance with Article 370.

Art. 374. In case of identity of names and surnames, the younger person shall be obliged to use such additional name or surname as will avoid confusion.

Art. 375. In case of identity of names and surnames between ascendants and descendants, the word "*Junior*" can be used only by a son. Grandsons and other direct male descendants shall either:

- (1) Add a middle name or the mother's surname, or
- (2) Add the Roman Numerals II, III, and so on.

Art. 376. No person can change his name or surname without judicial authority.

Art. 377. Usurpation of a name and surname may be the subject of an action for damages and other relief.

Art. 378. The unauthorized or unlawful use of another person's surname gives a right of action to the latter.

Art. 379. The employment of pen names or stage names is permitted, provided it is done in good faith and there is no injury to third persons. Pen names and stage names cannot be usurped.

Art. 380. Except as provided in the preceding article, no person shall use different names and surnames.

Signed: June 18, 1949

[REPUBLIC ACT NO. 3835]

AN ACT TO ESTABLISH THE WOMEN'S AUXILIARY CORPS IN THE ARMED FORCES OF THE PHILIPPINES, TO PROVIDE THE PROCUREMENT OF ITS OFFICERS AND ENLISTED PERSONNEL, AND FOR OTHER PURPOSES (AS AMENDED BY PD 1043)

SECTION 1. There is established in the Armed Forces of the Philippines a Women's Auxiliary Corps which shall perform non-combat/administrative duties and such other functions and services as may be prescribed by the Secretary of National Defense. It shall be composed of officers and enlisted women, the full complement of which shall be as determined annually by the Chief of Staff, AFP, subject to the approval of Secretary of National Defense: *Provided*, That the ratio of officers to enlisted women shall be one officer for every twenty enlisted women; and *Provided, further*, That the number of officers in each grade shall be considered within the total authorized strength of the AFP for each grade in accordance with Republic Act No. 291, as amended by Presidential Decree No. 360.

SECTION 2. Officer of the Women's Auxiliary Corps shall be commissioned in the Regular and Reserve Forces of the AFP by the President of the Philippines upon the recommendation of the Secretary of National Defense. All persons appointed officers in the Regular Force pursuant to this Section shall be unmarried female native-born citizens of the Philippines between the ages of twenty-one and twenty-six years who are holders of Bachelor's degrees from any school, college or university recognized by the government and who possess such additional qualification as may be prescribed by the Secretary of National Defense: *Provided, however*, That all initial commissions in the Regular Force shall be in the rank of Second Lieutenant; *Provided, further*, That the President, under such rules and regulations as he may prescribe, is hereby authorized to commission officers in the Regular Component of the Corps in ranks above Second Lieutenant but not higher than Captain from among the officers in the active service within one year from the effectivity of this Decree.

SECTION 3. Any unmarried and without dependent female citizen of the Philippines, between the ages of eighteen and twenty-six years, able-bodied, physically and mentally fit, of good moral character and habits and who has completed the second year of any course from a college or university recognized by the government may be enlisted in the Women's Auxiliary Corps for a term of three years; *Provided*, That insofar as practicable, enlistments shall be apportioned among the various provinces of the Philippines; *Provided, further*, That high school graduates who possess technical or special skills necessary in the performance of non-combat/administrative duties and other functions and services as may be determined by the Secretary of National Defense may be enlisted in the Women's Auxiliary Corps.

SECTION 4. The names of all commissioned officers of the Women's Auxiliary Corps shall be contained in separate Promotion Lists, which shall be known as the Women's Auxiliary Corps Promotion Lists, similar to but separate and distinct from those prescribed by law and regulations for the other Major and Technical Services of the Armed Forces of the Philippines. These officers of the Women's Auxiliary Corps shall be promoted in the same manner as other commissioned officers of the Armed Forces of the Philippines. Enlisted women of the Corps shall likewise be promoted in the same manner as enlisted men of the Armed Forces of the Philippines.

SECTION 5. Except as otherwise specifically provided, all laws and regulations now or hereafter applicable to commissioned officers and enlisted men of the AFP shall likewise be applicable respectively to commissioned officers and enlisted women of the Women's Auxiliary Corps: *Provided*, That any commissioned officer or enlisted woman who contracts marriage while in the active service shall be automatically separated from the service, unless she has, at the time of said marriage, already completed at least five (5) years of continuous active military service in the AFP; *Provided, further*, That all laws and regulations on maternity leave now or hereafter applicable to female employees of the government shall be applicable to married members of the Corps, and *Provided, Finally*, That members of the Women's Auxiliary Corps who were separated previously separated or discharged honorably by reason of marriage may be called to active duty subject to the conditions aforementioned and in accordance with rules and regulations as the Secretary of National Defense, upon recommendation by the Chief of Staff, AFP may prescribe.

SECTION 6. Nothing in this Act shall be construed to mean the displacement or separation from the service of those female civilian employees under the employ of the Armed Forces of the Philippines before the approval of this Act: *Provided*, That in the commission and enlistment herein provided, these female employee shall be given preference in the commission and/or enlistment, subject to the same conditions, limitations and qualifications hereinabove provided.

SECTION 7. The amount of one million five hundred thousand pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, for the initial implementation of this Act, and such amounts as shall thereafter be needed shall be included in the annual appropriations of the Armed Forces of the Philippines.

SECTION 8. This Act shall take effect upon its approval.

Approved: June 22, 1963



Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, nineteen hundred and eighty-nine.

[REPUBLIC ACT NO. 6809]

AN ACT LOWERING THE AGE OF MAJORITY FROM TWENTY-ONE TO EIGHTEEN YEARS, AMENDING FOR THE PURPOSE EXECUTIVE ORDER NUMBERED TWO HUNDRED NINE, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Article 234 of Executive Order No. 209, the Family Code of the Philippines, is hereby amended to read as follows:

“ART. 234. Emancipation takes place by the attainment of majority. Unless otherwise provided, majority commences at the age of eighteen years.”

SEC. 2. Articles 235 and 237 of the same Code are hereby repealed.

SEC. 3. Article 236 of the same Code is also hereby amended to read as follows:

“ART. 236. Emancipation shall terminate parental authority over the person and property of the child who shall then be qualified and responsible for all acts of civil life, save the exceptions established by existing laws in special cases.

“Contracting marriage shall require parental consent until the age of twenty-one.

“Nothing in this Code shall be construed to derogate from the duty or responsibility of parents and guardians for children and wards below twenty-one years of age mentioned in the second and third paragraphs of Article 2180 of the Civil Code.”

SEC. 4. Upon the effectivity of this Act, existing wills, bequests, donations, grants, insurance policies and similar instruments containing references and provisions favorable to minors will not retroact to their prejudice.

SEC. 5. This Act shall take effect upon completion of its publication in at least two (2) newspapers of general circulation.

Approved,

(Sgd.) JOVITO R. SALONGA  
*President of the Senate*

(Sgd.) RAMON V. MITRA  
*Speaker of the House of  
Representatives*

This Act which is a consolidation of House Bill No. 143 and Senate Bill No. 181 was finally passed by the House of Representatives and the Senate on October 20, 1989.

(Sgd.) EDWIN P. ACOBA  
*Secretary of the Senate*

(Sgd.) QUIRINO D. ABAD SANTOS, JR.  
*Secretary of the House of  
Representatives*

Approved: December 13, 1989

(Sgd.) CORAZON C. AQUINO  
*President of the Philippines*

[REPUBLIC ACT NO. 8043]

AN ACT ESTABLISHING THE RULES TO GOVERN INTER-COUNTRY ADOPTION OF FILIPINO CHILDREN, AND FOR OTHER PURPOSES.

ARTICLE I  
GENERAL PROVISIONS

SECTION 1. *Short Title.* — This Act shall be known as the "Inter-Country Adoption Act of 1995."

SECTION 2. *Declaration of Policy.* — It is hereby declared the policy of the State to provide every neglected and abandoned child with a family that will provide such child with love and care as well as opportunities for growth and development. Towards this end, efforts shall be exerted to place the child with an adoptive family in the Philippines. However, recognizing that inter-country adoption may be considered as allowing aliens not presently allowed by law to adopt Filipino children if such children cannot be adopted by qualified Filipino citizens or aliens, the State shall take measures to ensure that inter-country adoptions are allowed when the same shall prove beneficial to the child's best interests, and shall serve and protect his/her fundamental rights.

SECTION 3. *Definition of Terms.* — As used in this Act, the term:

a) Inter-country adoption refers to the socio-legal process of adopting a Filipino child by a foreigner or a Filipino citizen permanently residing abroad where the petition is filed, the supervised trial custody is undertaken, and the decree of adoption is issued outside the Philippines.

b) Child means a person below fifteen (15) years of age unless sooner emancipated by law.

c) Department refers to the Department of Social Welfare and Development of the Republic of the Philippines.

d) Secretary refers to the Secretary of the Department of Social Welfare and Development.

e) Authorized and accredited agency refers to the State welfare agency or a licensed adoption agency in the country of the adopting parents which provide comprehensive social services and which is duly recognized by the Department.

f) Legally-free child means a child who has been voluntarily or involuntarily committed to the Department, in accordance with the Child and Youth Welfare Code.

g) Matching refers to the judicious pairing of the adoptive child and the applicant to promote a mutually satisfying parent-child relationship.

h) Board refers to the Inter-country Adoption Board.

## ARTICLE II THE INTER-COUNTRY ADOPTION BOARD

SECTION 4. *The Inter-Country Adoption Board.* — There is hereby created the Inter-Country Adoption Board, hereinafter referred to as the Board to act as the central authority in matters relating to inter-country adoption. It shall act as the policy-making body for purposes of carrying out the provisions of this Act, in consultation and coordination with the Department, the different child-care and placement agencies, adoptive agencies, as well as non-governmental organizations engaged in child-care and placement activities. As such, it shall:

a) Protect the Filipino child from abuse, exploitation, trafficking and/or sale or any other practice in connection with adoption which is harmful, detrimental, or prejudicial to the child;

b) Collect, maintain, and preserve confidential information about the child and the adoptive parents;

c) Monitor, follow up, and facilitate completion of adoption of the child through authorized and accredited agency;

d) Prevent improper financial or other gain in connection with an adoption and deter improper practices contrary to this Act;

e) Promote the development of adoption services including post-legal adoption;

f) License and accredit child-caring/placement agencies and collaborate with them in the placement of Filipino children;

g) Accredit and authorize foreign adoption agency in the placement of Filipino children in their own country; and

h) Cancel the license to operate and blacklist the child-caring and placement agency or adoptive agency involved from the accreditation list of the Board upon a finding of violation of any provision under this Act.

SECTION 5. *Composition of the Board.* — The Board shall be composed of the Secretary of the Department as ex officio Chairman, and six (6) other members to be appointed by the President for a nonrenewable term of six (6) years: *Provided*, That there shall be appointed one (1) psychiatrist or psychologist, two (2) lawyers who shall have at

least the qualifications of a regional trial court judge, one (1) registered social worker and two (2) representatives from non-governmental organizations engaged in child-caring and placement activities. The members of the Board shall receive a per diem allowance of One thousand five hundred pesos (₱1,500) for each meeting attended by them: *Provided, further,* That no compensation shall be paid for more than four (4) meetings a month.

SECTION 6. *Powers and Functions of the Board.* — The Board shall have the following powers and functions:

a) to prescribe rules and regulations as it may deem reasonably necessary to carry out the provisions of this Act, after consultation and upon favorable recommendation of the different agencies concerned with the child-caring, placement, and adoption;

b) to set the guidelines for the convening of an Inter-country Adoption Placement Committee which shall be under the direct supervision of the Board;

c) to set the guidelines for the manner by which selection/matching of prospective adoptive parents and adoptive child can be made;

d) to determine a reasonable schedule of fees and charges to be exacted in connection with the application for adoption;

e) to determine the form and contents of the application for inter-country adoption;

g) to institute systems and procedures to prevent improper financial gain in connection with adoption and deter improper practices which are contrary to this Act;

h) to promote the development of adoption services, including post-legal adoption services,

i) to accredit and authorize foreign private adoption agencies which have demonstrated professionalism, competence and have consistently pursued non-profit objectives to engage in the placement of Filipino children in their own country: *Provided,* That such foreign private agencies are duly authorized and accredited by their own government to conduct inter-country adoption: *Provided, however,* That the total number of authorized and accredited foreign private adoption agencies shall not exceed one hundred (100) a year;

j) to take appropriate measures to ensure confidentiality of the records of the child, the natural parents and the adoptive parents at all times;

k) to prepare, review or modify, and thereafter, recommend to the Department of Foreign Affairs, Memoranda of Agreement respecting inter-country adoption consistent with the implementation of this Act and its stated goals, entered into, between and among

foreign governments, international organizations and recognized international non-governmental organizations;

l) to assist other concerned agencies and the courts in the implementation of this Act, particularly as regards coordination with foreign persons, agencies and other entities involved in the process of adoption and the physical transfer of the child; and

m) to perform such other functions on matters relating to inter-country adoption as may be determined by the President.

### ARTICLE III PROCEDURE

SECTION 7. *Inter-Country Adoption as the Last Resort.* — The Board shall ensure that all possibilities for adoption of the child under the Family Code have been exhausted and that inter-country adoption is in the best interest of the child. Towards this end, the Board shall set up the guidelines to ensure that steps will be taken to place the child in the Philippines before the child is placed for inter-country adoption: *Provided, however,* That the maximum number that may be allowed for foreign adoption shall not exceed six hundred (600) a year for the first five (5) years.

SECTION 8. *Who May be Adopted.* — Only a legally free child may be the subject of inter-country adoption. In order that such child may be considered for placement, the following documents must be submitted to the Board:

- a) Child study;
- b) Birth certificate/foundling certificate;
- c) Deed of voluntary commitment/deed of abandonment/death certificate of parents;
- d) Medical evaluation /history;
- e) Psychological evaluation, as necessary; and
- f) Recent photo of the child.

SECTION 9. *Who May Adopt.* — An alien or a Filipino citizen permanently residing abroad may file an application for inter-country adoption of a Filipino child if he/she:

a) is at least twenty-seven (27) years of age and at least sixteen (16) years older than the child to be adopted, at the time of application unless the adopter is the parent by nature of the child to be adopted or the spouse of such parent:

b) if married, his/her spouse must jointly file for the adoption;

c) has the capacity to act and assume all rights and responsibilities of parental authority under his national laws, and has undergone the appropriate counseling from an accredited counselor in his/her country;

foreign governments, international organizations and recognized international non-governmental organizations;

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b) if married, his/her spouse must jointly file for the adoption;

c) has the capacity to act and assume all rights and responsibilities of parental authority under his national laws, and has undergone the appropriate counseling from an accredited counselor in his/her country;

- d) has not been convicted of a crime involving moral turpitude;
- e) is eligible to adopt under his/her national law;
- f) is in a position to provide the proper care and support and to give the necessary moral values and example to all his children, including the child to be adopted;
- g) agrees to uphold the basic rights of the child as embodied under Philippine laws, the U.N. Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act;
- h) comes from a country with whom the Philippines has diplomatic relations and whose government maintains a similarly authorized and accredited agency and that adoption is allowed under his/her national laws; and
- i) possesses all the qualifications and none of the disqualifications provided herein and in other applicable Philippine laws.

SECTION 10. *Where to File Application.* — An application to adopt a Filipino child shall be filed either with the Philippine Regional Trial Court having jurisdiction over the child, or with the Board, through an intermediate agency, whether governmental or an authorized and accredited agency, in the country of the prospective adoptive parents, which application shall be in accordance with the requirements as set forth in the implementing rules and regulations to be promulgated by the Board.

The application shall be supported by the following documents written and officially translated in English.

- a) Birth certificate of applicant(s);
- b) Marriage contract, if married, and divorce decree, if applicable;
- c) Written consent of their biological or adoptive children above ten (10) years of age, in the form of sworn statement;
- d) Physical, medical and psychological evaluation by a duly licensed physician and psychologist;
- e) Income tax returns or any document showing the financial capability of the applicant(s);
- f) Police clearance of applicant(s);
- g) Character reference from the local church/minister, the applicant's employer and a member of the immediate community who have known the applicant(s) for at least five (5) years; and



h) Recent postcard-size pictures of the applicant(s) and his immediate family;

The Rules of Court shall apply in case of adoption by judicial proceedings.

SECTION 11. *Family Selection/Matching.* — No child shall be matched to a foreign adoptive family unless it is satisfactorily shown that the child cannot be adopted locally. The clearance, as issued by the Board, with the copy of the minutes of the meetings, shall form part of the records of the child to be adopted. When the Board is ready to transmit the Placement Authority to the authorized and accredited inter-country adoption agency and all the travel documents of the child are ready, the adoptive parents, or any one of them, shall personally fetch the child in the Philippines.

SECTION 12. *Pre-adoptive Placement Costs.* — The applicant(s) shall bear the following costs incidental to the placement of the child;

a) The cost of bringing the child from the Philippines to the residence of the applicant(s) abroad, including all travel expenses within the Philippines and abroad; and

b) The cost of passport, visa, medical examination and psychological evaluation required, and other related expenses.

SECTION 13. *Fees, Charges and Assessments.* — Fees, charges, and assessments collected by the Board in the exercise of its functions shall be used solely to process applications for inter-country adoption and to support the activities of the Board.

SECTION 14. *Supervision of Trial Custody.* — The governmental agency or the authorized and accredited agency in the country of the adoptive parents which filed the application for inter-country adoption shall be responsible for the trial custody and the care of the child. It shall also provide family counseling and other related services. The trial custody shall be for a period of six (6) months from the time of placement. Only after the lapse of the period of trial custody shall a decree of adoption be issued in the said country a copy of which shall be sent to the Board to form part of the records of the child.

During the trial custody, the adopting parent(s) shall submit to the governmental agency or the authorized and accredited agency, which shall in turn transmit a copy to the Board, a progress report of the child's adjustment. The progress report shall be taken into consideration in deciding whether or not to issue the decree of adoption.

The Department of Foreign Affairs shall set up a system by which Filipino children sent abroad for trial custody are monitored and checked as reported by the authorized and accredited inter-country adoption agency as well as the repatriation to the Philippines of a Filipino child whose adoption has not been approved.

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SECTION 15. *Executive Agreements.* — The Department of Foreign Affairs, upon representation of the Board, shall cause the preparation of Executive Agreements with countries of the foreign adoption agencies to ensure the legitimate concurrence of said countries in upholding the safeguards provided by this Act.

#### ARTICLE IV PENALTIES

SECTION 16. *Penalties.* — a) Any person who shall knowingly participate in the conduct or carrying out of an illegal adoption, in violation of the provisions of this Act, shall be punished with a penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine of not less than Fifty thousand pesos (₱50,000), but not more than Two hundred thousand pesos (₱200,000), at the discretion of the court. For purposes of this Act, an adoption is illegal if it is effected in any manner contrary to the provisions of this Act or established State policies, its implementing rules and regulations, executive agreements, and other laws pertaining to adoption. Illegality may be presumed from the following acts:

1) consent for an adoption was acquired through, or attended by coercion, fraud, improper material inducement;

2) there is no authority from the Board to effect adoption;

3) the procedures and safeguards placed under the law for adoption were not complied with; and

4) the child to be adopted is subjected to, or exposed to danger, abuse and exploitation.

b) Any person who shall violate established regulations relating to the confidentiality and integrity of records, documents and communications of adoption applications, cases and processes shall suffer the penalty of imprisonment ranging from one (1) year and one (1) day to two (2) years, and/or a fine of not less than Five thousand pesos (₱5,000), but not more than Ten thousand pesos (₱10,000), at the discretion of the court.

A penalty lower by two (2) degrees than that prescribed for the consummated felony under this Article shall be imposed upon the principals of the attempt to commit any of the acts herein enumerated.

Acts punishable under this Article, when committed by a syndicate or where it involves two or more children shall be considered as an offense constituting child trafficking and shall merit the penalty of reclusion perpetua.

Acts punishable under this Article are deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any of the unlawful acts defined under this Article. Penalties as are herein provided shall be in addition to any other penalties which may be imposed for the same acts punishable under other laws, ordinances, executive orders, and proclamations.

SECTION 17. *Public Officers as Offenders.* — Any government official, employee or functionary who shall be found guilty of violating any of the provisions of this Act, or who shall conspire with private individuals shall, in addition to the above-prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations: *Provided*, That upon the filing of a case, either administrative or criminal, said government official, employee or functionary concerned shall automatically suffer suspension until the resolution of the case.

## ARTICLE V FINAL PROVISIONS

SECTION 18. *Implementing Rules and Regulations.* — The Inter-country Adoption Board, in coordination with the Council for the Welfare of Children, the Department of Foreign Affairs, and the Department of Justice, after due consultation with agencies involved in child-care and placement, shall promulgate the necessary rules and regulations to implement the provisions of this Act within six (6) months after its effectivity.

SECTION 19. *Appropriations.* — The amount of Five million pesos (₱5,000,000) is hereby appropriated from the proceeds of the Lotto for the initial operations of the Board and subsequently the appropriations of the same shall be included in the General Appropriations Act for the year following its enactment.

SECTION 20. *Separability Clause.* — If any provision, or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected, shall remain valid and subsisting.

SECTION 21. *Repealing Clause.* — Any law, decree, executive order, administrative order or rules and regulations contrary to, or inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SECTION 22. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved, June 7, 1995.

**[REPUBLIC ACT NO. 8533]**

AN ACT AMENDING TITLE I, CHAPTER 3, ARTICLE 39 OF EXECUTIVE ORDER NO. 209, OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES, NULLIFYING THE PRESCRIPTIVE PERIOD FOR ACTION OR DEFENSES GROUNDED ON PSYCHOLOGICAL INCAPACITY

SECTION 1. Title I, Chapter 3, Article 39 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby amended to read as follows:

**"TITLE I — MARRIAGE  
"CHAPTER 3 — VOID AND VOIDABLE MARRIAGES**

“Art. 39. The action or defense for the declaration of absolute nullity of a marriage shall not prescribe.”

SECTION 2. Effectivity Clause. — This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved: February 23, 1998

[REPUBLIC ACT NO. 8552]

AN ACT ESTABLISHING THE RULES AND POLICIES ON THE DOMESTIC  
ADOPTION OF FILIPINO CHILDREN AND FOR OTHER PURPOSES

**ARTICLE I**  
**General Provisions**

SECTION 1. *Short Title.* — This Act shall be known as the “Domestic Adoption Act of 1998.”

SECTION 2. *Declaration of Policies.* — (a) It is hereby declared the policy of the State to ensure that every child remains under the care and custody of his/her parent(s) and be provided with love, care, understanding and security towards the full and harmonious development of his/her personality. Only when such efforts prove insufficient and no appropriate placement or adoption within the child's extended family is available shall adoption by an unrelated person be considered.

(b) In all matters relating to the care, custody and adoption of a child, his/her interest shall be the paramount consideration in accordance with the tenets set forth in the United Nations (UN) Convention on the Rights of the Child; UN Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption, Nationally and Internationally; and the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. Toward this end, the State shall provide alternative protection and assistance through foster care or adoption for every child who is neglected, orphaned, or abandoned.

(c) It shall also be a State policy to:

(i) Safeguard the biological parent(s) from making hurried decisions to relinquish his/her parental authority over his/her child;

(ii) Prevent the child from unnecessary separation from his/her biological parent(s);

(iii) Protect adoptive parent(s) from attempts to disturb his/her parental authority and custody over his/her adopted child.

Any voluntary or involuntary termination of parental authority shall be administratively or judicially declared so as to establish the status of the child as “legally available for adoption” and his/her custody transferred to the Department of Social Welfare and Development or to any duly licensed and accredited child-placing or child-

caring agency, which entity shall be authorized to take steps for the permanent placement of the child;

(iv) Conduct public information and educational campaigns to promote a positive environment for adoption;

(v) Ensure that sufficient capacity exists within government and private sector agencies to handle adoption inquiries, process domestic adoption applications, and offer adoption-related services including, but not limited to, parent preparation and post-adoption education and counseling; and

(vi) Encourage domestic adoption so as to preserve the child's identity and culture in his/her native land, and only when this is not available shall intercountry adoption be considered as a last resort.

SECTION 3. *Definition of Terms.* — For purposes of this Act, the following terms shall be defined as:

(a) "Child" is a person below eighteen (18) years of age.

(b) A child legally available for adoption" refers to a child who has been voluntarily or involuntarily committed to the Department or to a duly licensed and accredited child-placing or child-caring agency, freed of the parental authority of his/her biological parent(s) or guardian or adopter(s) in case of rescission of adoption.

(c) "Voluntarily committed child" is one whose parent(s) knowingly and willingly relinquishes parental authority to the Department.

(d) "Involuntarily committed child" is one whose parent(s), known or unknown, has been permanently and judicially deprived of parental authority due to abandonment; substantial, continuous, or repeated neglect; abuse; or incompetence to discharge parental responsibilities.

(e) "Abandoned child" refers to one who has no proper parental care or guardianship or whose parent(s) has deserted him/her for a period of at least six (6) continuous months and has been judicially declared as such.

(f) "Supervised trial custody" is a period of time within which a social worker oversees the adjustment and emotional readiness of both adopter(s) and adoptee in stabilizing their filial relationship.

(g) "Department" refers to the Department of Social Welfare and Development.

(h) "Child-placing agency" is a duly licensed and accredited agency by the Department to provide comprehensive child welfare services including, but not limited

to, receiving applications for adoption, evaluating the prospective adoptive parents, and preparing the adoption home study.

(i) "Child-caring agency" is a duly licensed and accredited agency by the Department that provides twenty four (24)-hour residential care services for abandoned, orphaned, neglected, or voluntarily committed children.

(j) "Simulation of birth" is the tampering of the civil registry making it appear in the birth records that a certain child was born to a person who is not his/her biological mother, causing such child to lose his/her true identity and status.

## ARTICLE II Pre-Adoption Services

SECTION 4. *Counseling Service.* — The Department shall provide the services of licensed social workers to the following:

(a) Biological Parent(s) — Counseling shall be provided to the parent(s) before and after the birth of his/her child. No binding commitment to an adoption plan shall be permitted before the birth of his/her child. A period of six (6) months shall be allowed for the biological parent(s) to reconsider any decision to relinquish his/her child for adoption before the decision becomes irrevocable. Counseling and rehabilitation services shall also be offered to the biological parent(s) after he/she has relinquished his/her child for adoption.

Steps shall be taken by the Department to ensure that no hurried decisions are made and all alternatives for the child's future and the implications of each alternative have been provided.

(b) Prospective Adoptive Parent(s) — Counseling sessions, adoption fora and seminars, among others, shall be provided to prospective adoptive parent(s) to resolve possible adoption issues and to prepare him/her for effective parenting.

(c) Prospective Adoptee — Counseling sessions shall be provided to ensure that he/she understands the nature and effects of adoption and is able to express his/her views on adoption in accordance with his/her age and level of maturity.

SECTION 5. *Location of Unknown Parent(s).* — It shall be the duty of the Department or the child-placing or child-caring agency which has custody of the child to exert all efforts to locate his/her unknown biological parent(s). If such efforts fail, the child shall be registered as a foundling and subsequently be the subject of legal proceedings where he/she shall be declared abandoned.

SECTION 6. *Support Services.* — The Department shall develop a pre-adoption program which shall include, among others, the above mentioned services.



### ARTICLE III Eligibility

SECTION 7. *Who May Adopt.* — The following may adopt:

(a) Any Filipino citizen of legal age, in possession of full civil capacity and legal rights, of good moral character, has not been convicted of any crime involving moral turpitude, emotionally and psychologically capable of caring for children, at least sixteen (16) years older than the adoptee, and who is in a position to support and care for his/her children in keeping with the means of the family. The requirement of sixteen (16) year difference between the age of the adopter and adoptee may be waived when the adopter is the biological parent of the adoptee, or is the spouse of the adoptee's parent;

(b) Any alien possessing the same qualifications as above stated for Filipino nationals: Provided, That his/her country has diplomatic relations with the Republic of the Philippines, that he/she has been living in the Philippines for at least three (3) continuous years prior to the filing of the application for adoption and maintains such residence until the adoption decree is entered, that he/she has been certified by his/her diplomatic or consular office or any appropriate government agency that he/she has the legal capacity to adopt in his/her country, and that his/her government allows the adoptee to enter his/her country as his/her adopted son/daughter: Provided, Further, That the requirements on residency and certification of the alien's qualification to adopt in his/her country may be waived for the following:

(i) a former Filipino citizen who seeks to adopt a relative within the fourth (4th) degree of consanguinity or affinity; or

(ii) one who seeks to adopt the legitimate son/daughter of his/her Filipino spouse;  
or

(iii) one who is married to a Filipino citizen and seeks to adopt jointly with his/her spouse a relative within the fourth (4th) degree of consanguinity or affinity of the Filipino spouse; or

(c) The guardian with respect to the ward after the termination of the guardianship and clearance of his/her financial accountabilities.

Husband and wife shall jointly adopt, except in the following cases:

(i) if one spouse seeks to adopt the legitimate son/daughter of the other; or

(ii) if one spouse seeks to adopt his/her own illegitimate son/daughter: Provided. However, that the other spouse has signified his/her consent thereto; or

(iii) if the spouses are legally separated from each other.

In case husband and wife jointly adopt, or one spouse adopts the illegitimate son/daughter of the other, joint parental authority shall be exercised by the spouses.

SECTION 8. *Who May Be Adopted.* — The following may be adopted:

(a) Any person below eighteen (18) years of age who has been administratively or judicially declared available for adoption;

(b) The legitimate son/daughter of one spouse by the other spouse;

(c) An illegitimate son/daughter by a qualified adopter to improve his/her status to that of legitimacy;

(d) A person of legal age if, prior to the adoption, said person has been consistently considered and treated by the adopter(s) as his/her own child since minority;

(e) A child whose adoption has been previously rescinded; or

(f) A child whose biological or adoptive parent(s) has died: Provided, That no proceedings shall be initiated within six (6) months from the time of death of said parent(s).

SECTION 9. *Whose Consent is Necessary to the Adoption.* — After being properly counseled and informed of his/her right to give or withhold his/her approval of the adoption, the written consent of the following to the adoption is hereby required:

(a) The adoptee, if ten (10) years of age or over;

(b) The biological parent(s) of the child, if known, or the legal guardian, or the proper government instrumentality which has legal custody of the child;

(c) The legitimate and adopted sons/daughters, ten (10) years of age or over, of the adopter(s) and adoptee, if any;

(d) The illegitimate sons/daughters, ten (10) years of age or over, of the adopter if living with said adopter and the latter's spouse, if any; and

(e) The spouse, if any, of the person adopting or to be adopted.

## ARTICLE IV Procedure

SECTION 10. *Hurried Decisions.* — In all proceedings for adoption, the court shall require proof that the biological parent(s) has been properly counseled to prevent him/her from making hurried decisions caused by strain or anxiety to give up the child, and to sustain that all measures to strengthen the family have been exhausted and that any prolonged stay of the child in his/her own home will be inimical to his/her welfare and interest.

SECTION 11. *Case Study.* — No petition for adoption shall be set for hearing unless a licensed social worker of the Department, the social service office of the local government unit, or any child-placing or child-caring agency has made a case study of the adoptee, his/her biological parent(s), as well as the adopter(s), and has submitted the report and recommendations on the matter to the court hearing such petition.

At the time of preparation of the adoptee's case study, the concerned social worker shall confirm with the Civil Registry the real identity and registered name of the adoptee. If the birth of the adoptee was not registered with the Civil Registry, it shall be the responsibility of the concerned social worker to ensure that the adoptee is registered.

The case study on the adoptee shall establish that he/she is legally available for adoption and that the documents to support this fact are valid and authentic. Further, the case study of the adopter(s) shall ascertain his/her genuine intentions and that the adoption is in the best interest of the child.

The Department shall intervene on behalf of the adoptee if it finds, after the conduct of the case studies, that the petition should be denied. The case studies and other relevant documents and records pertaining to the adoptee and the adoption shall be preserved by the Department.

SECTION 12. *Supervised Trial Custody.* — No petition for adoption shall be finally granted until the adopter(s) has been given by the court a supervised trial custody period for at least six (6) months within which the parties are expected to adjust psychologically and emotionally to each other and establish a bonding relationship. During said period, temporary parental authority shall be vested in the adopter(s).

The court may *motu proprio* or upon motion of any party reduce the trial period if it finds the same to be in the best interest of the adoptee, stating the reasons for the reduction of the period. However, for alien adopter(s), he/she must complete the six (6)-month trial custody except for those enumerated in Sec. 7 (b) (i) (ii) (iii).

If the child is below seven (7) years of age and is placed with the prospective adopter(s) through a pre-adoption placement authority issued by the Department, the prospective adopter(s) shall enjoy all the benefits to which biological parent(s) is entitled from the date the adoptee is placed with the prospective adopter(s).

SECTION 13. *Decree of Adoption.* — If, after the publication of the order of hearing has been complied with, and no opposition has been interposed to the petition, and after consideration of the case studies, the qualifications of the adopter(s), trial custody report and the evidence submitted, the court is convinced that the petitioners are qualified to adopt, and that the adoption would redound to the best interest of the adoptee, a decree of adoption shall be entered which shall be effective as of the date the original petition was filed. This provision shall also apply in case the petitioner(s) dies before the issuance of the decree of adoption to protect the interest of the adoptee. The decree shall state the name by which the child is to be known.

SECTION 14. *Civil Registry Record.* — An amended certificate of birth shall be issued by the Civil Registry, as required by the Rules of Court, attesting to the fact that the adoptee is the child of the adopter(s) by being registered with his/her surname. The original certificate of birth shall be stamped "cancelled" with the annotation of the issuance of an amended birth certificate in its place and shall be sealed in the civil registry records. The new birth certificate to be issued to the adoptee shall not bear any notation that it is an amended issue.

SECTION 15. *Confidential Nature of Proceedings and Records.* — All hearings in adoption cases shall be confidential and shall not be open to the public. All records, books, and papers relating to the adoption cases in the files of the court, the Department, or any other agency or institution participating in the adoption proceedings shall be kept strictly confidential.

If the court finds that the disclosure of the information to a third person is necessary for purposes connected with or arising out of the adoption and will be for the best interest of the adoptee, the court may merit the necessary information to be released, restricting the purposes for which it may be used.

## ARTICLE V Effects of Adoption

SECTION 16. *Parental Authority.* — Except in cases where the biological parent is the spouse of the adopter, all legal ties between the biological parent(s) and the adoptee shall be severed and the same shall then be vested on the adopter(s).

SECTION 17. *Legitimacy.* — The adoptee shall be considered the legitimate son/daughter of the adopter(s) for all intents and purposes and as such is entitled to all the rights and obligations provided by law to legitimate sons/daughters born to them without discrimination of any kind. To this end, the adoptee is entitled to love, guidance, and support in keeping with the means of the family.

SECTION 18. *Succession.* — In legal and intestate succession, the adopter(s) and the adoptee shall have reciprocal rights of succession without distinction from legitimate filiation. However, if the adoptee and his/her biological parent(s) had left a will, the law on testamentary succession shall govern.

## ARTICLE VI Rescission of Adoption

SECTION 19. *Grounds for Rescission of Adoption.* — Upon petition of the adoptee, with the assistance of the Department if a minor or if over eighteen (18) years of age but is incapacitated, as guardian/counsel, the adoption may be rescinded on any of the following grounds committed by the adopter(s): (a) repeated physical and verbal maltreatment by the adopter(s) despite having undergone counseling; (b) attempt on the life of the adoptee; (c) sexual assault or violence; or (d) abandonment and failure to comply with parental obligations.

Adoption, being in the best interest of the child, shall not be subject to rescission by the adopter(s). However, the adopter(s) may disinherit the adoptee for causes provided in Article 919 of the Civil Code.

SECTION 20. *Effects of Rescission.* — If the petition is granted, the parental authority of the adoptee's biological parent(s), if known, or the legal custody of the Department shall be restored if the adoptee is still a minor or incapacitated. The reciprocal rights and obligations of the adopter(s) and the adoptee to each other shall be extinguished.

The court shall order the Civil Registrar to cancel the amended certificate of birth of the adoptee and restore his/her original birth certificate.

Succession rights shall revert to its status prior to adoption, but only as of the date of judgment of judicial rescission. Vested rights acquired prior to judicial rescission shall be respected.

All the foregoing effects of rescission of adoption shall be without prejudice to the penalties imposable under the Penal Code if the criminal acts are properly proven.

## ARTICLE VII Violations and Penalties

SECTION 21. *Violations and Penalties.* — (a) The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine not less than Fifty thousand pesos (₱50,000.00), but not more than Two hundred thousand pesos (₱200,000.00) at the discretion of the court shall be imposed on any person who shall commit any of the following acts:

2) Parent left solo or alone with the responsibility of parenthood due to death of spouse;

3) Parent left solo or alone with the responsibility of parenthood while the spouse is detained or is serving sentence for a criminal conviction for at least one (1) year;

4) Parent left solo or alone with the responsibility of parenthood due to physical and/or mental incapacity of spouse as certified by a public medical practitioner;

5) Parent left solo or alone with the responsibility of parenthood due to legal separation or *de facto* separation from spouse for at least one (1) year, as long as he/she is entrusted with the custody of the children;

6) Parent left solo or alone with the responsibility of parenthood due to declaration of nullity or annulment of marriage as decreed by a court or by a church as long as he/she is entrusted with the custody of the children;

7) Parent left solo or alone with the responsibility of parenthood due to abandonment of spouse for at least one (1) year;

8) Unmarried mother/father who has preferred to keep and rear her/his child/children instead of having others care for them or give them up to a welfare institution;

9) Any other person who solely provides parental care and support to a child or children;

10) Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent.

A change in the status or circumstance of the parent claiming benefits under this Act, such that he/she is no longer left alone with the responsibility of parenthood, shall terminate his/her eligibility for these benefits.

(b) "Children" – refer to those living with and dependent upon the solo parent for support who are unmarried, unemployed and not more than eighteen (18) years of age, or even over eighteen (18) years but are incapable of self-support because of mental and/or physical defect/disability.

(c) "Parental responsibility" – with respect to their minor children shall refer to the rights and duties of the parents as defined in Article 220 of Executive Order No. 209 as amended, otherwise known as the "Family Code of the Philippines."

(d) "Parental leave" – shall mean leave benefits granted to a solo parent to enable him/her to perform parental duties and responsibilities where physical presence is required.

(e) "Flexible work schedule" – is the right granted to a solo parent employee to vary his/her arrival and departure time without affecting the core work hours as defined by the employer.

SEC. 4. *Criteria for Support.* – Any solo parent whose income in the place of domicile falls below the poverty threshold as set by the National Economic and Development Authority (NEDA) and subject to the assessment of the DSWD worker in the area shall be eligible for assistance: *Provided, however,* That any solo parent whose income is above the poverty threshold shall enjoy the benefits mentioned in Sections 6, 7 and 8 of this Act.

SEC. 5. *Comprehensive Package of Social Development and Welfare Services.* – A comprehensive package of social development and welfare services for solo parents and their families will be developed by the DSWD, DOH, DECS, CHED, TESDA, DOLE, NHA and DILG, in coordination with local government units and a nongovernmental organization with proven track record in providing services for solo parents.

The DSWD shall coordinate with concerned agencies the implementation of the comprehensive package of social development and welfare services for solo parents and their families. The package will initially include:

(a) Livelihood development services which include trainings on livelihood skills, basic business management, value orientation and the provision of seed capital or job placement.

(b) Counseling services which include individual, peer group or family counseling. This will focus on the resolution of personal relationship and role conflicts.

(c) Parent effectiveness services which include the provision and expansion of knowledge and skills of the solo parent on early childhood development, behavior management, health care, rights and duties of parents and children.

(d) Critical incidence stress debriefing which include preventive stress management strategy designed to assist solo parents in coping with crisis situations and cases of abuse.

(e) Special projects for individuals in need of protection which include temporary shelter, counseling, legal assistance, medical care, self-concept or ego-building, crisis management and spiritual enrichment.

**SEC. 6. *Flexible Work Schedule.*** – The employer shall provide for a flexible working schedule for solo parents: *Provided, That* the same shall not affect individual and company productivity: *Provided, further,* That any employer may request exemption from the above requirements from the DOLE on certain meritorious grounds.

**SEC. 7. *Work Discrimination.*** – No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his/her status.

**SEC. 8. *Parental Leave.*** – In addition to leave privileges under existing laws, parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least one (1) year.

**SEC. 9. *Educational Benefits.*** – The DECS, CHED and TESDA shall provide the following benefits and privileges.

(1) Scholarship programs for qualified solo parents and their children in institutions of basic, tertiary and technical/skills education; and

(2) Non-formal education programs appropriate for solo parents and their children.

The DECS, CHED and TESDA shall promulgate rules and regulations for the proper implementation of this program.

**SEC. 10. *Housing Benefits.*** – Solo parents shall be given allocation in housing projects and shall be provided with liberal terms of payment on said government low-cost housing projects in accordance with housing law provisions prioritizing applicants below the poverty line as declared by the NEDA.

**SEC. 11. *Medical Assistance.*** – The DOH shall develop a comprehensive health care program for solo parents and their children. The program shall be implemented by the DOH through their retained hospitals and medical centers and the local government units (LGUs) through their provincial/district/city/municipal hospitals and rural health units (RHUs).

**SEC. 12. *Additional Powers and Functions of DSWD.*** – The DSWD shall perform the following additional powers and functions relative to the welfare of solo parents and their families:

(a) Conduct research necessary to: (1) develop a new body of knowledge on solo parents; (2) define executive and legislative measures needed to promote and protect the interest of solo parents and their children; and (3) assess the effectiveness of programs designed for disadvantaged solo parents and their children;



(b) Coordinate the activities of various governmental and nongovernmental organizations engaged in promoting and protecting the interests of solo parents and their children; and

(c) Monitor the implementation of the provisions of this Act and suggest mechanisms by which such provisions are effectively implemented.

SEC. 13. *Implementing Rules and Regulations.* – An inter-agency committee headed by the DSWD in coordination with the DOH, the DECS, the CHED, the TESDA, the DOLE, the NHA, and the DILG is hereby established which shall formulate, within ninety (90) days upon the effectivity of this Act, the implementing rules and regulations in consultation with the local government units, non-government organizations and people's organizations.

SEC. 14. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 15. *Repealing Clause.* – All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 16. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SEC. 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

MANUEL B. VILLAR, JR.  
*Speaker of the House  
Of Representatives*

FRANKLIN M. DRILON  
*President of the Senate*

(i) obtaining consent for an adoption through coercion, undue influence, fraud, improper material inducement, or other similar acts;

(ii) non-compliance with the procedures and safeguards provided by the law for adoption; or

(iii) subjecting or exposing the child to be adopted to danger, abuse, or exploitation.

(b) Any person who shall cause the fictitious registration of the birth of a child under the name(s) of a person(s) who is not his/her biological parent(s) shall be guilty of simulation of birth, and shall be punished by prison mayor in its medium period and a fine not exceeding Fifty thousand pesos (₱50,000.00).

Any physician or nurse or hospital personnel who, in violation of his/her oath of office, shall cooperate in the execution of the abovementioned crime shall suffer the penalties herein prescribed and also the penalty of permanent disqualification.

Any person who shall violate established regulations relating to the confidentiality and integrity of records, documents, and communications of adoption applications, cases, and processes shall suffer the penalty of imprisonment ranging from one (1) year and one (1) day to two (2) years, and/or a fine of not less than Five thousand pesos (₱5,000.00) but not more than Ten thousand pesos (₱10,000.00), at the discretion of the court.

A penalty lower by two (2) degrees than that prescribed for the consummated offense under this Article shall be imposed upon the principals of the attempt to commit any of the acts herein enumerated.

Acts punishable under this Article, when committed by a syndicate or where it involves two (2) or more children shall be considered as an offense constituting child trafficking and shall merit the penalty of *reclusion perpetua*.

Acts punishable under this Article are deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any of the unlawful acts defined under this Article. Penalties as are herein provided, shall be in addition to any other penalties which may be imposed for the same acts punishable under other laws, ordinances, executive orders, and proclamations.

When the offender is an alien, he/she shall be deported immediately after service of sentence and perpetually excluded from entry to the country.

Any government official, employee or functionary who shall be found guilty of violating any of the provisions of this Act, or who shall conspire with private individuals shall, in addition to the above-prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations: Provided, That upon the filing of a case,

either administrative or criminal, said government official, employee, or functionary concerned shall automatically suffer suspension until the resolution of the case.

SECTION 22. *Rectification of Simulated Births.* — A person who has, prior to the effectivity of this Act, simulated the birth of a child shall not be punished for such act: Provided, That the simulation of birth was made for the best interest of the child and that he/she has been consistently considered and treated by that person as his/her own son/daughter: Provided, further, That the application for correction of the birth registration and petition for adoption shall be filed within five (5) years from the effectivity of this Act and completed thereafter: Provided, finally, That such person complies with the procedure as specified in Article IV of this Act and other requirements as determined by the Department.

## **ARTICLE VIII** **Final Provisions**

SECTION 23. *Adoption Resource and Referral Office.* — There shall be established an Adoption Resources and Referral Office under the Department with the following functions: (a) monitor the existence, number, and flow of children legally available for adoption and prospective adopter(s) so as to facilitate their matching; (b) maintain a nationwide information and educational campaign on domestic adoption; (c) keep records of adoption proceedings; (d) generate resources to help child-caring and child-placing agencies and foster homes maintain viability; and (e) do policy research in collaboration with the Intercountry Adoption Board and other concerned agencies. The office shall be manned by adoption experts from the public and private sectors.

SECTION 24. *Implementing Rules and Regulations.* — Within six (6) months from the promulgation of this Act, the Department, with the Council for the Welfare of Children, the Office of Civil Registry General, the Department of Justice, Office of the Solicitor General, and two (2) private individuals representing child-placing and child-caring agencies shall formulate the necessary guidelines to make the provisions of this Act operative.

SECTION 25. *Appropriations.* — Such sum as may be necessary for the implementation of the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 26. *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 27. *Separability Clause.* — If any provision of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 28. *Effectivity Clause.* — This Act shall take effect fifteen (15) days following its complete publication in any newspaper of general circulation or in the Official Gazette.

Approved: February 25, 1998

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

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

[REPUBLIC ACT NO. 8972]

AN ACT PROVIDING FOR BENEFITS AND PRIVILEGES TO SOLO PARENTS AND THEIR CHILDREN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* – This Act shall be known as the “Solo Parents Welfare Act of 2000.”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development. Towards this end, it shall develop a comprehensive program of services for solo parents and their children to be carried out by the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of Education, Culture and Sports (DECS), the Department of the Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the National Housing Authority (NHA), the Department of Labor and Employment (DOLE), and other related government and nongovernment agencies.

SEC. 3. *Definition of Terms.* – Whenever used in this Act, the following terms shall mean as follows:

(a) “Solo Parent” – any individual who falls under any of the following categories:

1) A woman who gives birth as a result of rape and other crimes against chastity even without a final conviction of the offender: *Provided*, That the mother keeps and raises the child;

[COMMONWEALTH ACT NO. 473]

AN ACT TO PROVIDE FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP BY NATURALIZATION, AND TO REPEAL ACTS NUMBERED TWENTY-NINE HUNDRED AND TWENTY-SEVEN AND THIRTY-FOUR HUNDRED AND FORTY-EIGHT.

SEC. 3. *Special qualifications.* – The ten years of continuous residence required under the second condition of the last preceding section shall be understood as reduced to five years for any petitioner having any of the following qualifications:

- (1) Having honorably held office under the Government of the Philippines or under that of any of the provinces, cities, municipalities, or political subdivisions thereof;
- (2) Having established a new industry or introduced a useful invention in the Philippines;
- (3) Being married to a Filipino woman;
- (4) Having been engaged as a teacher in the Philippines in a public or recognized private school not established for the exclusive instruction of children of persons of a particular nationality or race, in any of the branches of education or industry for a period of not less than two years;
- (5) Having been born in the Philippines.

SEC. 4. *Petition for citizenship.* – Any person desiring to acquire Philippine citizenship shall file with the competent court, a petition in triplicate, accompanied by two photographs of the petitioner, setting forth his name and surname; his present and former places of residence; his occupation; the place and date of his birth; whether single or married and the father of children, the name, age, birthplace and residence of the wife and of each of the children; the approximate date of his or her arrival in the Philippines, the name of the port of debarkation, and, if he remembers it, the name of the ship on which he came; a declaration that he has the qualifications required by this Act, specifying the same, and that he is not qualified for naturalization under the provisions of this Act; that he has complied with the requirements of section five of this Act; and that he will reside continuously in the Philippines from the date of the filing of the petition up to the time of his admission to Philippine citizenship. The petition must be signed by the applicant in his own handwriting and be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act. The petition shall also set

[COMMONWEALTH ACT NO. 473]

AN ACT TO PROVIDE FOR THE ACQUISITION OF PHILIPPINE CITIZENSHIP BY NATURALIZATION, AND TO REPEAL ACTS NUMBERED TWENTY-NINE HUNDRED AND TWENTY-SEVEN AND THIRTY-FOUR HUNDRED AND FORTY-EIGHT.

SEC. 3. *Special qualifications.* – The ten years of continuous residence required under the second condition of the last preceding section shall be understood as reduced to five years for any petitioner having any of the following qualifications:

- (1) Having honorably held office under the Government of the Philippines or under that of any of the provinces, cities, municipalities, or political subdivisions thereof;
- (2) Having established a new industry or introduced a useful invention in the Philippines;
- (3) Being married to a Filipino woman;
- (4) Having been engaged as a teacher in the Philippines in a public or recognized private school not established for the exclusive instruction of children of persons of a particular nationality or race, in any of the branches of education or industry for a period of not less than two years;
- (5) Having been born in the Philippines.

SEC. 4. *Petition for citizenship.* – Any person desiring to acquire Philippine citizenship shall file with the competent court, a petition in triplicate, accompanied by two photographs of the petitioner, setting forth his name and surname; his present and former places of residence; his occupation; the place and date of his birth; whether single or married and the father of children, the name, age, birthplace and residence of the wife and of each of the children; the approximate date of his or her arrival in the Philippines, the name of the port of debarkation, and, if he remembers it, the name of the ship on which he came; a declaration that he has the qualifications required by this Act, specifying the same, and that he is not qualified for naturalization under the provisions of this Act; that he has complied with the requirements of section five of this Act; and that he will reside continuously in the Philippines from the date of the filing of the petition up to the time of his admission to Philippine citizenship. The petition must be signed by the applicant in his own handwriting and be supported by the affidavit of at least two credible persons, stating that they are citizens of the Philippines and personally know the petitioner to be a resident of the Philippines for the period of time required by this Act and a person of good repute and morally irreproachable, and that said petitioner has in their opinion all the qualifications necessary to become a citizen of the Philippines and is not in any way disqualified under the provisions of this Act. The petition shall also set

absence or disability of the Commissioner, the First Deputy Commissioner shall act as Commissioner, and during the absence or disability of both the Commissioner and the First Deputy Commissioner, the Second Deputy Commissioner shall act as Commissioner, and the Deputy Commissioner who shall so act as Commissioner shall perform the duties of the latter in addition to his own duties.

(b) No person shall be appointed Commissioner or Deputy Commissioner unless he be a natural-born citizen of the Philippines and is at least thirty years of age.

## IMMIGRANT INSPECTORS

SECTION 5. (a) The position of Immigrant Inspector is created, appointments to which shall be made upon the recommendation of the Commissioner of Immigration in accordance with the Civil Service Laws.

(b) Whenever he shall deem it necessary, the Commissioner of Immigration may appoint, with the consent of the proper Department Head, any qualified employee of the Government to serve as Acting Immigrant Inspector. Acting Immigrant Inspectors shall have the same powers and authority as Immigrant Inspectors.

SECTION 6. *Powers of Immigration Officer.* — The examination of aliens concerning their right to enter or remain in the Philippines shall be performed by Immigrant Inspectors with the advice of medical authorities in appropriate cases. Immigrant Inspectors are authorized to exclude any alien not properly documented as required by this Act, admit any alien complying with the applicable provisions of the immigration laws and to enforce the immigration laws and regulations prescribed thereunder. Immigrant Inspectors are also empowered to administer oaths, to take and consider evidence concerning the right of any alien to enter or reside in the Philippines, and to go aboard and search for aliens on any vessel or other conveyance in which they believe aliens are being brought into the Philippines. Immigrant Inspectors shall have the power to arrest, without warrant, any alien who in their presence or view is entering or is still in the course of entering the Philippines in violation of immigration laws or regulations prescribed thereunder.

## OTHER EMPLOYEES

SECTION 7. *Appointment and Salary.* — All other employees of the Bureau of Immigration except as otherwise provided in this Act shall be appointed by the Head of Department upon the recommendation of the Commissioner of Immigration, in accordance with civil service rules and regulations, and they shall receive such salaries as may be assigned to them conformably to the provisions of Commonwealth Act Numbered Four hundred and two.



forth the names and post office addresses of such witnesses as the petitioner may desire to introduce at the hearing of the case. The certificate of arrival, and the declaration of intention must be made part of the petition.

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SEC. 15. *Effect of the naturalization on wife and children.* – Any woman who is now or may hereafter be married to a citizen of the Philippines, and who might herself be lawfully naturalized shall be deemed a citizen of the Philippines.

Minor children of persons naturalized under this law who have been born in the Philippines shall be considered citizens thereof.

A foreign-born minor child, if dwelling in the Philippines at the time of the naturalization of the parent, shall automatically become a Philippine citizen, and a foreign-born minor child, who is not in the Philippines at the time the parent is naturalized, shall be deemed a Philippine citizen only during his minority, unless he begins to reside permanently in the Philippines when still a minor, in which case, he will continue to be a Philippine citizen even after becoming of age.

A child born outside of the Philippines after the naturalization of his parent, shall be considered a Philippine citizen, unless one year after reaching the age of majority, he fails to register himself as a Philippine citizen at the American Consulate of the country where he resides, and to take the necessary oath of allegiance.

SEC. 16. *Right of widow and children of petitioners who have died.* – In case a petitioner should die before the final decision has been rendered, his widow and minor children may continue the proceeding. The decision rendered in the case shall, so far as the widow and minor children are concerned, produce the same legal effect as if it had rendered during the life of the petitioner.

Approved: June 17, 1939.

[COMMONWEALTH ACT NO. 613 \*]

AN ACT TO CONTROL AND REGULATE THE IMMIGRATION OF ALIENS INTO  
THE PHILIPPINES

TITLE OF ACT

SECTION 1. This Act shall be known as "The Philippine Immigration Act of 1940."

BUREAU OF IMMIGRATION

SECTION 2. *Officials.* — A Bureau of Immigration is established under a Commissioner of Immigration, who shall have two assistants, a First Deputy Commissioner of Immigration and a Second Deputy Commissioner of Immigration. For administrative purposes, the Bureau of Immigration shall be under the supervision and control of the Department of Labors or of any other executive department which the President may subsequently determine.

COMMISSIONER OF IMMIGRATION

SECTION 3. *Appointment; term of office; compensation.* — The Commissioner of Immigration shall be appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and shall hold office at the pleasure of the President. He shall receive compensation at the rate of ten thousand pesos per annum. Administrative head powers as such — He shall be the administrative head of the Bureau of Immigration and shall possess the powers generally conferred upon bureau chiefs. He shall have charge of the administration of all laws relating to the immigration of aliens into the Philippines and shall have the immediate control, direction and supervision of all officers, clerks, and employees of the Bureau of Immigration. He shall issue, subject to the approval of the Department Head, such rules and regulations and prescribe such forms of bond, reports, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated to carry out the provisions of the immigration laws. He shall submit a report to the President, in writing, of the transactions of his office, annually or oftener as the President may require.

DEPUTY COMMISSIONERS OF IMMIGRATION

SECTION 4. *(a) Appointment; term of office; compensation.* — The two Deputy Commissioners shall be appointed by the President, with the consent of the Commission on Appointments of the National Assembly, and they shall hold office at the pleasure of the President. The First Deputy Commissioner shall receive compensation at the rate of nine thousand pesos per annum and the Second Deputy Commissioner shall receive compensation at the rate of eight thousand four hundred pesos per annum. During the

absence or disability of the Commissioner, the First Deputy Commissioner shall act as Commissioner, and during the absence or disability of both the Commissioner and the First Deputy Commissioner, the Second Deputy Commissioner shall act as Commissioner, and the Deputy Commissioner who shall so act as Commissioner shall perform the duties of the latter in addition to his own duties.

(b) No person shall be appointed Commissioner or Deputy Commissioner unless he be a natural-born citizen of the Philippines and is at least thirty years of age.

## IMMIGRANT INSPECTORS

SECTION 5. (a) The position of Immigrant Inspector is created, appointments to which shall be made upon the recommendation of the Commissioner of Immigration in accordance with the Civil Service Laws.

(b) Whenever he shall deem it necessary, the Commissioner of Immigration may appoint, with the consent of the proper Department Head, any qualified employee of the Government to serve as Acting Immigrant Inspector. Acting Immigrant Inspectors shall have the same powers and authority as Immigrant Inspectors.

SECTION 6. *Powers of Immigration Officer.* — The examination of aliens concerning their right to enter or remain in the Philippines shall be performed by Immigrant Inspectors with the advice of medical authorities in appropriate cases. Immigrant Inspectors are authorized to exclude any alien not properly documented as required by this Act, admit any alien complying with the applicable provisions of the immigration laws and to enforce the immigration laws and regulations prescribed thereunder. Immigrant Inspectors are also empowered to administer oaths, to take and consider evidence concerning the right of any alien to enter or reside in the Philippines, and to go aboard and search for aliens on any vessel or other conveyance in which they believe aliens are being brought into the Philippines. Immigrant Inspectors shall have the power to arrest, without warrant, any alien who in their presence or view is entering or is still in the course of entering the Philippines in violation of immigration laws or regulations prescribed thereunder.

## OTHER EMPLOYEES

SECTION 7. *Appointment and Salary.* — All other employees of the Bureau of Immigration except as otherwise provided in this Act shall be appointed by the Head of Department upon the recommendation of the Commissioner of Immigration, in accordance with civil service rules and regulations, and they shall receive such salaries as may be assigned to them conformably to the provisions of Commonwealth Act Numbered Four hundred and two.

This Act, which is a consolidation of Senate Bill No. 1404 and House Bill No. 10615 was finally passed by the Senate and the House of Representatives on August 30, 2000 and September 26, 2000, respectively.

ROBERTO P. NAZARENO  
*Secretary General*  
*House of Representatives*

EMMA LIRIO REYES  
*Acting Secretary of the Senate*

Approved: November 7, 2000

JOSEPH EJERCITO ESTRADA  
*President of the Philippines*



### III

### *Political*

**T**he development of the legal status of women under Philippine law is evident in the history of political law. It was only in the 1930s that women were allowed to exercise their right to vote and be elected to a public office. Under the 1987 Constitution, the status of women has changed. The role of women in nation-building is now expressly recognized. It also guarantees equal access to opportunities for public service. The development of laws under this category has also been marked by a conscious effort at giving women a voice, making women participate in decision making and policy making.

[ACT NO. 4112]

AN ACT TO AMEND SECTION FOUR HUNDRED AND THIRTY-ONE OF THE ADMINISTRATIVE CODE, AS AMENDED, BY GRANTING THE RIGHT OF SUFFRAGE TO THE WOMEN AND MAKING THEM ELIGIBLE TO ALL PUBLIC OFFICES, AND FOR OTHER PURPOSES.

SECTION 1. Section four hundred and thirty-one of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, as amended, is hereby further amended to read as follows:

“SEC. 431. *Qualifications prescribed for voters.* – Every male or female person who is not a citizen or is subject of a foreign power, twenty-one years of age or over, who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months preceding the day of voting is entitled to vote in all elections if comprised within either of the following three classes:

“(a) Those who, under the laws in force in the Philippine Islands upon the twenty-eighth day of August, nineteen hundred and sixteen, were legal voters and had exercised the right of suffrage.

“(b) Male persons who own real property to the value of five hundred pesos, declared in their name for taxation purposes for a period of not less than one year prior to the date of the election, or who annually pay thirty pesos or more of the established taxes.

“(c) Those who are able to read and write either Spanish, or English, or a native language.”

SEC. 2. For the purposes of the registration of women in the list of voters and voting by women, the Secretary of the Interior and Labor shall by regulation provide for the manner in which they shall establish their identity.

Approved: December 7, 1933.

## ASSIGNMENT OF IMMIGRATION EMPLOYEES TO OVERTIME. WORK

SECTION 7-A. Immigration employees may be assigned by the Commissioner of Immigration to do overtime work at rates fixed by him when the service rendered is to be paid for by shipping companies and airlines or other persons served.

### BOARD OF COMMISSIONERS

SECTION 8. *Decision of the Board.* — The board of Commissioners, hereinafter referred to in this Act, shall be composed of the Commissioner of Immigration and the two Deputy Commissioners. In the absence of a member of the Board, the Department Head shall designate an officer or employee in the Bureau of Immigration to serve as a member thereof. In any case coming before the Board of Commissioners, the decision of any two members shall prevail.

### NONIMMIGRANTS

SECTION 9. Aliens departing from any place outside the Philippines, who are otherwise admissible and who qualify within one of the following categories, may be admitted as nonimmigrants.

(a) A temporary visitor coming for business or for pleasure or for reasons of health,

(b) A person in transit to a destination outside the Philippines;

(c) A seaman serving as such on a vessel arriving at a port of the Philippines and seeking to enter temporarily and solely in the pursuit of his calling as a seaman;

(d) Alien businessman. — An alien entitled to enter the Philippines under and in pursuance of the provisions of a treaty of commerce and navigation (1) solely to carry on substantial trade principally between the Philippines and the foreign state of which he is a national or (2) solely to develop and direct the operations of an enterprise in which, in accordance with the Constitution and the laws of the Philippines he has invested or of an enterprise in which he is actively in the process of investing, a substantial amount of capital; and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him, subject to the condition that citizens of the Philippines are accorded like privileges in the foreign state of which such alien is a national.

(e) An accredited official of a foreign government recognized by the Government of the Philippines, his family, attendants, servants, and employees;

(f) Higher than high school. — A student, having means sufficient for his education and support in the Philippines, who is at least eighteen years of age and who seeks to enter the Philippines temporarily and solely for the purpose of taking up a course of study higher than high school at a university, seminary, academy, college or school approved for such alien students by the Commissioner of Immigration;

(g) Prearranged employment. — An alien coming to prearranged employment for whom the issuance of a visa has been authorized in accordance with section twenty of this Act, and his wife, and his unmarried children under twenty-one years of age, if accompanying him or if following to join him within a period of six months from the date of his admission into the Philippines as a nonimmigrant under this paragraph. An alien who is admitted as a nonimmigrant cannot remain in the Philippines permanently. To obtain permanent admission, a nonimmigrant alien must depart voluntarily to some foreign country and procure from the appropriate Philippine consul the proper visa and thereafter undergo examination by the officers of the Bureau of Immigration at a Philippine port of entry for determination of his admissibility in accordance with the requirements.

## DOCUMENTATION OF NONIMMIGRANTS

SECTION 10. *Presentation of unexpired passport.* — Nonimmigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid passport visas granted by diplomatic or consular officers, except that such documents shall not be required of the following aliens: (a) A child qualifying as a nonimmigrant, born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired; and (b) A seaman qualifying as such under section 9 (c) of this Act.

SECTION 11. The form and manner of applying for a passport visa and the form and validity of such passport visa shall be established by regulations.

SECTION 12. A passport visa shall not be granted to an applicant who fails to establish satisfactorily his nonimmigrants status or whose entry into the Philippines would be contrary to the public safety.

## IMMIGRANTS

SECTION 13. Under the conditions set forth in this Act, there may be admitted into the Philippines immigrants, termed "quota immigrants" not in excess of fifty (50) of any one nationality or without nationality for any one calendar year, except that the following immigrants, termed "non-quota immigrants," may be admitted without regard to such numerical limitations.



The corresponding Philippine Consular representative abroad shall investigate and certify the eligibility of a quota immigrant previous to his admission into the Philippines. Qualified and desirable aliens who are in the Philippines under temporary stay may be admitted within the quota, subject to the provisions of the last paragraph of section 9 of this Act.

(a) The wife or the husband or the unmarried child under twenty-one years of age of a Philippine citizen, if accompanying or following to join such citizen;

(b) A child of alien parents born during the temporary visit abroad of the mother, the mother having been previously lawfully admitted into the Philippines for permanent residence, if the child is accompanying or coming to join a parent and applies for admission within five years from the date of its birth;

(c) A child born subsequent to the issuance of the immigration visa of the accompanying parent, the visa not having expired;

(d) A woman who was a citizen of the Philippines and who lost her citizenship because of her marriage to an alien or by reason of the loss of Philippine citizenship by her husband, and her unmarried child under twenty-one years of age, if accompanying or following to join her;

(e) A person previously lawfully admitted into the Philippines for permanent residence, who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines.

(g) A natural born citizen of the Philippines, who has been naturalized in a foreign country, and is returning to the Philippines for permanent residence, including his spouse and minor unmarried children, shall be considered a non-quota immigrant for purposes of entering the Philippines.

SECTION 14. *Persons with dual nationality* — The nationality of an immigrant whose admission is subject to the numerical limitations imposed by section thirteen of this Act shall be that of the country of which the immigrant is a citizen or subject, self-governing dominions being treated as separate countries. The nationality of an immigrant possessing dual nationality may be that of either of the two countries regarding him as a citizen or subject if he applies for a visa in a third country, but if he applies for such visa within one of the two countries regarding him as a national, his nationality shall be that of the country in which he shall file his application.

## DOCUMENTATION OF IMMIGRANTS

SECTION 15. *Presentation of unexpired passport; in the case of the children* — Immigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity

as prescribed by regulations, and valid immigration visas issued by consular officers, except that children born subsequent to the issuance of the immigration visa or a reentry permit in case of children born abroad during the temporary visit abroad of their mothers as provided for in paragraph (c) of section thirteen of this Act the immigration visa or reentry permit not having expired, and returning residents as referred to in section thirteen (f) hereof, present unexpired reentry permits as provided for in section twenty-two of this Act, shall not be subject to these documentary requirements. No child shall however be exempt from these documentary requirements unless the alleged mother shall have proved her state of pregnancy before the consular officers in the case of children born subsequent to the issuance of a valid immigration visa, or before the immigration authority prior to her departure from the Philippines in the case of children born abroad of mothers with valid reentry permits: *Provided, however,* That in the latter case should the mother become pregnant after her departure from the Philippines the fact of her pregnancy shall be proved before the consul officers who shall issue the appropriate certification for presentation to the immigration authorities upon her return to the Philippines.

SECTION 16. The form and manner of applying for an immigration visa and the form and validity of such immigration visa shall be established by regulations.

SEC 17. No immigration visa shall be issued to an immigrant if the consular officer knows from statements in the application therefor or from the papers submitted therewith or otherwise has reason to believe that the immigrant is inadmissible into the Philippines under the immigration laws.

### IMMIGRATION VISAS FOR QUOTA IMMIGRANTS

SECTION 18. An immigration visa shall not be issued by a consular officer to an immigrant whose admission into the Philippines is subject to the numerical limitations imposed by section thirteen of this Act until the consular officer shall have received from the Commissioner of Immigration the allotment of a quota number to be placed upon the visa for the immigrant.

SEC 19. *Preference in allotment of quota numbers* — In allotting quota numbers, the Commissioner of immigration shall accord preference to immigrants who are the fathers and mothers of Philippine citizens who are twenty-one years of age or over, and the wives, husbands, and unmarried children under of twenty-one years of age, of aliens lawfully admitted into the Philippines for permanent residence and residing therein. Such preference shall be accorded only upon petition made therefor under regulations prescribed by the Commissioner.

### IMMIGRATION VISAS FOR NON-QUOTA IMMIGRANTS

SECTION 20. *In case of prearranged employment* — (a) A passport visa for a nonimmigrant referred to in section nine (g) of this Act who is coming to prearranged employment shall not be issued by a consular officer until the consular officer shall have

received authorization for the issuance of the visa. Such authorization shall be given only on petition filed with the Commissioner of Immigration establishing that no person can be found in the Philippines willing and competent to perform the labor or service for which the nonimmigrant is desired and that the nonimmigrant's admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations, by the prospective employer or his representative. Filing of petition under oath — The petition shall state fully the nature of the labor or service for which the nonimmigrant is desired for each meeting attended by them: *Provided, further,* That no compensation shall be paid for more than four (4) meetings a month.

SECTION 6. *Powers and Functions of the Board.* — The Board shall have the following powers and functions:

a) to prescribe rules and regulations as it may deem reasonably necessary to carry out the provisions of this Act, after consultation and upon favorable recommendation of the different agencies concerned with the child-caring, placement, and adoption;

b) to set the guidelines for the convening of an Inter-country Adoption Placement Committee which shall be under the direct supervision of the Board;

c) to set the guidelines for the manner by which selection/matching of prospective adoptive parents and adoptive child can be made;

d) to determine a reasonable schedule of fees and charges to be exacted in connection with the application for adoption;

e) to determine the form and contents of the application for inter-country adoption;

g) to institute systems and procedures to prevent improper financial gain in connection with adoption and deter improper practices which are contrary to this Act;

h) to promote the development of adoption services, including post-legal adoption services;

i) to accredit and authorize foreign private adoption agencies which have demonstrated professionalism, competence and have consistently pursued non-profit objectives to engage in the placement of Filipino children in their own country: *Provided,* That such foreign private agencies are duly authorized and accredited by their own government to conduct inter-country adoption: *Provided, however,* That the total number of authorized and accredited foreign private adoption agencies shall not exceed one hundred (100) a year;

j) to take appropriate measures to ensure confidentiality of the records of the child, the natural parents and the adoptive parents at all times;

k) to prepare, review or modify, and thereafter, recommend to the Department of Foreign Affairs, Memoranda of Agreement respecting inter-country adoption consistent with the implementation of this Act and its stated goals, entered into, between and among foreign governments, international organizations and recognized international non-governmental organizations;

l) to assist other concerned agencies and the courts in the implementation of this Act, particularly as regards coordination with foreign persons, agencies and other entities involved in the process of adoption and the physical transfer of the child; and

m) to perform such other functions on matters relating to inter-country adoption as may be determined by the President.

### ARTICLE III PROCEDURE

SECTION 7. *Inter-Country Adoption as the Last Resort.* — The Board shall ensure that all possibilities for adoption of the child under the Family Code have been exhausted and that inter-country-country adoption is in the best interest of the child. Towards this end, the Board shall set up the guidelines to ensure that steps will be taken to place the child in the Philippines before the child is placed for inter-country adoption: *Provided, however,* That the maximum number that may be allowed for foreign adoption shall not exceed six hundred (600) a year for the first five (5) years.

SECTION 8. *Who May be Adopted.* — Only a legally free child may be the subject of inter-country adoption. In order that such child may be considered for placement, the following documents must be submitted to the Board:

- a) Child study;
- b) Birth certificate/foundling certificate;
- c) Deed of voluntary commitment/decreed of abandonment/death certificate of parents;
- d) Medical evaluation /history;
- e) Psychological evaluation, as necessary; and
- f) Recent photo of the child.

SECTION 9. *Who May Adopt.* — An alien or a Filipino citizen permanently residing abroad may file an application for inter-country adoption of a Filipino child if he/she:

a) is at least twenty-seven (27) years of age and at least sixteen (16) years older than the child to be adopted, at the time of application unless the adopter is the parent by nature of the child to be adopted or the spouse of such parent:

b) if married, his/her spouse must jointly file for the adoption;

c) has the capacity to act and assume all rights and responsibilities of parental authority under his national laws, and has undergone the appropriate counseling from an accredited counselor in his/her country;

d) has not been convicted of a crime involving moral turpitude;

e) is eligible to adopt under his/her national law;

f) is in a position to provide the proper care and support and to give the necessary moral values and example to all his children, including the child to be adopted;

g) agrees to uphold the basic rights of the child as embodied under Philippine laws, the U.N. Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act;

h) comes from a country with whom the Philippines has diplomatic relations and whose government maintains a similarly authorized and accredited agency and that adoption is allowed under his/her national laws; and

i) possesses all the qualifications and none of the disqualifications provided herein and in other applicable Philippine laws.

SECTION 10. *Where to File Application.* — An application to adopt a Filipino child shall be filed either with the Philippine Regional Trial Court having jurisdiction over the child, or with the Board, through an intermediate agency, whether governmental or an authorized and accredited agency, in the country of the prospective adoptive parents, which application shall be in accordance with the requirements as set forth in the implementing rules and regulations to be promulgated by the Board.

The application shall be supported by the following documents written and officially translated in English.

a) Birth certificate of applicant(s);

b) Marriage contract, if married, and divorce decree, if applicable;

c) Written consent of their biological or adoptive children above ten (10) years of age, in the form of sworn statement;

d) Physical, medical and psychological evaluation by a duly licensed physician and psychologist;

e) Income tax returns or any document showing the financial capability of the applicant(s);

f) Police clearance of applicant(s);

g) Character reference from the local church/minister, the applicant's employer and a member of the immediate community who have known the applicant(s) for at least five (5) years; and

h) Recent postcard-size pictures of the applicant(s) and his immediate family;

The Rules of Court shall apply in case of adoption by judicial proceedings.

SECTION 11. *Family Selection/Matching.* — No child shall be matched to a foreign adoptive family unless it is satisfactorily shown that the child cannot be adopted locally. The clearance, as issued by the Board, with the copy of the minutes of the meetings, shall form part of the records of the child to be adopted. When the Board is ready to transmit the Placement Authority to the authorized and accredited inter-country adoption agency and all the travel documents of the child are ready, the adoptive parents, or any one of them, shall personally fetch the child in the Philippines.

SECTION 12. *Pre-adoptive Placement Costs.* — The applicant(s) shall bear the following costs incidental to the placement of the child;

a) The cost of bringing the child from the Philippines to the residence of the applicant(s) abroad, including all travel expenses within the Philippines and abroad; and

b) The cost of passport, visa, medical examination and psychological evaluation required, and other related expenses.

SECTION 13. *Fees, Charges and Assessments.* — Fees, charges, and assessments collected by the Board in the exercise of its functions shall be used solely to process applications for inter-country adoption and to support the activities of the Board.

SECTION 14. *Supervision of Trial Custody.* — The governmental agency or the authorized and accredited agency in the country of the adoptive parents which filed the application for inter-country adoption shall be responsible for the trial custody and the care of the child. It shall also provide family counseling and other related services. The trial custody shall be for a period of six (6) months from the time of placement. Only after the lapse of the period of trial custody shall a decree of adoption be issued in the said country a copy of which shall be sent to the Board to form part of the records of the child.

During the trial custody, the adopting parent(s) shall submit to the governmental agency or the authorized and accredited agency, which shall in turn transmit a copy to the Board, a progress report of the child's adjustment. The progress report shall be taken into consideration in deciding whether or not to issue the decree of adoption.

The Department of Foreign Affairs shall set up a system by which Filipino children sent abroad for trial custody are monitored and checked as reported by the authorized and accredited inter-country adoption agency as well as the repatriation to the Philippines of a Filipino child whose adoption has not been approved.

SECTION 15. *Executive Agreements.* — The Department of Foreign Affairs, upon representation of the Board, shall cause the preparation of Executive Agreements with countries of the foreign adoption agencies to ensure the legitimate concurrence of said countries in upholding the safeguards provided by this Act.

#### ARTICLE IV PENALTIES

SECTION 16. *Penalties.* — a) Any person who shall knowingly participate in the conduct or carrying out of an illegal adoption, in violation of the provisions of this Act, shall be punished with a penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine of not less than Fifty thousand pesos (₱50,000), but not more than Two hundred thousand pesos (₱200,000), at the discretion of the court. For purposes of this Act, an adoption is illegal if it is effected in any manner contrary to the provisions of this Act or established State policies, its implementing rules and regulations, executive agreements, and other laws pertaining to adoption.

Illegalitilippines or advocate or teach the unlawful destruction of property, or who are members of or affiliated with any organization entertaining or teaching such doctrines;

(9) Persons over fifteen years of age, physically capable of reading, who cannot read printed matter in ordinary use in any language selected by the alien, but this provision shall not apply to the grandfather, grandmother, father, mother, wife, husband or child of a Philippine citizen or of an alien lawfully resident in the Philippines;

(10) Persons who are members of a family accompanying an excluded alien, unless in the opinion of the Commissioner of Immigration no hardship would result from their admission;

(11) Persons accompanying an excluded person who is helpless from mental or physical disability or infancy, when the protection or guardianship of such accompanying person or persons is required by the excluded person, as shall be determined by the Commissioner of Immigration;

(12) Children under fifteen years of age, unaccompanied by or not coming to a parent, except that any such children may be admitted in the discretion of the Commissioner of Immigration, if otherwise admissible;

(13) Stowaways, except that any stowaway may be admitted in the discretion of the Commissioner of Immigration, if otherwise admissible;

(14) Persons coming to perform unskilled manual labor in pursuance of a promise or offer of employment, express or implied, but this provision shall not apply to persons bearing passport visas authorized by section twenty of this Act;

(15) Persons who have been excluded or deported from the Philippines, but this provision may be waived in the discretion of the Commissioner of Immigration: Limitation on authority of commissioner. — *Provided, however,* That the Commissioner of Immigration shall not exercise his discretion in favor of aliens excluded or deported on the ground of conviction for any crime involving moral turpitude or for any crime penalized under sections forty-five and forty-six of this Act or on the ground of having engaged in hoarding, black-marketing or profiteering unless such aliens have previously resided in the Philippines immediately before his exclusion or deportation for a period of ten years or more or are married to native Filipino women.

(16) Persons who have been removed from the Philippines at the expense of the Government of the Philippines, as indigent aliens, under the provisions of section forty-three of this Act, and who have not obtained the consent of the Board of Commissioners to apply for readmission; and

(17) Persons not properly documented for admission as may be required under the provisions of this Act.

(b) Notwithstanding the provisions of this section, the Commissioner of Immigration, in his discretion, may permit to enter any alien properly documented, who is subject to exclusion under this section, but who is —

(1) An alien lawfully resident in the Philippines who is returning from a temporary visit abroad;

(2) An alien applying for temporary admission.

SECTION 30. Any alien seeking admission into the Philippines may be required to testify under oath on matters relating to his admissibility. The burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws.

### IMMIGRANT HEAD TAX

SECTION 31. A tax of twenty-five pesos shall be collected for every alien over sixteen years of age admitted into the Philippines for a stay exceeding sixty days. The tax shall be paid to the Immigration Officer or, in his absence to the Collector of Customs, for the account of the Commissioner of Immigration, at the port to which the alien shall come, by the master, agent, owner, or consignee of the vessel bringing said alien to the Philippines, or by the alien himself where collection from the master, agent, owner, or consignee of the vessel shall be impracticable. The tax imposed by this section shall be a lien on the vessel and shall be a debt in favor of the Government of the Philippines against the owner or owners of the vessel, and payment thereof may be enforced by any legal remedy. The Collector of Customs shall, upon the request of the Commissioner of Immigration, withhold clearance from any vessel which has been declared in default of any obligation incurred under this section.



## CREW LISTS AND PASSENGERS MANIFESTS

SECTION 32. The master, agent, owner or consignee of any vessel arriving in the Philippines from a place outside thereof, or departing from the Philippines for a place outside thereof, shall furnish to the immigration officer in charge at the port of arrival and at the port of departure, such crew lists and passenger manifests and such other information concerning the persons arriving or departing on the vessel as shall be required in regulations prescribed by the Commissioner of Immigration: *Provided*, that the Commissioner of Immigration may, in his discretion, exempt any vessel or vessels from the requirement of this section.

The crew lists of incoming vessels shall be duly visaed by Philippine consular officials abroad.

## SEAMEN

SECTION 33. It shall be the duty of the master, agent, owner, or consignee of any vessel arriving in the Philippines from a place outside thereof to detain on board any alien seaman employed on such vessel until the immigration officer in charge has inspected such seaman, and to detain such seaman on board after inspection and to remove such seaman if required by the immigration officer in charge or by the Commissioner of immigration to do so. No seaman employed on board such a vessel shall be paid off or discharged while the vessel is in a port of the Philippines without the permission of the immigration authorities.

SECTION 34. An alien seaman employed on a vessel arriving in the Philippines from a place outside thereof may be permitted to land temporarily under such regulations as shall be prescribed by the Commissioner of Immigration.

## OBLIGATION OF TRANSPORTING VESSELS IN CASES OF DETENTION AND EXCLUSION

SECTION 35. The cost of maintenance while on land, medical treatment in hospital or elsewhere, burial in event of death, and transfer to the vessel in the event of return, of any alien brought to the Philippines and temporarily removed from the vessel for examination by order of the immigration officers, shall be borne by the owner or owners of the vessel on which the alien came.

SECTION 36. An alien brought to the Philippines who is excluded shall be immediately sent back, in accommodations of the same class in which he arrived, to the country whence he came, on the same vessel bringing him, unless in the opinion of the Commissioner of Immigration, immediate return is not practicable or proper. The expense of the return of such an alien shall be borne by the owner or owners of such vessel. If the Commissioner of Immigration finds that immediate return is not practicable

or proper, or if the vessel by which the excluded alien came has left the Philippines and it is impracticable for any reason to return the alien within a reasonable time by another vessel owned by the same interests, the cost of return may be paid by the Government and recovered from the owner, agent or consignee of the vessel. Where return to the country whence the excluded alien cannot for any reason be effected, the Commissioner of Immigration may direct the alien's removal to the country of his nativity or of which he is a national, and the cost of such removal, if removal by vessel on which he came or by another vessel owned by the same interests cannot be accomplished within a reasonable time, shall likewise be at the expense of the owners of such vessel.

## DEPORTATION OF ALIENS

SECTION 37. (a) The following aliens shall be arrested upon the warrant of the Commissioner of Immigration or of any other officer designated by him for the purpose and deported upon the warrant of the Commissioner of Immigration after a determination by the Board of Commissioners of the existence of the ground for deportation as charged against the alien:

(1) Any alien who enters the Philippines after the effective date of this Act by means of false and misleading statements or without inspection and admission by the immigration authorities at a designated port of entry or at any place other than at a designated port of entry.

(2) Any alien who enters the Philippines after the effective date of this Act, who was not lawfully admissible at the time of entry;

(3) Any alien who, after the effective date of this Act, is convicted in the Philippines and sentenced for a term of one year or more for a crime involving moral turpitude committed within five years after his entry to the Philippines, or who, at any time after such entry, is so convicted and sentenced more than once;

(4) Any alien who is convicted and sentenced for a violation of the law governing prohibited drugs;

(5) Any alien who practices prostitution or is an inmate of a house of prostitution or is connected with the management of a house of prostitution, or is a procurer;

(6) Any alien who becomes a public charge within five years after entry from causes not affirmatively shown to have arisen subsequent to entry;

(7) Any alien who remains in the Philippines in violation of any limitation or condition under which he was admitted as a nonimmigrant;

(8) Any alien who believes in, advises, advocates or teaches the overthrow by force and violence of the Government of the Philippines, or of constituted law and authority, or who disbelieves in or is opposed to organized government or who advises,

advocates, or teaches the assault or assassination of public officials because of their office, or who advises, advocates, or teaches the unlawful destruction of property, or who is a member of or affiliated with any organization entertaining, advocating or teaching such doctrines, or who in any manner whatsoever lends assistance, financial or otherwise, to the dissemination of such doctrines;

(9) Any alien who commits any of the acts described in sections forty-five and forty-six of this Act, independent of criminal action which may be brought against him: *Provided*, That in the case of an alien who, for any reason, is convicted and sentenced to suffer both imprisonment and deportation, said alien shall first serve the entire period of his imprisonment before he is actually deported. *Provided however*, That the imprisonment may be waived by the Commissioner of Immigration with the consent of the Department Head, and upon payment by the alien concerned of such amount as the Commissioner may fix and approved by the Department Head.

(10) Any alien who, at any time within five years after entry, shall have been convicted of violating the provisions of the Philippine Commonwealth Act Numbered Six hundred and fifty-three, otherwise known as the Philippine Alien Registration Act of 1941, 58 or who, at any time after entry, shall have been convicted more than once of violating the provisions of the same Act.

(11) Any alien who engages in profiteering, hoarding, or black-marketing, independent of any criminal action which may be brought against him.

(12) Any alien who is convicted of any offense penalized under Commonwealth Act Numbered Four hundred and seventy-three, otherwise known as the Revised Naturalization Laws of the Philippines, or any law relating to acquisition of Philippine citizenship.

(13) Any alien who defrauds his creditor by absconding or alienating properties to prevent them from being attached or executed.

(b) Deportation may be effected under clauses 2, 7, 8, 11 and 12 of paragraph (a) of this section at any time after entry, but shall not be effected under any other clause unless the arrest in the deportation proceedings is made within five years after the cause for deportation arises. Deportation under clauses 3 and 4 shall not be effected if the court, or judge thereof, when sentencing the alien, shall recommend to the Commissioner of Immigration that the alien be not deported.

(c) No alien shall be deported without being informed of the specific grounds for deportation nor without being given a hearing under rules of procedure to be prescribed by the Commissioner of Immigration.

(d) In any deportation proceeding involving the entry of an alien the burden of proof shall be upon the alien to show that he entered the Philippines lawfully, and the time, place, and manner of such entry, and for this purpose he shall be entitled to a

statement of the facts in connection with his arrival as shown by any record in the custody of the Bureau of Immigration.

(e) Any alien under arrest in a deportation proceeding may be released under bond or under such other conditions as may be imposed by the Commissioner of Immigration.

SECTION 38. An alien ordered deported shall, at the option of the Commissioner of Immigration, be removed to the country whence he came, or to the foreign port at which he embarked for the Philippines, or to the country of his nativity or of which he is a citizen or subject, or to the country in which he resided prior to coming to the Philippines.

SECTION 39. If deportation proceedings are instituted within five years after entry, unless deportation is made by reason of causes which arose subsequent to the alien's entry, the cost of deportation from the port of deportation shall be at the expense of the owner or owners of the vessel by which the alien came; if that is not practicable, in such case and in all other cases, the cost of deportation shall be payable from the appropriations available for the purpose.

## BONDS

SECTION 40. (a) The Commissioner of Immigration shall have the power to exact bonds in such amounts and containing such conditions as he may prescribe:

(1) To control and regulate the admission into, and departure from, the Philippines of aliens applying for temporary admission;

(2) To insure against alien passengers liable to be excluded as likely to become public charges, from becoming public charges;

(3) To insure the appearance of aliens released from custody during the course of deportation proceedings instituted against them.

(b) In lieu of such bond, a deposit in cash may be made with the Collector of Customs in such amount as the Commissioner of Immigration may require.

(c) When the conditions of the bond or cash deposit are fulfilled, or, in the case of a bond or deposit given to insure against an alien becoming a public charge, when the Commissioner of Immigration shall decide that the likelihood no longer exists, or in the event of the naturalization as a Philippine citizen or the death of the alien in whose behalf the bond or deposit is given, the bond shall be canceled or the sum deposited shall be returned to the depositor, or his legal representative. In case of forfeiture, the proceeds of the bond or the cash deposit, as the case may be, shall be deposited in the Philippine Treasury by the Collector of Customs.

## LEGALIZATION OF RESIDENCE OF ALIENS

SECTION 41. (a) Any alien in the Philippines at the time of the passage of this Act concerning whom no record of admission for permanent residence exists or can be located may apply to the Commissioner of Immigration for legalization of his residence in the Philippines. The application shall be made in the form and manner prescribed by regulations issued by the Commissioner. Any alien in the Philippines, whose record of admission for permanent residence does not exist or cannot be located and who shall fail to legalize his residence in the Philippines as provided in this section, shall be presumed to be unlawfully within the Philippines.

(b) If the Commissioner of Immigration finds that the applicant —

- (1) entered in the Philippines prior to the effective date of this Act;
- (2) has maintained a residence in the Philippines since he entered;
- (3) is a person of good moral character; and
- (4) is not subject to deportation —

the Commissioner shall make a record in the Bureau of Immigration that the applicant's residence in the Philippines has been legalized.

(c) An alien whose residence has been legalized in accordance with the provisions of this section shall be deemed to have lawfully admitted into the Philippines as of the date of his entry.

## FEES

SECTION 42. (a) In addition to the documentary stamp required by existing law, there shall be collected and paid into the Philippine Treasury the following fees for services, as indicated, for aliens seeking to enter or remain in the Philippines under the provisions of this Act:

	Old fees	New fees
(1) Application for nonimmigrant visa	(P10.00)	P30.00
(2) Passport visa for nonimmigrant	(20.00)	50.00
(3) Application for prearranged employment visa	(80.00)	100.00
and for each dependent	(10.00)	30.00
(4) Application for special nonimmigrant visa		50.00
(5) Application for nonpreference quota or non-quota visa	(10.00)	50.00
(6) Application for preference quota visa	(40.00)	80.00
(7) Application for immigrant visa	(20.00)	50.00

(8)	Certificate of residence	(50.00)	80.00
(9)	Duplicate of certificate of residence	(40.00)	80.00
(10)	Duplicate certificate of legalization or residence	(40.00)	80.00
(11)	Identification certificate of Philippine citizen	(10.00)	100.00
(12)	Reentry Permit or special return certificate	(20.00)	50.00
(13)	Application for extension or reentry	(5.00)	20.00
(14)	Extension of reentry permit or special return certificate	(20.00)	50.00
(15)	Duplicate reentry permit or special return	(40.00)	50.00
(16)	Certificate of arrival and identity	(10.00)	50.00
(17)	Duplicate certificate of arrival and identity		30.00
(18)	Emigration Clearance Certificate	(20.00)	50.00
(19)	Duplicate emigration clearance certificate		50.00
(20)	All other certificates	(5.00)	10.00
(21)	Alien crew list visa	(20.00)	50.00
(22)	Filing of motion of appeal or petition for rehearing or reconsideration	(10.00)	25.00
(23)	Petition for amendment of immigration document	(10.00)	20.00
(24)	For every month or a portion thereof of extension of temporary stay	(10.00)	20.00
(25)	For every year or portion thereof of stay beyond two years as nonimmigrant student	(50.00)	100.00
(26)	Discharge of military personnel in the Philippines for temporary residence		50.00
(27)	Petition for bond or request for withdrawal of bond		50.00
(28)	Petition for cancellation of alien registration of documents	(10.00)	30.00
(29)	Petition for change of status from one nonimmigrant category to another or change of employer	(10.00)	60.00
(30)	Petition for approval of school or course for nonimmigrant student		30.00

(31)	Waiver of objection of prior exclusion or deportation under Section 29(a)	100.00
(32)	Waver of objection of exclusion under Section 29(b)	100.00
(33)	Petition for permit to work	30.00

*Provided, however,* that all aliens admitted as religious missionaries under this Decree shall be exempted from the payment of monthly extension fees that are due from temporary visitors.

(b) No fee shall be charged for a passport visa granted to a foreign government official or his family, attendants, and household helpers, and employees, nor shall a fee be charged for a passport visa for a nonimmigrant in transit to a destination outside the Philippines.

### REMOVAL OF INDIGENT ALIENS

SECTION 43. The Commissioner of Immigration shall have the authority to remove either to their native country, or to the country from whence they come, or to the country of which they are citizens or subjects, at any time after entry, at the expense of any appropriation available, such aliens as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed, but any person thus removed shall forever be ineligible for readmission except; upon the authorization of the Board of Commissioners obtained previous to embarkation for the Philippines.

SECTION 44. (a) If any vessel or aircraft arriving at a port of the Philippines from a place outside thereof

(1) Fails to submit to the immigration officials at the port of arrival the crew lists, duly visaed, and passenger manifests and other information required by regulations issued under section thirty-two of this Act.

(2) Fails to produce or satisfactorily account for every seaman or passenger whose name appears in such crew list or passenger manifest — the pilot, master, agent, owner, or consignee of the vessel or aircraft shall be subject to a fine of fifty pesos in the case of each person concerning whom there such failure.

(b) If any vessel or aircraft arriving at a port in the Philippines from a place outside thereof and having an alien on board—

(1) Fails to prevent the landing of such alien in the Philippines at any time place other than as designated by the immigration officers; or

(2) Refuses or fails to pay the cost of maintenance and other costs, as required by section thirty-five of this Act, of such alien when temporarily removed from the vessels or aircraft for examination by order of the immigration officers: or

(3) Refuses to receive such alien on board for removal from the Philippines if he is excluded, or to pay the cost of his removal, if by another vessel or aircraft, as required by section thirty-six of this Act, or

(4) Makes any charge against such alien for the cost referred to in clause (2) above, or for the cost of the removal of the alien from the Philippines if he is excluded, or takes any security from the alien for the payment of any such costs — the pilot master, agent, owner or consignee of the vessel or aircraft shall be subject to a fine of five hundred pesos for each and every violation of these provisions in the case of each person concerning whom here is such violation.

(c) If any vessel or aircraft arriving at a port in the Philippines from a place outside thereof brings on board any alien bound for the Philippines who is not properly documented as required by this Act, the pilot, master, agent, owner or consignee of the vessel or aircraft shall be subject to a fine of five hundred pesos in the case of each person brought.

(d) Whenever the Commissioner of Immigration shall find that there has been a violation of any of the foregoing provisions of this section, the Commissioner of Immigration shall collect the fine and may enforce through the Collector of Customs, its payment against the vessel in the same manner as fines are collected and enforced against vessels under the customs law. The fines shall be deposited in the Philippine Treasury. No vessel shall be granted clearance pending the determination of the questions of the liability to the payment of such fine or while the fine remains unpaid, except upon deposit with the Bureau of Immigration of security sufficient to cover the fine .

(e) No action or proceeding for the enforcement of any fine for any violation of the provisions of this section shall be instituted more than five years after the violation is committed.

## PENAL PROVISIONS

SECTION 45. Any individual who —

(a) When applying for an immigration document personates another individual, or falsely appears in the name of deceased individual, or evades the immigration laws by appearing under an assumed or fictitious name; or

(b) Issues or otherwise disposes of an immigration document to any person not authorized by law to receive such document; or



(c) Obtains, accepts or uses any immigration document, knowing it to be false; or

(d) Being an alien, enters the Philippines without inspection and admission by the immigration officials, or obtains entry into the Philippines by willful, false, or misleading representation or willful concealment of a material

(e) Being an alien, shall for any fraudulent purpose represent himself to be a Philippine citizen in order to evade any requirement of the immigration laws: or

(f) In any immigration matter shall knowingly make under oath any false statement or representations; or

(g) Being an alien, shall depart from the Philippines without first securing an emigration clearance certificates required by section twenty-two-A of the Act or

(h) Attempts or conspires with another to commit any of the foregoing acts shall be guilty of an offense, and upon conviction thereof, shall be fined not more than one thousand pesos, and imprisoned for not more than two years, and deported if he is an alien.

SECTION 45-A. Persons duly served with subpoena or subpoena *duces tecum* and who fail to comply with the requirements thereof shall, after conviction, be imprisoned for not more than fifteen days or fined for not more than one hundred pesos, or both.

SECTION 46. Any individual who shall bring into or land in the Philippines or conceal, harbor, employ, or give comfort to any alien not duly admitted by any immigration officer or not lawfully entitled to enter or reside within the Philippines under the terms of the immigration laws, or attempts, conspires with, or aids another to commit any such act, and any alien who enters the Philippines without inspection and admission by the immigration officials, or obtains entry into the Philippines by willful, false, or misleading representation or willful concealment of a material fact, shall be guilty of an offense, and upon conviction thereof, shall be fined not less than five thousand pesos but not more than ten thousand pesos, imprisoned for not less than five years but not more than ten years, and deported if he is an alien. Dismissal by the employer before or after apprehension does not relieve the employer of the offense.

If the individual who brings into or lands in the Philippines or conceals, harbors, employs or gives comfort to any alien not duly admitted by any immigration officer or not lawfully entitled to enter or reside herein, or who attempts, conspires with or aids another to commit any such act, is the pilot, master, agent, owner, consignee, or any person in charge of the vessel or aircraft which brought the alien into the Philippines from any place outside thereof. the fine imposed under the first paragraph hereof shall constitute a lien against the vessel or aircraft and may be enforced in the same manner as fines are collected and enforced against vessels under the customs laws: *Provided, however,* That if the court shall in its discretion consider forfeiture be justified by the

circumstances of the case, it shall order, in lieu of the fine imposed, the forfeiture of the vessel or aircraft in favor of the Government without prejudice to the imposition of the penalty of imprisonment provided in the preceding paragraph.

SECTION 46-A. The pilot, master, agent, owner, consignee, or any person in charge of a vessel or aircraft which carries passenger into the Philippines from abroad, is prohibited from allowing the passengers to disembark therefrom, unless all the passengers thereof have been checked up by the Commissioner of Immigration or his authorized representatives. A violation of the provisions hereof shall, upon conviction, be punishable by a fine of not more than one thousand pesos and by an imprisonment of not more than six months. If the offender is the owner of the vessel or aircraft the fine imposed herein shall be five thousand pesos.

### **SPECIAL PROVISIONS**

SECTION 47. Notwithstanding the provisions of this Act, the President is authorized —

(a) When the public interest so warrants —

(1) To waive the documentary requirements for any class of nonimmigrants, under such conditions as he may impose;

(2) To admit, as nonimmigrants, aliens not otherwise provided for by this Act, who are coming for temporary period only, under such conditions as he may prescribe

(3) To waive the passport requirements for immigrants, under such conditions as he may prescribe;

(4) To reduce or to abolish the passport visa fees in the case of any class of nonimmigrants who are nationals of countries which grant similar concessions to Philippine citizens of a similar class visiting such countries;

(5) To suspend the entry of aliens into the Philippines from any country in which cholera or other infectious or contagious disease is prevalent;

(b) For humanitarian reasons, and when not opposed to the public interest, to admit aliens who are refugees for religious, political, or racial reasons, in such classes of cases and under such conditions as he may prescribe.

### **FOREIGN GOVERNMENT OFFICIALS**

SECTION 48. Nothing in this Act shall be construed to apply to an official of a recognized foreign government who is coming on the business of his government, nor to his family, attendants, servants, and employees, except that they shall be in possession of passports or other credentials showing their official status, duly visaed by Philippine

diplomatic officials abroad, unless the President orders otherwise, and that their names shall appear on the passenger lists of transporting vessels required by section 32 of this Act, and further, that any alien admitted in the status of attendant, servant, or employee of a foreign government official who fails to maintain such status, shall be deported under the procedure prescribed by section 37 of this Act.

### APPROPRIATION FOR ENFORCEMENT OF ACT

SECTION 49. All sums available for the payment of the salaries of the officers and employees of the Immigration Division under the Department of Labor and for the sundry expenses for said Immigration Division for the fiscal year ending June thirtieth, nineteen hundred and forty, are made available for carrying out the provisions of this Act; and there is appropriated, out of any funds in the Philippine Treasury not otherwise appropriated, the additional amount of one hundred fifty thousand pesos or such thereof as may be necessary for the purpose of carrying out the provisions of this Act during the fiscal year ending June thirtieth, nineteen hundred and forty-one: *Provided*, That appropriations for the Bureau of immigration 84 for subsequent fiscal years shall be included in the annual general appropriation acts.

### GENERAL DEFINITIONS

SECTION 50. As used in this Act —

(a) The term “Philippines” means all the territory and waters subject to the jurisdiction of the Government of the Philippines.

(b) The term “alien” means any person not a citizen of the Philippines.

(c) Except for the period covered by section 55, the term “consular officer” means any official acting for the Government of the Philippines, designated by the President for the purpose of issuing visas to aliens as required of aliens by this Act.

(d) The term “unmarried” when used in reference to an individual as of any time, means an individual who at such time is not married, whether or not previously married.

(e) The terms “child,” “father,” and “mother,” do not include a child or parent by adoption unless the adoption took place before May 1, 1939.

(f) The terms “wife” and “husband” do not include a wife or husband by reason of a proxy or picture marriage taking place after the effective date of this Act.

(g) The word “person” shall be construed to import both the plural and the singular, as the case may be, and shall include partnerships, corporations, companies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any director, officer, agent, or employee of any partnership, corporation, company, or association acting within the scope of his employment or office shall, in

every case, be deemed the act, omission, or failure of such partnership, corporation, company, or association .

(h) The term "vessel" shall include civil aircraft as well as water craft.

(i) The term "seaman" means a person serving in any capacity on board a vessel or civil aircraft.

(j) The term "immigrant" means any alien departing from any place outside the Philippines destined for the Philippines, other than a nonimmigrant.

(k) The term "immigration laws" shall mean this Act and any other law hereafter enacted relating to the entry of aliens into the Philippines; and their exclusion, deportation, and repatriation therefrom.

(l) The words "the President" refer to the President of the Philippines.

#### **EFFECTIVE DATE OF ACT**

SECTION 51. When this Act shall have been approved by the President of the United States, such fact shall be made known by proclamation of the President of the Philippines and this Act shall take effect on the one hundred and twentieth day after the date of such proclamation: *Provided, however,* That the provisions of this Act creating the Bureau of Immigration and appropriating funds for its support and maintenance shall take effect on the date of the proclamation above-referred to, announcing the approval of this Act by the President of the United States.

#### **REPEAL OF EXISTING LAWS**

SECTION 52. This Act is in substitution for and supersedes all previous laws relating to the entry of aliens into the Philippines, and their exclusion, deportation, and repatriation therefrom, with the exception of section sixty-nine of Act Numbered Twenty-seven hundred and eleven which shall continue in force and effect: *Provided,* That nothing contained in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this Act; but as to all such prosecutions, suits, actions, proceedings, acts, thing, or matters, the laws or parts of laws repealed or amended by this Act are continued in force and effect: And *Provided, further,* That as to such prosecutions, actions, suits, or proceedings or as to such acts, things, or matters, the procedure provided for by this Act or by the regulations prescribed thereunder shall be followed in so far as the same may be applicable.

## ABOLITION OF DIVISION OF IMMIGRATION

SECTION 53. The Division of Immigration of the Department of Labor is abolished and its functions, duties and activities, together with its appropriations, records, equipment, and other properties are transferred to the Bureau of Immigration herein created and the President is authorized to make the necessary adjustments incidental to such transfer conformably to the provisions of this Act.

### GENERAL RESERVATIONS

#### SECTION 54.

Approved: August 26, 1940.

#### Footnotes

\* As amended by RA 118, RA 135, RA 144, RA 503, RA 749, RA 827, RA 1901, RA 4376, RA 5171, RA 5701 and PD 524.

1. Now Commission on Immigration and Deportation.
2. Now Associate Commissioner of Immigration.
3. Id.
4. Now Commission on Immigration and Deportation.
5. Now Department of Justice.
6. Appointments extended by the President no longer requires the consent of any Body.
7. See PD 847, promulgated December 16, 1975.
8. Now Commission on Immigration and Deportation.
9. Now Associate Commissioners of Immigration.
10. There is no more Commission on Appointments.
11. Now Associate Commissioner of Immigration.
12. See PD 847, promulgated December 16, 1975.
13. See PD 847, promulgated December 16, 1975.
14. Now Associate Commissioner of Immigration.
15. Now Associate Commissioner of Immigration.
16. Id.
17. Id.
18. Id.
19. Now Immigration Officer.
20. Id.
21. Deletion of the words in brackets in the text immediately following are amendments introduced by RA 503, section 1, approved June 12, 1950. Statutory History of section 5 (a)

Original text—

(a) The position of Immigrant Inspectors is created, appointments to which shall be made upon the recommendation of the Commissioner of Immigration in accordance with the Civil Service laws. [Immigrant Inspectors shall receive a salary the maximum of which shall not be more than three thousand six hundred pesos per annum.] (Ed. Note: Words in brackets were deleted in RA 503 supra.)

22. Now Immigration Officer.

23. Id.

24. Id.

25. Id.

26. Id.

27. Id.

28. Id.

29. Words in bold in the text above are amendments introduced by RA 144, section 1, approved June 14, 1947.

Statutory History of section 6:

Original text — The original provisions of section 6, being similar to the amended provisions supra, except for the words in bold, are not reproduced here.

30. Now Commission on Immigration and Deportation.

31. See PD 985.

32. Inserted by RA 503, section 2, approved June 12, 1950.

33. Now Associate commissioners of Immigration.

34. As amended by RA 503, section 3, approved June 12, 1950. See footnote 38 infra, for Statutory History of section 9.

35. Words in bold in the text above are amendments introduced by RA 5171, section 1, approved August 4, 1967 to section 9(d). See footnote 38 infra, for Statutory History of section 9.

36. See Article 40-42, PD 442 (Labor Code) promulgated May 1, 1974.

37. Now Commission on Immigration and Deportation.

38. Words in bold in the text of paragraphs (e) to (g) above are amendments introduced by RA 503, section 3, approved June 12, 1950.

Statutory History of section 9:

a) Original text —

SEC. 9. Aliens departing from any place outside the Philippines, [destined for the Philippines] who are otherwise admissible and who qualify within one of the following categories may be admitted as nonimmigrants:

(a) A temporary visitor coming for business or for pleasure or for reasons of health.

(b) A person in transit to a destination outside the Philippines;

(c) A seaman serving as such on a vessel arriving at a port of the Philippines and seeking to enter temporarily and solely in the pursuit of his calling as a seaman;

(d) [A person seeking] to enter the Philippines solely to carry on trade between the Philippines and the foreign state of which he is a national, his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him, [subject to the condition that citizens of the Philippines under similar conditions are accorded like privileges in the foreign state of which such person is a national;]

(e) [A person previously lawfully admitted into the Philippines for permanent residence. who is returning from a temporary visit abroad to an unrelinquished residence in the Philippines; and]

(f) A student, having means sufficient for his education and support in the Philippines, who is at least [fifteen] years of age and who seeks to enter the Philippines temporarily and solely for the purpose of study at a school [or other institutions of learning] approved for such alien students by the Commissioner of Immigration. (Ed. Note: Words in brackets were deleted in RA 503, supra.) b) Words in bold in the text immediately following are amendments introduced by RA 503, section 3, approved June 12, 1950 to paragraph (d). (Ed. Note: The provisions of the first paragraph and paragraphs (e), (f), and (g) as amended by RA 503, being the latest amendment thereto are reproduced in the text above).

(g) An alien entitled to enter the Philippines solely to carry on trade between the Philippines and the foreign state of which he is a national [under and in pursuance of the provisions of a treaty of commerce and navigation] and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him; (Ed. Note: Words in brackets were deleted in RA 5171, supra.)

RA 1393, section 1, approved August 29, 1955, provides:

“Upon a basis of reciprocity, a national of the United States and the spouse and children of any such national, if accompanying or following to join him, may, if otherwise eligible for a visa and if otherwise admissible under Common wealth Act Numbered Six hundred thirteen, otherwise known as the Philippine Immigration Act of Nineteen hundred forty, as amended, be considered to be classifiable as a non-immigrant under section nine (d) of said Act if entering (a) solely to carry on substantial trade principally between the Philippines and the United States, or (b) solely to develop and direct the operation of an enterprise in which he has invested, or of an enterprise in which he is actively in the process of investing, a substantial amount of capital.” See also PD 639, section 2, promulgated January 21, 1975, granting scholars, trainees, participants, students, fellows or professors under the auspices of the Asian Institute of Management special nonimmigrant status and exemption from payment of visa and immigration fees.

39. Words in bold in the text above are amendments introduced by RA 503, section 4, approved June 12, 1950.

Statutory History of section 10.

Original text

SEC. 10. Nonimmigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid passport visas granted by consular officers, except that such documents shall not be required of the following aliens:

(a) A child qualifying as a nonimmigrant, born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired;

(b) A seaman qualifying as such under section 9 (c) of this Act; and

[(c) A returning resident, as referred to in section nine hereof, ~~requiring a~~ Reentry Permit as provided for in section twenty-two of this Act.] (Ed. Note: Words in brackets were deleted in RA 503. supra.)

40. Words in bold in the text above are amendments introduced by RA 503, section 5 approved June 12, 19 50.

Statutory History of section 13:

Original text —

SEC. 13. Under the conditions set forth in this Act, there may be admitted into the Philippines immigrants, termed "quota immigrants", not in excess of [five hundred] of any one nationality or without nationality for any one calendar year, except that the following immigrants, termed "non-quota immigrants", may be admitted without regard to such numerical limitations:

(a) [An alien coming to prearranged employment, for whom the issuance of a visa has been authorized in accordance with section twenty of this Act, and his wife, and his unmarried children under twenty one years of age, if accompanying him or if following to join him within a period of two years from the date of his admission into the Philippines as an immigrant under this paragraph,]

(b) The wife or the husband or the unmarried child under twenty-one years of age of a Philippine citizen, if accompanying or following to join such citizen;

(c) A child of alien parents born during the temporary visit abroad of the mother, the mother having been previously lawfully admitted into the Philip- pines for permanent residence, if the child is accompanying or coming to join a parent and applies for admission within five years from the date of its birth;

(d) A child born subsequent to the issuance of the immigration visa of the accompanying parent, the visa not having expired,



(e) A woman who was a citizen of the Philippines and who lost her citizenship because of her marriage to an alien or by reason of the loss of Philippine citizenship by her husband, and her unmarried child under twenty-one years of age, if accompanying or following to join her,

[f) The wife or the husband or the unmarried child under twenty-one years of age, of an alien lawfully admitted into the Philippines for permanent residence prior to the date on which this Act becomes effective and who is resident therein, if such wife, husband, or child applies for admission within a period of two years following the date on which this Act becomes effective.] (Ed. Note: Words in brackets were deleted in RA 503, supra.)

41. Inserted by RA 4376, section 1, approved June 19, 1965.

CA 733, section 2, approved July 3, 1946, provides that a citizen of the United States who resided in the Philippines for three months within the period of forty-two months prior to November 30, 1941, shall be considered a non-quota immigrant and a permanent resident.

42. Words in bold in the text above are amendments introduced by RA 503, section 6, approved June 12, 1950.

Statutory History of section 15:

Original text —

SEC. 15. Immigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid immigration visas issued by consular officers, except that children born subsequent to the issuance of the immigration visa [of an accompanying parent the visa not having expired, shall not be subject to these documentary requirements. (Ed. Note: Words in brackets were deleted in RA 503, supra.)

43. Words in bold in the text above are amendments introduced by RA 503, section 7 approved June 12, 1950.

Statutory History of section 20 (a):

Original text

SEC. 20. (a) [A non-quota immigration visa for an immigrant referred to in section thirteen (a)] of this Act who is coming to prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only on petition filed with the Commissioner of Immigration establishing that no person can be found in the Philippines willing and competent to perform the labor or service for which the [immigrant] is desired and that the [immigrant's] admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations,

(e) A woman who was a citizen of the Philippines and who lost her citizenship because of her marriage to an alien or by reason of the loss of Philippine citizenship by her husband, and her unmarried child under twenty-one years of age, if accompanying or following to join her,

[f) The wife or the husband or the unmarried child under twenty-one years of age, of an alien lawfully admitted into the Philippines for permanent residence prior to the date on which this Act becomes effective and who is resident therein, if such wife, husband, or child applies for admission within a period of two years following the date on which this Act becomes effective.] (Ed. Note: Words in brackets were deleted in RA 503, supra.)

41. Inserted by RA 4376, section 1, approved June 19, 1965.

CA 733, section 2, approved July 3, 1946, provides that a citizen of the United States who resided in the Philippines for three months within the period of forty-two months prior to November 30, 1941, shall be considered a non-quota immigrant and a permanent resident.

42. Words in bold in the text above are amendments introduced by RA 503, section 6, approved June 12, 1950.

Statutory History of section 15:

Original text —

SEC. 15. Immigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid immigration visas issued by consular officers, except that children born subsequent to the issuance of the immigration visa [of an accompanying parent the visa not having expired, shall not be subject to these documentary requirements. (Ed. Note: Words in brackets were deleted in RA 503, supra.)

43. Words in bold in the text above are amendments introduced by RA 503, section 7 approved June 12, 1950.

Statutory History of section 20 (a):

Original text

SEC. 20. (a) [A non-quota immigration visa for an immigrant referred to in section thirteen (a)] of this Act who is coming to prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only on petition filed with the Commissioner of Immigration establishing that no person can be found in the Philippines willing and competent to perform the labor or service for which the [immigrant] is desired and that the [immigrant's] admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations,

Statutory History of section 10.

Original text

SEC. 10. Nonimmigrants must present for admission unexpired passports or official documents in the nature of governments of the countries to which they owe allegiance or showing their origin and identity as prescribed by regulations, granted by consular officers, except that such documents shall following aliens:

(a) A child qualifying as a nonimmigrant, born subsequent passport visa of an accompanying parent, the visa not having expired

(b) A seaman qualifying as such under section 9 (c) of this

[(c) A returning resident, as referred to in section m Reentry Permit as provided for in section twenty-two of this Act brackets were deleted in RA 503. supra.)

40. Words in bold in the text above are amendments section 5 approved June 12, 19 50.

Statutory History of section 13:

Original text —

SEC. 13. Under the conditions set forth in this Act, there Philippines immigrants, termed "quota immigrants", not in excess any one nationality or without nationality for any one calendar following immigrants, termed "non-quota immigrants", may be to such numerical limitations:

(a) [An alien coming to prearranged employment, for whom has been authorized in accordance with section twenty of this Act unmarried children under twenty one years of age, if accompanying to join him within a period of two years from the date of his Philippines as an immigrant under this paragraph,]

(b) The wife or the husband or the unmarried child under two of a Philippine citizen, if accompanying or following to join such of

(c) A child of alien parents born during the temporary visit the mother having been previously lawfully admitted into the Philippine residence, if the child is accompanying or coming to join a parent admission within five years from the date of its birth;

(d) A child born subsequent to the issuance of the immigrant accompanying parent, the visa not having expired,

(e) A woman who was a citizen of the Philippines and who lost her citizenship because of her marriage to an alien or by reason of the loss of Philippine citizenship by her husband, and her unmarried child under twenty-one years of age, if accompanying or following to join her,

[f] The wife or the husband or the unmarried child under twenty-one years of age, of an alien lawfully admitted into the Philippines for permanent residence prior to the date on which this Act becomes effective and who is resident therein, if such wife, husband, or child applies for admission within a period of two years following the date on which this Act becomes effective.] (Ed. Note: Words in brackets were deleted in RA 503, supra.)

41. Inserted by RA 4376, section 1, approved June 19, 1965.

CA 733, section 2, approved July 3, 1946, provides that a citizen of the United States who resided in the Philippines for three months within the period of forty-two months prior to November 30, 1941, shall be considered a non-quota immigrant and a permanent resident.

42. Words in bold in the text above are amendments introduced by RA 503, section 6, approved June 12, 1950.

Statutory History of section 15:

Original text —

SEC. 15. Immigrants must present for admission into the Philippines unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity as prescribed by regulations, and valid immigration visas issued by consular officers, except that children born subsequent to the issuance of the immigration visa [of an accompanying parent the visa not having expired, shall not be subject to these documentary requirements. (Ed. Note: Words in brackets were deleted in RA 503, supra.)

43. Words in bold in the text above are amendments introduced by RA 503, section 7 approved June 12, 1950.

Statutory History of section 20 (a):

Original text

SEC. 20. (a) [A non-quota immigration visa for an immigrant referred to in section thirteen (a)] of this Act who is coming to prearranged employment shall not be issued by a consular officer until the consular officer shall have received authorization for the issuance of the visa. Such authorization shall be given only on petition filed with the Commissioner of Immigration establishing that no person can be found in the Philippines willing and competent to perform the labor or service for which the [immigrant] is desired and that the [immigrant's] admission would be beneficial to the public interest. The petition shall be made under oath, in the form and manner prescribed by regulations,

by the prospective employer or his representative. The petition shall state fully the nature of the labor or service for which the [immigrant] is desired, the probable length of time for which he is to be engaged, the wages and other compensation which he is to receive, the reasons why a person in the Philippines cannot be engaged to perform the labor or service for which the [immigrant] is desired and why the [immigrants] admission would be beneficial to the public interest. The petition shall be accompanied by a certified copy of any written contract or agreement entered into for the immigrant's service and shall contain such additional information as may be deemed material. Substantiation of [any] allegation made in the petition [may] be required. (Ed. Note: Words in brackets were deleted in RA 503, supra.) See also articles 4042, PD 442 (Labor Code) promulgated May 1, 1974.

44. Inserted by RA 503, section 8, approved June 12 1950.

45. Now Commission on Immigration and Deportation.

46. Inserted by RA 144, section 2, approve June 14, 1947.

47. Words in bold in the text above are amendments introduced by RA 503, section 9, approved June 12, 1950.

Statutory History of section 27 (b) and (c).

Original text — The original provisions of section 27 (b) and (c), being similar to the amended provisions supra, except for the words in bold, are not reproduced here.

48. Now Commission on Immigration and Deportation.

49. Words in bold in the text above are amendments introduced by RA 503, section, approved June 12, 1950.

Statutory History of section 29 (14):

Original text —

(14) Persons coming to perform unskilled manual labor in pursuance of a promise or offer of employment, express or implied, but this provision shall not apply to persons bearing [non-quota immigration visas authorized by section twenty of this Act. (Ed. Note: Words in brackets were deleted in RA 503, supra.

50. Words in bold in the text above are amendments introduced by RA 503, section 10 approved June 12, 1950.

Statutory History of section 29 (15):

Original text —

(15) Persons who [within one year prior to the date of application for admission] have been excluded or deported from the Philippines, but this provision may be waived in the discretion of the Commissioner of Immigration; (Ed. Note: Words in brackets were deleted in RA 503, supra.)

51. Words in bold in the text above are amendments introduced by RA 749, section 1, approved June 18, 1952.

Statutory History of section 31.

Original text

SEC. 31. A tax of [sixteen] pesos shall be collected for every alien over sixteen years of age admitted into the Philippines for a stay exceeding sixty days. The tax shall be paid to the Collector of Customs at the port to which the alien shall come, by the master, agent, owner or consignee of the vessel bringing said alien to the Philippines, or by the alien himself where collection from the master, agent, owner, or consignee of the vessel shall be impracticable. The tax imposed by this section shall be lien on the vessel and shall be a debt in favor of the Government of the Philippines against the owner or owners of the vessel, and payment thereof may be enforced by any legal remedy. (Ed. Note: Word in brackets was deleted in RA 749, supra.)

52. Inserted by RA 503, section 11, approved June 12, 1950.

53. Word in bold in the text above is an amendment introduced by RA 503, section 12, approved June 12, 1950.

Statutory History of section 35.

Original text —

SEC. 35. The cost of maintenance while on land, medical treatment in hospital or elsewhere, burial in event of death, and transfer to the vessel in the event of [deportation] of any alien brought to the Philippines and temporarily removed from the vessel for examination by order of the immigration officers, shall be borne by the owner or owners of the vessel on which the alien came. (Ed. Note: Word in brackets was deleted in RA 503. supra.)

54. Words in bold in the text above are amendments introduced by RA 503, section 12, approved June 12, 1950.

Statutory History of section 36:

Original text —

SEC. 36. An alien brought to the Philippines who is excluded shall be immediately sent back, in accommodations of the same class in which he arrived, to the country whence he came, on the vessel bringing him, unless in the opinion of the Commissioner of Immigration, immediate [deportation] is not practicable or proper. The expense of the return of such an alien shall be borne by the owner or owners of such vessel. If the Commissioner of Immigration finds that immediate [deportation] is not practicable or proper, or if the vessel by which the excluded alien came has left the Philippines and it is impracticable for any reason to [deport] the alien within a reasonable time by another vessel owned by the same interests, the cost of [deportation] may be paid by the Government and recovered from the owner, agent, or consignee of the vessel. Where return to the country whence the excluded alien came cannot for any reason be effected, the Commissioner of Immigration may direct the alien's removal to the country of his nativity or of which he is a national, and the cost of such removal, if removal by the vessel on which he came or by another vessel owned by the same interests cannot be

accomplished within a reasonable time, shall likewise be at the expense of the [owner] or owners of such vessel. (Ed. Note Words in brackets were deleted in RA 503, supra.)

55. Words in bold in the text above are amendments introduced by RA 503, section 13, approved June 12, 1950.

Statutory History of section 37 (a) (1):

Original text — The original provisions of section 37 (a)(1), being similar to the amended provisions supra, except for the words in bold, are not reproduced here.

56. Deletion of the words in brackets in the original text, infra, are amendments introduced by RA 503, section 13, approved June 12, 1950 to section 37 (a) (4).

Statutory History of section 37 (a) (4):

Original text

(4) Any alien who is convicted and sentenced for a violation of the law governing [traffic in] prohibited drugs. See RA 6425 (Dangerous Drug Act).

57. Subsection (9) was inserted by RA 144, section 3, approved June 14, 1947.

58. Now RA 562.

59. Subsections (10) to (13) were inserted by RA 503, section 13, approved June 12, 1950.

60. Word and figures in bold in the text above are amendments introduced by RA 503, section 13, approved June 12, 1950.

Statutory History of section 37 (paragraph b):

Original text — The original provisions of section 37(b) being similar to the amended provisions supra, except for the words in bold, are not reproduced here.

61. Now Commission on Immigration and Deportation.

62. Deletion of the words in brackets in the text below are amendments introduced by RA 503, section 14, approved June 12, 1950.

Statutory History of section 41 (a):

Original text —

SEC. 41. (a) Any alien in the Philippines at the time of the passage of this Act concerning whom no record of admission for permanent residence exists or can be located may apply to the Commissioner of Immigration for legalization of his residence in the Philippines. [The application shall be made in the form and manner prescribed by regulations issued by the Commissioner. [The application must be made within one year after the effective date of this Act, **except that** if the Commissioner is satisfied that the alien for justifiable reasons has failed to **apply** within the period of one year, he may accept the alien's application at any time after the date when this Act becomes effective: *Provided, however* That] any alien in the Philippines, whose record of admission for permanent residence does not exist or cannot be located and who shall fail to legalize his

residence in the Philippines as provided in this section shall be presumed to be unlawfully within the Philippines.

63. Now Commission on Immigration and Deportation.

64. In addition to the fees enumerated in this section, an additional legal research fee is required by RA 3870, section 4, approved June 15, 1964.

65. As amended by RA 118, section 1, approved June 7, 1947. This item was not included when section 42(a) was amended by RA 135, section 1, but when the same paragraph was amended by RA 749, section 2, this item was incorporated. See footnote 68, *infra*, for Statutory History of section 42 (a).

66. Items (3) and (12) now (12) and (15) were expressly repealed by RA 503, section 15, but when paragraph (a) was amended by RA 749, section 2 on June 18, 1952 and by RA 1901, section 1, on June 22, 1957, these two items were included. See footnote 68 *infra*, for Statutory History of section 42(a)

67. See footnote No. 66, *supra*. RA 503, section 15, inserted item "(12) Visa for Alien—20.00" but this item was not included in subsequent amendments to paragraph (a) i.e. RA 749 and RA 1901. See footnote 68 *infra*, for Statutory History of section 42(a).

68. Words in bold in the text above are amendments introduced by PD 524, section 1 promulgated July 31, 1974.

Statutory History of section 42 (a):

a) Original text —

SEC. 42. (a) In addition to the documentary stamp required by existing law there shall be collected and paid into the Philippine Treasury the following fees for services, as indicated, for aliens seeking to enter the Philippines under the provisions of this Act:

	Pesos
(1) Executing application for passport visa for nonimmigrant	[Gratis]
(2) Passport visa for nonimmigrant	[10.00]
(3) Reentry permit	[5.00]

*Provided, however,* That upon payment of a fee of [P10] a resident alien may use his reentry permit, during a period of one year, regardless of the number of trips made by him to and from foreign ports.

(4) Extension of reentry permit	[3.00]
(5) Executing application for immigration visa	[Gratis]
(6) Immigration visa	[10.00]
(7) Legalization of residence	[10.00]



(8)	Petition for preference quota status	[3.00]
(9)	Petition for non-quota status for immigrant coming to prearranged employment	[10.00]
(10)	Certificate of residence	[10.00]
(11)	Duplicate certificate of residence	[20.00]

*Provided, however,* That any alien who shall fail to legalize his residence within the period of one year provided in section 41(a) of this Act, but whose application will have been accepted by the Commissioner of Immigration after the lapse of one year, shall pay for the legalization of his residence the sum of [twenty] pesos.

(b) No fee shall be charged for a passport visa granted to a foreign government official or his family, attendants, servants, and employees, nor shall a fee be charged for a passport visa for a nonimmigrant in transit to a destination outside the Philippines. (Ed. Note: Word and figures in brackets were deleted in RA 1901, supra )

(b) Word 2nd figures in bold in the text immediately following are amendments introduced by RA 135, section 1, approved June 14, 1947.

SEC. 42. (a) In addition to the documentary stamp required by existing law, there shall be collected and paid into the Philippine Treasury the following fees for services, as indicated, for aliens seeking to enter the Philippines under the provisions of this Act:

(1)	Executing application for passport visa for nonimmigrant	P5.00
(2)	Passport visa for nonimmigrant	20.00
(3)	Reentry permit	20.00

*[Provided, however,* That upon payment of a fee of P40.00, a resident alien may use his reentry permit, during a period of one year, regardless of the number of trips made by him to and from foreign ports]

(4)	Extension of reentry permit	[P10.00]
(5)	Executing application for immigration visa	[5.00]
(6)	Immigration visa	20.00
(7)	Legalization of residence	50.00
(8)	Petition for preference quota status	[10.00]
(9)	Petition for [nonquota status] for [immigrant] coming to prearranged employment	[20.00]
(10)	Duplicate certificate of residence	40.00
(11)	Duplicate reentry permit	40.00

*[Provided, however,* That any alien who shall fail to legalize his residence within the period of one year provided in section 41(a) of this Act, but whose application will

have been accepted by the Commissioner of Immigration after the lapse of one year shall pay for the legalization of his residence the sum of sixty pesos.] (Ed. Note: Words and figures in brackets were deleted in RA 749, infra.)

(c) words in bold in the text immediately following are amendments introduced by RA 749, section 2, approved June 18, 1952.

SEC. 42. (a) In addition to the documentary stamp required by existing law, there shall be collected and paid into the Philippine Treasury the following fees for services, as indicated, for aliens seeking to enter or remain in the Philippines under the provisions of this Act:

(1)	Executing application for passport visa for nonimmigrant	P10.00
(2)	Passport visa for nonimmigrant	20.00
[(3)	Reentry permit	20.00]
(4)	Extension of reentry permit	20.00
(5)	Executing application for immigration visa	10.00
(6)	Immigration visa	20.00
(7)	Legalization of residence	50.00
(8)	Petition for preference quota status	40.00
(9)	Petition for visa for nonimmigrant coming to prearranged employment	80.00
(10)	Certificate of residence	<del>P50.00</del>
(11)	Duplicate certificate of residence	40.00
[(12)	Duplicate reentry permit	40.00]
(13)	Duplicate certificate of legalization of residence	40.00
(14)	Sworn application for extension of reentry permit	5.00
(15)	Filing of notice of appeal or petition for rehearing or reconsideration	10.00
(16)	Petition for amendment or cancellation of alien registration or immigration documents	10.00
(17)	For every month of extension of temporary stay	10.00
(18)	For every year, or fraction thereof of stay beyond two years as nonimmigrant student	50.00
(19)	Certificate of arrival or identity	10.00
20)	All other certificates	10.00

*Provided, however,* That all aliens residing in the Philippines, who are four-teen years of age or over and who are entitled to consideration as permanent residents therein, excepting those who are already holders of certificates of legalization of residence,

74. Now Commission on Immigration and Deportation.

75. Words in bold in the text above are amendments introduced by RA 144, section 5 approved June 14, 1947. See footnote 76, for Statutory History of section 44. Originally paragraph (c), redesignated by RA 503, section 16, approved June 12, 1950. The original paragraph (d) was redesignated as section 46-A, *infra*.

76. Originally paragraph (f), redesignated by RA 503, section 15, approved June 12, 1950. Words in bold in the text above are amendments introduced by RA 144, section 5, approved June 14, 1947.

Statutory History of section 44.

Original text—

SEC. 44. (a) If any vessel arriving at a port of the Philippines from a place outside thereof—

(1) Fails to submit to the immigration officials at the port of arrival the crew lists and passenger manifests and other information required by regulations issued under section thirty-two of this Act, or

(2) Fails to produce or satisfactorily account for every seaman or passenger whose name appears in such crew list or passenger manifest — the master, agent, owner or consignee of the vessel shall be subject to a fine of fifty pesos in the case of each person concerning whom there is such failure.

(b) If any vessel arriving at a port in the Philippines from a place outside thereof and having an alien on board—

(1) Fails to prevent the landing of such alien in the Philippines at any time or place other than as designated by the immigration officers; or

(2) Refuses or fails to pay the cost of maintenance and other costs, as required by section thirty-five of this Act, of such alien when temporarily removed from the vessel for examination by order of the immigration officers; or

(3) Refuses to receive such alien on board for removal from the Philippines if he is excluded, or to pay the cost of his removal if by another vessel, as required by section thirty-six of this Act, or

(4) Makes any charge against such alien for the cost referred to in clause (2) above, or for the cost of the removal of the alien from the Philippines if he is excluded, or takes any security from the alien for the payment of any such costs — the master, agent, owner, or consignee of the vessel shall be subject to a fine of five hundred pesos for each and every violation of these provisions in the case of each person concerning whom there is such violation.

(c) Whenever the Commissioner of Immigration shall find that there has been a violation of any of the foregoing provisions of this section, the [Collector of Customs]

certificates of residence, or any other similar document issued pursuant to the provisions of this Act, shall apply for and secure their certificates of residence within six months after approval hereof, or in the case of those who are admitted into the Philippines subsequently thereto, within thirty days after such admission.

*Provided, furthermore,* That all aliens admitted for temporary stay in the Philippines, who have been staying therein for more than six months, within sixty days from approval hereof, shall apply for and secure their certificates or residence which shall be surrendered to the immigration authorities prior to departure from the Philippines of the holders thereof. (Ed. Note: Words in brackets were deleted in RA 1901, supra.) Words in bold in the text immediately following are amendments introduced by RA 1901, section 1, approved June 22, 1957.

SEC. 42. (a) In addition to the documentary stamp required by existing law, there shall be collected and paid into the Philippines Treasury the following fees for services, as indicated, for aliens seeking to enter or remain in the Philippines under the provisions of this Act:

(1)	[Executing] application for passport and visa for nonimmigrant	[P10.00]
(2)	Passport visa for nonimmigrant	[20.00]
(3)	Reentry permit	[20.00]
(4)	Extension of reentry permit	[20.00]
(5)	[Executing application for immigration visa]	[10.00]
(6)	Immigration visa	[20.00]
(7)	Legalization of residence	[50.00]
(8)	[Petition for] preference quota [status]	[40.00]
(9)	[Petition for visa for nonimmigrant coming to] prearranged employment	[80.00]
(10)	Certificate of residence	[50.00]
(11)	Duplicate certificate of residence	[40.00]
(12)	Duplicate reentry permit	[40.00]
(13)	Duplicate certificate of legalization of residence	[40.00]
(14)	Sworn application for extension of reentry permit	[ 5.00]
(15)	Filing of notice of appeal or petition for rehearing or reconsideration	[10.00]
(16)	Petition for amendment or cancellation of alien registration or immigration documents	[10.00]
(17)	For every month of extension of temporary stay	[10.00]

- |      |   |         |
|------|---|---------|
| (18) | For every year, or fraction thereof,<br>of stay beyond two years as<br>nonimmigrant student | [50.00] |
| (19) | Certificate of arrival or identity  | [10.00] |
| (20) | All other certificates  | [5.00]  |

*Provided, however,* That all aliens residing in the Philippines, who are four-teen years of age or over and who are entitled to consideration as permanent residents therein, excepting those who are already holders of certificates of legalization of residence, certificates of residence or any other similar document issued pursuant to the provisions of this Act, shall apply for and secure their certificates of residence within six months after approval hereof, or in the case of those who are admitted into the Philippines subsequently thereto, within thirty days after such admission.

*Provided, furthermore,* That all aliens admitted for temporary stay in the Philippines, who have been staying therein for more than six months, within sixty days from approval hereof, shall apply for and secure their certificates of residence which shall be surrendered to the immigration authorities prior to departure from the Philippines of the holders thereof.

*Provided, further still,* That all aliens admitted to "prearranged employment" under section nine (g) of this Act, but engaged exclusively in religious or educational work, shall be exempted from the payment of the monthly fee of ten pesos for every month of extension of temporary stay.

(b) No fee shall be charged for a passport visa granted to a foreign government official or his family, attendants, servants, and employees, nor shall a fee be charged for a passport visa for a nonimmigrant in transit to a destination outside the Philippines.

(c) A fee of twenty pesos shall be charged for the issuance of an emigration clearance certificate to an alien in the Philippines who departs for temporary or permanent residence abroad. (Ed. Note: Words in brackets were deleted in PD 524, supra.)

69. Words in bold in the text above are amendments introduced by RA 144 section ; approved June 14, 1947. See footnote 62 for Statutory History of section 44 (a).

70. Words in bold in the text above are amendments introduced by RA 503, section 16 approved June 12, 1950. See footnote 76 for Statutory History of section 44 (a).

71. Words in bold in the text above are amendments introduced by RA 144 section S. approved June 14, 1947. See footnote 76 for Statutory History of section 44 (a).

72. Id.

73. Id.

74. Now Commission on Immigration and Deportation.

75. Words in bold in the text above are amendments introduced by RA 144, section 5 approved June 14, 1947. See footnote 76, for Statutory History of section 44. Originally paragraph (c), redesignated by RA 503, section 16, approved June 12, 1950. The original paragraph (d) was redesignated as section 46-A, *infra*.

76. Originally paragraph (f), redesignated by RA 503, section 15, approved June 12, 1950. Words in bold in the text above are amendments introduced by RA 144, section 5, approved June 14, 1947.

Statutory History of section 44.

Original text—

SEC. 44. (a) If any vessel arriving at a port of the Philippines from a place outside thereof—

(1) Fails to submit to the immigration officials at the port of arrival the crew lists and passenger manifests and other information required by regulations issued under section thirty-two of this Act, or

(2) Fails to produce or satisfactorily account for every seaman or passenger whose name appears in such crew list or passenger manifest — the master, agent, owner or consignee of the vessel shall be subject to a fine of fifty pesos in the case of each person concerning whom there is such failure.

(b) If any vessel arriving at a port in the Philippines from a place outside thereof and having an alien on board—

(1) Fails to prevent the landing of such alien in the Philippines at any time or place other than as designated by the immigration officers; or

(2) Refuses or fails to pay the cost of maintenance and other costs, as required by section thirty-five of this Act, of such alien when temporarily removed from the vessel for examination by order of the immigration officers; or

(3) Refuses to receive such alien on board for removal from the Philippines if he is excluded, or to pay the cost of his removal if by another vessel, as required by section thirty-six of this Act, or

(4) Makes any charge against such alien for the cost referred to in clause (2) above, or for the cost of the removal of the alien from the Philippines if he is excluded, or takes any security from the alien for the payment of any such costs — the master, agent, owner, or consignee of the vessel shall be subject to a fine of five hundred pesos for each and every violation of these provisions in the case of each person concerning whom there is such violation.

(c) Whenever the Commissioner of Immigration shall find that there has been a violation of any of the foregoing provisions of this section, the [Collector of Customs]

shall collect the fine and may enforce its payment against the vessel in the same manner as fines are collected and enforced against vessels under the customs laws. The fines shall be deposited in the Philippine Treasury. No vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine or while the fine remains unpaid, except upon deposit with the [Collector of Customs] of security sufficient to cover the fine.

(d) No [prosecution] or proceeding for the enforcement of any [penalty] for any violation of the provisions of this section shall be instituted more than five years after the violation is committed. (Ed. Note: Words in brackets were deleted in RA 144, supra.)

77. Words in bold in the text above are amendments introduced by RA 144, section 6, approved June 14, 1947.

Statutory History of section 45 (d).

Original text

(d) being an alien, enters the Philippines [at any time or place other than as designated] by the immigration officials, or obtains entry into the Philippines by willful, false, or misleading representation or willful concealment of a material fact; or (Ed. Note: Words in brackets were deleted in RA 144, supra.)

78. inserted by RA 144, section 6, approved June 14, 1947.

79. Originally paragraph (g) redesignated and amended by RA 144. Words in bold in the text above are amendments introduced by RA 144, section 6 approved June 14, 1947.

Statutory History of section 45 (g):

Original text —

[(g)] attempts or conspires with another to commit any of the foregoing acts — shall be guilty of an offense, and upon conviction thereof, shall be fined not more than one thousand pesos [or] imprisoned for not more than two years, [or both] (Ed. Note: Words in brackets were deleted in RA 144, supra.)

80. Inserted by RA 503, section 17, approved June 12, 1950.

81. Words in bold in the text above are amendments introduced by RA 5701, section approved June 21, 1969.

Statutory History of section 46:

(a) Original text —

SEC. 46. Any individual who shall bring into or land in the Philippines conceal or harbor any alien not duly admitted by an immigration officer or not lawfully entitled to enter or reside within the Philippines under the terms of the immigration laws or attempts, conspires with, or aids another to commit any such act, shall be guilty of an offense, and upon conviction thereof, shall be fined not more than [one] thousand pesos,

[or] imprisoned for not more than [two] years [or both] (Ed. Note: Words in brackets were deleted in RA 144, *infra*.)

b) Words in bold in the text immediately following are amendments introduced by RA 144, section 7, approved June 14, 1947.

SEC. 46. Any individual who shall bring into or land in the Philippines conceal or harbor any alien not duly admitted by an immigration officer or not lawfully entitled to enter or reside within the Philippines under the terms of the immigration laws or attempts, conspires with, or aids another to commit any such act, shall be guilty of an offense, and upon conviction thereof, shall be fined not more than [one] thousand pesos, [and] imprisoned for not more than [two] years, and deported if he is an alien. (Ed. Note: Words in brackets were deleted in RA 827, *infra*.)

c) Words in bold in the text immediately following are amendments introduced by RA 827, section 1, approved August 14, 1952.

SEC. 46. Any individual who shall bring into or land in the Philippines or conceal [or] harbor any alien not duly admitted by any immigration officer or not lawfully entitled to enter or reside within the Philippines under the terms of the immigration laws, or attempts, conspires with, or aids another to commit any such act, and any alien who enters the Philippines without inspection and admission by the immigration officials, or obtains entry into the Philippines by willful, false, or misleading representation or willful concealment of a material fact, shall be guilty of an offense, and upon conviction thereof, shall be fined not more than ten thousand pesos, imprisoned for not more than ten years, and deported if he is an alien.

If the individual who brings into or lands in the Philippines or conceals or harbors any alien not duly admitted by any immigration officer or not lawfully entitled to enter or reside herein, or who attempts, conspires with or aids another to commit any such act is the pilot, master, agent, owner, consignee, or any person in charge of the vessel or aircraft which brought the alien into the Philippines from any place outside thereof, the fine imposed under the first paragraph hereof shall constitute a lien against the vessel or aircraft and may be enforced in the same manner as fines are collected and enforced against vessels under the customs laws *Provided, however*, That if the court shall in its discretion consider forfeiture to be justified by the circumstances of the case, it shall order, in lieu of the fine imposed, the forfeiture of the vessel or aircraft in favor of the Government, without prejudice to the imposition of the penalty of imprisonment provided in the preceding paragraph.

82. Originally section 44(d) which was inserted by RA 144, section 5, but was re-numbered by RA 503. section 16, approved June 12, 1950.

83. Words in bold in the text above are amendments introduced by RA 503, section 18, approved June 12, 1950.

Statutory History of section 48:



Original text — The original provisions of section 48, being similar to the amended provisions supra, except for the words in bold, are not reproduced here.

84. Now Commission on Immigration and Deportation.

85. Footnote reference and footnote text are not found in the original copy..

86. Repealed by RA 503, section 19, approved June 12, 1950.

[COMMONWEALTH ACT NO. 625]

AN ACT PROVIDING THE MANNER IN WHICH THE OPTION TO ELECT PHILIPPINE CITIZENSHIP SHALL BE DECLARED BY A PERSON WHOSE MOTHER IS A FILIPINO CITIZEN

SECTION 1. The option to elect Philippine citizenship in accordance with subsection (4), section 1, Article IV, of the Constitution shall be expressed in a statement to be signed and sworn to by the party concerned before any officer authorized to administer oaths, and shall be filed with the nearest civil registry. The said party shall accompany the aforesaid statement with the oath of allegiance to the Constitution and the Government of the Philippines.

SEC. 2. If the party concerned is absent from the Philippines, he may make the statement herein authorized before any officer of the Government of the United States authorized to administer oaths, and he shall forward such statement together with his oath of allegiance, to the Civil Registry of Manila.

SEC. 3. The civil registrar shall collect as filing fees of the statement, the amount of ten pesos.

SEC. 4. The penalty of *prision correccional*, or a fine not exceeding ten thousand pesos, or both, shall be imposed on anyone found guilty of fraud or falsehood in making the statement herein prescribed.

SEC. 5. This Act shall take effect upon its approval.

Approved, June 7, 1941.

[REPUBLIC ACT NO. 180]

THE REVISED ELECTION CODE

SEC. 98. *Qualifications prescribed for a voter.* — Every citizen of the Philippines, whether male or female, twenty-one years of age or over, able to read and write, who has been a resident of the Philippines for one year and of the municipality in which he has registered during the six months immediately preceding, who is not otherwise disqualified, may vote in the said precinct at any election.

Approved, June 21, 1947.

**[REPUBLIC ACT NO. 7160]**

**AN ACT PROVIDING FOR A LOCAL GOVERNMENT CODE OF 1991**

Book I (General Provisions), Title Two (Elective Officials), Chapter I (Qualifications and Election), Sec. 41. (Manner of Election)

"(c) In addition thereto, there shall be one (1) sectoral representative from the women, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the sanggunian concerned within ninety (90) days prior to the holding of the next local elections, as may be provided for by law. The Comelec shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives."

This bill which is a consolidation of Senate Bill No. 155 and House Bill No. 31046 was finally passed by the Senate and the House of Representatives on September 10, 1991 and September 12, 1991, respectively.

Approved: October 10, 1991

[REPUBLIC ACT NO. 7941]

AN ACT PROVIDING FOR THE ELECTION OF PARTY-LIST REPRESENTATIVES THROUGH THE PARTY-LIST SYSTEM, AND APPROPRIATING FUNDS THEREFOR

Sec. 5. Registration.—

“Any organized group of persons may register as a party, organization or coalition for purposes of the party-list system by filing with the COMELEC not later than ninety (90) days before the election a petition verified by its president or secretary stating its desire to participate in the party-list system as a national, regional or sectoral party or organization or a coalition of such parties or organizations, attaching thereto its constitution, by-laws, platform or program of government, list of officers, coalition agreement and other relevant information as the COMELEC may require: *Provided*, That the sectors shall include labor, peasant, fisherfolk, urban poor, indigenous cultural communities, elderly, handicapped, women, youth, veterans, overseas workers, and professionals.”

Approved: March 3, 1995.

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and ninety-four.

[REPUBLIC ACT NO. 8171]

AN ACT PROVIDING FOR THE REPATRIATION OF FILIPINO WOMEN WHO HAVE LOST THEIR PHILIPPINE CITIZENSHIP BY MARRIAGE TO ALIENS AND OF NATURAL-BORN FILIPINOS

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Filipino women who have lost their Philippine citizenship by marriage to aliens and natural-born Filipinos who have lost their Philippine citizenship, including their minor children, on account of political or economic necessity, may reacquire Philippine citizenship through repatriation in the manner provided in Section 4 of Commonwealth Act No. 63, as amended: *Provided*, That the applicant is not a:

- (1) Person opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing organized government;
- (2) Person defending or teaching the necessity or propriety of violence, personal assault, or association for the predominance of their ideas;
- (3) Person convicted of crimes involving moral turpitude; or
- (4) Person suffering from mental alienation or incurable contagious diseases.

SEC. 2. Repatriation shall be effected by taking the necessary oath of allegiance to the Republic of the Philippines and registration in the proper civil registry and in the Bureau of Immigration. The Bureau of Immigration shall thereupon cancel the pertinent alien certificate of registration and issue the certificate of identification as Filipino citizen to the repatriated citizen.

SEC. 3. All laws, decrees, orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 4. This Act shall take effect thirty (30) days after its publication in a newspaper of general circulation.

Approved,

(Sgd.) EDGARDO J. ANGARA  
*President of the Senate*

(Sgd.) JOSE DE VENECIA JR.  
*Speaker of the House  
of Representatives*

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on August 31, 1993 and February 21, 1995, respectively.

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

(Sgd.) CAMILO L. SABIO  
*Secretary General  
House of Representatives*

Approved: October 23, 1995

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*



## IV

# Health and Social Welfare

**T**he laws on women's health focused on a woman's role as mother. It has neglected the fact that a woman undergoes life in various stages and she therefore has various needs in the different stages of her life.

The 1987 Constitution provides that the state shall promote the right to health of the people and instill health consciousness among them. Specifically, the state shall adopt an integrated and comprehensive approach to health developments. Priority has to be given to the needs of the underprivileged, sick, elderly, disabled, women and children.



[EXECUTIVE ORDER NO. 51]

ADOPTING A NATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS AND RELATED PRODUCTS, PENALIZING VIOLATIONS THEREOF, AND FOR OTHER PURPOSES.

SEC. 4. *Definition of Terms.* – For the purpose of this Code, the following definition of terms shall govern:

- (f) “Health care system” means governmental, non-governmental or private institutions or organization engaged, directly or indirectly, in health care for mothers, infants and pregnant women; and nurseries or child care institutions. It also includes health workers in private practice. For the purpose of this Code, the health care system does not include pharmacies or other established sales outlets.

SEC. 5. *Information and Education.* –

- (a) The government shall ensure that objective and consistent information is provided on infant feeding, for use by families and those involved in the field of infant nutrition. This responsibility shall cover the planning, provision, design and dissemination of information, and the control thereof, on infant nutrition.
- (b) Informational and educational materials, whether written, audio, or visual, dealing with the feeding of infants and intended to reach pregnant women and mothers of infants, shall include clear information on all the following points: (1) the benefits and superiority of breastfeeding; (2) maternal nutrition, and the preparation for and maintenance of breastfeeding; (3) the negative effect on breastfeeding of introducing partial bottle-feeding; (4) the difficulty of reversing the decision not to breastfeed; and (5) where needed, the proper use of infant formula, whether manufactured industrially or home-prepared. When such materials contain information about the use of infant formula, they shall include the social and financial implications of its use; the health hazards of inappropriate foods of feeding methods; and, in particular, the health hazards of unnecessary or improper use of infant formula and other breastmilk substitutes. Such materials shall not use any picture or text which may idealize the use of breastmilk substitutes.

SEC. 6. *The General Public and Mothers.* –

- (a) No advertising, promotion or other marketing materials, whether written, audio or visual, for products, within the scope of this Code shall be printed, published, distributed, exhibited and broadcast unless such materials are duly

authorized and approved by an inter-agency committee created herein pursuant to the applicable standards provided for in this Code.

- (b) Manufacturers and distributors shall not be permitted to give, directly or indirectly, samples and supplies of products within the scope of this Code or gifts of any sort to any member of the general public, including members of their families, to hospitals and other health institutions, as well as to personnel within the health care system, save as otherwise provided in this Code.
- (c) There shall be no point-of-sale advertising, giving of samples or any other promotion devices to induce sales directly to the consumers at the retail level, such as special displays, discount coupons, premiums, special sales, bonus and tie-in sales for the products within the scope of this Code. This provision shall not restrict the establishment of pricing policies and practices intended to provide products at lower prices on a long-term basis.
- (d) Manufacturers and distributors shall not distribute to pregnant women or mothers of infants any gifts or articles or utensils which may promote the use of breastmilk substitutes or bottle feeding, nor shall any other groups, institutions or individuals distribute such gifts, utensils or products to the general public and mothers.
- (e) Marketing personnel shall be prohibited from advertising or promoting in any other manner the products covered by this Code, either directly or indirectly, to pregnant women or with mother of infants, except as otherwise provided by this Code.
- (f) Nothing herein contained shall prevent donations from manufacturers and distributors of products within the scope of this Code upon request by or with the approval of the Ministry of Health.

*SEC. 7. Health Care System. –*

- (a) The Ministry of Health shall take appropriate measures to encourage and promote breastfeeding. It shall provide objective and consistent information, training and advice to health workers or infant nutrition, and on their obligations under this Code.
- (b) No facility of the health care system shall be used for the purpose of promoting infant formula or other products within the scope of this Code. This Code does not, however, preclude the dissemination of information to health professionals as provided in Section 8(b).
- (c) Facilities of the health care system shall not be used for the display of products within the scope of this Code, or for placards or posters concerning such products.

- (d) The use by the health care system of "professional service" representatives, "mothercraft nurses" or similar personnel, provided or paid for by manufacturers or distributors, shall not be permitted.
- (e) In health education classes for mothers and the general public health workers and community workers shall emphasize the hazards and risks of the improper use of breastmilk substitutes particularly infant formula. Feeding with infant formula shall be demonstrated only to mothers who may not be able to breastfeed for medical or other legitimate reasons.

SEC. 8. *Health Workers.* –

- (a) Health workers shall encourage and promote breastfeeding and shall make themselves familiar with objectives and consistent information on maternal and infant nutrition, and with their responsibilities under this Code.
- (b) Information provided by manufacturers and distributors to health professionals regarding products within the scope of this Code shall be restricted to scientific and factual matters and such information shall not imply or create a belief that bottlefeeding is equivalent or superior to breastfeeding. It shall also include the information specified in Section 5(b).
- (c) No financial or material inducements to promote products within the scope of this Code shall be offered by manufacturers or distributors to health workers or members of their families, nor shall these be accepted by the health workers or members of their families, except as otherwise provided in Section 8(e).
- (d) Samples of infant formula or other products within the scope of this Code, or of equipment or utensils for their preparation or use, shall not be provided to health workers except when necessary for the purpose of professional evaluation or research in accordance with the rules and regulations promulgated by the Ministry of Health. No health workers shall give samples of infant formula to pregnant women and mothers of infants or members of their families.
- (e) Manufacturers and distributors of products within the scope of this Code may assist in the research, scholarships and continuing education of health professionals, in accordance with the rules and regulations promulgated by the Ministry of Health.

SEC. 9. *Persons Employed by Manufacturers and Distributors.* – Personnel employed in marketing products within the scope of this Code shall not, as part of their job responsibilities, perform educational functions in relation to pregnant women or mothers of infants.

Approved: October 20, 1986.

[REPUBLIC ACT NO. 6675]

“AN ACT TO PROMOTE, REQUIRE AND ENSURE THE PRODUCTION OF AN ADEQUATE SUPPLY, DISTRIBUTION, USE AND ACCEPTANCE OF DRUGS AND MEDICINES IDENTIFIED BY THEIR GENERIC NAMES”

Section. 1. *Title.* - This Act shall be known as the Generics Act of 1988.

Sec. 2. *Statement of Policy.* - It hereby declared the policy of the State:

To promote, encourage and require the use of generic terminology in the importation, manufacture, distribution, marketing, advertising and promotion, prescription and dispensing of drugs;

To ensure the adequate supply of drugs with generic names at the lowest possible cost and endeavour to make them available free for indigent patients;

To encourage the extensive use of drugs with generic names through a national system of procurement and distribution;

To emphasize the scientific basis for the use of drugs, in order that health professionals may become more aware and cognizant of the therapeutic effectiveness; and;

To promote drug safety by minimizing duplication in medications and/or use of drugs with potentially adverse drug interactions.

Sec. 3. *Definition of Terms.* - The following terms are herein defined for purposes of this Act;

“Generic Name or Generic Terminology” is the identification of drugs and medicines by their scientifically and internationally recognized active ingredients or by their generic names as determined by the Bureau of Food and Drugs of the Department of Health.

1. “Active Ingredient” is the chemical component responsible for the claimed therapeutic effect of the pharmaceutical product.

2. “Chemical Name” is the description of the chemical structure of the drugs and medicine and serves as the complete identification of the compound.

3. “Drug Product” is the finished product form that contains the active ingredients, generally but not necessarily in association with inactive ingredients.

4. "Drug Establishment" is any organization or company involved in the manufacture, importation, repacking and/or distribution of drugs or medicines.

5. "Drug Outlets" means drugstores, pharmacist, and any other business establishment which sell drugs or medicines.

6. "Essential Drug List" or "National Drug Formulary" is a list of drugs prepared and periodically updated by the Department of Health on the basis of health conditions obtaining in the Philippines as well as in the internationally accepted criteria. It shall consist of a core list or a complimentary list.

7. "Core List" is the list of drugs that meet the health care needs hundred eighty days upon the approval of this Act.

8. "Complimentary List" is a list of alternative drugs used wherein no response to the core essential drug or where there is hypersensitivity reaction to the core essential drug or when, for one reason or another, the core essential drugs cannot be given.

9. "Brand Name" is the proprietary name given by the manufacture to distinguish its product from those of competitors.

10. "Generic Drugs" are not covered by the patent protection and which are labeled solely by their international non-proprietary or generic name.

*Sec. 4. The Use of Generic Terminology for Essential Drugs and Promotional Incentives.* - (a) In the promotion of the generic names for pharmaceutical products, special consideration shall be given to drugs and medicines which are included in the Essential Drug List to be prepared within one hundred eighty (180) days from approval of this Act and updated quarterly by the Department of Health conditions obtaining in the Philippines as well as in the internationally accepted criteria.

a. The exclusive use of generic terminology in the manufacture, marketing and sales of drugs and medicines, particularly those in the Essential Drug List, shall be promoted through such a system of Incentive as the Board of Investments jointly with the Department of Health and other government agencies as maybe authorized by laws, within one hundred eighty (180) days after approval of this Act.

*Sec. 5. Posting and Publication.* - The Department of Health shall publish annually in at least two newspapers of general circulation in the Philippines the generic names, and the corresponding brand name under which they are marketed, of all drugs and medicines available in the Philippines.

*Sec. 6 Who shall use generic Terminology.* - (a) All government agencies and their personnel as well as other government agencies shall use generic terminology or generic names in all transactions related to purchasing, prescribing, dispensing and administering of all drugs and medicines.

a. All medical, dental and veterinary practitioners, including private practitioners, shall write prescriptions using generic name. The brand name maybe included if so desired.

b. Any organization or company involved in the manufacture, importation, repacking, marketing and/or distribution of drugs and medicine shall indicate prominently the generic name of the product labels as well as in advertising and other promotional materials.

c. Drug Outlets, including drugstores, hospital and non-hospital pharmacies and non-traditional outlets such as supermarkets and stores shall inform any buyer about all other drug products having the same generic name, together with their corresponding prices so that the buyer may adequately exercise his option. Within one (1) year after approval of this Act, the drug outlets referred to herein. Shall post in conspicuous places in their establishment, a list of drug products with the same generic name and their corresponding prices.

*Sec. 7. Provision on Quality, Manufacturer's Identity and Responsibility.* - In order to assure responsibility of drug quality in all instances, the label of drugs and medicine shall have the following: name and country of manufacture, dates of manufacture and expiration. The quality of such generically labeled drugs and medicines shall be duly certified by the Department of Health.

*Sec. 8. Required Production.* - Subject to the rules and regulations promulgated by the Secretary of Health, every drug manufacturing company operating in the Philippines shall be required to produce, distribute and make available to the general public the medicine it produces, in the form of generic drug.

*Sec. 9. Rules and Regulation.* - The implementation of the provision of this Act shall be in accordance with the rules and regulations to be promulgated by the Department of Health. Rules and regulations with penal sanctions shall be promulgated within hundred eighty (180) days after approval of this Act.

*Sec. 10. Authority to Import.* - Within three (3) years from the effectivity of this Act, extendible by the president for another two (2) years and during periods of critical shortage and absolute necessity, the Department of Health is hereby authorized to import raw materials of which there is a shortage for the use of Filipino-owned or controlled drug establishments to be marketed and sold exclusively under generic nomenclature. The President may authorize the importation of raw materials tax and duty-free. The Secretary of Health shall ensure that the imported raw materials are allocated fairly and efficiently among Filipino-owned or controlled drug establishment. He shall submit to the office of the President and to the Congress a quarterly report of the quantity, kind and value of the raw materials imported.

*Sec. 11. Education Drive.* - The Department of Health jointly with the Department of Education, Culture and Sports, Philippine Information Agency and the

Department of Local Government shall conduct a continuous information campaign for the public and a continuing education and training for the medical and allied medical professions on drugs with generic names as an alternative of equal efficacy to the more expensive brand name drug. Such educational campaign shall include information on the illnesses or symptoms which each generically named drug is suppose to cure or alleviate, as well as its contradiction. The Department of Health with assistance of the Department of Local Government and the Philippine Information Agency shall monitor the progress of the education drive, and shall submit regular reports to Congress.

Sec. 12. *Penalty.* - A) Any person who shall violate Section 6(a), or 6(b) of this Act shall suffer the penalty graduated hereunder, viz:

a. For the first conviction, he shall suffer the penalty of reprimand, which shall be officially recorded in the appropriate books of the Professional Regulation Commission.

b. The second conviction, the penalty of fine in the amount of not less than two thousand pesos (₱2,000).

c. For the third conviction, the penalty of fine in the amount of not less than five thousand pesos (₱5,000) but not exceeding ten thousand pesos (₱10,000) and suspension of his license to practice his profession for thirty days at the discretion of the court.

d. For the fourth subsequent convictions, the penalty of fine not less than ten thousand pesos (₱10,000) and suspension of his license to practice his profession one year or longer at the discretion of the court.

A. Any juridical person violates Section 6(c), 6 (d), 7 or 8 shall suffer the penalty of a fine of not less than five thousand pesos (₱5,000) nor more than ten thousand pesos (₱10,000) and suspension or revocation of license to operate such drug establishment or drug outlet at the discretion of the Court : Provide, that its officers directly responsible for the violation shall suffer the penalty of fine and suspension or revocation of license to practice profession, if applicable, and by imprisonment of not less than six (6) months nor more than one (1) year or both fine and imprisonment at the discretion of the Court: and *Provided, further* that if the guilty party is an alien, he shall be *ipso facto* deported after service of sentence without need of further proceedings.

B. The Secretary of Health shall have the authority to impose administrative sanctions such as suspension or cancellation of license to practice profession to the Professional Regulation Commission as the case may be for the violation of the Act.

Sec. 13. *Separability Clause.* - If any provision of this Act is declared invalid, the remainder of any provision hereof not affected thereby shall remain in force and effect.

Sec. 14. *Repealing Clause.* - The provisions of any law, executive order, presidential decree or other issuance inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 15. *Effectivity.* - This Act shall effect fifteen (15) days after its complete publication in the *Official Gazette* or two (2) newspapers of general circulation.

This Act which is a consolidation of Senate Bill No. 453 and House Bill No. 10900 was finally passed by the Senate and the House of Representative on August 25, 1988, respectively.

Approved: September 13, 1988.



Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Fourth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, nineteen hundred and ninety.

[REPUBLIC ACT NO. 6972]

AN ACT ESTABLISHING A DAY CARE CENTER IN EVERY BARANGAY, INSTITUTING THEREIN A TOTAL DEVELOPMENT AND PROTECTION OF CHILDREN PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title.* — This Act shall be known as the “Barangay-Level Total Development and Protection of Children Act.”

SEC. 2. *Declaration of Policy.* — It is hereby declared to be the policy of the State to defend the right of children to assistance, including proper care and nutrition, and to provide them with special protection against all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

Filipino children up to six (6) years of age deserve the best care and attention at the family and community levels. Towards this end, there is hereby established a day care center in every barangay with a total development and protection of children program as provided in this Act instituted in every barangay day care center.

SEC. 3. *Program Framework.* — The total development and protection of children program for day care centers shall be provided for children up to six (6) years of age with the consent of parents: *Provided, however,* That, in case of abused, neglected or exploited children, such consent shall not be required. The program shall include the following:

(a) Monitoring of registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age;

(b) Growth and nutritional monitoring, with supplementary nutritional feeding and supervision of nutritional intake at home;

(c) Care for children of working mothers during the day and, where feasible, care for children up to six (6) years of age when mothers are working at night: *Provided*, That the day care center need not take care of the children in a particular place but shall develop network of homes where women may take care of the children up to six (6) years of age of working mothers during working hours, with adequate supervision from the supervising social welfare officer of the Department of Social Welfare and Development: *Provided, further*, That, where young children are left to the care of a paid domestic, an elderly relative or older children without adequate and competent adult supervision, the supervising social welfare officer shall provide such training and adult supervision until the children's care meets adequate standards whereby the children under their care will develop normally as healthy, happy and loved children, even in the absence of their mothers during working hours;

(d) Materials and network of surrogate mothers-teachers who will provide intellectual and mental stimulation to the children, as well as supervised wholesome recreation, with a balanced program of supervised play, mental stimulation activities, and group activities with peers;

(e) A sanctuary for abused, neglected or exploited children either in one child institution in the barangay and/or a network of sanctuary-homes which will take in children in urgent need of protection due to a situation which endangers the child or which has exposed the child to cruelty and abuse: *Provided*, That the day care center, with the help and support of the barangay chairman and their barangay-level support systems, may call upon law enforcement agencies when the child needs to be rescued from an unbearable home situation;

(f) A referral and support system for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will remove or minimize risk to mother and child: *Provided*, That high-risk mothers shall be referred to the proper tertiary or secondary care service personnel and children who are at risk from any condition or illness will be brought for care: *Provided, further*, That the day care center shall be alert to illegal abortions and incompetent and untrained hilots so that they are provided the needed basic training for normal delivery and are trained to recognize high-risk pregnancies which should be referred to competent obstetrical and pediatric medical care for mother and child who are at risk; and

(g) A support system and network of assistance from among the members of the barangay for the total development and protection of children.

SEC. 4. *Implementing Agency.* — The program shall be implemented by the barangay.

The *sangguniang barangay* may call upon private volunteers, who are responsible members of the community, and utilize them to assist in the care of children and provide consultative services for medical, educational, and other needs of the children.

SEC. 5. *Functions of the Department of Social Welfare and Development.* — The Department shall:

(a) Formulate the criteria for the selection, qualifications, training and accreditation of barangay day care workers and the standards for the implementation of the total development and protection of children program;

(b) Coordinate activities of nongovernmental organizations with the day care workers and other social workers of the Department in order that their services may be fully utilized for the attainment of the program goals; and

(c) Protect and assist abused, neglected or exploited children and secure proper government assistance for said children.

SEC. 6. *Funds for the Center, the Program and Day Care Workers.* — (a) The funds for the establishment, maintenance and operation of barangay day care centers shall be appropriated from the national budget and shall be included in the annual General Appropriations Act as part of the budget of the Department of Social Welfare and Development.

(b) The province, city or municipality concerned shall provide financial assistance for the establishment of every barangay day care center within their respective locality.

(c) Barangay day care workers in accredited day care centers shall receive a monthly allowance of not less than Five hundred pesos (₱500.00) to be charged to the annual appropriations of the Department of Social Welfare and Development.

(d) In order to carry out the provisions of this Act, the amount needed for the program and day care workers shall be appropriated in the General Appropriations Act of the year following its enactment into law.

(e) A portion of health programs available to the Philippines under official aid or official debt arrangements from foreign countries, the amount to be determined by the Office of the President, shall be extended in support of the day care centers.

SEC. 7. *Repealing Clause.*—All laws, decrees, rules and regulations, and executive orders contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 8. *Effectivity.*—This Act shall take effect upon its approval and completion of its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) JOVITO R. SALONGA  
*President of the Senate*

(Sgd.) RAMON V. MITRA  
*Speaker of the House of Representatives*

This Act which is a consolidation of House Bill No. 882 and Senate Bill No. 801 was finally passed by the House of Representatives and the Senate on September 14, 1990 and September 11, 1990, respectively.

(Sgd.) EDWIN P. ACOBA  
*Secretary of the Senate*

(Sgd.) QUIRINO D. ABAD SANTOS, JR.  
*Secretary of the House of Representatives*

Approved: November 23, 1990

(Sgd.) CORAZON C. AQUINO  
*President of the Philippines*

Department Circular No. 06  
Series of 1991

**SUBJECT: IMPLEMENTING GUIDELINES FOR REPUBLIC ACT 6972**

(An Act Establishing a Day Care Center in Every Barangay, Instituting Therein a Total Development and Protection of Children Program, Appropriating Funds Therefor, and For Other Purposes)

Pursuant to Section 5 of Republic Act 6972, the following Guidelines are promulgated to implement said Republic Act which is also known as the "Barangay-Level Total Development and Protection of Children Act."

**Section 1. Declaration of Policy**

It is the policy of the State to defend the right of children to assistance, including proper care and nutrition, and to provide them with a special protection against all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

Filipino children, up to six years of age deserve the best care and attention at the family and community levels because the quality of care provided at this time will determine the kind of youth and adult we will have in the future. Thereby, a Day Care Center is hereby established in every barangay to provide the total development and protection of children.

**Section 2. Definition of Terms** - As used in this Guidelines specifically provided otherwise.

- 2.1. Day Care Service is an arrangement whereby supplemental parental care is provided to a child who may be neglected, abused, exploited or abandoned part of the day where parents cannot attend to the needs of the child.

Supplemental parental care is temporary care provided by the Day Care Worker who attends to the child's needs, ensures his/her comfort and safety and provides creative experiences, mental stimulation, cognitive skills development, and value formation.

- 2.2. Child under this Act is a person six years of age and below.
- 2.3. A Potentially Neglected Child is a child whose mother is working outside the home or busy with home and other activities and therefore child is left alone part of the day without any adult to provide care and supervision.

2.4. A Neglected Child is one whose basic needs have been deliberately unattended or inadequately attended which may occur in two ways:

- a) Physical neglect is when the child is malnourished, ill clad and without proper shelter.
- b) Emotional neglect is when the child is maltreated, raped or seduced; when child is exploited, overworked or made to work under conditions not conducive to good health; or is made to beg in the streets or public places; or when child is in moral danger or exposed to gambling, prostitution and vices.

A child is unattended when left alone without proper supervision and provisions.

2.5. An Abused Child is one who is unreasonably deprived of the basic needs for survival or is inflicted with physical injuries by parents, guardians or custodian to a degree that if not immediately remedied could seriously impair the child's growth and development or result in permanent disability or even death; this includes sexual and psychological abuse.

2.6. An Abandoned Child is a child who has no proper parental care and whose parents have deserted him for a period of at least 6 continuous months.

2.7. An Exploited Child is a child who was induced or forced by parents/guardians or other persons or circumstances to indulge in activities which endanger his moral, emotional and social development.

2.8. A Day Care Center is a facility in a barangay where children who are 3 to 6 years old are cared for during part of the day by an accredited Day Care Worker.

2.9. A Day Care Worker is a child care worker in a Day Care Center providing supplemental parental care and early childhood enrichment activities.

2.10. A Sanctuary Home is a licensed foster home or a child caring facility in the area.

2.11. Accreditation is the process of ensuring that minimum standards of day care services are met.

2.12. Accredited Day Care Center is a Day Care Center which meets the minimum standards of Day Care Service.

- 2.13. An Accredited Day Care Worker is a child care worker trained on early childhood development and who has met the minimum requirements of a Day Care Worker.

Section 3. The following guidelines shall be followed in the implementation of Day Care Service in the community:

3.1 Determination of Need

- 3.1.1. Sources of Data - The number of pre-school children in given barangay (0-6 years old) shall be determined from the following sources:

- a. family/community survey
- b. barangay demographic profile
- c. results of the Operation Timbang
- d. others

3.1.2. Usage of Data

- a. The data shall be shared with the barangay chairperson who will share same to the community during an assembly. The Supervising Social Welfare Officer (SSWO) shall explain to the barangay council and the community the rationale for providing a child with an early childhood development activities and come up with plans to establish a day care center in the area. Only one day care center shall be established in every barangay. The SSWO shall likewise explain the need for an intake interview with the parents to further identify the specific needs of each child.
- b. After the community assembly, the social worker shall schedule the visits to the families of identified children for day care for intake.

- 3.1.3. Intake - The intake shall be individually conducted by the Supervising Social Welfare Officer through home visit and interview using the attached intake form. (Appendix A) During the visit, the Supervising Social Welfare Officer shall explain to the parents the following:

a.1. Consent of parents

The parents shall sign the intake form indicating their consent for their child's total development and protection. However, in cases of children who are abused, neglected and exploited, such consent shall not be required.

#### a.2. Birth Certificate

The parents shall present the child's birth certificate to the SSWO. If the child's birth is not registered with the Local Civil Registrar, the parents shall be assisted to ensure registration of the child's birth.

#### a.3. Immunization

1. The Supervising Social Welfare Officer shall record the types and dates of immunization of the child in the attached Initial and Health Record.
2. Children not immunized shall be referred to the Health Center. Arrangements with the health center shall be made for mass immunization and medical and physical check-up of the children.
3. Each child must have a complete immunization for the prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age.

#### a.4. Child Development Checklist

During the home visit, the Supervising Social Welfare Officer shall interview the parents and observe the child in order to accomplish the child development checklist which shall serve as basis for the DCW in preparation of the WPAG.

#### a.5. Early Detection and Prevention of Disability

Using the CDC, the Supervising Social Welfare Officer and the DCW shall identify who among the children have disabilities. If child is found with disabilities and illnesses, appropriate referral shall be made.

### Section 4. Services for children and their families in the day care center

#### 4.1 Care for Children

- 4.1.1. Care for children by an accredited Child Care worker during part of the day or if feasible during the night while their parents are at work, shall be provided, under the supervision of the Supervising Social Welfare Officer.



- 4.1.2. Early childhood development activities such as value formation, mental stimulation and activities, supervised play, shall be provided to the children.
- 4.1.3. Monitoring of growth and nutrition of children shall be regularly monitored by the Day Care Worker on a monthly basis.
- 4.1.4. Malnourished children shall be referred to the DSWD Unit Office for supplemental feeding.

#### 4.2. Sanctuary for abused, neglected or exploited children

- 4.2.1. Foster homes shall be developed and maintained by the Senior Social Worker of DSWD where abused, neglected or exploited children shall be temporarily placed for protective custody.
- 4.2.2. If there is a licensed child caring facility in the area, coordination shall be made by the Senior Social Worker, for referral of abused, neglected and exploited children.
- 4.2.3. A barangay level support system or a barangay level "Bantay Bata" shall be established to urgently respond to the needs of the victims and to prevent further abuse, neglect and exploitation. Coordination with the Barangay Council for the Protection of Children (BCPC) or in its absence the Barangay Development Council or any Existing organization shall be made. The same group shall be responsible for the prevention of abuse, neglect and exploitation in their respective areas which includes information dissemination, education, advocacy. They shall also be responsible for the protection and rehabilitation of the victims and assistance to their families. Part of the group's responsibility shall be to provide surveillance on illegal abortions and the presence of incompetent and untrained hilots.

#### 4.3. Referral and Support System for Pregnant Mothers

- 4.3.1. All pregnant mothers of Day Care children shall be motivated to have pre-natal and neo-natal care and shall be referred to the Health Center.
- 4.3.2. Appropriate supplemental feeding shall be extended to pregnant mothers whose children are "enrollees" in the Feeding Centers. Others who are not under this category shall be referred to the Department of Health under their Food Assistance Program.
- 4.3.3. The untrained hilots shall be provided at the Rural Health Unit with the needed basic training for normal delivery and also be trained to recognize high-risk pregnancies.

## Section 5. Selection of a Day Care Worker

5.1. The following are the qualifications of a day care worker:

- 5.1.1. Must be female, between 18 to 45 years old, single or married;
- 5.1.2. Must be at least a high school graduate;
- 5.1.3. Must be a resident of the barangay;
- 5.1.4. Must be physically healthy; if physically disabled she should be capable of performing the required tasks;
- 5.1.5. Must have a good moral character;
- 5.1.6. Must preferably have experience in working with pre-school children;
- 5.1.7. Must undergo training and accept technical supervision from DSWD;
- 5.1.8. Must render full time service as day care worker; and
- 5.1.9. Must sign a contract to serve as day care worker for at least 2 years and serve as such based on a satisfactory performance.

5.2. Procedure for Selection

- 5.2.1. Initial screening shall be made by the Supervising Social Welfare Officer in coordination with the Barangay Council for the Protection of Children (BCPC), if existing. If not, coordination shall be with the Barangay Development Council.
- 5.2.2. Qualified applicants shall be endorsed to a Municipal Inter-agency committee composed of the DSWD, DILG, DOH, DECS and LGU, for final screening and selection.
- 5.2.3. Chairmanship of the Municipal Inter-agency Committee shall be given to the representative of the local government unit, preferably the Chairman of the Social Service Committee.

## Section 6. Training of Day Care Workers

- 6.1. All day care workers shall undergo an on-the-job training (OJT) for one and a half months to be conducted by the Supervising Social Welfare Officer and the Day Care Worker-Trainor in the Resource Center before assuming her functions and responsibilities.

11.3. The Department of Interior and Local Government shall be tasked to:

11.3.1. Organize the Barangay Council for the Protection of Children in every barangay.

Section 12. Funds

12.1. The monthly allowance of not less than ₱500.00 for one accredited Day Care Worker per barangay shall be taken from the budget of the Department of Social Welfare and Development appropriated for that purpose.

12.2. Budget for the establishment of new Day Care Centers in selected depressed barangays shall be subject to the availability of funds. However, the concerned city, province or municipality shall provide financial assistance for the establishment of a barangay day care center within their respective locality.

12.3. The Office of the President, shall extend financial assistance in support of the Day Care Centers to be taken from a portion of health programs under official aid or official debt arrangements from foreign countries.

For compliance.

(SGD.) MITA PARDO DE TAVERA M.D.

Secretary

Department of Social Welfare & Development

## Section 7. Accreditation of Day Care Worker and Day Care Center

### 7.1. Minimum Standards for Accreditation

- 7.1.1. Minimum standards for the accreditation of day care center shall be separate and shall be set by the Bureau of Child and Youth Welfare the Department of Social Welfare and Development.
- 7.1.2. Accreditation assessment shall be conducted by the DSWD Central Office/Regional/Provincial Office based on the standards set and to be forwarded to the Bureau for the issuance of accreditation certificate.
- 7.1.3. Day care centers operated by non-government agencies shall be accredited upon issuance of a license to operate to the agency.

### 7.2. Suspension or Revocation of Accreditation

- 7.2.1. Accreditation may be suspended or revoked under the following circumstances:
  - a. The center is being used for immoral purposes;
  - b. The children are being neglected;
  - c. The center is so unsanitary so as to make it unfit for children;
  - d. The center is located in a place where children are unduly exposed to danger;
  - e. The center has by any act or omission shown its incompetence or unworthiness to continue caring for children; and
  - f. The center continuously deviates from existing policies and procedures set by the DSWD after extension of technical assistance.

## Section 8. Monitoring and Evaluation

- 8.1. Monitoring of the implementation of day care shall be regularly conducted by the Regional Office and SSWO shall visit all centers at least once a quarter.
- 8.2. Technical assistance shall be provided by the Regional Office and the Bureau of maintain standards.
- 8.3. Regular audit shall be conducted by the Bureau to determine effectiveness of the service to the children.

## Section 9. Criteria for Eligibility for The Monthly Allowance

- 9.1. Must be an accredited Day Care Worker in an accredited Day Care Center.
- 9.2. Must be holding two sessions a day (four hours per session) in the same Day Care Center.
- 9.3. Must conduct sessions on ECD activities throughout the year.

## Section 10. Transitory Provisions

- 10.1. All accredited Day Care Workers who have been in the service prior to the approval of the Act shall be entitled to the monthly allowance effective January 1991.
- 10.2. A Day Care Worker holding two accredited centers in separate barangays is only allowed to receive ₱500.00 monthly allowance. However, in 1992 the DCW must only concentrate in one Day Care Center.
- 10.3. For new Day Care Workers in 1991, they shall only receive the allowance upon assumption to duty, provided they are accredited.

## Section 11. Implementing Agencies

- 11.1. The Total Development and Protection for Children Program shall be implemented by the Sangguniang Barangay. It may call upon private volunteers to assist in the care and provision of consultative services to children.
- 11.2. The Department of Social Welfare and Development shall be responsible for the following:
  - 11.2.1. Formulation of the criteria for selection, qualifications, training and accreditation of day care workers.
  - 11.2.2. Setting of standards for the implementation of the day care program.
  - 11.2.3. Coordination of activities of the government and non-government organization relative to the total development and protection of children.
  - 11.2.4. Protection and assistance of abused, neglected or exploited children and call upon other government agencies to help said children.

11.3. The Department of Interior and Local Government shall be tasked to:

11.3.1. Organize the Barangay Council for the Protection of Children in every barangay.

Section 12. Funds

12.1. The monthly allowance of not less than ₱500.00 for one accredited Day Care Worker per barangay shall be taken from the budget of the Department of Social Welfare and Development appropriated for that purpose.

12.2. Budget for the establishment of new Day Care Centers in selected depressed barangays shall be subject to the availability of funds. However, the concerned city, province or municipality shall provide financial assistance for the establishment of a barangay day care center within their respective locality.

12.3. The Office of the President, shall extend financial assistance in support of the Day Care Centers to be taken from a portion of health programs under official aid or official debt arrangements from foreign countries.

For compliance.

(SGD.) MITA PARDO DE TAVERA M.D.

Secretary

Department of Social Welfare & Development

September 13, 1993

Administrative Order

No. 241

Series of 1993

Subject: Guidelines in the Establishment of Day Care Centers in Government and Private/Industrial Offices.

The following guidelines are hereby formulated in the setting up or establishment of day care centers in government and private/industrial offices:

I. Rationale:

- 1.1. The quality of citizenry of any country depends to a large extent on the caring that children receive during the first six years of life. Studies have shown that during these years, the child's basic character and attitudes are formed and his outlook and preparedness for life are shaped. It is also the best years for learning.
- 1.2. Parents have the primary responsibility to care for and promote the total development of their children. However, women enter the labor force to augment family income and to actualize their potentials. From 1987 to 1992, the total number of women actually employed is 8.3 million. Majority of these women are in sales, service, professional, technical and related work, clerical and administration, executive and managerial work. This trend however, adversely affect the care of children. Child care arrangements have become more difficult considering that domestic workers are hard to come by and the family support system is now scarcely available specifically in urban areas.

The absence of child care services may have three possible outcomes:

1. The mother is prevented from taking employment or is unable to work;
2. If economic necessity impels her to work, it may force her to take a low paying job in the home or in other ways compatible with caring for her children; or
3. The child is unattended or neglected while one or both parents work.

Considering the above situations, it is then imperative to set up child care arrangements in the workplace.

## II. Legal Base:

1. The 1986 Philippine Constitution, Article III on Declaration of Principles and State Policies, Section 4, provides for strengthening of the family as a basic social institution thus, the State shall aid and support the natural right and duty of parents in rearing the youth for civic efficiency and the development of moral character.
2. The Child and Youth Welfare Code or Presidential Decree 603 in Article I stipulates that the child is one of the most important assets of the nation. Every effort should be exerted to promote his welfare and enhance his opportunities for a useful and happy life.
3. The UN Convention on the Rights of the Child stipulates that for the purpose of guaranteeing and promoting the rights set forth in the present Convention, State Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. Specifically, it contains that State Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.
4. The Medium-Term Philippine Development Plan 1993-1998 serving as the framework for national development seeks to provide focused basic services to the more disadvantaged sectors at a level which shall allow them to manage and control their resources as well as benefit from developmental interventions. Specifically, this is to be carried out through the establishment of mechanisms to address the needs of vulnerable groups, especially children, in the event of displacements arising from structural adjustments, and emphasis on the expanded vision of education through the Education for All (EFA) thrust of institutionalizing early childhood care and development.
5. 1991 Local Government Code

The Code in cognizance of the primary role of local government units (LGUs) in the development and growth of communities, rested in the latter the exercise of service delivery functions. Among them the delivery of health and welfare services and the implementation of programs and projects on primary health care, maternal and child care etc.



6. RA 6972

The RA 6972 or the Barangay Level Total Development and Protection of Children Act directs the establishment of a day care center in every barangay in the country.

7. Title III Chapter I Article 132 (C) Labor Code of the Philippines provides for the establishment of a nursery in the workplace.

III. Description of Day Care Service

The day care service will provide child care during part of the day, to children who are between the ages of 2 months to 6 years, as a support service to parent/s who is/are at work. It will allow parents to be more efficient as they are assured that their children are taken care of. During lunch break, they can take care of their children.

There will be two types of day care centers which will provide early childhood care and development activities to children in establishment/offices.

1. child minding center for children whose ages are 0-2 years;
2. day care center for children whose ages are 3-6 years.

An accredited day care worker shall provide early childhood care and development (ECCD) activities aside from providing supplemental care, monitor the nutritional growth and development under her care. These activities are provided to pre-school children 0 to 6 years old, to stimulate their proper growth and development. These are creative experience which stimulate the mental development, cognitive skills development and value formation of the pre-school children. Likewise, these are activities which will promote their physical development through proper care and nutrition, monitored growth and early detection of diseases.

IV. Objectives

The children, through the Day Care Service, shall:

1. Become physically fit through proper care and nutrition;
2. Develop self confidence, self expression and self discipline;
3. Develop social, mental, intellectual, verbal and language skills;

4. Develop strong spiritual, socio-cultural values and nationalistic values as well as positive attitudes towards the family, community and society in general;
5. Be assured of comfort and safety as well as protection from all forms of neglect, abuse, cruelty and exploitation.

V. Procedures:

A. Establishment of a Day Care Center

1. Determination of need.

- a. The Human Resource Development Service (HRDS) or Personnel Development Service (PDS) or any equivalent unit of the agency shall gather data to determine the need for day care service. One source of data which may be used is the family profile of the employees. If these are not available, then a baseline survey shall be conducted using the attached form (DCS/GPI) indicated as Appendix A. The union members may be utilized in the conduct of said survey.
- b. The survey results together with a project proposal shall be presented by the HRDS to the top level management for support and approval.
- c. The survey results shall be disaggregated as to the age of the children. If there are at least 5 children who are 2 months to 2 years old, then a child minding center shall be proposed aside from the day care center for the 3 to 6 years old children.

2. Identification of Location

The Administrative Officer shall identify possible location for the day care center. Its location should safeguard the health, safety and comfort of the children.

- a. The center should be located on the ground floor to prevent the children from falling and can easily be vacated in case of fires and other emergencies.
- b. A toilet and washing facilities appropriate for children should be provided nearby.

### 3. Space/Facilities Required:

#### 3.1. The following requirements should be provided in both centers;

- a. Toilet and washing facilities appropriate for children
- b. Safe water, electricity and proper ventilation
- c. firefighting equipment/devices
- d. area for outdoor activities
- e. shelf for first aid and supplies (should be out-of-reach of children)

#### 3.2. For the day care center the following additional requirements are needed:

- a. Indoor space of a minimum of four square meters to provide a minimum degree of movement of children per activity. It is better to have a slightly smaller space than a big one to allow the children to be able to touch one another and play with each other.
- b. There should be a space or a shelf for each child to contain the personal belongings or things the child uses while in the center.

#### 3.3. For the child minding center additional requirements are as follows:

- a. A minimum of one (1) square meter per child will allow children specifically the toddlers, independence of movement.
- b. There should be an area for food preparation and paraphernalia for babies feeding.
- c. Ample space should be available to encourage parents to breastfeed their babies or have meals together with the children.

#### 4. Structural Arrangements for Activities

- 4.1. There are many ways to arrange the toys and equipment in the day care center, but some basic principles should be followed:
- a. comfort, attention to health, beauty, friendliness in familiar things, curiosity and challenge in what is new.
  - b. set off specific areas for spiritual, community and family-oriented activities, parlor games, feeding, rest, storytelling, music, arts and crafts.

Illustrative floor plans are attached for a day care center and a child minding center as Appendices A and B, respectively.

#### 5. Furnishing in the Center

- 5.1. There should be chairs and tables of proper height and proportions in the day care center. Each table should be like a dining table for 6 children (2 by 1 meter). The chairs should permit the children to sit comfortably in a relaxed position and should be conducive to good posture.
- 5.2. There should be cribs for babies depending on the number of babies to be accommodated in the child minding center.
- 5.3. High chairs, walkers should be likewise available for infants and toddlers.

#### 6. Program Materials for Children's Activities

- 6.1. The following program materials for the different activities in the day care center are suggested as minimum requirements. These may be acquired through the help of the parents or the union members and other resources:
- a. For spiritual activities: Spiritual objects and tokens of religions that will develop the children's love of God should be arranged in the playhouse or area designated for spiritual activities.
  - b. For playhouse or family life area. One playhouse big enough to accommodate four (4) children with the following furnishings:

- b.1. four rag dolls, representing a father, mother and 2 small children (one of whom is a baby)
  - b.2. one small cradle
  - b.3. four small chairs for children
  - b.4. one small table
  - b.5. four sets of small unbreakable plates, glasses, cups, saucers, spoon, fork
  - b.6. toy stove with cooking utensils
  - b.7. shelf for utensils
  - b.8. improvised sink
  - b.9. toy trunk with clothes for the dolls
  - b.10. toy basket for marketing
  - b.11. toy pail
  - b.12. small bed, pillow, blanket
  - b.13. small dressing table
  - b.14. small broom, mop, dustpan
  - b.15. toy ironing equipment
  - b.16. other materials
- c. For community living. The community model can be constructed on a sand table or box.
- d. For crafts and occupation. In addition to the occupations represented in the sandbox, a mini sari-sari store, carpentry and dressmaking shops may be set up in the space for free play area.
- e. For feeding, the following utensils should be ready for use of the children:
- e.1. 30 sets of cups, saucers and plates
  - e.2. sets of teaspoons, forks and knives (with blunt edges)
  - e.3. 30 glasses
  - e.4. pitchers, drinking water containers
  - e.5. serving plates
- f. For music appreciation. Musical instruments can be made of old materials at home, like:
- f.1. jars with different levels of water
  - f.2. castanets out of coconut shell
  - f.3. shakers out of discarded boxes, with sand, shells or pebbles

- f.4. tambourines out of stringed flattened tansans
  - f.5. xylophone out of bamboo tubes
  - f.6. clappers out of coconut shell
- g. For arts and crafts. Materials for arts and crafts should be available in enough quantity to allow children to use them together at the same time. These materials are science, magazines with pictures that can be cut, pencils, paints with brush, crayons, water colors, paste, art paper, etc.
  - h. For storytelling, visual aids and other materials to make this activity more interesting. These materials may include puppets, flash cards, globe or map, picture books or magazine props or other materials for dramatization of a story.
  - i. Play equipment for outdoor play should likewise be available. These could be made out of old tires, scrap wood, stuffed pillow as punching bag, etc. The children should also be allowed for waterplay such as blowing bubbles, paper boats or imaginary fish, etc.
- 6.2. For the child minding centers the following program materials are suggested. Most of which are toys which could be indigenous, prepared by the parents of the children themselves or volunteers. In choosing or making toys for this age group, it must be remembered that toys must not be too small (not less than 3 cm. in diameter) for the child to swallow nor must it have any removable part that might choke a child when he puts it into his mouth. It must not have sharp points or edges practically unbreakable and made of non-toxic materials.
- a. For motor/physical development
    - a.1. toys for improving eye muscles like mobiles to be attached to the cribs
    - a.2. toys for touching and holding like rattles, stuff toys
    - a.3. soundmakers
    - a.4. pull toys
    - a.5. finger paints/water paints
    - a.6. balls
    - a.7. teether

- b. For language development
  - b.1. play dough/clay
  - b.2. wood blocks
  - b.3. shapes
  - b.4. alphabets
  - b.5. rhymes
  - b.6. picture book
  - b.7. toy cat and dog
- c. For social development
  - c.1. materials for soap bubbles
  - c.2. clay
  - c.3. coloring books, picture books
- d. For cognitive development
  - d.1. different colors
  - d.2. box animals
  - d.3. number balance
  - d.4. shell chimes
  - d.5. color puzzle
  - d.6. paper cup balance
- e. For feeding, the following should be ready for use:
  - e.1. cups, saucers and plates
  - e.2. sets of teaspoon and forks with blunt edges
  - e.3. glasses
  - e.4. feeding bottles
  - e.5. thermos for hot water
  - e.6. gas stove for sterilizing bottles and boiling of water
- f. For family life or playhouse. This should likewise be provided for 2 to 3 years old children to introduce to them the concept of family. Materials are that of those in the playhouse of the day care center.

## B. Day Care Worker

- 1. Selection of a Day Care Worker
  - 1.1 The initial screening shall be made by the HRDS.

2. Parents should see to it that children are bathed/cleaned before they are brought to the center. The necessary diapers/clothes, medicines, vitamins, milk, nursing bottles, etc. must be brought with the child in the child minding center. An arrangement regarding food should be made with the parents.
3. A Parents Committee shall be organized to assist in the operation of the day care center from among the parents of the children or volunteers from the agency.

Parents Committee shall be responsible for the following:

- a) serve as a consultative and support group of the project
- b) initiate the preparation/production of program materials in the center
- c) sponsor some of the provisions/materials needed in the day to day activity of the children
- d) orient the parents on day care, their responsibilities and expectations.

## VI. Monitoring and Evaluation

Monitoring and evaluation of DCS implementation shall be conducted by DSWD-Field Office regularly.

An updated list of day care centers shall be submitted regularly to the BCYW.

Technical assistance shall be provided by the DSWD-Field Office and Bureau to maintain standards.

The Bureau shall conduct regular audit to determine effectiveness of the service to the children.

For implementation and reference.

(Sgd.) CORAZON ALMA G. DE LEON  
Secretary  
Department of Social Welfare  
and Development



1.2 Applicant should be made by the following criteria to qualify for the position of a day care worker:

- a. Must be female between 18-45 years old, single or married;
- b. Must be at least high school graduate;
- c. Must reside near the office;
- d. Must be physically healthy, if physically disabled she should be capable of performing the tasks required of the DCW
- e. Must have good moral character;
- f. Preferably must have experiences in working with pre-school children;
- g. Must undergo training and accept technical supervision from DSWD;
- h. Must render full time service as day care worker;
- i. Must sign a contract to serve as day care worker for at least 2 years unless terminated due to poor performance.

## 2. Training of Day Care Workers

The HRDS shall arrange and recommend with the DSWD-Field Office (FO) for an on the job training (OJT) for 1 1/2 months to be conducted by city/municipal Social Welfare and Development Officer (SWDO) and the Day Care Worker Trainor (DCW-T) in the resource center nearest to the government office or private/industrial office before DCW assumes her functions and responsibilities.

The DCW-T shall certify that the DCW has completed the OJT and noted by the SWDO.

## 3. Accreditation of Day Care Worker/Day Care Center

The HRDS shall request for accreditation from DSWD-FO as soon as the DCW has undergone training and has handled sessions with the children in the center.

The DSWD-FO shall conduct the assessment then forward the Assessment Instruments to the Bureau of Child and Youth Welfare (BCYW) for the issuance of the Certificate of Accreditation if the day care workers and day care center meets the standards.

### C. Records Keeping

The different records needed in both centers are as follows:

#### 1. Technical Records

- a. Intake Sheet
- b. Initial and Semi-Annual Profile
- c. Parent's Consent
- d. Weekly Program Activity Guide
- e. Day Care Session Plan
- f. Checklist on Child's Development
- g. Initial and Semi-Annual Health Record
- h. Growth Monitoring Chart
- i. Profile of the Day Care Children

#### 2. Administrative Records

- a. Memorandum of Agreement
- b. Registration List/Daily Attendance
- c. Monthly Financial Statement
- d. Day Care Worker's Personal Records
- e. Outgoing and Incoming Communications
- f. Certificate of Accreditation
- g. Inventory List of Program Materials and Supplies

### V. Operation of the Day Care Center

#### 1. Top Management shall be responsible for the following:

- a) provide allowance/salary of DCW
- b) ensure that the DCW is trained on ECCD and accredited by DSWD-Field Office
- c) provide a place that is safe and comfortable for the children

2. Parents should see to it that children are bathed/cleaned before they are brought to the center. The necessary diapers/clothes, medicines, vitamins, milk, nursing bottles, etc. must be brought with the child in the child minding center. An arrangement regarding food should be made with the parents.
3. A Parents Committee shall be organized to assist in the operation of the day care center from among the parents of the children or volunteers from the agency.

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For implementation and reference.

(Sgd.) CORAZON ALMA G. DE LEON  
Secretary  
Department of Social Welfare  
and Development

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, nineteen hundred and ninety-three.

[REPUBLIC ACT NO. 7305]

**THE MAGNA CARTA OF PUBLIC HEALTH WORKERS**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title.* — This Act shall be known as the “Magna Carta of Public Health Workers.”

SEC 2. *Declaration of Policy and Objective.* — The State shall instill health consciousness among our people to effectively carry out the health programs and projects of the government essential for the growth and health of the nation. Towards this end, this Act aims: (a) to promote and improve the social and economic well-being of the health workers, their living and working conditions and terms of employment; (b) to develop their skills and capabilities in order that they will be more responsive and better equipped to deliver health projects and programs; and (c) to encourage those with proper qualifications and excellent abilities to join and remain in government service.

SEC. 3. *Definition.* — For purposes of this Act, “health workers” shall mean all persons who are engaged in health and health-related work, and all persons employed in all hospitals, sanatoria, health infirmaries, health centers, rural health units, barangay health stations, clinics and other health-related establishments owned and operated by the Government or its political subdivisions with original charters and shall include medical, allied health professional, administrative and support personnel employed regardless of their employment status.

SEC. 4. *Recruitment and Qualification.* — Recruitment policy and minimum requirements with respect to the selection and appointment of a public worker shall be developed and implemented by the appropriate government agencies concerned in accordance with policies and standards of the Civil Service Commission: *Provided, That*

in the absence of appropriate eligibles and it becomes necessary in the public interest to fill a vacancy, a temporary appointment shall be issued to the person who meets all the requirements for the position to which he/she is being appointed except the appropriate civil service eligibility: *Provided, further*, That such temporary appointment shall not exceed twelve (12) months nor be less than three (3) months renewable thereafter but that the appointee may be replaced sooner if (a) qualified civil service eligible becomes available, or (b) the appointee is found wanting in performance or conduct befitting a government employee.

SEC. 5. *Performance Evaluation and Merit Promotion*.—The Secretary of Health, upon consultation with the proper government agency concerned and the Management-Health Workers' Consultative Councils, as established under Section 33 of this Act, shall prepare a uniform career and personnel development plan applicable to all public health personnel. Such career and personnel development plan shall include provisions on merit promotion, performance evaluation, in-service training grants, job rotation, suggestions and incentive award system.

The performance evaluation plan shall consider foremost the improvement of individual employee efficiency and organizational effectiveness: *Provided*, That each employee shall be informed regularly by his/her supervisor of his/her performance evaluation.

The merit promotion plan shall be in consonance with the rules of the Civil Service Commission.

SEC. 6. *Transfer or Geographical Reassignment of Public Health Workers*. —

a) a transfer is a movement from one position to another which is of equivalent rank, level or salary without break in service;

b) a geographical reassignment, hereinafter referred to as "reassignment," is a movement from one geographical location to another; and

c) a public health worker shall not be transferred and or reassigned, except when made in the interest of public service, in which case, the employee concerned shall be informed of the reasons therefore in writing. If the public health worker believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the Civil Service Commission, which shall cause his/her transfer and/or reassignment to be held in abeyance: *Provided*, That no transfer and/or reassignment whatsoever shall be made three (3) months before any local or national elections: *Provided, further*, That the necessary expenses of the transfer and/or reassignment of the public health worker and his/her immediate family shall be paid for by the Government.

SEC. 7. *Married Public Health Workers*. — Whenever possible, the proper authorities shall take steps to enable married couples, both of whom are public health workers, to be employed or assigned in the same municipality, but not in the same office.

SEC. 8. *Security of Tenure.* — In case of regular employment of public health workers, their services shall not be terminated except for cause provided by law and after due process: *Provided,* That if a public health worker is found by the Civil Service Commission to be unjustly dismissed from work, he/she shall be entitled to reinstatement without loss of seniority rights and to his/her back wages with twelve percent (12%) interest computed from the time his/her compensation was withheld from him/her up to the time of reinstatement.

SEC. 9. *Discrimination Prohibited.* — A public worker shall not be discriminated against with regard to gender, civil status, creed, religious or political beliefs and ethnic groupings in the exercise of his/her profession.

SEC. 10. *No Understaffing/Overloading of Health Staff.* — There shall be no understaffing or overloading of public health workers. The ratio of health staff to patient load shall be such as to reasonably effect a sustained delivery of quality health care at all times without overworking the public health worker and over extending his/her duty and service. Health students and apprentices shall be allowed only for purposes of training and education.

In line with the above policy, substitute officers or employees shall be provided in place of officers or employees who are on leave for over three (3) months. Likewise, the Secretary of Health or the proper government official shall assign a medico-legal officer in every province.

In places where there is no such medico-legal officer, rural physicians who are required to render medical-legal services shall be entitled to additional honorarium and allowances.

SEC. 11. *Administrative Charges.* — Administrative charges against a public health worker shall be heard by a committee composed of the provincial health officer of the province where the public health worker belongs, as chairperson, a representative of any existing national or provincial public health workers' organization or in its absence its local counterpart and a supervisor of the district, the last two (2) to be designated by the provincial health officer mentioned above. The committee shall submit its findings and recommendations to the Secretary of Health within thirty (30) days from the termination of the hearings. Where the provincial health officer is an interested party, all the members of the committee shall be appointed by the Secretary of Health.

SEC. 12. *Safeguards in Disciplinary Procedures.*—In every disciplinary proceeding, the public health worker shall have:

- a) the right to be informed, in writing, of the charges;
- b) the right to full access to the evidence in the case;

c) the right to defend himself/herself and to be defended by a representative of his/her choice and/or by his/her organization, adequate time being given to the public health worker for the preparation of his/her defense;

d) the right to confront witnesses presented against him/her and summon witnesses in his/her behalf;

e) the right to appeal to designated authorities;

f) the right to reimbursement of reasonable expenses incurred in his/her defense in case of exoneration or dismissal of the charges; and

g) such other rights as will ensure fairness and impartiality during proceedings.

SEC. 13. *Duties and Obligations.* — The public health worker shall:

a) discharge his/her duty humanely with conscience and dignity;

b) perform his/her duty with utmost respect for life; and

c) exercise his/her functions without consideration to race, gender, religion, nationality, party politics, social standing or capacity to pay.

SEC. 14. *Code of Conduct.* — Within six (6) months from the approval of this Act, the Secretary of Health, upon consultation with other appropriate agencies, professional and health worker's organizations, shall formulate and prepare a Code of Conduct for Public Health Workers, which shall be disseminated as widely as possible.

SEC. 15. *Normal Hours of Work.* — The normal hours of work of any public health worker shall not exceed eight (8) hours a day or forty (40) hours a week.

Hours worked shall include: a) all the time during which a public health worker is required to be on active duty or to be at a prescribed workplace; and b) all the time during which a public health worker is suffered or permitted to work. *Provided,* That, the time when a public health worker is placed on "On Call" status shall not be considered as hours worked but shall entitle the public health worker to an "On Call" pay equivalent to fifty percent (50%) of his/her regular wage. "On Call" status refers to a condition when public health workers are called upon to respond to urgent or immediate need for health/medical assistance or relief work during emergencies such that he/she cannot devote the time for his/her own use.

SEC. 16. *Overtime Work.* — Where the exigencies of the service so require, any public health worker may be required to render service beyond the normal eight (8) hours a day. In such a case, the workers shall be paid an additional compensation in accordance with existing laws and prevailing practices.

SEC. 17. *Work During Rest Day.* — a) Where a public health worker is made to work on his/her scheduled rest day, he/she shall be paid an additional compensation in accordance with existing laws.

b) Where a public health worker is made to work on any special holiday he/she shall be paid an additional compensation in accordance with existing laws. Where such holiday work falls on the worker's scheduled rest day, he/she shall be entitled to an additional compensation as may be provided by existing laws.

SEC. 18. *Night-Shift Differential.* — a) Every public health worker shall be paid night-shift differential of ten percent (10%) of his/her regular wage for each hour of work performed during the night-shifts customarily adopted by hospitals.

b) Every health worker required to work on the period covered after his/her regular schedule shall be entitled to his/her regular wage plus the regular overtime rate and an additional amount of ten percent (10%) of such overtime rate for each hour of work performed between ten (10) o'clock in the evening to six (6) o'clock in the morning.

SEC. 19. *Salaries.* — In the determination of the salary scale of public health workers, the provisions of Republic Act No. 6758 shall govern, except that the benchmark for Rural Health Physicians shall be upgraded to Grade 24.

a) *Salary Scale* — Salary scales of public health workers shall be provided progression: *Provided*, That the progression from the minimum to maximum of the salary scale shall not extend over a period of ten (10) years: *Provided, further*, That the efficiency rating of the public health worker concerned is at least satisfactory.

b) *Equality in Salary Scale* — The salary scales of public health workers whose salaries are appropriated by a city, municipality, district, or provincial government shall not be less than those provided for public health workers of the National Government: *Provided*, That the National Government shall subsidize the amount necessary to pay the difference between that received by nationally-paid and locally-paid health workers of equivalent positions.

c) *Salaries to be Paid in Legal Tender* — Salaries of public health workers shall be paid in legal tender of the Philippines or the equivalent in checks or treasury warrants: *Provided, however*, That such checks or treasury warrants shall be convertible to cash in any national, provincial, city or municipal treasurers' office or any banking institution operating under the laws of the Republic of the Philippines.

d) *Deductions Prohibited* — No person shall make any deduction whatsoever from the salaries of public health workers except under specific provision of law authorizing such deductions: *Provided, however*, That upon written authority executed by the public health worker concerned, a) lawful dues or fees owing to any organization/association where such public health worker is an officer or member, and b)



premiums properly due all insurance policies, retirement and medicare shall be considered deductible.

SEC. 20. *Additional Compensation.* — Notwithstanding Section 12 of Republic Act No. 6758, public health workers shall receive the following allowances: hazard allowance, subsistence allowance, longevity pay, laundry allowance and remote assignment allowance.

SEC. 21. *Hazard Allowance.* — Public health workers in hospitals, sanitarium, rural health units, main health centers, health infirmaries, barangay health stations, clinics and other health-related establishments located in difficult areas, strife-torn or embattled areas, distressed or isolated stations, prisons camps, mental hospitals, radiation-exposed clinics, laboratories or disease-infested areas or in areas declared under state of calamity or emergency for the duration thereof which expose them to great danger, contagion, radiation, volcanic activity/eruption, occupational risks or perils to life as determined by the Secretary of Health or the Head of the unit with the approval of the Secretary of Health, shall be compensated hazard allowances equivalent to at least twenty-five percent (25%) of the monthly basic salary of health workers receiving salary grade 19 and below, and five percent (5%) for health workers with salary grade 20 and above.

SEC. 22. *Subsistence Allowance.* — Public health workers who are required to render service within the premises of hospitals, sanitarium, health infirmaries, main health centers, rural health units and barangay health stations, or clinics, and other health-related establishments in order to make their services available at any and all times, shall be entitled to full subsistence allowance of three (3) meals which may be computed in accordance with prevailing circumstances as determined by the Secretary of Health in consultation with the Management-Health Workers' Consultative Councils, as established under Section 33 of this Act: *Provided*, That representation and travel allowance shall be given to rural health physicians as enjoyed by municipal agriculturists, municipal planning and development officers and budget officers.

SEC. 23. *Longevity Pay.* — A monthly longevity pay equivalent to five percent (5%) of the monthly basic pay shall be paid to a health worker for every five (5) years of continuous, efficient and meritorious services rendered as certified by the chief of office concerned, commencing with the service after the approval of this Act.

SEC. 24. *Laundry Allowance.* — All public health workers who are required to wear uniforms regularly shall be entitled to laundry allowance equivalent to One hundred twenty-five pesos (₱125.00) per month: *Provided*, That this rate shall be reviewed periodically and increased accordingly by the Secretary of Health in consultation with the appropriate government agencies concerned taking into account existing laws and prevailing practices.

SEC. 25. *Remote Assignment Allowance.* — Doctors, dentists, nurses, and midwives who accept assignments as such in remote areas or isolated stations, which for reasons of far distance or hard accessibility, such positions had not been filled for the last

two (2) years prior to the approval of this Act, shall be entitled to an incentive bonus in the form of remote assignment allowance equivalent to fifty percent (50%) of their basic pay, and shall be entitled to reimbursement of the cost of reasonable transportation to and from such remote post or station, upon assuming or leaving such position and during official trips.

In addition to the above, such doctors, dentists, nurses, and midwives mentioned in the preceding paragraph shall be given priority in promotion or assignment to better areas. Their tour of duties in the remote areas shall not exceed two (2) years, except when there are no positions for their transfer or they prefer to stay in such posts in excess of two (2) years.

SEC. 26. *Housing.* — All public health workers who are on tour of duty and those who, because of unavoidable circumstances are forced to stay in the hospital, sanitarium or health infirmary premises, shall be entitled to free living quarters within the hospital, sanitarium or health infirmary or if such quarters are not available, shall receive quarters allowance as may be determined by the Secretary of Health and other appropriate government agencies concerned: *Provided*, That this rate shall be reviewed periodically and increased accordingly by the Secretary of Health in consultation with the appropriate government agencies concerned.

For purposes of this Section, the Department of Health is authorized to develop housing projects in its own lands, not otherwise devoted for other uses, for public health workers in coordination with appropriate government agencies.

SEC. 27. *Medical Examination.* — Compulsory medical examination shall be provided free of charge to all public health workers before entering the service in the Government or its subdivisions and shall be repeated once a year during the tenure of employment of all public health workers: *Provided*, That where medical examination shows that medical treatment and/or hospitalization is necessary for those already in government service, the treatment and/or hospitalization including medicines shall be provided free either in a government or a private hospital by the government entity paying the salary of the public health worker: *Provided, further*, That the cost of such medical examination and treatment shall be included as automatic appropriation in said entity's annual budget.

SEC. 28. *Compensation for Injuries.* — Public health workers shall be protected against the consequences of employment injuries in accordance with existing laws. Injuries incurred while doing overtime work shall be presumed work-connected.

SEC. 29. *Leave Benefits for Public Health Workers.* — Public health workers are entitled to such vacation and sick leaves as provided by existing laws and prevailing practices: *Provided*, That in addition to the leave privilege now enjoyed by public health workers, women health workers are entitled to such maternity leaves provided by existing laws and prevailing practices: *Provided, further*, That upon separation of the public

health workers from services, they shall be entitled to all accumulated leave credits with pay.

SEC. 30. *Highest Basic Salary Upon Retirement.* — Three (3) months prior to the compulsory retirement, the public health worker shall automatically be granted one (1) salary range or grade higher than his/her basic salary and his/her retirement benefit thereafter, computed on the basis of his/her highest salary: *Provided*, That he/she reached the age and fulfilled service requirements under existing laws.

SEC. 31. *Right to Self-Organization.* — Public health workers shall have the right to freely form, join or assist organizations or unions for purposes not contrary to law in order to defend and protect their mutual interests and to obtain redress of their grievances through peaceful concerted activities.

However, while the State recognizes the right of public health workers to organize or join such organizations, public health workers on-duty cannot declare, stage or join any strike or cessation of their service to patients in the interest of public health, safety or survival of patients.

SEC. 32. *Freedom from Interference or Coercion.* — It shall be unlawful for any person to commit any of the following acts of interference or coercion:

a) to require as a condition of employment that a public health worker shall not join a health workers' organization or union or shall relinquish membership therein;

b) to discriminate in regard to hiring or tenure of employment or any item or condition of employment in order to encourage or discourage membership in any health workers' organization or union;

c) to prevent a health worker from carrying out duties laid upon him/her by his/her position in the organization or union, or to penalize him/her for the action undertaken in such capacity;

d) to harass or interfere with the discharge of the functions of the health worker when these are calculated to intimidate or to prevent the performance of his/her duties and responsibilities; and

e) to otherwise interfere in the establishment, functioning, or administration of health workers' organizations or unions through acts designed to place such organization or union under the control of government authority.

SEC. 33. *Consultation With Health Workers' Organizations.* — In the formulation of national policies governing the social security of public health workers, professional and health workers' organizations or unions as well as other appropriate government agencies concerned shall be consulted by the Secretary of Health. For this purpose,

Management-Health Worker's Consultative Councils for national, regional and other appropriate levels shall be established and operationalized.

SEC. 34. *Health Human Resource Development/Management Study.*—The Department of Health shall conduct a periodic health human resource development/management study into, among others, the following areas:

- a) adequacy of facilities and supplies to render quality health care to patients and other client population;
- b) opportunity for health workers to grow and develop their potentials and experience a sense of worth and dignity in their work. Public health workers who undertake post-graduate studies in a degree course shall be entitled to an upgrading in their position or raise in pay: *Provided*, That it shall not be more often than every two (2) years;
- c) mechanisms for democratic consultation in government health institutions;
- d) staffing patterns and standards of health care to ensure that the people receive quality care. Existing recommendations on staffing and standards of health care shall be immediately and strictly enforced;
- e) ways and means of enabling the rank-and-file workers to avail of educational opportunities for personal growth and development;
- f) upgrading of working conditions, reclassification of positions and salaries of public health workers to correct disparity *vis-a-vis* other professions such that positions requiring longer study be upgraded and given corresponding pay scale; and
- g) assessment of the national policy on exportation of skilled health human resource to focus on how these resources could instead be utilized productively for the country's needs.

There is hereby created a Congressional Commission on Health (HEALTHCOM) to review and assess health human resource development, particularly on continuing professional education and training and the other areas described above. The Commission shall be composed of five (5) members of the House of Representatives and five (5) members of the Senate. It shall be co-chaired by the chairpersons of the Committee on Health of both houses. It shall render a report and recommendation to Congress which shall be the basis for policy legislation in the field of health. Such a congressional review shall be undertaken once every five (5) years.

SEC. 35. *Rules and Regulations.* — The Secretary of Health after consultation with appropriate agencies of the Government as well as professional and health workers' organizations or unions, shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act. Rules and regulations issued pursuant to this

Management-Health Worker's Consultative Councils for national, regional and other appropriate levels shall be established and operationalized.

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SEC. 35. *Rules and Regulations.* — The Secretary of Health after consultation with appropriate agencies of the Government as well as professional and health workers' organizations or unions, shall formulate and prepare the necessary rules and regulations to implement the provisions of this Act. Rules and regulations issued pursuant to this

Section shall take effect thirty (30) days after publication in a newspaper of general circulation.

SEC. 36. *Prohibition Against Double Recovery of Benefits.* — Whenever other laws provide for the same benefits covered by this Act, the public health worker shall have the option to choose which benefits will be paid to him/her. However, in the event that the benefits chosen are less than that provided under this Act, the worker shall be paid only the difference.

SEC. 37. *Prohibition Against Elimination and/or Diminution.* — Nothing in this law shall be construed to eliminate or in any way diminish benefits being enjoyed by public health workers at the time of the effectivity of this Act.

SEC. 38. *Budgetary Estimates.* — The Secretary of Health shall submit annually the necessary budgetary estimates to implement the provisions of this Act in staggered basis of implementation of the proposed benefits until the total of Nine hundred forty-six million six hundred sixty-four thousand pesos (₱946,664,000.00) is attained within five (5) years.

Budgetary estimates for the succeeding years should be reviewed and increased accordingly by the Secretary of Health in consultation with the Department of Budget and Management and the Congressional Commission on Health (HEALTHCOM).

SEC. 39. *Penal Provision.* — Any person who shall willfully interfere with, restrain or coerce any public health worker in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions of this Act, upon conviction, shall be punished by a fine of not less than Twenty thousand pesos (₱20,000.00) but not more than Forty thousand pesos (₱40,000.00) or imprisonment of not more than one (1) year or both at the discretion of the court.

If the offender is a public official, the court, in addition to the penalties provided in the preceding paragraph, may impose the additional penalty of disqualification from office.

SEC. 40. *Separability Clause.* — If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 41. *Repealing Clause.* — All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 42. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved, March 26, 1992.

[REPUBLIC ACT NO. 7600]

AN ACT PROVIDING INCENTIVES TO ALL GOVERNMENT AND PRIVATE HEALTH INSTITUTIONS WITH ROOMING-IN AND BREASTFEEDING PRACTICES AND FOR OTHER PURPOSES

SECTION 1. *Title.* — This Act shall be known as “The Rooming-In and Breastfeeding Act of 1992”.

SEC. 2. *Declaration of Policy.* — The State adopts rooming-in as a national policy to encourage, protect and support the practice of breastfeeding. It shall create an environment where basic physical, emotional, and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding.

Breastfeeding has distinct advantages which benefit the infant and the mother including the hospital and the country that adopt its practice. It is the first preventive health measure that can be given to the child at birth. It also enhances mother-infant relationship. Furthermore, the practice of breastfeeding could save the country valuable foreign exchange that may otherwise be used for milk importation.

Breastmilk is the best food since it contains essential nutrients completely suitable for the infant's needs. It is also nature's first immunization, enabling the infant to fight potential serious infection. It contains growth factors that enhance the maturization of an infant's organ systems.

SEC. 3. *Definition of Terms.* — For purposes of this Act, the following definitions are adopted:

- a) Age of gestation — the length of time the fetus is inside the mother's womb.
- b) Bottlefeeding — the method of feeding an infant using a bottle with artificial nipples, the contents of which can be any type of fluid.
- c) Breastfeeding — the method of feeding an infant directly from the human breast.
- d) Breastmilk — the human milk from a mother.
- e) Expressed breastmilk — the human milk which has been extracted from the breast by hand or by breast pump. It can be fed to an infant using a dropper, a nasogastric tube, a cup and spoon, or a bottle.
- f) Formula feeding — the feeding of a newborn with infant formula usually by bottlefeeding. It is also called artificial feeding.

- g) Health institutions — are hospitals, health infirmaries, health centers, or puericulture centers with obstetrical and pediatric services.
- h) Health personnel — are professionals and workers who administer the entire operation of health institutions and/or who are in charge of maternal and child health services.
- i) Infant — a child within zero (0) to twelve (12) months of age.
- j) Infant formula — the breastmilk substitute formulated in accordance with applicable Codex Alimentarius standards, to satisfy the nutritional requirements of infants up to six (6) months of age, and to conform with physiological characteristics.
- k) Lactation management — the general care of a mother-infant during the mother's prenatal, immediate postpartum and postnatal periods, including educating and providing knowledge and information to pregnant and lactating women on the advantages of breastfeeding, the physiology of lactation, the maintenance of lactation, the proper care of the breasts and nipples, and other matters that would contribute to successful breastfeeding.
- l) Low birth weight infant — a newborn weighing less than two thousand five hundred (2,500) grams at birth.
- m) Mother's milk — the breastmilk from the newborn's own mother.
- n) Rooming-in — the practice of placing the newborn in the same room as the mother right after delivery up to discharge to facilitate mothering and to initiate breastfeeding. The infant may either share the room with the mother or be placed in a crib beside the mother.
- o) Seriously ill mothers — are those who are: with severe infection; in severe cardiac or respiratory distress; or dying; or those with other conditions that may be determined by the attending physician as being unable to breastfeed.
- p) Wet-nursing — the feeding of a newborn from another mother when his/her own mother cannot breastfeed.

## CHAPTER I ROOMING-IN AND BREASTFEEDING OF INFANTS

SEC. 4. *Applicability.* — The provisions in this Chapter shall apply to all private and government health institutions adopting rooming-in and breastfeeding as defined in this Act.



SEC. 5. *Normal Spontaneous Deliveries.* — The following newborn infants shall be put to the breast of the mother immediately after birth and forthwith roomed-in within thirty (30) minutes:

- a) well infants regardless of age of gestation; and
- b) infants with low birth weights but who can suck.

SEC. 6. *Deliveries by Caesarian.* — Infants delivered by caesarian section shall be roomed-in and breastfed within three (3) to four (4) hours after birth.

SEC. 7. *Deliveries Outside Health Institutions.* — Newborns delivered outside health institutions whose mothers have been admitted to the obstetrics department/unit and who both meet the general conditions stated in Section 5 of this Act, shall be roomed-in and breastfed immediately.

SEC. 8. *Exemptions.* — Infants whose conditions do not permit rooming-in and breastfeeding as determined by the attending physician, and infants whose mothers are either: a) seriously ill; b) taking medications and contraindicated to breastfeeding; c) violent psychotics; or d) whose conditions do not permit breastfeeding and rooming-in as determined by the physician shall be exempted from the provisions of Section 5, 6, and 7: *Provided*, That these infants shall be fed expressed breastmilk or wet-nursed as may be determined by the attending physician.

SEC. 9. *Right of the Mother to Breastfeed.* — It shall be the mother's right to breastfeed her child who equally has the right to her breastmilk. Bottlefeeding shall be allowed only after the mother has been informed by the attending health personnel of the advantages of breastfeeding and the proper techniques of infant formula feeding and the mother has opted in writing to adopt infant formula feeding for her infant.

## CHAPTER II

### HUMAN MILK BANK

SEC. 10. *Provision of Facilities for Breastmilk Collection and Storage.* — The health institution adopting rooming-in and breastfeeding shall provide equipment, facilities, and supplies for breastmilk collection, storage and utilization, the standards of which shall be defined by the Department of Health.

### CHAPTER III INFORMATION, EDUCATION AND RE-EDUCATION DRIVE

SEC. 11. *Continuing Education, Re-education and Training of Health Personnel.* — The Department of Health with the assistance of other government agencies, professional and non-governmental organizations shall conduct continuing information education, re-education, and training programs for physicians, nurses, midwives, nutritionist-dietitians, community health workers and traditional birth attendants (TBAs) and other health personnel on current and updated lactation management.

Information materials shall be given to all health personnel involved in maternal and infant care in health institutions.

SEC. 12. *Information Dissemination to Pregnant Women.* — During the prenatal, perinatal and postnatal consultations and/or confinements of the mothers or pregnant women in a health institution, it shall be the obligation of the health institution and the health personnel to immediately and continuously teach, train, and support the women on current and updated lactation management and infant care, through participatory strategies such as organization of mothers' clubs and breastfeeding support groups and to distribute written information materials on such matters free of charge.

### CHAPTER IV MISCELLANEOUS PROVISIONS

SEC. 13. *Incentives.* — The expenses incurred by a private health institution in complying with the provisions of this Act, shall be deductible expenses for income tax purposes up to twice the actual amount incurred: *Provided*, That the deduction shall apply for the taxable period when the expenses were incurred: *Provided, further*, That the hospital shall comply with the provisions of this Act within six (6) months after its approval.

Government health institutions shall receive an additional appropriation equivalent to the savings they may derive as a result of adopting rooming-in and breastfeeding. The additional appropriation shall be included in their budget for the next fiscal year.

SEC. 14. *Sanctions.* — The Secretary of Health is hereby empowered to impose sanctions for the violation of this Act and the rules issued thereunder. Such sanctions may be in the form of reprimand or censure and in case of repeated willful violations, suspension of the permit to operate of the erring health institution.

SEC. 15. *Rules and Regulations.* — The Secretary of Health, in consultation with other government agencies, professional and non-governmental organizations concerned shall promulgate the rules and regulations necessary to carry out the provisions of this Act.

SEC. 16. *Repealing Clause.* — All acts, laws, decrees, executive orders, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 17. *Separability Clause.* — If any clause, sentence, paragraph or part of this Act shall be declared to be invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 18. *Effectivity.* — This Act shall take effect one hundred twenty (120) days after publication in at least two (2) newspapers of general circulation.

Approved: June 2, 1992

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday the twenty-fifth day of July nineteen hundred and ninety-four.

[REPUBLIC ACT NO. 7875]

AN ACT INSTITUTING A NATIONAL HEALTH INSURANCE PROGRAM FOR ALL FILIPINOS AND ESTABLISHING THE PHILIPPINE HEALTH INSURANCE CORPORATION FOR THE PURPOSE

*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 “National Health Insurance Act of 1995”

**Article I. GUIDING PRINCIPLES**

**SEC. 2. Declaration of Principles and Policies.**— Section 11, Article XIII of the 1987 Constitution of the Republic of the Philippines declares that the State shall not adopt an integrated and comprehensive approach to health and other social services available to all the people at affordable cost. Priority for the needs of the underprivileged, sick, elderly, disabled, women, and children shall be recognized. Likewise, it shall be the policy of the State to provide free medical care to paupers.

In the pursuit of a National Health Insurance Program, this Act shall adopt the following guiding principles:

a) *Allocation of National Resources for Health* — The Program shall underscore the importance for government to give priority to health as a strategy for bringing about faster, economic, development and improving quality of life.

b) *Universality* — The Program shall provide all citizens with the mechanism to gain financial access to health services, in combination with other government health programs. The National Health Insurance Program shall give the highest priority to

achieving coverage of the entire population with at least a basic minimum package of health insurance benefits;

c) *Equity* — The Program shall provide for uniform basic benefits. Access to care must be a function of a person's health needs rather than his ability to pay;

d) *Responsiveness* — The Program shall adequately meet the needs for personal health services at various stages of a member's life;

e) *Social Solidarity* — The Program shall be guided by community spirit. It must enhance risk sharing among income groups, age groups, and persons of differing health status, and residing in different geographic areas;

f) *Effectiveness* — The Program shall balance economical use of resources with quality of care;

g) *Innovation* — The Program shall adapt to changes in medical technology, health service organizations, health care provider payment systems, scopes of professional practice, and other trends in the health sector. It must be cognizant of the appropriate roles and respective strengths of the public and private sectors in health care, including people's organizations and community-based health care organizations;

h) *Devolution* — The Program shall be implemented in consultation with local government units (LGUs), subject to the overall policy directions set by the National Government;

i) *Fiduciary Responsibility* — The Program shall provide effective stewardship, funds management, and maintenance of reserves;

j) *Informal Choice* — The Program shall encourage members to choose from among accredited health care providers. The Corporation's local offices shall objectively apprise its members of the full range of providers involved in the Program and of the services and privileges to which they are entitled as members. This explanation, which the members may use as a guide in selecting the appropriate and most suitable provider, shall be given in clear and simple Filipino and in the local languages that is comprehensible to the member;

k) *Maximum Community Participation* — The Program shall build on existing community initiatives for its organization and human resource requirements;

l) *Compulsory Coverage* — All citizens of the Philippines shall be required to enroll in the National Health Insurance Program in order to avoid adverse selection and social inequity;

m) *Cost Sharing* — The Program shall continuously evaluate its cost sharing schedule to ensure that costs borne by the members are fair and equitable and that the charges, by health care providers are reasonable;

n) *Professional Responsibility of Health Care Providers* — The program shall assure that all participating health care providers are responsible and accountable in all their dealings with the Corporation and its members;

o) *Public Health Services* — The Government shall be responsible providing public health 'services for all groups such as women, children, indigenous' people,' displaced communities and communities in environmentally endangered areas, while the Program shall focus on the provision of personal health services. Preventive and promotive public health services are essential' for reducing the need and spending for personal health services;

p) *Quality of Services* — The Program shall promote the improvement in the quality of health services provided through the institutionalization of programs of quality assurance at all levels of the health service delivery system. The satisfaction of the community, as well as individual beneficiaries, shall be a determinant of the quality of service delivery;

q) *Cost Containment* — The program shall incorporate features of cost containment in its design and operations and provide a viable means of helping the people pay for health care services; and

r) *Care for the Indigent* — The Government shall be responsible providing a basic package of needed personal health services to indigents through premium subsidy, or through direct service provision until such time that the program is fully implemented.

SEC.3. *General Objectives.* — This Act seeks to:

a) provide all citizens of the Philippines with the mechanism to gain financial access to health services;

b) create the National Health Insurance Program, hereinafter referred to as the Program, to serve as the means to help the people pay for health care services;

c) prioritize and accelerate the provision of health services to all Filipinos, especially that segment of the population who cannot afford such services; and

d) establish the Philippine Health Insurance Corporation, hereinafter referred to as the Corporation, that will administer the Program at central and local levels.

## Article II. DEFINITION OF TERMS

SEC. 4. *Definition of Terms.* — For the purpose of this Act, the following terms shall be defined as follows:

a) *Beneficiary* - Any person entitled to health care benefits under this Act.

b) *Benefit Package* - Services that the Program offers to its members.

c) *Capitation* - A payment mechanism where a fixed rate, whether per person, family, household, or group, is negotiated with a health care provider who shall be responsible for delivering or arranging for the delivery of health services required, by the covered person under the conditions of a health care provider contract.

d) *Contribution* - The amount paid by or in behalf of a member to the Program for coverage, based on salaries or wages in the case of formal sector employees, and on household earnings and assets, in the case of the self-employed, or on other criteria as may be defined by the Corporation in accordance with the guiding principles set forth in Article I of this Act.

e) *Coverage* - The entitlement of an individual, as a member or as a dependent, to the benefits of the Program.

f) *Dependent* - The legal dependents of a member are: 1) the legitimate spouse who is not a member; 2) the unmarried and unemployed legitimate, legitimated, illegitimate, acknowledged children as appearing in the birth certificate; legally adopted or stepchildren below twenty-one (21) years of age; 3) children who are twenty-one (21) years old or above but suffering from congenital disability, either physical or mental, or any disability acquired that renders them totally dependent on the member for support; 4) the parents who are sixty (60) years old or above whose monthly income is below an amount to be determined by the Corporation in accordance with the guiding principles set forth in Article I of this Act.

g) *Diagnostic Procedure* - Any procedure to identify a disease or condition through analysis and examination.

h) *Emergency* - An unforeseen combination of circumstances which calls for immediate action to preserve the life of a person or to preserve the sight of one or both eyes; the hearing of one or both ears; or one or two limbs at or above the ankle or wrist.

i) *Employee* - Any person who performs services for an employer in which either or both mental and physical efforts are used and who receives compensation for such services, where there is an employer-employee relationship.

j) *Employer* - A natural or juridical person who employs the services of an employee.

k) *Enrollment* - The process to be determined by the Corporation in order to enlist individuals as members or dependents covered by the Program.

l) *Fee for Service* - A reasonable and equitable health care payment system under which physicians and other health care providers receive a payment that does not exceed their billed charge for each unit of service provided.

m) *Global Budget* - An approach to the purchase of medical services by which health care provider negotiations concerning the costs of providing a specific package of medical benefits is based solely on a predetermined and fixed budget.

n) *Government Service Insurance System* - The Government Service Insurance System created under Commonwealth Act No. 186, as amended.

o) *Health Care Provider* - Refers to;

- 1) a health care institution, which is duly licensed and accredited devoted primarily to the maintenance and operation of facilities for health promotion, prevention, diagnosis, treatment, and care of individuals suffering from illness, disease, injury, disability, or deformity, or in need of obstetrical other medical and nursing care. It shall also be construed as any institution, building, or place where there are installed beds, cribs, or bassinets for twenty-four hour use or longer by patients in the treatment of diseases, injuries, deformities, or abnormal physical and mental states, maternity cases or sanitarial care; or infirmaries, nurseries, dispensaries, and such other similar names by which they may be designated; or
- 2) a health care professional, who is any doctor of medicine, nurse, midwife, dentist, or other health care professional or practitioner duly licensed to practice in the Philippines and accredited by the Corporation; or
- 3) a health maintenance organization, which is an entity that provides, offers, or arranges for coverage of designated health services needed by plan members for a fixed prepaid premium; or
- 4) a community-based health care organization, which is an association of indigenous members of the community organized for the purpose of improving the health status of that community through preventive, promotive and curative health services.

p) *Health Insurance Identification (ID) Card* - The document issued by the Corporation to members and dependents upon their enrollment to serve as the instrument for proper identification, eligibility verification, and utilization recording;

q) *Indigent* - A person who has no visible means of income, or whose income is insufficient for the subsistence of his family, as identified by the Local Health Insurance Office and based on specific criteria set by the Corporation in accordance with the guiding principles set forth in Article I of this Act;

r) *Inpatient Education Package* - A set of informational services made available to an individual who is confined in a hospital to afford him with knowledge about his illness and its treatment, and of the means available, particularly lifestyle changes, to prevent the recurrence or aggravation of such illness and to promote his health in general.



s) *Member*- Any person whose premiums have been regularly paid to the National Health Insurance Program. He may be a paying member, an indigent member, or a pensioner/retiree member.

t) *Means Test* - A protocol administered at the barangay level to determine the ability of individuals or households to pay varying levels of contributions to the Program, ranging from the indigent in the community whose contributions should be totally subsidized by government, to those who can afford to subsidize part but not all the required contributions for the Program.

u) *Medicare* - The health insurance program currently being implemented by the Philippine Medical Care Commission. It consists of:

- 1) Program I, which covers members of the SSS and GSIS including their legal dependents; and
- 2) Program II, which is intended for those not covered under Program I.

v) *National Health Insurance Program* - The compulsory health insurance program of the government as established in this Act, which shall provide universal health insurance coverage and ensure affordable, acceptable, available and accessible health care services for all citizens of the Philippines.

w) *Pensioner* - An SSS or GSIS member who receives pensions therefrom.

x) *Personal Health Services*- Health services in which benefits accrue to the individual person. These are categorized into inpatient and outpatient

y) *Philippine Medical Care Commission* - The Philippine Medicare Commission created under Republic Act No. 6111, as amended.

z) *Philippine National Drug Formulary* - The essential drugs list for the Philippines which is prepared by the National Drug Committee of the Department of health in consultation with experts and specialists from organized professional medical societies, medical academe and the pharmaceutical industry, and which is updated every year.

aa) *Portability* - The enablement of a member to avail of Program benefits in an area outside the jurisdiction of his Local Health Insurance Office

bb) *Prescription Drug*-A drug which has been approved by the Bureau of Food and Drug and which can be dispensed only pursuant to a prescription order from a physician who is duly licensed to do so.

cc) *Public Health Services* - Services that strengthen preventive and promotive health care through improving conditions in partnership with community at large. These

include control of communicable and non-communicable diseases, health promotion, public information and education, water and sanitation, environmental protection and health-related data collection, surveillance, and outcome monitoring.

dd) *Quality Assurance* - A formal set of activities to review and ensure the quality of services provided. Quality assurance includes quality assessment and corrective actions to remedy any deficiencies identified in the quality of direct patient, administrative, and support services.

ee) *Residence* - The place where the member actually lives.

ff) *Retiree* - A member of the Program who has reached the age of retirement or who was retired on account of disability.

gg) *Self-employed* - a person who works for himself and is therefore both employee and employer at the same time.

hh) *Social Security System* - The Social Security System created under Republic Act No. 1161, as amended.

ii) *Treatment Procedure* - Any method used to remove the symptoms and cause of a disease.

jj) *Utilization Review* - A formal review of patient utilization or of the appropriateness of health care services, on a prospective, concurrent or retrospective basis.

### Article III.

## THE NATIONAL HEALTH INSURANCE PROGRAM

SEC. 5. *Establishment and Purpose.* — There is hereby created the National Health Insurance Program which shall provide health insurance coverage and ensure affordable, acceptable, available and accessible health care services for all citizens of the Philippines, in accordance with the policies and specific provisions of this Act. This social insurance programs shall serve as the means for the healthy to help pay for the care of the sick and for those who can afford medical care to subsidize those who cannot. It shall initially consist of Programs I and II of Medicare and be expanded progressively to constitute one universal health insurance program for the entire population. The Program shall include a sustainable system of funds constitution, collection, management and disbursement for financing the availment of a basic minimum package and other supplementary packages of health insurance benefits by a progressively expanding proportion of the population. The Program shall be limited to paying for the utilization of health services by covered beneficiaries or to purchasing health services in behalf of such beneficiaries. It shall be prohibited from providing health care directly, from buying and dispensing drugs and pharmaceuticals, from employing physicians and other professionals for the purpose of directly rendering care, and from owning or investing in health care facilities.

SEC. 6. *Coverage* — All citizens of the Philippines shall be covered by the National Health Insurance Program. In accordance with the principles of universality and compulsory coverage enunciated in Section 2 (b) and 2 (1) hereof, implementation of the Program shall, furthermore, be gradual and phased in over a period of not more than fifteen (15) years: *Provided*, That the Program shall not be made compulsory in certain provinces and cities until the Corporation shall be able to ensure that members in such localities shall have reasonable access to adequate and acceptable health care services.

SEC. 7. *Enrollment*. — The Program shall enroll beneficiaries in order for them to be placed under coverage that entitles them to avail of benefits with the assistance of the financial arrangements provided by the Program. The process of enrollment shall include the identification of beneficiaries, issuance of appropriate documentation specifying eligibility to benefits, and indicating how membership was obtained or is being maintained. The enrollment shall proceed in accordance with these specific policies:

a) all persons currently eligible for benefits under Medicare Program I, including 558 and GSLS members, retirees, pensioners and their dependents, shall immediately and automatically be made members of the National Health Insurance Program;

b) all persons eligible for benefits through health insurance plans established by local governments as part of Program II of Medicare or in accordance with the provisions of this Act, including indigent members, shall also be enrolled in the Program.

c) all persons eligible for benefits as members of local health insurance plans established by the Corporation in accordance with the implementing rules and regulations of this Act shall also be deemed to have enrolled in the Program. Enrollment of persons who have no current health insurance coverage shall be given priority by the corporation; and

d) all persons eligible for benefits as members of other government initiated health insurance programs, community-based health care organizations, cooperatives, or private non-profit health insurance plans shall be enrolled in the Program upon accreditation by the Corporation which shall devise and provide incentives to ensure that such accredited organizations will benefit from their participation in the program.

All indigents not enrolled in the Program shall have priority in the use and availment of the services and facilities of government hospitals, health care personnel, and other health organizations: *Provided, however*, That such government health care providers shall ensure that said indigents shall subsequently be enrolled in the Program.

SEC. 8. *Health Insurance ID Card* — In conjunction with the enrollment provided above, the Corporation through its local office shall issue a health insurance ID which shall be used for purposes of identification, eligibility verification, and utilization recording. The issuance of this ID card shall be accompanied by a dear explanation to the enrollee of his rights, privileges and obligations as a member. A list of health care providers accredited by the Local Health Insurance Office shall likewise be attached thereto.

SEC. 9. *Change of Residence* — A citizen can be under only one Local Health Insurance Office which shall be located in the province or city of his place of residence. A person who changes residence, becomes temporarily employed, or for other justifiable reasons, is transferred to another locality should inform said Office of such transfer and subsequently transfer his Program membership.

SEC. 10. *Benefit Package*. — Subject to the limitations specified in this Act and as may be determined by the Corporation, the following categories of personal health services granted to the member or his dependents as medically necessary or appropriate shall include:

- a) Inpatient hospital care:
  - 1) room and board;
  - 2) services of health care professionals;
  - 3) diagnostic, laboratory, and other medical examination services;
  - 4) use of surgical or medical equipment and facilities;
  - 5) prescription drugs and biologicals, subject to the limitations stated in Section 37 of this Act;
  - 6) inpatient education packages;
- b) Outpatient care:
  - 1) services of health care professionals;
  - 2) diagnostic, laboratory, and other medical examination services;
  - 3) personal preventive services; and
  - 4) prescription drugs and biologicals, subject to the limitations described in Section 37 of this Act,
- c) Emergency and transfer services; and
- d) Such other health care services that the Corporation shall determine to be appropriate and cost-effective: *Provided*, That the Program, during its initial phase of implementation, which shall not be more than five (5) years, shall provide a basic minimum package of benefits which shall be defined according to the following guidelines:
  - 1) the cost of providing said package is such that the available national and local government subsidies for premium payments of indigents are sufficient to extend coverage to the widest possible population.
  - 2) the initial set of services shall not be less than half of those provided under the current Medicare Program I in terms of overall average cost of claims paid, per, beneficiary household per year.

3) the services included are prioritized, first according to its cost-effectiveness and, second, according to its potential of providing maximum relief from the financial burden on the beneficiary: *Provided*; That in addition to the basic minimum package, the Program shall provide supplemental health benefit coverage to beneficiaries of contributory funds, taking into consideration the availability of funds for the purpose from said contributory funds: *Provided further*, That the Program shall progressively expand the basic minimum benefit package as the proportion of the population covered reaches targetted milestones so that the same benefits are extended to all members of the Program within five (5) years after implementation of this Act. Such expansion will provide for the gradual incorporation of supplementary health benefits previously extended only to some beneficiaries into the basic minimum package extended to all beneficiaries: and *Provided; finally*, that in the phased implementation of this Act, there should be no reduction or interruption in the benefits currently enjoyed by present members of Medicare.

SEC. 11. *Excluded Personal Health Services.* — The benefits granted under this Act shall not cover expenses for the services enumerated hereunder except when the Corporation, after actuarial studies, recommend their inclusion subject to the approval of the Board:

- a) non-prescription drugs and devices;
- b) outpatient psychotherapy and counselling for mental disorders;
- c) drug and alcohol abuse or dependency treatment;
- d) cosmetic surgery;
- e) home and rehabilitation services;
- f) optometric services; and
- g) normal obstetrical delivery;
- h) cost-ineffective procedures which shall be defined by the Corporation.

SEC. 12. *Entitlement to Benefits* — A member whose premium contributions for at least three (3) months have been paid within the six (6) months prior to the first day of his or his dependents' availment, shall be entitled to the benefits of the Program: *Provided*, That such member can show that he contributes thereto with sufficient regularity, as evidenced in their health insurance ID card: and *Provided further*, That he is not currently subject to legal penalties as provided for in Section 44 of this Act.

The following need not pay the monthly contributions to be entitled to the Program's benefits:

- a) Retirees and pensioners of the 555 and GSIS prior to the effectivity of this Act,
- b) Members who reach the age of retirement as provided for by law and have paid at least one hundred twenty (120) monthly contributions; and
- c) Enrolled indigents.

SEC. 13. *Portability of Benefits.* — The Corporation shall develop and enforce mechanisms and procedures to assure that benefits are portable across Offices.

#### Article IV.

### THE PHILIPPINE HEALTH INSURANCE CORPORATION

SEC. 14. *Creation and Nature of the Corporation.* — There is hereby created a Philippine Health Insurance Corporation, which shall have the status of a tax-exempt government corporation attached to the Department of Health for policy coordination and guidance.

SEC. 15. *Exemptions from Taxes and Duties.* — The Corporation shall be exempt from the payment of taxes on all contributions thereto and all accruals on its income or investment earnings.

Any donation, contribution, bequest, subsidy or financial aid which may be made to the Corporation shall constitute as allowable deduction from the income of the donor for income tax purposes and shall be exempt from donor's tax, subject to such conditions as provided in the National Internal Revenue Code, as amended.

SEC. 16. *Powers and Functions.* — The Corporation shall have the following powers and functions:

- a) to administer the National Health Insurance Program;
- b) to formulate and promulgate policies for the sound administration of the Program;
- c) to set standards, rules, and regulations necessary to ensure quality of care, appropriate utilization of services, fund viability, member satisfaction, and overall accomplishment of Program objectives;
- d) to formulate and implement guidelines on contributions and benefits; portability of benefits, cost containment and quality assurance, and health care provider arrangements, payment methods, and referral systems;
- e) to establish branch offices as mandated in Article V of this Act,
- f) to receive and manage grants, donations, and other forms of assistance;
- g) to sue and be sued in court,
- h) to acquire property; real and personal, which may be necessary or expedient for the attainment of the purposes of this Act,
- i) to collect, deposit, invest, administer, and disburse the National Health Insurance Fund in accordance with the provisions of this Act,

j) to negotiate and enter into contracts with health care institution professionals, and other persons, juridical or natural, regarding the price payment mechanisms, design and implementation of administrative and operating systems and procedures, financing, and delivery of health services;

k) to authorize Local Health Insurance Offices to negotiate and enter into contracts in the name and on behalf of the Corporation with any accredited government or private sector health provider organization, including but not limited to health maintenance organizations, cooperatives and medical foundations, for the provision of at least the minimum package of personal health services prescribed by the Corporation;

l) to determine requirements and issue guidelines for the accreditation of health care providers for the Program in accordance with this Act,

m) to supervise the provision of health benefits with the power to inspect medical and financial records of health care providers and patients who are participants in or members of the Program, and the power to enter and inspect accredited health care institutions, subject to the rules ~ regulations to be promulgated by the Corporation;

n) to organize its office, fix the compensation of and appoint person' nd as may be deemed necessary and upon the recommendation of the president of the Corporation;

o) to submit to the President of the Philippines and to both Houses of Congress its Annual Report which shall contain the status of the National Health Insurance Fund, its total disbursements, reserves, average costings to beneficiaries, any request for additional appropriation, and other data pertinent to the implementation of the Program and publish a synopsis of such report in two (2) newspapers of general circulation;

p) to keep records of the operations of the Corporation and investments of the National Health Insurance Fund; and

q) to perform such other acts as it may deem appropriate for the attainment of the objectives of the Corporation and for the proper enforcement of the provisions of this Act.

SEC. 17. *Quasi-Judicial Powers.* — The Corporation, to carry out its tasks more effectively, shall be vested with the following powers:

a) to conduct investigations for the determination of a question, controversy, complaint, or unresolved grievance brought to its attention, and render decisions, orders, or resolutions thereon. It shall proceed to hear and determine the case even in the absence of any party who has been properly served with notice to appear. It shall conduct its proceedings or any part thereof in public or in executive session; adjourn its hearings to any time and place; refer technical matters or accounts to an expert and to accept his reports as evidence; direct parties to be joined in or excluded from the proceedings; and give all such directions as it may deem necessary or expedient in the determination of the dispute before it,

b) to summon the parties to a controversy, issue *subpoenas* requiring the attendance and testimony of witnesses or the production of documents and other materials necessary to a just determination of the case under investigation;

c) to suspend temporarily, revoke permanently, or restore the accreditation of a health care provider or the right to benefits of a member and/or impose fines after due notice and hearing. The decision shall immediately be executory, even pending appeal, when the public interest so requires and as may be provided for in the implementing rules and regulations. Suspension of accreditation shall not exceed twenty-four (24) months. Suspension of the rights of members shall not exceed six (6) months.

The revocation of a health care provider's accreditation shall operate to disqualify him from obtaining another accreditation in his own name, under a different name, or through another person, whether natural or juridical.

The Corporation shall not be bound by the technical rules of evidence.

SEC. 18. *The Board of Directors.* —

a) *Composition* - The Corporation shall be governed by a Board of Directors hereinafter referred to as the Board, composed of eleven members as follows:

The Secretary of Health;  
The Secretary of Labor and Employment or his representative;  
The Secretary of the Interior and Local Government or his representative;  
The Secretary of Social Welfare and Development or his representative;  
The President of the Corporation;  
A representative of the labor sector;  
A representative of employers;  
The SSS Administrator or his representative;  
The GSIS General Manager or his representative;  
A representative of the self-employed sector; and  
A representative of health care providers.

The Secretary of Health shall be the *ex officio* Chairperson while the President of the Corporation shall be the Vice Chairperson of the Board.

b) *Appointment and Tenure* - The President of the Philippines shall appoint the Members of the Board upon the recommendation of the Chairman of the Board and in consultation with the sectors concerned. Members of the Board shall have a term of four (4) years each, renewable for a maximum of two (2) years, except for members whose terms shall be co-terminous with their respective positions in government. Any vacancy in the Board shall be filled in the manner in which the original appointment was made and the appointee shall serve only the unexpired term of his predecessor.



c) *Meetings and Quorum* - The Board shall hold regular meetings least once a month. Special meetings may be convened at the call of the Chairperson or by a majority of the members of the Board. The presence of six (6) voting members shall constitute a quorum. In the absence of the Chairperson and Vice Chairperson, a temporary presiding officer shall be designated by the majority of the quorum.

d) *Allowances and Per Diems* - The members of the Board shall receive a *per diem*, for every meeting actually attended subject to the pertinent budgetary laws, rules and regulations on compensation, honoraria and allowance.

SEC. 19. *The President of the Corporation.* —

a) *Appointment and Tenure* - The President of the Philippines shall appoint for a non-renewable term of six (6) years the President of the Corporation, hereinafter referred to as the President, upon the recommendation of the Board. The President shall not be removed from office except in accordance with existing laws.

b) *Duties and Functions* - The President shall have the duty of advising the Board and carrying into effect its policies and decisions. His functions are as follows:

- 1) to act as the chief executive officer of the Corporation; and
- 3) to be responsible for the general conduct of the operations and management functions of the Corporation and for other duties assigned to him by the Board.

c) *Qualifications* - The President must be a Filipino citizen and must possess adequate and appropriate training and at least (5) years experience in the field of health care financing and corporate management.

d) *Salary* - The President shall receive a salary to be fixed by the Board, with the approval of the President of the Philippines, payable from the funds of the Corporation.

e) *Prohibition-To* avoid conflict of interest, the President must not be involved in any health care institution as owner or member of its board.

SEC. 20. *Health Finance Policy Research.* — Among the staff departments that will be established by the Corporation shall be the Health Finance Policy Research Department, which shall have the following duties and functions:

a) development of broad conceptual framework for implementation of the Program through a national health finance master plan to ensure sustained investments in health care, and to provide guidance for additional appropriations from the National Government,

b) conduct of researches and studies toward the development of policies necessary to ensure the viability, adequacy and responsiveness of the Program;

c) review, evaluation, and assessment of the Program's impact on the access to, as well as the quality and cost of, health care in the country;

d) periodic review of fees, charges, compensation rates, capitation rates, medical standards, health outcomes and satisfaction of members, benefits, and other matters pertinent to the operations of the Program;

e) comparison in the delivery, quality, use, and cost of health care services of the different Offices;

f) submission for consideration of program of quality assurance, utilization review, and technology assessment, and

g) submission of recommendations on policy and operational issues that will help the Corporation meet the objectives of this Act.

SEC. 21. *Actuary of the Corporation.* — An Office of Actuary shall be created within the Corporation to conduct the necessary actuarial studies and present recommendations on insurance premium, investments and other related matters.

#### **Article V. LOCAL HEALTH INSURANCE OFFICE**

SEC. 22. *Establishment.* — The Corporation shall establish a Local Health Insurance Office, hereinafter referred to as the Office, in every province or chartered city, or wherever it is deemed practicable to bring its services closer to members of the Program. However, one office may serve the needs of more than one province or city when the merged operations will result in lower administrative cost and greater cross-subsidy between rich and poor localities.

Provinces and cities where prospective members are organized shall receive priority in the establishment of local health insurance offices.

SEC. 23. *Functions.* — Each Office shall have the following powers and functions:

a) to consult and coordinate, as needed, with the local government units within its jurisdiction in the implementation of the Program;

b) to recruit and register members of the Program from all areas within its jurisdiction;

c) to collect and receive premiums and other payment contributions to the Program;

d) to maintain and update the membership eligibility list at community levels;

e) to supervise the conduct of means testing which shall be based on the criteria set by the Corporation and undertaken by the Barangay Captain in coordination with the social welfare officer and community-based health care organizations to determine the economic status of all households and individuals, including those who are indigent,

f) to issue health insurance ID cards to persons whose premiums have been paid according to the requirements of the Office and the guidelines issued by the Board;

g) to recommend to the Board premium schedules that provide for lower rates to be paid by members whose dependents include those with reduced probability of utilization, as in fully immunized children;

h) to recommend to the Board a contribution schedule which specifies contribution levels by individuals and households, and a corresponding uniform package of personal health service benefits which is at least equal to the minimum package of such benefits prescribed by the Board as applying to the nation;

i) to grant or deny accreditation to health care providers in their area of jurisdiction, subject to the rules and regulations to be issued by the Board;

j) to process, review and pay the claims of providers, within a period not exceeding sixty (60) days whenever applicable in accordance with the rules and guidelines of the Corporation;

k) to pay fees, as necessary, for claims review and processing when such are conducted by the central office of the Corporation or by any of its contractors;

l) to establish referral systems and network arrangements with other Offices, as maybe necessary and following the guidelines set by the Corporation;

m) to establish mechanisms by which private and public sector health facilities and human resources may be shared in the interest of optimizing the use of health resources;

n) to support the management information system requirements of the Corporation;

o) to serve as the first level for appeals and grievance cases;

p) to tap community-based volunteer health workers and barangay officials, if necessary, for member recruitment, premium collection and similar activities, and to grant such workers incentives according to the guidelines set by the Corporation and in accordance with applicable laws. However, the incentives for the barangay officials shall accrue to the barangay and not to the said officials.

q) to participate in information and education activities that are consistent with the government's priority programs on disease prevention and health promotion; and

r) to prepare an annual report according to guidelines set by the Board and to submit the same to the central office of the Corporation.

#### **Article VI. THE NATIONAL HEALTH INSURANCE FUND**

SEC. 24. *Creation of the National Health Insurance Fund.* — There is hereby created a National Health Insurance Fund, hereinafter referred to as the Fund, that shall consist of:

- a) Contribution from Program members;
- b) Current balances of the Health Insurance Funds of the 555 and GSIS collected under the Philippine Medical Care Act of 1969, as amended, including arrearages of the Government of the Philippines with the GSIS for the said Fund;
- c) other appropriations earmarked by the national and local governments purposely for the implementation of the Program;
- d) Subsequent appropriations provided for under Sections 46 and 47 of this Act,
- e) Donations and grants-in-aid; and
- f) All accruals thereof.

SEC. 25. *Components of the National Health Insurance Fund.* — The National Health Insurance Fund shall have the following components:

a) *The Basic Benefit Fund.* This Fund shall finance the availment of the basic minimum benefit package by eligible beneficiaries. All liabilities associated with the extension of entitlement to the basic minimum benefit package to the enrolled population shall be borne by the basic benefit fund. It shall be constituted and maintained through the following process:

1) upon the determination of the amount of government subsidies and donations available for paying fully or partially the premium of indigenes beneficiaries, a basic minimum benefit package affordable for enrolling as many of the indigent beneficiaries as possible shall be defined. The government subsidies will then be constituted as premium payments for enrolled indigents and contributed into the basic benefit fund.

2) for extending coverage of this same minimum benefit package to non-indigents who are not members of Medicare, premium prices for specific population shall be actuarially determined based on variations in risk, capacity to pay, and projected costs of services utilized. The amounts corresponding to the premium required, including costs of direct benefit payments, all costs of administration, and provision of adequate reserves,

for extending the coverage of the basic minimum benefit package for such population groups shall be contributed into the basic benefit fund.

3) for the population enrolled through Medicare Program I under SSS, the corresponding premium for the basic minimum benefit package, including costs of direct benefit payments, all costs of administration, and provision of adequate reserves, shall be charged to the health insurance fund of the SSS and paid into the basic benefit fund.

4) for the population enrolled through Medicare Program I under GSIS, the corresponding premium for the basic minimum benefit package, including costs of direct benefit payments, all costs of administration, and provision of adequate reserves, shall be charged to the health insurance fund of the GSIS and paid into the basic benefit fund.

5) for groups enrolled through any of the existing or future health insurance schemes and plans, including those created under Medicare Program II and those organized by local government units, national agencies, cooperatives, and other similar organizations, the corresponding premium, including costs of direct benefit payments, all costs of administration, and provision of adequate reserves, for extending the basic minimum benefit package to their respective enrollees will be charged to their respective funds and paid into the basic benefit fund.

b) *Supplementary Benefit Fund.* These are separate and distinct supplementary benefit funds created by the Corporation as eligible for use to provide supplementary coverage to various groups of the population enjoying the basic benefit coverage as are affordable by their respective funding sources. Each supplementary benefit fund shall finance the extension and availment of additional benefits not included in the basic minimum benefit package but approved by the Board. Such supplementary benefits shall be financed by whatever amounts are available after deducting the costs of providing the basic minimum benefit package, including costs of direct benefit payments, all costs of administration, and provision of adequate reserves. All liabilities associated with the extension of supplementary benefits to the defined group of enrollees shall be borne exclusively by the respective supplementary benefit fund. Upon the implementation of this Act, the following supplementary benefit funds shall be established:

1) supplementary benefit fund for SSS-Medicare members and beneficiaries. After deducting the amount corresponding to the premium of the basic minimum benefit package, the balance of the SSS-Health Insurance Fund (HIF) shall be constituted into a supplementary benefit fund to finance the extension of benefits in addition to the minimum basic package to SSS members and beneficiaries; and

2) supplementary benefit fund for GSIS-Medicare members" and beneficiaries. After deducting the amount corresponding to the premium for the basic minimum benefit package, the balance of the GSIS-HIF plus the arrearages of the Government of the Philippines with the GSIS for the *said* HIF shall be constituted into a supplementary benefit fund to finance the extension of benefits in addition to the minimum basic package to GSIS members and beneficiaries.

for extending the coverage of the basic minimum benefit package for such population groups shall be contributed into the basic benefit fund.

3) for the population enrolled through Medicare Program I under SSS, the corresponding premium for the basic minimum benefit package, including costs of direct benefit payments, all costs of administration, and provision of adequate reserves, shall be charged to the health insurance fund of the SSS and paid into the basic benefit fund.

4) for the population enrolled through Medicare Program I under GSIS, the corresponding premium for the basic minimum benefit package, including costs of direct benefit payments, all costs of administration, and provision of adequate reserves, shall be charged to the health insurance fund of the GSIS and paid into the basic benefit fund.

5) for groups enrolled through any of the existing or future health insurance schemes and plans, including those created under Medicare Program II and those organized by local government units, national agencies, cooperatives, and other similar organizations, the corresponding premium, including costs of direct benefit payments, all costs of administration, and provision of adequate reserves, for extending the basic minimum benefit package to their respective enrollees will be charged to their respective funds and paid into the basic benefit fund.

b) *Supplementary Benefit Fund.* These are separate and distinct supplementary benefit funds created by the Corporation as eligible for use to provide supplementary coverage to various groups of the population enjoying the basic benefit coverage as are affordable by their respective funding sources. Each supplementary benefit fund shall finance the extension and availment of additional benefits not included in the basic minimum benefit package but approved by the Board. Such supplementary benefits shall be financed by whatever amounts are available after deducting the costs of providing the basic minimum benefit package, including costs of direct benefit payments, all costs of administration, and provision of adequate reserves. All liabilities associated with the extension of supplementary benefits to the defined group of enrollees shall be borne exclusively by the respective supplementary benefit fund. Upon the implementation of this Act, the following supplementary benefit funds shall be established:

1) supplementary benefit fund for SSS-Medicare members and beneficiaries. After deducting the amount corresponding to the premium of the basic minimum benefit package, the balance of the SSS-Health Insurance Fund (HIF) shall be constituted into a supplementary benefit fund to finance the extension of benefits in addition to the minimum basic package to SSS members and beneficiaries; and

2) supplementary benefit fund for GSIS-Medicare members” and beneficiaries. After deducting the amount corresponding to the premium for the basic minimum benefit package, the balance of the GSIS-HIF plus the arrearages of the Government of the Philippines with the GSIS for the *said* HIF shall be constituted into a supplementary benefit fund to finance the extension of benefits in addition to the minimum basic package to GSIS members and beneficiaries.

In accordance with the principles of equity and social solidarity, as enunciated in Section 2 of this Act, the above supplementary benefit funds shall be maintained for not more than five (5) years, after which, such funds shall be merged into the basic benefit fund.

SEC. 26. *Financial Management.* — The use, disposition, investment, disbursement, administration and management of the National Health Insurance Fund, including any subsidy, grant or donation received program operations shall be governed by resolution of the Board of Directors of the Corporation, subject to the following limitations:

a) All funds under the management and control of the Corporation shall be subject to all rules and regulations applicable to public funds.

b) The Corporation is authorized to charge the various funds under its control for the costs of administering the Program. Such costs may include administration, monitoring, marketing and promotion, research and development, audit and evaluation, information services, and other necessary activities for the effective management of the Program. The total annual costs for these shall not exceed twelve percent (12%) of the total contributions, including government contributions to the Program and not more than three percent (3%) of the investment earnings collected during the immediately preceding year.

SEC. 27. *Reserve Fund.* — The Corporation shall set aside a portion of its accumulated revenues not needed to meet the cost of the current year expenditures as reserve funds: *Provided* That the total amount of reserves shall not exceed equivalent to the amount actuarially estimated for two years' projected Program expenditures: *Provided, further,* That whenever actual reserves exceed the required ceiling at the end of the Corporation's fiscal year, the Program's benefits shall be increased or member contributions decreased prospectively in order to adjust expenditures or revenues to meet the required ceiling for reserve funds. Such portions of the reserve fund as are not needed to meet the current expenditure obligations shall be invested in short-term investments to earn an average annual income at prevailing rates of interest and shall be known as the "Investment Reserve Fund" which shall be invested in any or all of the following.

a) In interest-bearing bonds, securities or other evidences of indebtedness of the Government of the Philippines; or in bonds, securities, promissory notes and other evidences of indebtedness to which full faith and credit and unconditional guarantee of the Republic of the Philippines is pledged;

b) In interest-bearing deposits and loans to or securities in any domestic bank doing business in the Philippines: *Provided,* That in the case of such deposits, this shall not exceed at any time the unimpaired capital and surplus or total private deposits of the depository bank, whichever is smaller: *Provided further,* That said bank shall first have been designated as a depository for this purpose by the Monetary Board of the *Bangko Sentral ng Pilipinas*; and

c) In preferred stocks of any solvent corporation or institution created or existing under the laws of the Philippines: *Provided*, That the issuing, assuming, or guaranteeing entity or its predecessor has paid regular dividends upon its preferred or guaranteed stocks for a period of at least three (3) years immediately preceding the date of investment in such preferred or guaranteed stocks: *Provided, further*, That if the stocks are guaranteed the amount of stocks so guaranteed is not in excess of fifty percent (50%) of the amount of the preferred common stocks as the case may be of the issuing corporations: *Provided, furthermore*, That if the corporation or institution has not paid dividends upon its preferred stocks, the corporation or institution has sufficient retained earnings to declare dividends for at least two (2) years on such preferred stocks and in common stocks option or warrants to common stocks of any solvent corporation or institution created or existing under the laws of the Philippines in the stock exchange with proven track record of profitability and payment of dividends over the last three (3) years or in common stocks of a newly organized corporation about to be listed in the stock exchange: *Provided, finally*, That such duly organized corporations shall have been rated 'A', double 'A's or triple 'A's by authorized accredited domestic rating agencies or by the Corporation or in mutual funds including allied investments.

## Article VII. FINANCING

SEC. 28. *Contributions.* — All members of the Program shall contribute to the Fund, in accordance with a reasonable, equitable and progressive contribution schedule to be determined by the Corporation on the basis of applicable actuarial studies and in accordance with the following guidelines.

a) Formal sector employees and current medicare members and their employers shall continue paying the same monthly contributions as provided for by law until such time that the Corporation shall have determined the contributions schedule mentioned herein: *Provided*, That their monthly contributions shall not exceed three percent (3%) of their respective monthly salaries.

b) Contributions from self-employed members shall be based primarily on household earnings and assets; their total contributions for one year shall not, however, exceed three percent (3%) of their estimated actual net income for the preceding year.

c) Contributions made in behalf of indigent members shall exceed the minimum contributions set for employed members.

SEC. 29. *Payment for Indigent Contributions.* — Contributions for indigent members shall be subsidized partially by the local government unit where the member resides. The Corporation shall provide counterpart financing equal to the LGU's subsidy for indigents: *Provided*, That in the case of fourth, fifth and sixth class LGU's, the National Government shall provide up to ninety percent (90%) of the subsidy for indigents for a period not exceeding five (5) years. The share of the LGUs shall be progressively increased until such time that its share becomes equal to that of the National Government.



## Article VIII. HEALTH CARE PROVIDERS

SEC. 30. *Free Choice of Health Facility, Medical or Dental Practitioner.* — Beneficiaries requiring treatment or confinement shall be free to choose from accredited health care providers. Such choice shall, however, be subject to limitations based on the area of jurisdiction of the concerned Office and on the appropriateness of treatment in the facility chosen or the desired provider.

SEC. 31. *Authority to Grant Accreditation.* — The Corporation shall have the authority to grant to health care providers accreditation which confers the privilege of participating in the Program.

SEC. 32. *Accreditation Eligibility.* — All health care providers, as enumerated in Sec. 4(o) hereof and operating for at least three (3) years may apply for accreditation.

SEC. 33. *Minimum Requirements for Accreditation.* — The minimum accreditation requirements for health care providers are as follows:

- a) human resource, equipment and physical structure in conformity with the standards of the relevant facility, as determined by the Department of Health;
- b) acceptance of formal program of quality assurance and utilization review.
- c) acceptance of the payment mechanisms specified in the following section;
- d) adoption of referral protocols and health resources sharing arrangements;
- e) recognition of the rights of patients; and
- f) acceptance of information system requirements and regular transfer of information.

SEC. 34. *Provider Payment Mechanisms.* — The following mechanisms for public and private providers shall be allowed in the Program:

- a) Fee-for-service based on mechanisms established by the Corporation;
- b) Capitation of health care professionals and facilities, or networks of the same including HMOs, medical cooperatives, and other legally formed health service groups;
- c) A combination of both; and
- d) Any or all of the above, subject to a global budget.

Each Office shall recommend the appropriate payment mechanism within its jurisdiction for approval by the Corporation. Special consideration shall be given to

payment for services rendered by public and private health care providers serving remote or medically underserved areas.

SEC. 35. *Fee-for-service Payments and Payments in General.* — Fee-for-service payments may be made separately for professional fees and hospital charges, or both, based on arrangements with health care providers. This fee shall be based on a schedule to be established by the Board which shall be reviewed every three (3) years. Fees paid for professional services rendered by salaried public providers shall be allowed to be retained by the health facility in which services are rendered and be pooled and distributed among health personnel. Charges paid to public facilities shall be allowed to be retained by the individual facility in which services were rendered and for which payment was made. Such revenues shall be used to defray operating costs other than salaries, to maintain or upgrade equipment, plant or facility, and to maintain or improve the quality of service in the public sector.

SEC. 36. *Capitation Payments.* — Capitation payments may be paid to public or private providers according to rates of capitation payments based on annual capitation rate guidelines to be issued by the Corporation.

SEC. 37. *Quality Assurance.* — Under the guidelines approved by the Corporation and in collaboration with their respective Offices, health care providers shall take part in programs of quality assurance, utilization review, and technology assessment that have the following objectives.

a) to ensure that the quality of personal health services delivered, measured in terms of inputs, process, and outcomes, are of reasonable quality in the context of the Philippines over time;

b) to ensure that the health care standards are uniform within the Office's jurisdiction and eventually throughout the nation; and

c) to see to it that the acquisition and use of scarce and expensive medical technologies and equipment are consistent with actual needs and standards of medical practice, and that:

- 1) the performance of medical procedures and the administration of drugs are appropriate, necessary and unquestionably consistent with accepted standards of medical practice and ethics. Drugs for which payments will be made shall be those included in the Philippine National Drug Formulary, unless explicit exception is granted by the Corporation.
- 2) the performance of medical procedures and the administration of drugs are appropriate, consistent with accepted standards of medical practice and ethics, and respectful of the local culture.

SEC. 38. *Safeguards Against Over and Under Utilization.* — It is incumbent upon the Corporation to set up a monitoring mechanism to be operationalized through a contract with health care providers to ensure that there are safeguards against:

- a) over-utilization of services;
- b) unnecessary diagnostic and therapeutic procedures and intervention;
- c) irrational medication and prescriptions;
- d) under-utilization of services; and
- e) inappropriate referral practices.

The Corporation may deny or reduce the payment for claims when such claims are attended by false or incorrect information and when the claimant fails without justifiable cause to comply with the pertinent rules and regulations of this Act.

### **Article IX. GRIEVANCE AND APPEAL**

SEC. 39. *Grievance System.* — A system of grievance is hereby established, wherein members, dependents, or health care providers of the Program who believe they have been aggrieved by any decision of the implementors of the Program, may seek, redress of the grievance in accordance with the provisions of this Article.

SEC. 40. *Grounds for Grievances.* —The following acts shall constitute valid grounds for grievance action:

- a) any violation of the rights of patients;
- b) a will full neglect of duties of Program implementers that results in the loss or non-enjoyment of benefits by members of their dependents;
- c) unjustifiable delay in actions on claims;
- d) delay in the processing of claims That extends beyond the period greed upon; and
- e) any other act or neglect that tends to undermine or defeat the purposes of this Act.

SEC. 41. *Grievance and Appeal Procedures.* — A member, his dependent, or a health care provider may file a complaint for grievance based on any of the above grounds, in accordance with the following procedures;

a) A complaint for grievance must be filed with the Office which shall rule on the complaint within ninety (90) calendar days from receipt thereof.

b) Appeals from Office decisions must be filed with the Board within thirty (30) days from receipt of notice of dismissal or disallowance by the Office.

c) The Offices shall have no jurisdiction over any issue involving the suspension or revocation of accreditation, the imposition of fines, or the imposition of charges on members or their dependents in case of revocation of their entitlement.

d) All decisions by the Board as to entitlement to benefits of members or to payments of health care providers shall be considered final and executory.

SEC. 42. *Grievance and Appeal Review Committee.* — The Board shall create a Grievance and Appeal Review Committee, composed of three (3) to five (5) members, hereinafter referred to as the Committee, which, subject to the procedures enumerated above, shall receive and recommend appropriate action on complaints from members and health care providers relative to this Act and its implementing rules and regulations.

SEC. 43. *Hearing Procedures of the Committee.* — Upon the filing of the complaint, the Grievance and Appeal Review Committee, from a consideration of the allegations thereof, may dismiss the case outright due to lack of verification, failure to state the cause of action, or any other valid ground for the dismissal of the complaint after consultation with the Board; or require the respondent to file a verified answer within five (5) days from service of summons.

Should the defendant fail to answer the complaint within the reglamentary five-day period herein provided, the Committee, *motu proprio* or upon motion of the complainant, shall render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein. -

After an answers filed and the issues are joined, the Committee shall require the parties to submit, within ten (10) days from receipt of the order, the affidavits of witnesses and other evidence on the factual issues defined therein, together with a brief statement of their positions setting forth the law and the facts relied upon by them. In the event the Committee finds, upon consideration of the pleadings, the affidavits and other evidence, and position statements submitted by the parties, that a judgment may be rendered thereon without need of a formal hearing, it may proceed render judgment not later than ten (10) days from the submission of the position statements' of the parties.

In cases where the Committee deems it necessary to hold a hearing to clarifying specific factual matters before rendering judgment, it shall set the case for hearing for the purpose. At such hearing, witnesses whose affidavits were previously submitted may be asked clarificatory questions by the proponent and by the Committee and may be cross-examined by the adverse party. The order setting the case for hearing shall specify the witnesses who will be called to testify, and the matters on which their examination will deal. The hearing shall be terminated within fifteen (15) days, and the case decided by the Committee within fifteen (15) days from such termination.

The decision of the Committee shall become final and executory fifteen (15) days after notice thereof: *Provided, however* That it is appealable to the Board by filing the

appellant's memorandum of appeal within fifteen (15) days from receipt of the copy of the judgment appealed from. The appellees shall be given fifteen (15) days from notice to file the appellee's memorandum after which the Board shall decide the appeal within thirty (30) days from the submittal of the said pleadings.

The decision of the Board shall also become final and executory fifteen (15) days after notice thereof: *Provided, however*, That it is reviewable by the Supreme Court on purely questions of law in accordance with the Rules of Court.

The Committee and the Board, in the exercise of their quasi-judicial function, as specified in Section 17 hereof, can administer oaths, certify to official acts and issue *subpoena* to compel the attendance and testimony of witnesses, and *subpoena duces tecum ad testificandum* to enjoin the production of books, papers and other records and to testify therein on any question arising out of this Act. Any case of contumacy shall be dealt with in accordance with the provisions of the Revised Administrative Code and the Rules of Court. The Board or the Committee, as the case may be, shall prescribe the necessary administrative sanctions such as fines, warnings, suspension or revocation of the right to participate in the Program.

In all its proceedings, the Committee and the Board shall not be bound by the technical rules of evidence: *Provided, however*, That the Rules of Court shall apply with suppletory effect.

## Article X. PENALTIES

SEC. 44. *Penal Provisions.* — Any violation of the provisions of this Act, after due notice and hearing, shall suffer the following penalties:

A fine of not less than Ten thousand pesos (P10,000) nor more than Fifty thousand pesos (P50,000) in case the violation is committed by the hospital management or provider. In addition, its accreditation shall be suspended or revoked from three (3) months to the whole term of accreditation: *Provided, however*; That recidivists may not anymore be accredited as a participant of the Program;

A fine of not less than Five hundred pesos (P500) nor more than Five thousand pesos (P5,000) and imprisonment of not less than six (6) months nor more than one (1) year in case the violation is committed by the member.

Where the violations consist of failure or refusal to deduct contributions from the employee's compensation or to remit the same to the Corporation, the penalty shall be a fine of not less than Five hundred pesos (P500) but not more than One thousand pesos (P1,000) multiplied by the total number of employees employed by the firm and imprisonment of not less than six (6) months but not more than one (1) year: *Provided further* That in the case of self-employed members, failure to remit one's own contribution shall be penalized with a fine of not less than five hundred pesos (P500) but not more than One thousand pesos (P1000).

Any employer or any officer authorized to collect contributions under this Act who, after collecting or deducting the monthly contributions from his employees' compensation, fails to remit the said contributions to the Corporation within thirty (30) days from the date they become due shall be presumed to have misappropriated such contributions and shall suffer the penalties provided for in Article 315 of the Revised Penal Code.

Any employer who shall deduct directly or indirectly from the compensation of the covered employees or otherwise recover from them his own contribution. on behalf of such employees shall be punished by a fine not exceeding One thousand pesos (P1,000) multiplied by the total number of employees employed by the firm, or imprisonment not exceeding one (1) year, or both fine and imprisonment, at the discretion of the Court.

If the act or omission penalized by this Act be committed by an association, partnership, corporation or any other institution, its managing directors or partners or president or general manager, or other persons responsible for the commission of the said act shall be liable for the penalties provided for in this Act and other laws for the offense.

Any employee of the Corporation who receives or keeps funds or property belonging, payable or deliverable to the Corporation, and who shall appropriate the same, or shall take or misappropriate or shall consent or through abandonment or negligence shall permit any other person take such property or funds wholly or partially, shall likewise be liable for misappropriation of funds or property and shall suffer imprisonment of not less than six (6) years and not more than twelve (12) years and a fine of not less than Ten thousand pesos (P10,000.00) nor more than Twenty thousand pesos (P20,000). Any shortage of the funds or loss of the property upon audit shall be deemed *prima facie* evidence of the offense.

All other violations involving funds of the Corporation shall be governed by the applicable provisions of the Revised Penal Code or other laws, taking into consideration the rules on collection, remittances, and investment of funds as may be promulgated by the Corporation.

## Article XI. APPROPRIATIONS

SEC. 45. *Initial Appropriation.* — The unexpended portion of the budget of the Philippine Medical Care Commission (PMCC) for the year during which this Act was approved shall be utilized for establishing the Corporation and initiating its operations, including the formulation of the rules and regulations necessary for the implementation of this Act. In addition, initial funding shall come from any unappropriated but available fund of the Government.

SEC. 46. *Subsequent Appropriations.* — Starting 1995 and thereafter, twenty-five percent (25%) of the increment in total revenue collected under Republic Act No. 7654 shall be appropriated in the General Appropriations Act solely for the National Health Insurance Fund.

In addition, starting 1996 and thereafter, twenty-five percent (25%) of the incremental revenue from the increase in the documentary stamp taxes under Republic Act No. 7660 shall likewise be appropriated solely for the said fund.

SEC. 47. *Additional Appropriations.* — The Corporation may Request Congress to appropriate supplemental funding to meet targetted milestones of the Program in accordance with Section 10(d) of this Act.

## Article XII. TRANSITORY PROVISIONS

SEC. 48. *Appointment of Board Members.* — Within thirty (30) days from the date of effectivity of this Act, the President of the Philippines shall appoint the members of the Board and the President of the Corporation.

SEC. 49. *Implementing Rules and Regulations.* — Within thirty (30) days from the completion of such appointments, the Board shall convene to formulate the rules and regulations necessary for the implementation of this Act.

SEC. 50. *Promulgation.* — Within one (1) year from its initial meeting, the Board shall promulgate the aforementioned rules and regulations in at least two (2) national newspapers of general circulation. But until such time that the Corporation shall have promulgated said rules and regulations the existing rules and regulations of the PMCC shall be followed. The present Medicare Program shall continue to be so administered, until the Corporation's Board deems the new system as ready for implementation in accordance with the provisions of this Act.

SEC. 51. *Merger.* — Within sixty (60) days from the promulgation of the implementing rules and regulations, all functions and assets of the Philippine Medical Care Commission shall be merged with those of the Corporation without need of conveyance, transfer or assignment. The PMCC shall thereafter cease to exist.

The liabilities of the PMCC shall be treated in accordance with existing laws and pertinent rules and regulations.

To the greatest extent possible and in accordance with existing laws, all employees of the PMCC shall be absorbed by the Corporation.

SEC. 52. *Transfer of Health Insurance Funds of the SSS and GSIS.* — The Health Insurance Funds being administered by the SSS and GSIS shall be transferred to the Corporation within sixty (60) days from the promulgation of the implementing rules and regulations. The SSS and GSIS shall, however, continue to perform Medicare functions under contract with Corporation until such time that such functions are assumed by the Corporation, in accordance with the following Section.

SEC. 53. *Transfer of the Medicare Functions of the SSS and GSIS.* — Within five (5) years from the promulgation of the implementing rules and regulations, the functions, assets, equipment, records, operating systems, and liabilities, if any, of the Medicare operations of the SSS and GSIS shall be transferred to the Corporation: *Provided, however;* That the SSS and GSIS shall continue performing its Medicare functions beyond the stipulated five-year period if such extension will benefit Program members, as determined by the Corporation.

Personnel of the Medicare departments of the SSS and GSIS shall be given priority in the hiring of the Corporation's employees.

### Article XIII. MISCELLANEOUS PROVISIONS

SEC. 54. *Oversight Provision.* — Congress shall conduct a regular review of the National Health Insurance Program which shall entail a systematic evaluation of the Program's performance, impact or accomplishments with respect to its objectives or goals. Such review shall be undertaken by the Committees of the Senate and the House of Representatives which have legislative jurisdiction over the Program.

SEC. 55. *Information Campaign.* — There shall be provided a substantial period of time to undertake an intensive public information campaign prior to the implementation of the rules and regulations of this Act.

SEC. 56. *Separability Clause.* — In the event any provision of this Act or the application of such provision to any person or circumstances is declared invalid, the remainder of this Act or the application of said provisions to other persons or circumstances shall not be affected by such declaration.

SEC. 57. *Repealing Clause.* — Executive Order 119, Presidential Decree 1519 and other laws currently applying to the administration of Medicare are hereby repealed. All other laws, executive orders, administrative rules and regulations or parts thereof which are inconsistent with the provisions of this Act are also hereby amended, modified, or repealed accordingly.

SEC. 58. *Government Guarantee.* — The Government of the Philippines guarantees the financial viability of the Program.

SEC. 59. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in at least three (3) national newspapers of general circulation.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

(Sgd.) EDUARDO J. ANGARA  
*President of the Senate*



This Act, which is a consolidation of Senate Bill No. 1738 and House Bill No. 14225, was finally passed by the Senate and the House of Representatives on February 7, 1995.

**(Sgd.) CAMILO L. SABIO**  
*Secretary General*  
*House of the Representatives*

**(Sgd.) EDGARDO E. TUMANGAN**  
*Secretary of the Senate*

Approved: Feb. 14, 1995

**(Sgd.) FIDEL V. RAMOS**  
*President of the Philippines*

Republic of the Philippines  
**PHILIPPINE HEALTH INSURANCE CORPORATION**  
8/F Philippine Heart Center Medical Arts Building  
East Avenue, Diliman, Quezon City

**EXECUTIVE SUMMARY**

**FOR : HONORABLE MEMBERS OF THE CABINET CLUSTER C**

**FROM : PHILIPPINE HEALTH INSURANCE CORPORATION**

**RE : IMPLEMENTING RULES AND REGULATIONS  
OF THE NATIONAL HEALTH INSURANCE  
ACT OF 1995**

**DATE : 30 APRIL 1996**

**ACTION**

**REQUESTED: ENDORSEMENT TO PRESIDENT FIDEL V. RAMOS  
FOR EXECUTIVE AND LEGISLATIVE ACTION**

**I. Backgrounder on the National Health Insurance Law**

On February 14, 1995, President Fidel V. Ramos signed into law RA 7875, otherwise known as the National Health Insurance Act (NHI) of 1995. A major piece of social legislation, the NHI Law promises to provide financial access to quality health care services through a social health insurance program.

The NHI law was enacted as an answer to the growing imperative to make more available and accessible quality, appropriate and adequate health care services at affordable and reasonable cost. Prior to the enactment of the NHI law, health care financing schemes in the country has proved wanting. The government's sole health care financing scheme, the Medicare Program catered only to the working population and has covered only 25M of the 69M Filipino population. In short, 44M Filipinos are not covered by social health insurance. Moreover, the indigent population, the most needy, financially and healthwise, were left to their own devices and lay most vulnerable.

The current health care financing profile of the country paints a picture of misallocation and misallocation of public and private funds: over the years, health expenditures has not substantially increased. Current health care financing schemes both in the public and the private sector likewise reveal a Filipino population growing more vulnerable to health contingencies.

As mandated by law, the PHIC has completed the drafting of the IRR of RA 7875 within the prescribed time frame. The PHIC now presents the attached IRR for endorsement to His Excellency Fidel V. Ramos for executive and legislative action.

## **II. Process of IRR Consultation**

The IRR of the NHIP was drafted in constant consultation with the different sectors, stakeholders, government and private agencies and experts to ensure that it is faithful to the mandate of the law and reflects the concerns and interests of all involved sectors.

### **The TWGs**

The 10 Technical Working Groups (TWGs) that drafted the IRR were composed of experts/resource persons from the DOH, the academe, professional associations, non-government organizations, the social security organizations and experts, and personnel from the Philippine Medical Care Commission. The draft IRR were subjected to a Nationwide Public Consultations. The consultations were held in Metro Manila, Dagupan City, Baguio City, Cebu City, Iloilo City, Davao City and Cagayan de Oro City. A total of 2,100 representative from the different sectors participated in the activity.

## **III. Highlights of the IRR of the NHIP**

- No increase in Premium Contribution

The IRR adopts the existing premium contribution levels and contribution sharing schemes for all member groups.

For the indigency program, the National Government through the PHIC and the local government unit where the qualified indigent resides shall shoulder the premium contribution. The LGU share shall be determined by their capability to pay as determined by their classification.

- Improved Basic Benefit Package and Provisions for a Supplementary Benefit Package

a.) Basic Benefit Package – The Basic Benefit Package (BBP) for all member groups shall be equivalent to the current SSS Benefit Package levels. This means a 20% qualitative improvement in benefits for GSIS members.

b.) Supplemental Benefit Package – In addition to the BBP, the SSS and OWWA members shall enjoy a Supplemental Benefit Package equivalent to 50% of the BBP levels. The GSIS's availment of the SBP shall be subject to the availability of the Equalization Fund.

- Provisions for ensuring Universality

Membership and contribution to the program is mandatory and compulsory.

- a.) Indigency Program and LGU partnership

The program shall target the poorest 25% of the population, or an equivalent to 3.6 M indigent families over a period of five years. To this end, Local Health Insurance Offices shall be established in the areas where the indigency program shall be implemented.

- b.) Expansion of coverage of Employed Sector

The NHIP shall expand the coverage of the employed sector, with special focus on the Overseas Contract Workers and the self-employed. The NHIP shall expand OCW enrollment from the current 200,000 to 2M members.

- Ensuring Quality of Health Care Delivery

As a condition for accreditation under the program, health care providers are required to abide by the Quality Assurance Program and standards set by the PHIC. Accreditation may be denied or revoked and payment for claims may be denied payment upon violation of or failure to conform with the Quality Assurance program.

- Containing Cost of Health Services and Goods

The IRR grants the PHIC Board the authority to institute Cost Containment Measures that will rationalize health care delivery and their cost, deter fraud against the Health Insurance Fund as well as drive down the incidence and recurrence of diseases through preventive and promotive measures. Initially, the IRR provides for the

- a.) Institution of In-patient Education Program, and

- b.) Price limits on medicines as a condition for reimbursement

- Improved Fraud Control and Quasi-Judicial Powers of the PHIC

The IRR enhances the Quasi-Judicial powers of the PHIC to allow it to curb fraud against the system/program. The Rules of Procedure abbreviates the administrative procedures to allow expeditious disposition of cases. The IRR likewise provides for eventual centralization of administration of the current Medicare program now under the SSS, GSIS and the OWWA — under one administrative agency: PHIC. This shall make efficient the handling of the Health Insurance Fund due to economies of scale as well as do away the problems attendant to fragmented administration.

#### **IV. STATUS OF PREPARATIONS FOR EARLY IMPLEMENTATION**

To immediately implement the NHIP, the PHIC has undertaken the following:

- Finalized the Organizational Design and Staffing Pattern Plan that will allow the PHiC to undertake the early and effective implementation

- Finalized the Program Manual of Operations
- Finalized the Information System Plan to allow efficient and effective management of data and information between the Corporation and the LHIOs as well as with the SSS and the GSIS
- Analyzed and identified priority areas for implementation of the Indigent Program. 7 SRA areas will be prioritized for 1996. In 1997, there will be an additional 25 Areas.

## V. CHALLENGES AND ACTION REQUESTED

- DBM
  - a.) Immediate release of Employers Counterpart Contribution for the Medicare Program to the GSIS to allow the latter to build up the GSIS Health Insurance Fund
  - b.) Immediate Action on the PHIC Corporate Budget and the PHIC Organizational Design and Staffing Pattern
  - c.) Immediate Release of Funds specifically allocated by the RA 7875 for Indigent premium subsidy.
  - d.) Yearly Programming/Allocation of Funds for the Program
- Oversight Committee on Devolution
  - For the Oversight Committee on Devolution to address the issue of Devolution Funding difficulties and the LGU counterpart contribution to Indigent premium subsidy
- Congress
  - a.) Enactment of a law establishing an Equalization Fund to allow the GSJS to increase Benefit Package levels for GSIS members as provided for in Sec. 25., GENERAL PROVISIONS, GAA 1996 (RA 8174)
  - b.) Amendment of Sec. 32 of RA 7875 re 3 year in operation requirement (for Health Care Institutions as a condition for Accreditation under the NHIP. Certification of Amendment requested from His Excellency
- PIA
  - a.) Assistance in the Information Dissemination/Campaign on the NHIP
- DECS/CHED
  - a.) Inclusion of the NHIP in the curriculum
- National Computer Center
  - a.) Approval of the PHIC Information System Plan

▪ **Malacanang**

a.) Amendment of Executive Order 195 s. 1994 to effect the transfer of administration of the OWWA Medicare Program to the PHIC

We are looking forward for a closer partnership with your office for the successful implementation of the NHIP. Thank you very much and more power.

**(Sgd.) ATTY. JOSE A. FABIA**  
President, PHIC

**MEMORANDUM**

**TO:** The Chairman and Honorable Members of the  
Cabinet Cluster C

**FROM:** Atty. Jose A. Fabia  
President and CEO  
Philippine Health Insurance Corporation

**RE:** Implementing Rules and Regulations of RA 7875

**DATE:** 30 April 1996

**ACTION  
REQUESTED:** Endorsement of IRR to President Fidel V. Ramos

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The *R.A. 7875: National Health Insurance Act of 1995* provides for the institution of a National Health Insurance Program and establishes the Philippine Health Insurance Corporation. It aims to provide health insurance coverage and ensure affordable, acceptable, available and accessible health care services for all citizens of the Philippines.

After a series of nationwide consultations with the affected sectors and round table discussions with health care providers, beneficiaries and local government units, the PHIC Board approved the Implementing Rules and Regulations (IRR) of RA 7875 last 19 April 1996, as per PHIC Board Resolution No. 34, Series of 1996.

The LRR was presented to and provisionally approved by NEDA's Social Development Committee last 25 April 1996 for endorsement to Cabinet Cluster C. In view of this, may we respectfully request the honorable chairman and members of the Cabinet Cluster C to endorse the IRR of RA 7875 to President Fidel V. Ramos for implementation.

Thank you.

**SOCIAL DEVELOPMENT COMMITTEE**  
**RESOLUTION NO. \_\_\_\_\_**  
**SERIES OF 1996**

**Approving the Implementing Rules and Regulations of  
RA 7875: National Health Insurance Act of 1995**

WHEREAS, the *Philippine Constitution* declares that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost; and that priority for the needs of the underprivileged, sick, elderly, disabled, women, and children shall be recognized; and that it shall be the policy of the State to provide free medical care to paupers;

WHEREAS, *RA 7875* has been enacted in line with the declared policy of the state to provide adequate social services and improved quality of life for all, and for this purpose, the state shall adopt an integrated and comprehensive approach towards health development;

WHEREAS, the *Ten-year Public Investment Plan for the Health Sector (1994-2004)* identifies national health insurance as one of its public investment packages towards a national framework for universal insurance coverage; and

WHEREAS, the draft IRR on RA 7875 was formulated through the efforts of an inter-agency Technical Working Group, Task Force IRR, National Organizing Committee, national consultations of the affected sectors, and round-table discussions with health care providers, beneficiaries, and local government units;

WHEREAS, the IRR has been approved by the Philippine Health Insurance Board last 19 April 1996, as per PHIC Board Resolution No. 34, Series of 1996;



NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, by the Chairman and members of the NEDA Board's Social Development Committee (SDC) Cabinet Cluster C, to endorse the Implementing Rules and Regulations of RA 7875 to President Fidel V. Ramos for implementation.

**HON. CIELITO F. HABITO, Jr.**  
Secretary for Socio-Economic Planning  
Chairman, Social Development Committee  
Cabinet Cluster C

**HON. LINA B. LAIGO**  
Secretary  
Department of Social  
Welfare and Development

**HON. ROBERT BARBERS**  
Secretary  
Department of Interior and  
Local Government

**HON. JOSE BRILLANTES**  
Secretary  
Department of Labor  
and Employment

**HON. CARMENCITA REODICA**  
Secretary  
Department of Health

**HON. RICARDO T. GLORIA**  
Secretary  
Department of Education,  
Culture and Sports

**HON. SALVADOR ESCUDERO**  
Secretary  
Department of Agriculture

**HON. WILLIAM PADOLINA**  
Secretary  
Department of Science  
and Technology

**HON. ERNESTO GARILAO**  
Secretary  
Department of Agrarian Reform

**HON. RUBEN TORRES**  
Secretary  
Office of the Executive Secretary

**MALACAÑANG**  
**MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

**ADMINISTRATIVE ORDER NO. \_\_\_\_\_**

DIRECTING PARTICIPATING NATIONAL GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS TO ENSURE THE SPEEDY IMPLEMENTATION OF THE NATIONAL HEALTH INSURANCE PROGRAM AND FOR OTHER PURPOSES

**WHEREAS**, the *Philippine Constitution* declares that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make sure essential goods, health and other social services available to all the people at affordable cost; and that priority for the needs of the underprivileged, sick, elderly, disabled, women, and children shall be recognized; and that it shall be the policy of the State to provide free medical care to paupers;

**WHEREAS**, RA 7875: *The National Health Insurance Act of 1995* has been enacted in line with the declared policy of the State to provide adequate social services and improved quality of life for all, and for this purpose, the State shall adopt an integrated and comprehensive approach towards health development;

**WHEREAS**, the *Ten-Year Public Investment Plan for the Health Sector (1994-2004)* identifies national health insurance as one of its priority public investment packages toward a national framework for universal insurance coverage;

**WHEREAS**, the *Implementing Rules and Regulations of RA 7875* was formulated through the efforts of the inter-agency Technical Working Groups, National Organizing Committee, Task Force IRR, national consultations of the affected sectors, and round table discussions with care providers, beneficiaries, and local government units;

**WHEREAS**, the IRR has been approved by the Board of Directors of the Philippine Health Insurance Corporation last 19 April 1996, as per PHIC Board Resolution No.34, series of 1996, and has been endorsed by Cabinet Cluster C to the president last 30 April 1996;

**NOW, THEREFORE, I, FIDEL V. RAMOS**, President of the Republic of the Philippines, by virtue in me by law, do hereby order:

**SECTION 1. Five-Year Phased-In Implementation of the Indigent Component of the National Health Insurance Program.** The Philippine Health Insurance Corporation is hereby directed to ensure that the NHIP shall have covered at least the poorest twenty five percent of the population within a period of five years.

**SEC. 2. Directive to Department of Finance.** The DOF is hereby directed to ensure the automatic programming of all funds identified by law for premium subsidy of the Indigent Component of the NHIP.

**SEC. 3. Directive to Department of Budget and Management.** The DBM is hereby directed to automatically allocate the programmed funds for premium subsidy in the annual Budget of the National Government; and to ensure the immediate and regular release of the Employer's Counterpart Contribution for the Medicare Program.

**SEC. 4. Directive to the Oversight Committee on Devolution.** The Oversight Committee on Devolution is hereby directed to work with the PHIC in addressing the issue of devolution funding difficulties vis-à-vis the local government units' counterpart contribution to the Indigent premium subsidy.

**SEC. 5. Directive to the Philippine Informational Agency.** The PIA is hereby directed to assist and support the PHIC in the information dissemination/campaign on the NHIP.

**SEC. 6. Directive to Local Government Units.** The LGUs are hereby directed to ensure the immediate and effective implementation of the Indigent component of the NHIP in their respective jurisdiction. To this end, the LGUs are directed to prioritize the NHIP in their annual social development plans.

**SEC. 7. Effectivity.** This Administrative Order shall take effect immediately.

**DONE**, in the City of Manila, this                      day of                      in the year of Our Lord, Nineteen Hundred and Ninety-Six.

By the President:

**RUBEN D. TORRES**  
Executive Secretary

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, nineteen hundred and ninety-three.

[REPUBLIC ACT NO. 7883]

AN ACT GRANTING BENEFITS AND INCENTIVES TO ACCREDITED  
BARANGAY HEALTH WORKERS AND FOR OTHER PURPOSES

*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 “Barangay Health Workers’ Benefits and Incentives Act of 1995.”

SEC. 2. *Statement of Policy.*— The State shall protect and promote the right to health of the people and to provide conditions for health empowerment, where each individual has access to information and services that will bring about health and well-being. The Primary Health Care Approach is recognized as the major strategy towards health empowerment, emphasizing the need to provide accessible and acceptable health services through participatory strategies such as health education, training of barangay health workers, community building and organizing. Towards this end, this Act shall provide incentives to communities and act as frontliners in the Primary Health Care Approach.

The government and all its instrumentalities shall also recognize the rights of barangay health workers to organize themselves; to strengthen and systematize their services for their community; and to make a venue for sharing their experiences and for recommending policies and guidelines for the promotion, maintenance and advancement of their activities and services.

SEC. 3. *Definition.* — The term “barangay health worker” refers to a person who has undergone training programs under any accredited government and non-government organization and who voluntarily renders primary health care services in the community

after having been accredited to function as such by the local health board in accordance with the guidelines promulgated by the Department of Health (DOH).

SEC. 4. *Registration.* — In order for barangay health worker to be entitled to benefits and incentives provided under this Act, they shall register with the local health board, through the provincial health boards in the case of municipalities, shall furnish a copy of such registry to the DOH, which is hereby mandated to maintain a national register of barangay health workers. The accredited barangay health workers shall be given appropriate proof of said accreditation.

SEC. 5. *Number of Barangay Health Workers.*— The DOH shall determine the ideal ratio of barangay health workers to the number of households: Provided, That the total number of barangay health workers nationwide shall not exceed one percent (1%) of the total population.

SEC. 6. *Incentives and Benefits.* — In recognition of their services, all accredited barangay health workers who are actively and regularly performing their duties shall be entitled to the following incentives and benefits:

a) *Hazard Allowance* — Volunteer barangay health workers in rural and urban areas, exposed to situations, conditions, or factors in the work environment or place where foreseeable but unavoidable danger or risks exist which adversely endanger his health or life and/or increase the risk of producing adverse effect on his person in the exercise of his duties, to be validated by the proper authorities, shall be entitled to hazard allowance in an amount to be determined by the local health board and the local peace and order council of the local government unit concerned.

b) *Subsistence Allowance* — Barangay health workers who render service within the premises of isolated barangay health stations in order to make their services available at any and all times, shall be entitled to subsistence allowance equivalent to the meals they take in the course of their duty, which shall be computed in accordance with prevailing circumstances as determined by the local government unit concerned.

c) *Training, Education and Career Enrichment Programs*—The DOH, in accordance with the Department of Education, Culture and Sports and other concerned government agencies and non-governmental organizations, shall provide opportunities for the following:

- 1) educational programs which shall recognize years of primary health care service as credits to higher education in institutions with stepladder curricular that will entitle barangay health workers to upgrade their skills and knowledge for community work or to pursue further training as midwives, pharmacists, nurses or doctors;
- 2) continuing education, study and exposure tours, training, grants, field immersion, scholarships, etc.;

3) scholarship benefits in the form of tuition fees in state colleges, to be granted to one child of every barangay health worker who will not be able to take advantage of the above programs; and

4) special training programs such as those on traditional medicine, disaster preparedness and other programs that address emergent community health problems and issues.

d) *Civil Service Eligibility.* — A second grade eligibility shall be granted to barangay health workers who have rendered five (5) years continuous service such: *Provided,* That should the barangay health worker become a regular employee of the government, the total number of years served as barangay health worker shall be credited to his/her service in computing retirement benefits.

e) *Free Legal Services* — Legal representation and consultation services for barangay health workers shall be immediately provided by the Public Attorneys Office in cases of coercion, interference, and in other civil and criminal cases filed by or against barangay health workers arising out of or in connection with the performance of their duties as such.

f) *Preferential Access to Loans*—The DOH in coordination with other concerned government agencies shall provide, within one hundred eighty (180) days after the effectivity of this Act, a mechanism for access to loan services by organized barangay health workers. The agencies providing loan services will set aside one percent (1%) of their loanable funds for organized barangay health worker groups that have community-based income generating projects in support of health programs or activities.

SEC. 7. *Review by the Local Health Board.*—Every incentive or benefit for barangay health workers requiring the expenditure of local funds shall be reviewed and approved by the local health board to ensure that only the deserving barangay health workers get the same.

SEC. 8. *Rules and Regulations.* — The Department of Health, in cooperation with the Department of Education, Culture and Sports, the Department of the Interior and Local Government, the Department of Justice, the Civil Service Commission and other concerned government agencies and non-governmental organizations, shall formulate, within one hundred eighty (180) days from its effectivity, the rules and regulations necessary to implement this Act.

SEC. 9. *Separability Clause.* — If any provision of this Act is declared invalid, the remainder or any provision hereof not affected thereby shall remain in force and effect.

SEC. 10. *Repealing Clause.*—All laws, decrees, executive orders and other presidential issuances which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 11. *Effectivity.* —This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House of  
Representatives*

(Sgd.) EDGARDO J. ANGARA  
*President of the Senate*

This Act which originated in the Senate was finally passed by the Senate and the House of Representatives on February 15, 1995, and February 13, 1995, respectively.

(Sgd.) CAMILO L. SABIO  
*Secretary General  
House of Representatives*

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

Approved: February 20, 1995

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

[REPUBLIC ACT NO. 7884]

AN ACT CREATING THE NATIONAL DAIRY AUTHORITY TO ACCELERATE THE DEVELOPMENT OF THE DAIRY INDUSTRY IN THE PHILIPPINES, PROVIDING FOR A DAIRY DEVELOPMENT FUND, AND FOR OTHER PURPOSES

Sec. 3. *Objectives.* -

“(f) To enhance children’s and pregnant and nursing mothers’ nutritional intake through the promotion of locally produced milk and milk products.”

Sec. 12. *National Dairy Campaign.*

“The Authority shall promote a nationwide campaign to boost support for the realization of the objectives of this Act. It shall encourage the participation of women’s groups in dairy and dairy-related projects including dairy animal health care, village nutrition schemes, community-based processing, and marketing of milk and dairy products.”

Approved: February 20, 1995



Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and ninety-four.

[REPUBLIC ACT NO. 8044]

AN ACT CREATING THE NATIONAL YOUTH COMMISSION, ESTABLISHING A NATIONAL COMPREHENSIVE AND COORDINATED PROGRAM ON YOUTH DEVELOPMENT, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title.* – This Act shall be known as the “Youth in Nation-Building Act.”

SEC. 2. *Policy.* – The State recognizes its responsibility to enable the youth to fulfill their vital role in nation-building and hereby establishes the National Comprehensive and Coordinated Program on Youth Development, creates the structures to implement the same and appropriates adequate funds to provide support for the program and implementing structures on a continuing, sustained basis.

The State hereby declares that “Youth” is the critical period in a person’s growth and development from the onset of adolescence towards the peak of mature, self-reliant and responsible adulthood comprising the considerable sector of the population from the age of fifteen (15) to thirty (30) years.

The State further declares the National Comprehensive and Coordinated Program on Youth Development shall be based on the following principles:

- (a) Promotion and protection of the physical, moral, spiritual, intellectual and social well-being of the youth to the end that the youth realize their potential for improving the quality of life;
- (b) Inculcation in the youth of patriotism, nationalism and other basic desirable values to infuse them faith in the Creator, belief in the sanctity of life and dignity of the human person, conviction for the strength and unity of the family and adherence to truth and justice;
- (c) Encouragement of youth involvement in character-building and development activities for civic efficiency, stewardship of natural resources, agricultural and industrial productivity, and an understanding of world economic commitments on tariffs and trade and participation in structures for policy-making and program implementation to reduce the incidence of poverty and accelerate socioeconomic development; and
- (d) Mobilization of youth's abilities, talents and skills and redirecting their creativity, inventive genius and wellspring of enthusiasm and hope for the freedom of our people from fear, hunger and injustice.

SEC. 3. *Development Program.* – In order to attain the declared national policy, there is hereby established the “National Comprehensive and Coordinated Program on Youth Development”, hereinafter referred to as the “Development Program.”

The components of the development program are the following:

- (a) Formulation, approval and implementation of the Medium-Term Youth Development Program for four (4) years following the approval of this Act and every three (3) years thereafter, which shall be aligned to and shall complement the Medium-Term Philippine Development Plan for the corresponding period, taking into account the existing National Youth Development Plan as provided for in Executive Order No. 176, series of 1994;
- (b) A national study on the “Situation of Youth in the Philippines”, for the period up to the approval of this Act, and every three (3) years thereafter which identifies priority needs, prevailing attitudes and values of youth, the existing services, and the gaps in services delivery of the basic needs of youth;
- (c) A “National Review, Evaluation and Reform” of all organizations delivering services to youth for the period up to the approval of this Act and every three (3) years thereafter;
- (d) Activities to operationalize the implementing structures of the Development Program, preparations and participation in activities of youth of global

significance, including World Youth Day, and provide leadership and support therefor on a continuing sustained basis;

- (e) The comprehensive, coordinated nationwide service delivery system comprising (i) existing public and civic services for youth which after review and reform or realignment fully support the policy and program framework under this Act; and (ii) innovative services and delivery systems institutionalized in areas without or with inadequate services and which are responsive to needs, following pilot demonstration projects to test the validity and feasibility of the services; and
- (f) The participation of Filipino youth in the Biennial World Youth Day starting 1997 in Paris, France and every two (2) years thereafter.

SEC. 4. *Definition of Terms.* – For purposes of this Act, the following terms are hereby defined:

- (a) “Youth” shall refer to those persons whose ages range from fifteen (15) to thirty (30) years old;
- (b) “Youth Organizations” shall refer to those organizations whose membership/composition are youth;
- (c) “Youth-Serving Organizations” shall refer to those registered organizations or institutions whose principal programs, projects and activities are youth-oriented and youth-related; and
- (d) “Commission” shall refer to the National Youth Commission.

SEC. 5. *National Youth Commission.* – There is hereby created the “National Youth Commission” hereinafter referred to as the “Commission.”

It shall be composed of the following:

- (a) A chairman;
- (b) One commissioner representing Luzon;
- (c) One commissioner representing Visayas;
- (d) One commissioner representing Mindanao;
- (e) Two (2) commissioners to be chosen at large; and
- (f) The President of the *Pambansang Katipunan ng mga Sangguniang Kabataan*, as commissioner, who shall serve in an *ex officio* capacity.

The first set of chairman and commissioners, which shall have a term of four (4) years, shall be constituted by the President of the Philippines from among the list of nominees submitted by youth organizations or institutions with national or regional

constituencies and which have been in existence for at least three (3) years as of the approval of this Act.

The succeeding chairman and the two (2) commissioners to be chosen at large shall be appointed by the President from a list of at least three (3) but not more than five (5) nominees for each position, submitted by youth and youth-serving organizations or institutions with national constituencies duly registered with the Commission.

The succeeding commissioners representing Luzon, Visayas and Mindanao, respectively, shall be appointed by the President from a list of at least three (3) but not more than five (5) nominees for each position, submitted by youth and youth-serving organizations or institutions in their respective areas duly registered with the Commission.

The chairman and the appointive commissioners shall serve for a term of three (3) years, with reappointment for another term. The chairman shall have the rank and privileges of a department undersecretary, and the appointive commissioners shall have the rank and privileges of assistant secretaries of a department. The *ex officio* commissioner shall also have the rank and privileges of assistant secretary of a department.

SEC. 6. *Status and Nature of the Commission.* The Commission shall be independent and autonomous and shall have the same status as that of national government agency attached to the Office of the President.

The Commission shall exercise corporate powers. It shall have a seal, may sue and be sued, and shall be the sole policy-making coordinating body of all youth-related institutions, programs, projects and activities of the government.

SEC. 7. *Qualifications of the Chairman and the Commissioners.* – The chairman shall not be more than forty-five (45) years of age, and the appointive commissioners no more than forty (40) years of age, at any time during their incumbency; natural-born citizens of the Philippines; have occupied positions of responsibility and leadership in duly registered youth and youth-serving organizations or institutions; of good moral character; and not have been convicted of any crime involving moral turpitude.

The chairman shall serve as the chief executive officer of the Commission.

SEC. 8. *Objectives of the Commission.* – The objectives of the Commission are:

- (a) To provide the leadership in the formulation of policies and in the setting of priorities and direction of all youth promotion and development programs and activities;
- (b) To encourage wide and active participation of the youth in all governmental and nongovernmental programs, projects and activities affecting them;

- (c) To harness and develop the full potential of the youth as partners in nation-building; and
- (d) To supplement government appropriations for youth promotion and development with funds from other sources.

SEC. 9. *Powers of the Commission.* – The Commission shall have the following powers:

- (a) To appoint the officers and other personnel of the Commission and fix their compensation, allowances and other emoluments, subject to the civil service and other existing applicable laws, rules and regulations;
- (b) To suspend, dismiss, or otherwise discipline for cause, any employee, and/or to approve or disapprove the appointment, transfer or detail of employees, subject to the provisions of existing laws and regulations;
- (c) To enter into contracts;
- (d) To acquire, use and control any land, building, facilities, equipment, instrument, tools and rights required or otherwise necessary for the accomplishment of the objectives of the Commission;
- (e) To acquire, own, possess and dispose of any real or personal property;
- (f) To accept donations, gifts, bequests, and grants;
- (g) To ensure the implementation by various government departments and agencies of their youth developmental projects and activities as indicated in their respective annual budgets;
- (h) To issue rules and regulations in pursuance of the provisions of this Act; and
- (i) To perform any and all other acts incident to or required by virtue of its creation.

SEC. 10. *Functions of the Commission.* – The Commission shall have the following functions:

- (a) To formulate and initiate the national policy or policies on youth;
- (b) To plan, implement, and oversee a national integrated youth promotion and development program;

- (c) To establish a consultative mechanism which shall provide a forum for continuing dialogue between the government and the youth sector on the proper planning and evaluation of policies, programs and projects affecting the youth, convening for the purpose, representatives of all youth organizations and institutions, including the *sanggunian kabataan* from barangay, municipal, city, provincial and national levels;
- (d) To assist and coordinate with governmental and nongovernmental organizations or institutions in the implementation of all laws, policies, programs and projects relative to youth promotion and development;
- (e) To seek or request the assistance and support of any government agency, office or instrumentality including government-owned or-controlled corporations, local government units as well as nongovernmental organizations or institutions in pursuance of its policies, programs and projects;
- (f) To conduct scientific, interdisciplinary and policy-oriented researches and studies on youth-related matters, as well as trainings, seminars and workshops that will enhance the skills and leadership potentials of the youth, instilling in them nationalism and patriotism, with particular emphasis on Filipino culture and values;
- (g) To establish and maintain linkages with international youth and youth-serving organizations or institutions and counterpart agencies of foreign governments in order to facilitate and ensure the participation of Filipino youth in international functions and affairs;
- (h) To administer youth exchange programs as well as monitor and coordinate all foreign-sponsored youth programs and projects such as the Ship for Southeast Asia Youth Program and other similar exchanges and goodwill missions;
- (i) To establish such organizational structures including regional offices, as may be required to effectively carry out its functions;
- (j) To conduct promotion and fund-raising campaigns in accordance with existing laws;
- (k) To allocate resources for the implementation of youth programs and projects;
- (l) To extend and provide support or assistance to deserving youth and youth organizations including scholarship grants;
- (m) To register, establish and/or facilitate and help in the establishment of youth organizations and youth-serving organizations;

- (n) To participate in international youth fora, symposia and organizations such as the International Youth Forum, Asian Youth Council, Asean Youth Forum, United Nations Commission for International Youth Year (IYY) and other similar bodies;
- (o) To provide training and a national secretariat for the *Sangguniang Kabataan* National Federation pursuant to R.A. No. 7160, otherwise known as the Local Government Code;
- (p) To submit an annual report on the implementation of this Act to the President and to Congress; and
- (q) To perform such other functions as may be necessary to effectively and efficiently carry out the provisions of this Act.

SEC. 11. *The Secretariat and the Executive Director.* – The Commission shall organize a secretariat to be headed by an executive director who shall serve as the chief operating officer.

The executive director shall be appointed by the President of the Philippines upon the recommendation of the national commission for a term of three (3) years with reappointment for another term, and must have the qualifications, rank and privileges of a bureau director. He must not be more than forty-five (45) years of age during his incumbency, and must possess executive and management experience of at least three (3) years and with considerable exposure to youth affairs, projects and programs management. He shall be responsible for the effective implementation of the policies promulgated by the Commission and shall also direct and supervise the day-to-day operations of the Commission.

The first executive directory shall have a term of four (4) years.

The staffing pattern and compensation schedule of the secretariat shall be drawn up in accordance with existing laws, rules and regulations.

SEC. 12. *Duties and Responsibilities of the Secretariat.* – The Secretariat shall be responsible for:

- (a) Ensuring an effective and efficient performance of the functions of the Commission and prompt implementation of the programs;
- (b) Proposing specific allocation of resources for projects instated under the approved programs;
- (c) Submitting periodic reports to the Commission on the progress and accomplishment of programs and projects;

- (d) Preparing an annual report on all activities of the Commission;
- (e) Providing and performing general administrative and technical staff support; and
- (f) Performing such other functions as the Commission may deem necessary.

SEC. 13. *Parliament of Youth Leaders.* – There is hereby constituted the “Youth Parliament.” The Youth Parliament shall be initially convened not later than six (6) months from the full constitution of the Commission, and shall meet at the call of the National Commission, and thereafter be convened every two (2) years. The Youth Parliament shall have a regular session from two (2) to three (3) days every time it is convened, but may form task forces which may meet during the period between the convening thereof.

Delegates to the Youth Parliament shall be chosen by the Commission taking into consideration equal and geographical representation among men and women. All delegates shall be of good moral character, able to read and write, has not been convicted of any crime involving moral turpitude, and shall not be more than thirty (30) years of age on the day of election to the position by virtue of which he qualifies as a delegate and on the day the Parliament is convened. The delegates shall elect the President of the Youth Parliament who shall preside during the session of the Youth Parliament.

The Youth Parliament at the end of each regular session shall present its proceedings, declarations and resolutions to the Commission.

SEC. 14. *Advisory Council.* – There shall be an Advisory Council which shall be composed of the Secretary of the Department of Education, Culture and Sports (DECS), as chairman, and the Secretaries of the Department of Budget and Management (DBM), the Department of Social Welfare and Development (DSWD), the Department of the Interior and Local Government (DILG), the Department of Agriculture (DA), the Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), the Department of Environment and Natural Resources (DENR), Director-General of the National Economic and Development Authority (NEDA), the Chairman of the Philippine Charity Sweepstakes Office (PCSO), and the chairmen of both Senate and House committees dealing with youth and sports development, and the Philippine Sports Commission (PSC), as members.

The Council shall meet once every three (3) months, or as often as may be necessary, upon call of its chairman, advise and be consulted by the Commission on important matters relating to youth affairs, welfare and development.

The Council may form task forces which shall convene between the meetings of the Council. The Commission shall provide the technical support and the secretariat required by the Council to function according to this Act.



SEC. 15. *Appropriations.* – There is hereby authorized to be appropriated the amount of Fifty million pesos (P50,000,000) as additional funding for the Commission, to be charged against the unexpended contingency funds of the Office of the President.

Thereafter, the amount needed for the operation and maintenance of the Commission shall be included in the annual General Appropriations Act: *Provided*, That operating expenses of the Commission itself shall not exceed fourteen percent (14%) of the annual appropriation and that at least eighty-six percent (86%) of said annual appropriation shall be disbursed for the national youth development program, projects and activities.

SEC. 16. *Transfer of Assets, Properties and Funds.* – Assets, properties, and funds of the *Pambansang Katipunang ng Kabataang Barangay* and that of the Presidential Council for Youth Affairs under the Office of the President pursuant to Executive Order No. 274, series of 1987 and of all other youth-serving agencies under said Office shall be transferred to the Commission.

SEC. 17. *Effect of Separation from the Service as a Result of this Act.* – Any official or employee of the Presidential Council for Youth Affairs created under Executive Order No. 274 or any other personnel of the national or local government separated from the service as a result of the operation and effect of this Act may be absorbed, if qualified, by the Commission for the good of the service, or where qualified therefor, may opt to transfer to another office or elect to apply for separation pay or retirement benefits: *Provided*, That the official or employee who may be absorbed by the Commission shall not suffer any loss or diminution of pay, seniority or rank: *Provided, further*, That benefits for separation or retirement of an official or employee of the Presidential Council for Youth Affairs shall be derived from the funds of said Council transferred to the Commission.

SEC. 18. *Tax Deduction or Exemption of Donations and Contributions.* – Any donation, contribution, bequest and grant which may be made to the Commission shall constitute as allowable deduction from the income of the donor for income tax purposes and shall be exempt from donor's tax, subject to such conditions, as provided under the National Internal Revenue code, as amended.

SEC. 19. *Presidential Land Grant.* – The provisions of any existing law to the contrary notwithstanding, the President may, upon the authority of Congress, grant by donation, sale, lease or otherwise to the Commission, portion of the land of the public domain as may be necessary for the establishment of youth development and training centers in all regions of the country and for the accomplishment of any of its purpose.

SEC. 20. *Stamps and Gold Coins for the Youth.* – The Philippine Postal Corporation and the *Bangko Sentral ng Pilipinas* are hereby authorized to print paper stamps and mint gold coins which shall depict youth events and such other motif as they may decide, at the expense of the Commission.

SEC. 21. *Separability Clause.* – If for any reason or reasons, any part or provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

SEC. 22. *Repealing Clause.* – Presidential Decree Nos. 604 and 1191, Executive Order No. 274, series of 1987, and all other laws, decrees, rules and regulations, other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 23. *Effectivity Clause.* – This Act shall take effect upon its publication in at least one (1) national newspaper of general circulation.

Approved,

(Sgd.) EDGARDO J. ANGARA  
*President of the Senate*

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

This Act which is a consolidation of H.B. 11614 and S.B. 1977 was finally passed by the House of Representatives and the Senate on June 2, 1995.

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

(Sgd.) CAMILO L. SABIO  
*Secretary General  
House of Representatives*

Approved: June 07, 1995

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

[REPUBLIC ACT NO. 8344]

AN ACT PENALIZING THE REFUSAL OF HOSPITALS AND MEDICAL CLINICS TO ADMINISTER APPROPRIATE INITIAL MEDICAL TREATMENT AND SUPPORT IN EMERGENCY OR SERIOUS CASES, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, OTHERWISE KNOWN AS "AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES"

SECTION 1. Section 1 of Batas Pambansa Bilang 702 is hereby amended to read as follows:

"SECTION 1. In emergency or serious cases, it shall be unlawful for any proprietor, president, director, manager or any other officer, and/or medical practitioner or employee of a hospital or medical clinic to request, solicit, demand or accept any deposit or any other form of advance payment as a prerequisite for confinement or medical treatment of a patient in such hospital or medical clinic or to refuse to administer medical treatment and support as dictated by good practice of medicine to prevent death or permanent disability: *Provided*, That by reason of inadequacy of the medical capabilities of the hospital or medical clinic, the attending physician may transfer the patient to a facility where the appropriate care can be given, after the patient or his next of kin consents to said transfer and after the receiving hospital or medical clinic agrees to the transfer: *Provided, however*, That when the patient is unconscious, incapable of giving consent and/or unaccompanied, the physician can transfer the patient even without his consent: *Provided, further*, That such transfer shall be done only after necessary emergency treatment and support have been administered to stabilize the patient and after it has been established that such transfer entails less risks than the patient's continued confinement: *Provided, furthermore*, That no hospital or clinic, after being informed of the medical indications for such transfer, shall refuse to receive the patient nor demand from the patient or his next of kin any deposit or advance payment: *Provided, finally*, That strict compliance with the foregoing procedure on transfer shall not be construed as a refusal made punishable by this Act."

SECTION 2. Section 2 of Batas Pambansa Bilang 702 is hereby deleted and in place thereof, new sections 2, 3 and 4 are added, to read as follows:

“SEC. 2. For purposes of this Act, the following definitions shall govern:

“(a) ‘Emergency’ — a condition or state of a patient wherein based on the objective findings of a prudent medical officer on duty for the day there is immediate danger and where delay in initial support and treatment may cause loss of life or cause permanent disability to the patient.

“(b) ‘Serious case’ — refers to a condition of a patient characterized by gravity or danger wherein based on the objective findings of a prudent medical officer on duty for the day when left unattended to, may cause loss of life or cause permanent disability to the patient.

“(c) ‘Confinement’ — a state of being admitted in a hospital or medical clinic for medical observation, diagnosis, testing, and treatment consistent with the capability and available facilities of the hospital or clinic.

“(d) ‘Hospital’ — a facility devoted primarily to the diagnosis, treatment and care of individuals suffering from illness, disease, injury or deformity, or in need of obstetrical or other medical and nursing care. It shall also be construed as any institution, building or place where there are facilities and personnel for the continued and prolonged care of patients.

“(e) ‘Emergency treatment and support’ — any medical or surgical measure within the capability of the hospital or medical clinic that is administered by qualified health care professionals to prevent the death or permanent disability of a patient.

“(f) ‘Medical clinic’ — a place in which patients can avail of medical consultation or treatment on an outpatient basis.

“(g) ‘Permanent disability’ — a condition of physical disability as defined under Article 192-C and Article 193-B and C of Presidential Decree No 442; as amended, otherwise known as the Labor Code of the Philippines.

“(h) ‘Stabilize’ — the provision of necessary care until such time that the patient may be discharged or transferred to another hospital or clinic with a reasonable probability that no physical deterioration would result from or occur during such discharge or transfer.

“SEC. 3. After the hospital or medical clinic mentioned above shall have administered medical treatment and support, it may cause the transfer of the patient to an appropriate hospital consistent with the needs

of the patient, preferably to a government hospital, specially in the case of poor or indigent patients.

“SEC. 4. Any official, medical practitioner or employee of the hospital or medical clinic who violates the provisions of this Act shall, upon conviction by final judgment, be punished by imprisonment of not less than six (6) months and one (1) day but not more than two (2) years and four (4) months, or a fine of not less than Twenty thousand pesos (P20,000.00), but not more than One hundred thousand pesos (P100,000.00) or both, at the discretion of the court: *Provided, however,* That if such violation was committed pursuant to an established policy of the hospital or clinic or upon instruction of its management, the director or officer of such hospital or clinic responsible for the formulation and implementation of such policy shall, upon conviction by final judgment, suffer imprisonment of four (4) to six (6) years, or a fine of not less than One hundred thousand pesos (P100,000.00), but not more than Five hundred thousand pesos (P500,000.00) or both, at the discretion of the court.”

SECTION 3. Section 3 of Batas Pambansa Bilang 702 is hereby repealed.

SECTION 4. Section 4 of Batas Pambansa Bilang 702 shall become Section 5 thereof and shall be amended to read as follows:

“SEC. 5. The Department of Health shall promulgate the necessary rules and regulations to carry out the provisions of this Act.”

SECTION 5. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved: August 25, 1997

[REPUBLIC ACT NO. 8503]

AN ACT PROVIDING FOR THE PROMOTION OF HEALTH RESEARCH AND DEVELOPMENT, ESTABLISHING FOR THE PURPOSE THE NATIONAL INSTITUTES OF HEALTH (NIH), DEFINING ITS OBJECTIVES, POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES

SECTION 1. Title. — This Act shall be known as the "Health Research and Development Act of 1998."

SECTION 2. *Declaration of Policy.* — It is hereby declared the policy of the State to improve the quality of life for every Filipino. For this purpose, the State shall establish a center for excellence for health research and development.

SECTION 3. *Creation of the National Institutes of Health (NIH).* — To carry out the above policy, the National Institutes of Health, hereinafter referred to as the NIH, is hereby created and established at the University of the Philippines (UP) Manila. The NIH shall serve as the coordinating and integrating body of the existing research institutes in UP Manila, namely, the Institute of Ophthalmology, the Institute of Socio-Biomedical Research, the Institute of Biotechnology and Molecular Biology for Health, the Institute of Clinical Epidemiology and such other institutes and health research programs which may be subsequently created in UP Manila after the effectivity of this Act.

SECTION 4. *Objectives of the Institutes.* — The objectives of the NIH are:

- (a) To promote science and technology research and development in the field of health;
- (b) To promote the development of study groups and research programs;
- (c) To establish mechanisms for the dissemination and utilization of research outputs;
- (d) To complement graduate programs and faculty research human resource training in UP Manila; and
- (e) To ensure that the results of health research and development activities are utilized to improve the health of the people.

SECTION 5. *Functions of the Institutes.* — The Institutes shall have the following powers and functions:

(a) To integrate and coordinate the development and scope of operation of each institute, research programs and component units;

(b) To organize teams and establish programs that will provide research and development innovations for the improvement of existing technologies, medicines, vaccines and other health products and instruments;

(c) To establish research programs on health promotion, disease prevention and control;

(d) To formulate and conduct research on problems associated with aging, degenerative processes, metabolic studies, prevention and rehabilitation of disabilities, wellness, health communications, health and social science, management of health systems, traditional and complementary medicine, and health policies;

(e) To enhance the masters and doctoral pool of researchers and faculty to complement the research and post graduate program of UP Manila;

(f) To provide common research support facilities for its component units;

(g) To maximize the utilization of expert support staff;

(h) To optimize resource generation and utilization;

(i) To establish local and foreign linkages;

(j) To receive and manage grants, aid, donations or any kind of assistance for achieving its objectives, in accordance with the rules and regulations of the University of the Philippines (UP); and

(k) To propose and allocate the annual budgetary resources for each component unit.

SECTION 6. *Component Programs of the NIH.* — In addition to the existing component units mentioned in Section 3 of this Act, the NIH shall establish the following component programs:

(a) Health Product Cluster which shall undertake scientific and technological efforts to attain self-sufficiency and global competitiveness in the manufacture of health products and devices;

(b) Health Promotion, Disease Prevention and Control Cluster which shall undertake studies on health promotion, epidemiology and disease patterns, and emerging health problems;

(c) Gerontology and Disabilities Cluster which shall conduct studies on problems associated with aging, degenerative processes, metabolic diseases and prevention and rehabilitation of disabilities;

(d) Social and Humanistic Studies which shall promote interdisciplinary approach to health research; and

(e) Health care system studies which shall explore alternatives to western medicine, formulate health policies, undertake researches on health care components and promote regional and international linkages for health human resource development.

SECTION 7. *Network of Health Research Institutions.* — The NIH shall serve as the nucleus of a network of health research institutions. Towards this end, the NIH may undertake research studies in partnership with other health research institutions outside of UP. The partner agencies shall maintain their identity, objectives, programs, assets, facilities and equipment under their respective administrative control. As partner agencies, health research institutions shall have access to NIH facilities and support services.

SECTION 8. *Organizational Structure.* — The NIH shall be headed by an Executive Director who shall report directly to the Chancellor of UP Manila. It shall have a Board of Advisers which shall recommend policy directions for the NIH.

SECTION 9. *Qualifications of the Executive Director.* — The Executive Director shall be a recognized scholar in health research and development. He shall be appointed and shall serve in accordance with the existing rules and regulations of UP.

SECTION 10. *Composition and Tenure of the Board of Advisers.* — The Board of Advisers shall be composed of (1) the Secretary of Health as chairman; (2) the Chancellor of UP Manila as vice-chairman; (3) the Executive Director of the Philippine Council for Health Research and Development (PCHRD) of the Department of Science and Technology (DOST); and (4) two other members who are recognized scholars in health research and development to be appointed by the Board of Regents upon recommendation of the President of UP. The Executive Director shall concurrently serve as Member-Secretary of the Board. The Secretary of Health, the Chancellor of UP Manila and the Executive Director of PCHRD shall serve in an ex-officio capacity. The two other members shall serve for a term of two (2) years.

SECTION 11. *Functions of the Board of Advisers.* — The Board of Advisers shall have the following powers and functions:



(a) To recommend the general directions and determine the priorities and thrusts of the Institutes;

(b) To recommend research areas for study and investigation by the Institutes or any of its component units, based on its scanning and interpretation of the demands of health care environment and the needs of the Filipino people;

(c) To recommend to the Board of Regents the establishment of component units of the Institutes;

(d) To generate resources and obtain logistical and financial support for the programs and component units of the Institutes; and

(e) To provide advice to the Institutes on any matter relating to the development of a research area and the administration of their research programs.

SECTION 12. *Appointment of Faculty and Staff.* — The human resource complement of the NIH shall be organized and set-up by the Executive Director in accordance with the existing rules and regulations of UP and upon the approval by the Board of Regents.

SECTION 13. *Public Access.* — The public and other health institutions shall have access to the research findings, facilities and other resources of the Institutes, as provided in the implementing rules and regulations of this Act.

SECTION 14. *Appropriations.* — The amount necessary to carry out the initial implementation of this Act shall be charged against the current year's appropriations of the respective component units of the NIH. Thereafter, such sums as may be needed for the continued operation of the NIH shall be included in the annual General Appropriations Act.

SECTION 15. *Implementing Rules and Regulations.* — Within ninety (90) days from the effectivity of this Act, the Board of Regents of UP, in coordination with the DOH, the DOST, private and nongovernment organizations involved in health research and development, shall formulate the rules and regulations necessary for the implementation of this Act.

SECTION 16. *Repealing Clause.* — All laws, presidential decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 17. *Effectivity.* — This Act shall take effect fifteen (15) days following the completion of its publication in at least two (2) newspapers of general circulation.

Approved: February 13, 1998

[REPUBLIC ACT NO. 8504]

AN ACT PROMULGATING POLICIES AND PRESCRIBING MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS IN THE PHILIPPINES, INSTITUTING A NATIONWIDE HIV/AIDS INFORMATION AND EDUCATIONAL PROGRAM, ESTABLISHING A COMPREHENSIVE HIV/AIDS MONITORING SYSTEM, STRENGTHENING THE PHILIPPINE NATIONAL AIDS COUNCIL, AND FOR OTHER PURPOSES

SECTION 1. *Title.* — This Act shall be known as the “Philippine AIDS Prevention and Control Act of 1998.”

SECTION 2. *Declaration of Policies.* — Acquired Immune Deficiency Syndrome (AIDS) is a disease that recognizes no territorial, social, political and economic boundaries for which there is no known cure. The gravity of the AIDS threat demands strong State action today, thus:

(a) The State shall promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS through a comprehensive nationwide educational and information campaign organized and conducted by the State. Such campaigns shall promote value formation and employ scientifically proven approaches, focus on the family as a basic social unit, and be carried out in all schools and training centers, workplaces, and communities. This program shall involve affected individuals and groups, including people living with HIV/AIDS.

(b) The State shall extend to every person suspected or known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end,

(1) compulsory HIV testing shall be considered unlawful unless otherwise provided in this Act;

(2) the right to privacy of individuals with HIV shall be guaranteed;

(3) discrimination, in all its forms and subtleties, against individuals with HIV or persons perceived or suspected of having HIV shall be considered inimical to individual and national interest; and

(4) provision of basic health and social services for individuals with HIV shall be assured.

(c) The State shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission.

(d) The State shall positively address and seek to eradicate conditions that aggravate the spread of HIV infection, including but not limited to, poverty, gender inequality, prostitution, marginalization, drug abuse and ignorance.

(e) The State shall recognize the potential role of affected individuals in propagating vital information and educational messages about HIV/AIDS and shall utilize their experience to warn the public about the disease.

SECTION 3. *Definition of Terms.* — As used in this Act, the following terms are defined as follows:

(a) “Acquired Immune Deficiency Syndrome (AIDS)” — a condition characterized by a combination of signs and symptoms, caused by HIV contracted from another person and which attacks and weakens the body’s immune system, making the afflicted individual susceptible to other life-threatening infections.

(b) “Anonymous Testing” — refers to an HIV testing procedure whereby the individual being tested does not reveal his/her true identity. An identifying number or symbol is used to substitute for the name and allows the laboratory conducting the test and the person on whom the test is conducted to match the test results with the identifying number or symbol.

(c) “Compulsory HIV Testing” — refers to HIV testing imposed upon a person attended or characterized by the lack of or vitiated consent, use of physical force, intimidation or any form of compulsion.

(d) “Contact tracing” — refers to the method of finding and counselling the sexual partner(s) of a person who has been diagnosed as having sexually transmitted disease.

(e) “Human Immunodeficiency Virus (HIV)” — refers to the virus which causes AIDS.

(f) “HIV/AIDS Monitoring” — refers to the documentation and analysis of the number of HIV/AIDS infections and the pattern of its spread.

(g) “HIV/AIDS Prevention and Control” — refers to measures aimed at protecting non-infected from contracting HIV and minimizing the impact of the condition of persons living with HIV.

(h) “HIV-positive” — refers to the presence of HIV infection as documented by the presence of HIV or HIV antibodies in the sample being tested.

(i) “HIV-negative” — denotes the absence of HIV or HIV antibodies upon HIV testing.

(j) "HIV Testing" — refers to any laboratory procedure done on an individual to determine the presence or absence of HIV infection.

(k) "HIV Transmission" — refers to the transfer of HIV from one infected person to an uninfected individual, most commonly through sexual intercourse, blood transfusion, sharing of intravenous needles and during pregnancy.

(l) "High-Risk Behavior" — refers to a person's frequent involvement in certain activities which increase the risk of transmitting or acquiring HIV.

(m) "Informed Consent" — refers to the voluntary agreement of a person to undergo or be subjected to a procedure based on full information, whether such permission is written, conveyed verbally, or expressed indirectly.

(n) "Medical Confidentiality" — refers to the relationship of trust and confidence created or existing between a patient or a person with HIV and his attending physician, consulting medical specialist, nurse, medical technologist and all other health workers or personnel involved in any counselling, testing or professional care of the former; it also applies to any person who, in any official capacity, has acquired or may have acquired such confidential information.

(o) "Person with HIV" — refers to an individual whose HIV test indicates, directly or indirectly, that he/she is infected with HIV.

(p) "Pre-Test Counselling" — refers to the process of providing an individual information on the biomedical aspects of HIV/AIDS and emotional support to any psychological implications of undergoing HIV testing and the test result itself before he/she is subjected to the test.

(q) "Post-Test Counselling" — refers to the process of providing risk-reduction information and emotional support to a person who submitted to HIV testing at the time that the test result is released.

(r) "Prophylactic" — refers to any agent or device used to prevent the transmission of a disease.

(s) "Sexually Transmitted Diseases" — refers to any disease that may be acquired or passed on through sexual contact.

(t) "Voluntary HIV Testing" — refers to HIV testing done on an individual who, after having undergone pre-test counselling, willingly submits himself/herself to such test.

(u) "Window Period" — refers to the period of time, usually lasting from two weeks to six (6) months during which an infected individual will test "negative" upon HIV testing but can actually transmit the infection.

## ARTICLE I EDUCATION AND INFORMATION

SECTION 4. *HIV/AIDS Education in Schools.* — The Department of Education, Culture and Sports (DECS), the Commission on Higher Education (CHED), and the Technical Education and skills Development Authority (TESDA), utilizing official information provided by the Department of Health, shall integrate instruction on the causes, modes of transmission and ways of preventing HIV/AIDS and other sexually transmitted diseases in subjects taught in public and private schools at intermediate grades, secondary and tertiary levels, including non-formal and indigenous learning systems: *Provided*, That if the integration of HIV/AIDS education is not appropriate or feasible, the DECS and TESDA shall design special modules on HIV/AIDS prevention and control: *Provided, further*, That it shall not be used as an excuse to propagate birth control or the sale or distribution of birth control devices: *Provided, finally*, That it does not utilize sexually explicit materials.

Flexibility in the formulation and adoption of appropriate course content, scope, and methodology in each educational level or group shall be allowed after consultations with Parent-Teachers-Community Associations, Private School Associations, school officials, and other interest groups. As such, no instruction shall be offered to minors without adequate prior consultation with parents who must agree to the thrust and content of the instruction materials.

All teachers and instructors of said HIV/AIDS courses shall be required to undergo a seminar or training on HIV/AIDS prevention and control to be supervised by DECS, CHED and TESDA, in coordination with the Department of Health (DOH), before they are allowed to teach on the subject.

SECTION 5. *HIV/AIDS Information as a Health Service.* — HIV/AIDS education and information dissemination shall form part of the delivery of health services by health practitioners, workers and personnel. The knowledge and capabilities of all public health workers shall be enhanced to include skills for proper information dissemination and education on HIV/AIDS. It shall likewise be considered a civic duty of health providers in the private sector to make available to the public such information necessary to control the spread of HIV/AIDS and to correct common misconceptions about this disease. The training of health workers shall include discussions on HIV-related ethical issues such as confidentiality, informed consent and the duty to provide treatment.

SECTION 6. *HIV/AIDS Education in the Workplace.* — All government and private employees, workers, managers, and supervisors, including members of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), shall be provided with the standardized basic information and instruction on HIV/AIDS which shall include topics on confidentiality in the workplace and attitude towards infected employees and workers. In collaboration with the Department of Health (DOH), the Secretary of the Department of Labor and Employment (DOLE) shall oversee the anti-

HIV/AIDS campaign in all private companies while the Armed Forces Chief of Staff and the Director General of the PNP shall oversee the implementation of this section.

SECTION 7. *HIV/AIDS Education for Filipinos Going Abroad.* — The State shall ensure that all overseas Filipino workers and diplomatic, military, trade, and labor officials and personnel to be assigned overseas shall undergo or attend a seminar on the cause, prevention and consequences of HIV/AIDS before certification for overseas assignment. The Department of Labor and Employment or the Department of Foreign Affairs, the Department of Tourism and the Department of Justice through the Bureau of Immigration, as the case may be, in collaboration with the Department of Health (DOH), shall oversee the implementation of this Section.

SECTION 8. *Information Campaign for Tourists and Transients.* — Informational aids or materials on the cause, modes of transmission, prevention, and consequences of HIV infection shall be adequately provided at all international ports of entry and exit. The Department of Tourism, the Department of Foreign Affairs, the Department of Justice through the Bureau of Immigration, in collaboration with the Department of Health (DOH), shall oversee the implementation of this Act.

SECTION 9. *HIV/AIDS Education in Communities.* — Local government units, in collaboration with the Department of Health (DOH), shall conduct an educational and information campaign on HIV/AIDS. The provincial governor, city or municipal mayor and the barangay captain shall coordinate such campaign among concerned government agencies, non-government organizations and church-based groups.

SECTION 10. *Information on Prophylactics.* — Appropriate information shall be attached to or provided with every prophylactic offered for sale or given as a donation. Such information shall be legibly printed in English and Filipino, and contain literature on the proper use of the prophylactic device or agent, its efficacy against HIV and STD infection, as well as the importance of sexual abstinence and mutual fidelity.

SECTION 11. *Penalties for Misleading Information.* — Misinformation on HIV/AIDS prevention and control through false and misleading advertising and claims in any of the tri-media or the promotional marketing of drugs, devices, agents or procedures without prior approval from the Department of Health and the Bureau of Food and Drugs and the requisite medical and scientific basis, including markings and indications in drugs and devices or agents, purporting to be a cure or a fail-safe prophylactic for HIV infection is punishable with a penalty of imprisonment for two (2) months to two (2) years, without prejudice to the imposition of administrative sanctions such as fines and suspension or revocation of professional or business license.

## ARTICLE II SAFE PRACTICES AND PROCEDURES

SECTION 12. *Requirement on the Donation of Blood, Tissue, or Organ.* — No laboratory or institution shall accept a donation of tissue or organ, whether such donation

is gratuitous or onerous, unless a sample from the donor has been tested negative for HIV. All donated blood shall also be subjected to HIV testing and HIV(+) blood shall be disposed of properly and immediately. A second testing may be demanded as a matter of right by the blood, tissue, or organ recipient or his immediate relatives before transfusion or transplant, except during emergency cases: *Provided*, That donations of blood, tissue, or organ testing positive for HIV may be accepted for research purposes only, and subject to strict sanitary disposal requirements.

SECTION 13. *Guidelines on Surgical and Similar Procedures.* — The Department of Health (DOH), in consultation and in coordination with concerned professional organizations and hospital associations, shall issue guidelines on precautions against HIV transmission during surgical, dental, embalming, tattooing or similar procedures. The DOH shall likewise issue guidelines on the handling and disposition of cadavers, body fluids or wastes of persons known or believed to be HIV-positive. The necessary protective equipment such as gloves, goggles and gowns, shall be made available to all physicians and health care providers and similarly exposed personnel at all times.

SECTION 14. *Penalties for Unsafe Practices and Procedures.* — Any person who knowingly or negligently causes another to get infected with HIV in the course of the practice of his/her profession through unsafe and unsanitary practice or procedure is liable to suffer a penalty of imprisonment for six (6) years to twelve (12) years, without prejudice to the imposition of administrative sanctions such as, but not limited to, fines and suspension or revocation of the license to practice his/her profession. The permit or license of any business entity and the accreditation of hospitals, laboratory, or clinics may be cancelled or withdrawn if said establishments fail to maintain such safe practices and procedures as may be required by the guidelines to be formulated in compliance with Section 13 of this Act.

### ARTICLE III TESTING, SCREENING AND COUNSELLING

SECTION 15. *Consent as a Requisite for HIV Testing.* — No compulsory HIV testing shall be allowed. However, the State shall encourage voluntary testing for individuals with a high risk for contracting HIV: *Provided*, That written informed consent must first be obtained. Such consent shall be obtained from the person concerned if he/she is of legal age or from the parents or legal guardian in the case of a minor or a mentally incapacitated individual. Lawful consent to HIV testing of a donated human body, organ, tissue, or blood shall be considered as having been given when:

(a) a person volunteers or freely agrees to donate his/her blood, organ, or tissue for transfusion, transplantation, or research;

(b) a person has executed a legacy in accordance with Section 3 of Republic Act No. 7170, also known as the "Organ Donation Act of 1991";

(c) a donation is executed in accordance with Section 4 of Republic Act No. 7170.

SECTION 16. *Prohibitions on Compulsory HIV Testing.* — Compulsory HIV testing as a precondition to employment, admission to educational institutions, the exercise of freedom of abode, entry or continued stay in the country, or the right to travel, the provision of medical service or any other kind of service, or the continued enjoyment of said undertakings shall be deemed unlawful.

SECTION 17. *Exception to the Prohibition on Compulsory Testing.* — Compulsory HIV testing may be allowed only in the following instances:

a) When a person is charged with any of the crimes punishable under Articles 264 and 266 as amended by Republic Act No. 8353, 335 and 338 of Republic Act No. 3815, (sic) \* otherwise known as the “Revised Penal Code” or under Republic Act No. 7659;

b) When the determination of the HIV status is necessary to resolve the relevant issues under Executive Order No. 309, (sic) \* otherwise known as the “Family Code of the Philippines”; and

c) When complying with the provisions of Republic Act No. 7170, otherwise known as the “Organ Donation Act” and Republic Act No. 7719, otherwise known as the “National Blood Services Act”.

SECTION 18. *Anonymous HIV Testing.* — The State shall provide a mechanism for anonymous HIV testing and shall guarantee anonymity and medical confidentiality in the conduct of such tests.

SECTION 19. *Accreditation of HIV Testing Centers.* — All testing centers, hospitals, clinics, and laboratories offering HIV testing services are mandated to seek accreditation from the Department of Health which shall set and maintain reasonable accreditation standards.

SECTION 20. *Pre-test and Post-test Counselling.* — All testing centers, clinics, or laboratories which perform any HIV test shall be required to provide and conduct free pre-test counselling and post-test counselling for persons who avail of their HIV/AIDS testing services. However, such counselling services must be provided only by persons who meet the standards set by the DOH.

SECTION 21. *Support for HIV Testing Centers.* — The Department of Health shall strategically build and enhance the capabilities for HIV testing of hospitals, clinics, laboratories, and other testing centers primarily, by ensuring the training of competent personnel who will provide such services in said testing sites.



## ARTICLE IV HEALTH AND SUPPORT SERVICES

SECTION 22. *Hospital-Based Services.* — Persons with HIV/AIDS shall be afforded basic health services in all government hospitals, without prejudice to optimum medical care which may be provided by special AIDS wards and hospitals.

SECTION 23. *Community-Based Services.* — Local government units, in coordination and in cooperation with concerned government agencies, non-government organizations, persons with HIV/AIDS and groups most at risk of HIV infection shall provide community-based HIV/AIDS prevention and care services.

SECTION 24. *Livelihood Programs and Trainings.* — Trainings for livelihood, self-help cooperative programs shall be made accessible and available to all persons with HIV/AIDS. Persons infected with HIV/AIDS shall not be deprived of full participation in any livelihood, self-help and cooperative programs for reason of their health conditions.

SECTION 25. *Control of Sexually Transmitted Diseases.* — The Department of Health, in coordination and in cooperation with concerned government agencies and non-government organizations shall pursue the prevention and control of sexually transmitted diseases to help contain the spread of HIV infection.

SECTION 26. *Insurance for Persons with HIV.* — The Secretary of Health, in cooperation with the Commissioner of the Insurance Commission and other public and private insurance agencies, shall conduct a study on the feasibility and viability of setting up a package of insurance benefits and, should such study warrant it, implement an insurance coverage program for persons with HIV. The study shall be guided by the principle that access to health insurance is part of an individual's right to health and is the responsibility of the State and of society as a whole.

## ARTICLE V MONITORING

SECTION 27. *Monitoring Program.* — A comprehensive HIV/AIDS monitoring program or "AIDSWATCH" shall be established under the Department of Health to determine and monitor the magnitude and progression of HIV infection in the Philippines, and for the purpose of evaluating the adequacy and efficacy of the countermeasures being employed.

SECTION 28. *Reporting Procedures.* — All hospitals, clinics, laboratories, and testing centers for HIV/AIDS shall adopt measures in assuring the reporting and confidentiality of any medical record, personal data, file, including all data which may be accessed from various data banks or information systems. The Department of Health through its AIDSWATCH monitoring program shall receive, collate and evaluate all HIV/AIDS related medical reports. The AIDSWATCH data base shall utilize a coding system that promotes client anonymity.

SECTION 29. *Contact Tracing.* — HIV/AIDS contact tracing and all other related health intelligence activities may be pursued by the Department of Health: *Provided*, That these do not run counter to the general purpose of this Act: *Provided, further*, That any information gathered shall remain confidential and classified, and can only be used for statistical and monitoring purposes and not as basis or qualification for any employment, school attendance, freedom of abode, or travel.

## ARTICLE VI CONFIDENTIALITY

SECTION 30. *Medical Confidentiality.* — All health professionals, medical instructors, workers, employers, recruitment agencies, insurance companies, data encoders, and other custodians of any medical record, file, data, or test results are directed to strictly observe confidentiality in the handling of all medical information, particularly the identity and status of persons with HIV.

SECTION 31. *Exceptions to the Mandate of Confidentiality.* — Medical confidentiality shall not be considered breached in the following cases:

(a) when complying with reportorial requirements in conjunction with the AIDSWATCH programs provided in Section 27 of this Act;

(b) when informing other health workers directly involved or about to be involved in the treatment or care of a person with HIV/AIDS: *Provided*, That such treatment or care carry the risk of HIV transmission: *Provided, further*, That such workers shall be obliged to maintain the shared medical confidentiality;

(c) when responding to a subpoena *duces tecum* and subpoena *ad testificandum* issued by a Court with jurisdiction over a legal proceeding where the main issue is the HIV status of an individual: *Provided*, That the confidential medical record shall be properly sealed by its lawful custodian after being double-checked for accuracy by the head of the office or department, hand delivered, and personally opened by the judge: *Provided, further*, That the judicial proceedings be held in executive session.

SECTION 32. *Release of HIV/AIDS Test Results.* — All results of HIV/AIDS testing shall be confidential and shall be released only to the following persons:

(a) the person who submitted himself/herself to such test;

(b) either parent of a minor child who has been tested;

(c) a legal guardian in the case of insane persons or orphans;

(d) a person authorized to receive such results in conjunction with the AIDSWATCH program as provided in Section 27 of this Act;

(e) a justice of the Court of Appeals or the Supreme Court, as provided under subsection (c) of this Act and in accordance with the provision of Section 16 hereof.

SECTION 33. *Penalties for Violations of Confidentiality.* — Any violation of medical confidentiality as provided in Sections 30 and 32 of this Act shall suffer the penalty of imprisonment for six (6) months to four (4) years, without prejudice to administrative sanctions such as fines and suspension or revocation of the violator's license to practice his/her profession, as well as the cancellation or withdrawal of the license to operate any business entity and the accreditation of hospitals, laboratories or clinics.

SECTION 34. *Disclosure to Sexual Partners.* — Any person with HIV is obliged to disclose his/her HIV status and health condition to his/her spouse or sexual partner at the earliest opportune time.

## ARTICLE VII DISCRIMINATORY ACTS AND POLICIES

SECTION 35. *Discrimination in the Workplace.* — Discrimination in any form from pre-employment to post-employment, including hiring, promotion or assignment, based on the actual, perceived or suspected HIV status of an individual is prohibited. Termination from work on the sole basis of actual, perceived or suspected HIV status is deemed unlawful.

SECTION 36. *Discrimination in Schools.* — No educational institution shall refuse admission or expel, discipline, segregate, deny participation, benefits or services to a student or prospective student on the basis of his/her actual, perceived or suspected HIV status.

SECTION 37. *Restrictions on Travel and Habitation.* — The freedom of abode, lodging and travel of a person with HIV shall not be abridged. No person shall be quarantined, placed in isolation, or refused lawful entry into or deported from Philippine territory on account of his/her actual, perceived or suspected HIV status.

SECTION 38. *Inhibition from Public Service.* — The right to seek an elective or appointive public office shall not be denied to a person with HIV.

SECTION 39. *Exclusion from Credit and Insurance Services.* — All credit and loan services, including health, accident and life insurance shall not be denied to a person on the basis of his/her actual, perceived or suspected HIV status: *Provided*, That the person with HIV has not concealed or misrepresented the fact to the insurance company upon application. Extension and continuation of credit and loan shall likewise not be denied solely on the basis of said health condition.

SECTION 40. *Discrimination in Hospitals and Health Institutions.* — No person shall be denied health care service or be charged with a higher fee on account of actual, perceived or suspected HIV status.

SECTION 41. *Denial of Burial Services.* — A deceased person who had AIDS or who was known, suspected or perceived to be HIV-positive shall not be denied any kind of decent burial services.

SECTION 42. *Penalties for Discriminatory Acts and Policies.* — All discriminatory acts and policies referred to in this Act shall be punishable with a penalty of imprisonment for six (6) months to four (4) years and a fine not exceeding Ten thousand pesos (₱10,000.00). In addition, licenses/permits of schools, hospitals and other institutions found guilty of committing discriminatory acts and policies described in this Act shall be revoked.

## ARTICLE VIII THE PHILIPPINE NATIONAL AIDS COUNCIL

SECTION 43. *Establishment.* — The Philippine National AIDS Council (PNAC) created by virtue of Executive Order No. 39 dated 3 December 1992 shall be reconstituted and strengthened to enable the Council to oversee an integrated and comprehensive approach to HIV/AIDS prevention and control in the Philippines. It shall be attached to the Department of Health.

SECTION 44. *Functions.* — The Council shall be the central advisory, planning and policy-making body for the comprehensive and integrated HIV/AIDS prevention and control program in the Philippines. The Council shall perform the following functions:

(a) Secure from government agencies concerned recommendations on how their respective agencies could operationalize specific provisions of this Act. The Council shall integrate and coordinate such recommendations and issue implementing rules and regulations of this Act. The Council shall likewise ensure that there is adequate coverage of the following:

(1) The institution of a nationwide HIV/AIDS information and education program;

(2) The establishment of a comprehensive HIV/AIDS monitoring system;

(3) The issuance of guidelines on medical and other practices and procedures that carry the risk of HIV transmission;

(4) The provision of accessible and affordable HIV testing and counselling services to those who are in need of it;

(5) The provision of acceptable health and support services for persons with HIV/AIDS in hospitals and in communities;

(6) The protection and promotion of the rights of individuals with HIV; and

(7) The strict observance of medical confidentiality.

(b) Monitor the implementation of the rules and regulations of this Act, issue or cause the issuance of orders or make recommendations to the implementing agencies as the Council considers appropriate;

(c) Develop a comprehensive long-term national HIV/AIDS prevention and control program and monitor its implementation;

(d) Coordinate the activities of and strengthen working relationships between government and non-government agencies involved in the campaign against HIV/AIDS;

(e) Coordinate and cooperate with foreign and international organizations regarding data collection, research and treatment modalities concerning HIV/AIDS; and

(f) Evaluate the adequacy of and make recommendations regarding the utilization of national resources for the prevention and control of HIV/AIDS in the Philippines.

SECTION 45. *Membership and Composition.* — (a) The Council shall be composed of twenty-six (26) members as follows:

(1) The Secretary of the Department of Health;

(2) The Secretary of the Department of Education, Culture and Sports or his representative;

(3) The Chairperson of the Commission on Higher Education or his representative;

(4) The Director-General of the Technical Education and Skills Development Authority or his representative;

(5) The Secretary of the Department of Labor and Employment or his representative;

(6) The Secretary of the Department of Social Welfare and Development or his representative;

(7) The Secretary of the Department of the Interior and Local Government or his representative;

- (8) The Secretary of the Department of Justice or his representative;
  - (9) The Director-General of the National Economic and Development Authority or his representative;
  - (10) The Secretary of the Department of Tourism or his representative;
  - (11) The Secretary of the Department of Budget and Management or his representative;
  - (12) The Secretary of the Department of Foreign Affairs or his representative;
  - (13) The Head of the Philippine Information Agency or his representative;
  - (14) The President of the League of Governors or his representative;
  - (15) The President of the League of City Mayors or his representative;
  - (16) The Chairperson of the Committee on Health of the Senate of the Philippines or his representative;
  - (17) The Chairperson of the Committee on Health of the House of Representatives or his representative;
  - (18) Two (2) representatives from organizations of medical/health professionals;
  - (19) Six (6) representatives from non-government organizations involved in HIV/AIDS prevention and control efforts or activities; and
  - (20) A representative of an organization of persons dealing with HIV/AIDS.
- (b) To the greatest extent possible, appointment to the Council must ensure sufficient and discernible representation from the fields of medicine, education, health care, law, labor, ethics and social services;
- (c) All members of the Council shall be appointed by the President of the Republic of the Philippines, except for the representatives of the Senate and the House of Representatives, who shall be appointed by the Senate President and the House Speaker, respectively;
- (d) The members of the Council shall be appointed not later than thirty (30) days after the date of the enactment of this Act;
- (e) The Secretary of Health shall be the permanent chairperson of the Council; however, the vice-chairperson shall be elected by its members from among themselves, and shall serve for a term of two (2) years; and

(f) For members representing medical/health professional groups and the six (6) non-government organizations, they shall serve for a term of two (2) years, renewable upon recommendation of the Council.

SECTION 46. *Reports.* — The Council shall submit to the President and to both Houses of Congress comprehensive annual reports on the activities and accomplishments of the Council. Such annual reports shall contain assessments and evaluation of intervention programs, plans and strategies for the medium- and long-term prevention and control program on HIV/AIDS in the Philippines.

SECTION 47. *Creation of Special HIV/AIDS Prevention and Control Service.* — There shall be created in the Department of Health a Special HIV/AIDS Prevention and Control Service staffed by qualified medical specialists and support staff with permanent appointment and supported with an adequate yearly budget. It shall implement programs on HIV/AIDS prevention and control. In addition, it shall also serve as the secretariat of the Council.

SECTION 48. *Appropriations.* — The amount of Twenty million pesos (P20,000,000.00) shall be initially appropriated out of the funds of the National Treasury. Subsequent appropriations shall be provided by Congress in the annual budget of the Department of Health under the General Appropriations Act.

## ARTICLE IX MISCELLANEOUS PROVISIONS

SECTION 49. *Implementing Rules and Regulations.* — Within six (6) months after it is fully reconstituted, the Council shall formulate and issue the appropriate rules and regulations necessary for the implementation of this Act.

SECTION 50. *Separability Clause.* — If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 51. *Repealing Clause.* — All laws, presidential decrees, executive orders and their implementing rules inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 52. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved: February 13, 1998

\* Copied verbatim from documents obtained directly from the Malacañang records (Republic Act No. 3815 should read as Act No. 3815 and Executive Order No. 309 should read as Executive Order No. 209).

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Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, nineteen hundred and ninety-seven.

[REPUBLIC ACT NO. 8505]

AN ACT PROVIDING ASSISTANCE AND PROTECTION FOR RAPE VICTIMS, ESTABLISHING FOR THE PURPOSE A RAPE CRISIS CENTER IN EVERY PROVINCE AND CITY, AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title.* — This Act shall be known as the “Rape Victim Assistance and Protection Act of 1998.”

SEC. 2. *Declaration of Policy.* — It is hereby declared the policy of the State to provide necessary assistance and protection for rape victims. Toward this end, the government shall coordinate its various agencies and non-government organizations to work hand in hand for the establishment and operation of a rape crisis center in every province and city that shall assist and protect rape victims in the litigation of their cases and their recovery.

SEC. 3. *Rape Crisis Center.* — The Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of the Interior and Local Government (DILG), the Department of Justice (DOJ), and a lead non-government organization (NGO) with proven track record or experience in handling sexual abuse cases, shall establish in every province and city a rape crisis center located in a government hospital or health clinic or in any other suitable place for the purpose of:

(a) Providing rape victims with psychological counselling, medical and health services, including their medico-legal examination;

(b) Securing free legal assistance or service, when necessary, for rape victims;

(c) Assisting rape victims in the investigation to hasten the arrest of offenders and the filing of cases in court;

(d) Ensuring the privacy and safety of rape victims;

(e) Providing psychological counseling and medical services when necessary for the family of rape victims;

(f) Developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers, and barangay officials on human rights and responsibilities; gender sensitivity and legal management of rape cases; and

(g) Adopting and implementing programs for the recovery of rape victims.

The DSWD shall be the lead agency in the establishment and operation of the Rape Crisis Center.

SEC. 4. *Duty of the Police Officer.* — Upon receipt by the police of the complaint for rape, it shall be the duty of the police officer to:

(a) Immediately refer the case to the prosecutor for inquest/investigation if the accused is detained; otherwise, the rules of court shall apply;

(b) Arrange for counselling and medical services for the offended party; and

(c) Immediately make a report on the action taken.

It shall be the duty of the police officer or the examining physician, who must be of the same gender as the offended party, to ensure that only persons expressly authorized by the offended party shall be allowed inside the room where the investigation or medical or physical examination is being conducted.

For this purpose, a women's desk must be established in every police precinct throughout the country to provide a police woman to conduct investigation of complaints of women rape victims. In the same manner, the preliminary investigation proper or inquest of women rape victims must be assigned to female prosecutor or prosecutors after the police shall have endorsed all the pertinent papers thereof to the same office.

SEC. 5. *Protective Measures.* — At any stage of the investigation, prosecution and trial of a complaint for rape, the police officer, the prosecutor, the court and its officers, as well as the parties to the complaint shall recognize the right to privacy of the offended party and the accused. Towards this end, the police officer, prosecutor, or the court to whom the complaint has been referred may, whenever necessary to ensure fair and impartial proceedings, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial and that the name and personal circumstances of the offended party and/or the accused, or any other information tending to establish their identities, and such circumstances or information on the complaint shall not be disclosed to the public.

The investigating officer or prosecutor shall inform the parties that the proceedings can be conducted in a language or dialect known or familiar to them.

SEC. 6. *Rape Shield.* — In prosecutions for rape, evidence of complainant's past sexual conduct, opinion thereof or of his/her reputation shall not be admitted unless, and only to the extent that the court finds, that such evidence is material and relevant to the case.

SEC. 7. *Appropriations.* — For the establishment and operation of the rape crisis centers during the first year of implementation of this Act, the amount of One hundred twenty million pesos (₱120,000,000.00) shall be charged against the Organizational Adjustment Fund, as follows: Sixty million pesos (₱60,000,000.00) for the DSWD; and Twenty million pesos (₱20,000,000.00) each for the DOH, DILG, and DOJ, respectively. Thereafter, the necessary amount for the rape crisis centers shall be included in the budgetary allocations for the agencies concerned in the annual General Appropriations Act.

SEC. 8. *Implementing Rules and Regulations.* — Within ninety (90) days upon the approval of this Act, all concerned agencies shall formulate rules and regulations as may be necessary for the proper implementation thereof.

SEC. 9. *Separability Clause.* — If any part, section or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SEC. 10. *Repealing Clause.* — All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SEC. 11. *Effectivity.* — This Act shall take effect fifteen (15) days after completion of its publication in at least two (2) newspapers of general circulation.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

(Sgd.) NEPTALI A. GONZALES  
*President of the Senate*

This Act, which is a consolidation of Senate Bill No. 2280 and House Bill No. 9962 was finally passed by the Senate and the House of Representatives on February 4, 1998 and February 5, 1998, respectively.

(Sgd.) ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

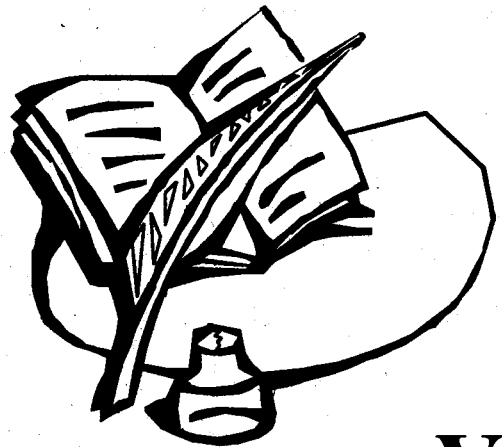
(Sgd.) HEZEL P. GACUTAN  
*Secretary of the Senate*

Approved,

February 13, 1998

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

*In Philippine society, education for women was not given importance. This is because women were expected to marry and become home managers and mothers. At first, courses for women were on subjects related to her preparation for married life - embroidery, cooking, etc. But women objected to such treatment. For example, the women of Malolos in the 1800s fought for the right to be able to learn the Spanish language, which right was reserved then only for men. But over the years, society has learned that the other half of the population can also contribute greatly to national development and, therefore, their right to quality education should be recognized.*



V

*Education*

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

[REPUBLIC ACT NO. 6655]

AN ACT ESTABLISHING AND PROVIDING FOR A FREE PUBLIC SECONDARY  
EDUCATION AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

SECTION 1. *Title.* — This Act shall be known as the “Free Public Secondary  
Education Act of 1988.”

Sec. 2. *Declaration of Policy.* — It is the policy of the State to provide for a free  
public secondary education to all qualified citizens and to promote quality education at  
all levels.

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

a) *Free Public Secondary Education.* — Means that the students enrolled in  
secondary course offerings in national high schools, general comprehensive high schools,  
state colleges and universities, specialized schools, trade, technical, vocational, fishery  
and agricultural schools, and in schools established, administered, maintained and funded  
by local government units, including city, provincial, municipal and barangay high  
schools, and those public high schools which may be established by law, shall be free  
from payment of tuition and other schools fees;

b) *Tuition Fee.* — Refers to the fee representing direct costs of instruction,  
training and other related activities and for the students' use of the instruction and  
training facilities;

c) *Other School Fees.* — Refer to those fees which cover the other necessary costs  
supportive of instruction, including but not limited to medical and dental, athletic, library,  
laboratory and Citizens Army Training (CAT) fees.

However, fees related to membership in the school community such as  
identification cards, student organizations and publications may be collected, provided  
that nonpayment of these fees shall not in any case be a bar to the enrollment or  
graduation of any student.

SEC. 4. *Implementation of Free Public Secondary Education.* — The system of free public secondary education as provided in this Act shall commence in School Year 1988-1989, and that the students enrolled in secondary course offerings in national and general comprehensive high schools, state colleges and universities, specialized schools, trade, technical, vocational, fishery and agricultural schools and in schools established, administered, maintained and funded by local government units, including city, provincial, municipal and barangay high schools and those public high schools which may be established by law, shall be free from payment of tuition and other school fees, except fees related to membership in the school community such as identification cards, student organizations and publication which may be collected: *Provided*, That nothing in this Act shall cause or authorize the reduction or removal of any benefit which the national or local government may have granted to the students, teachers and other school personnel of these public high schools prior to the enactment of this Act.

SEC. 5. *Formulation of a Secondary Education Curriculum.* — The Department of Education, Culture and Sports shall formulate a secondary education curriculum in order to upgrade its quality, efficiency and access. In addition to providing the high school students with general skills, knowledge and values, such a curriculum must include vocational and technical courses that will give the students gainful employment.

SEC. 6. *Limitation.* — The right of any student to avail of free public high school shall terminate if he fails for two (2) consecutive school years in the majority of the academic subjects in which he is enrolled during the course of his study unless such failure is due to some valid cause.

SEC. 7. *Nationalization of Public Secondary Schools.* — To effectively implement the system, the establishment, renaming, conversion, integration, separation, administration, supervision and control of all public secondary schools and public secondary school teachers and other school personnel, including the payment of their salaries, allowances and other fringe benefits as well as those already provided by local governments are hereby provided by local governments are hereby vested in the Department of Education, Culture, and Sports.

SEC. 8. *Priority in Admission.* — Graduates of public elementary schools in a municipality shall be given priority in admission when the present facilities in the same municipality cannot accommodate all of those applying for enrollment in the public high schools.

SEC. 9. *Implementing Rules and Regulations.* — The Secretary of Education, Culture and Sports shall issue the necessary rules and regulations to implement this Act.

SEC. 10. *Funding.* — The President is hereby authorized to realign or transfer any item of appropriation within the Department of Education, Culture and Sports and/or utilize any savings therein to carry out the purposes of this Act. Whatever additional amount as may be needed for its implementation shall be included in the General Appropriations Acts for the ensuing fiscal years.

SEC. 11. *Repealing Clause.* — All laws or parts thereof, inconsistent with any provision of this Act shall be deemed repealed or modified as the case may be.

SEC. 12. *Effectivity.* — This Act shall take effect upon its approval.

Approved: May 26, 1988.

(Sgd.) CORAZON C. AQUINO  
*President of the Philippines*



Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and eighty-eight.

[REPUBLIC ACT NO. 6728]

AN ACT PROVIDING GOVERNMENT ASSISTANCE TO STUDENTS AND TEACHERS IN PRIVATE EDUCATION, AND APPROPRIATING FUNDS THEREFOR

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title.* – This Act shall be known as the “Government Assistance to Students and Teachers in Private Education Act.”

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State in conformity with the mandate of the Constitution, to promote and make quality education accessible to all Filipino citizens. The State also hereby recognizes the complementary roles of public and private educational institutions in the educational system and the invaluable contribution that the private schools have made and will make to education. For these purposes, the State shall provide the mechanisms to improve quality in private education by maximizing the use of existing resources of private education, recognizing in the process the government responsibility to provide basic elementary and secondary education as having priority over its function to provide for higher education.

SEC. 3. *Criteria for Assistance.* – The programs for assistance shall be based on a set of criteria which shall include, among others, tuition fees charged by the schools, the socio-economic needs of each region, overall performance of the schools, the academic qualifications and the financial needs of the students, as well as the geographic spread and size of student population.

In addition to the foregoing criteria, within such reasonable time as the State Assistance Council may determine, student grantees under the Private Education Student Financial Assistance Program shall be enrolled in schools which have accredited

programs or are applying for accreditation as determined by the Federation of Accrediting Agencies of the Philippines, namely: the Philippine Association of Accredited Schools, Colleges and Universities, the Association of Christian Schools and Colleges Accrediting Agency, and the Philippine Association of Colleges and Universities Commission on Accreditation.

Preference shall be given to students whose family income is not more than thirty six thousand pesos (P36,000) or such amount as may be determined by the Council, as defined hereinafter.

For purposes of this Act, programs of assistance to students of private post-secondary education shall likewise be extended to students of community colleges and students in non-degree programs including vocational and technical courses. Implementation of the program shall encourage students to undergo tertiary education in the same region where their families reside.

The programs of assistance under this Act shall be extended only to students who are citizens of the Philippines.

SEC. 4. *Forms of Assistance.* – Assistance to private education shall consist of:

(1) Tuition fee supplements for students in private high schools, including students in vocational and technical courses;

(2) High School Textbook Assistance Fund: *Provided,* That students in public high schools shall be provided a comprehensive textbook program under the Secondary Education Development Program (SEDP);

(3) Expansion of the existing Educational Service Contracting (ESC) Scheme;

(4) The voucher system of the Private Education Student Financial Assistance Program (PESFA);

(5) Scholarship grants to students graduating as valedictorians and salutatorians from secondary schools;

(6) Tuition fee supplements to students in private colleges and universities;

(7) Education Loan Fund; and

(8) College Faculty Development Fund.

SEC. 5. *Tuition Fee Supplement for Student in Private High School.* – (1) Financial assistance for tuition for students in private high schools shall be provided by the government through a voucher system in the following manner:

- (a) For students enrolled in schools charging less than one thousand five hundred pesos (₱1,500) per year in tuition and other fees during school year 1988-1989 or such amount in subsequent years as may be determined from time to time by the State Assistance Council: The Government shall provide them with a voucher equal to two hundred ninety pesos (₱290.00): *Provided*, That the student pays in the 1989-1990 school years, tuition and other fees equal to the tuition and other fees paid during the preceding academic year: *Provided, further*, That the Government shall reimburse the vouchers from the schools concerned within sixty (60) days from the close of the registration period: *Provided, furthermore*, That the student's family resides in the same city or province in which the high school is located unless the student has been enrolled in that school during the previous academic year.
- (b) For students enrolled in schools charging above one thousand five hundred pesos (₱1,500) per year in tuition and other fees during the school year 1988-1989 or such amount in subsequent years as may be determined from time to time by the State Assistance Council, no assistance for tuition fees shall be granted by the Government: *Provided, however*, That the schools concerned may raise their tuition fees subject to Section 10 hereof.

(2) Assistance under paragraph (1), subparagraphs (a) and (b) shall be granted and tuition fees under sub-paragraph (c) may be increased, on the condition that seventy percent (70%) of the amount subsidized allotted for tuition fee or of the tuition fee increases shall go to the payment of salaries, wages, allowances and other benefits of teaching and non-teaching personnel except administrators who are principal stockholders of the school, and may be used to cover increases as provided for in the collective bargaining agreements existing or in force at the time when this Act is approved and made effective: *Provided*, That government subsidies are not used directly for salaries of teachers of non-secular objects. At least twenty percent (20%) shall go to the improvement or modernization of buildings, equipment, libraries, laboratories, gymnasias and similar facilities and to the payment of other costs of operation. For this purpose, schools shall maintain a separate record of accounts for all assistance received from the government, any tuition fee increase, and the detailed disposition and use thereof, which record shall be made available for periodic inspection as may be determined by the State Assistance Council, during business hours, by the faculty, the non-teaching personnel, students of the school concerned, the Department of Education, Culture and Sports and other concerned government agencies.

SEC. 6. *High School Textbook Assistance Fund.* – There shall be established in the Department of Education, Culture and Sports (DECS) a High School Textbook Assistance Fund, so that an assistance on a per student basis shall be given to private schools charging less than one thousand five hundred pesos (₱1,500.00) for 1988-1989 per year, or such amount in subsequent years as may be determined from time to time by the State Assistance Council, exclusively for the purchase of high school textbooks, in support of the implementation of the Secondary Education Development Program: *Provided*, That such fund shall not be used for the purchase of books that will advance or

inhibit sectarian interest: *Provided, further,* That such textbooks are included in the list approved by the Department of Education, Culture and Sports.

SEC. 7. *Expansion of the Existing Educational Service Contracting (ESC) Scheme.* – (a) The Department of Education, Culture and Sports (DECS) shall continue to enter into contracts with private schools whereby the Government shall shoulder the tuition and other fees of excess students in public high schools who shall enroll under this program. It shall settle all outstanding obligations before contracting new obligations.

(b) The Department shall also enter into contract with private schools in communities where there are not public high schools, in which case the Department shall shoulder the tuition and other fees of students who shall enroll in said private schools. The number of such schools assisted by the program will be increased every year such that all schools in this category will be assisted within four (4) years from the promulgation of this Act.

(c) The amount of assistance to be given by the Government under this Section shall not exceed that determined as the per student cost in public high schools.

(d) The Department shall fully pay the subsidized amount to participating schools not later than the end of the school year, unless the delay incurred is attributable to the participating schools.

(e) The amount of assistance shall be allocated and distributed among the fourteen (14) regions in proportion to the total population as well as the high school age population for the first school years: *Provided,* That starting school year 1990, an equalization scheme shall be implemented by the State Assistance Council.

SEC. 8. *Assistance to College Freshmen.* – (a) *The Voucher System of Private Education Student Financial Assistance (PESFA) Program.* The existing Private Education Student Financial Assistance (PESFA) Program which covers degree and vocational/technical courses shall be expanded so that a minimum of ten percent (10%) for the school year 1989, fifteen percent (15%) for the school year 1990, twenty percent (20%) for the school year 1991, twenty-five percent (25%) for the school year 1992 and thereafter, of all enrolling first year students can benefit from a full or partial scholarship, plus an allowance. Such financial assistance shall be granted to deserving underprivileged students, who shall be selected on the basis of family income, geographic spread and results of competitive examinations to be given by the Department of Education, Culture and Sports to students in all secondary schools. The program shall be equitably allocated to provinces and cities in accordance with regional and national plans to priority courses as determined by the Department of Education, Culture and Sports in coordination with the National Economic Development Authority (NEDA). The priority courses shall be submitted to Congress at the start of this program and any changes thereon periodically.

For purposes of this Act, an underprivileged student shall refer to a student whose annual gross income, if any, and that of the combined annual gross income of his parents do not exceed thirty-six thousand pesos (P36,000).

(b) *Tuition Waiver.* Private colleges and universities shall provide for full or half tuition waivers for five percent (5%) of the entering freshmen, which shall include among others, valedictorians and salutatorians of both public high schools and private high schools charging less than one thousand five hundred pesos (P1,500) per student per year as of school year 1988-1989, or such amount in subsequent years as may be determined by the State Assistance Council; *Provided*, That those valedictorians and salutatorians meet admission tests and retention requirements of the schools concerned. For this purpose, the tuition rates for entering freshmen in all private schools and colleges may be determined by the school itself, after appropriate consultations with parents, students and the alumni of the school. For this purpose, audited financial statements shall be made available to authorized representatives of these sectors.

(c) *Allowance for Valedictorians.* Subject to rules and regulations as may be promulgated by the State Assistance Council, valedictorians referred to under subparagraph (b) above, may, in addition to tuition waivers granted by the school concerned, be entitled to such allowances from the government as are provided to PESFA grantees, provided they shall enroll in priority courses.

(d) *Allowance for other Honorees.* In case the graduating class is composed of more than two hundred and fifty students, all salutatorians and first honorable mention graduates thereof may also be entitled to the allowance granted to valedictorians under the preceding paragraph.

SEC. 9. *Further Assistance to Students in Private Colleges and Universities.* – Tuition fee supplements for non-freshmen students of private colleges and universities in priority course programs determined by the Department of Education, Culture and Sports shall be provided by the government through a voucher system in the following manner:

- (a) For re-enrolling students in priority programs in schools charging an effective per-unit tuition rate of eighty pesos (P80) or less per unit or such amount in subsequent years as may be determined by the State Assistance Council: The Government shall provide the student with a voucher with a value-equivalent to the tuition fee increase: *Provided*, That all schools in this category shall not be allowed to raise their fees by more than twelve pesos (P12.00) per unit, for both priority and non-priority courses; and *Provided*, That such assistance shall be given only to students who have completed one academic year by June 1989 in priority programs and shall not apply to future college students and to current college students who transfer outside of their region.
- (b) For students in schools charging an effective per-unit tuition rate of more than eighty pesos (P80) per unit or such amount in subsequent years as may be determined from time to time by the State Assistance Council: The

Government shall provide no assistance, and the schools can determine their own tuition rates, subject to Section 10 hereof: *Provided*, That they grant full or half tuition waivers to five percent (5%) of all their students.

- (c) Schools with accredited programs charging a tuition rate of less than eighty pesos (₱80.00) per unit or such amount in subsequent years as may be determined from time to time by the State Assistance Council, may continue to determine tuition rates, subject to Section 10 hereof, and non-freshmen students in their accredited priority courses will be entitled to a voucher equivalent to the tuition increase as in paragraph (a) hereof.
- (d) Government assistance and tuition increases as described in this Section shall be governed by the same conditions as provided under Section 5(2).

SEC. 10. *Consultation.* – In any proposed increase in the rate of tuition fee, there shall be appropriate consultations conducted by the school administration with the duly organized parents and teachers associations and faculty associations with respect to secondary schools; and with students governments or councils, alumni and faculty association with respect to colleges. For this purpose, audited financial statements shall be made available to authorized representatives of these sectors. Every effort shall be exerted to reconcile possible differences. In case of disagreement, the alumni association of the school or any other impartial body of their choosing shall act as arbitrator.

SEC. 11. *Education Loan Fund.* – (a) “*Study Now, Pay Later Plan*”. There is hereby created a special fund to be known as the Students’ Loan Fund to be administered by the Department of Education, Culture and Sports, or upon delegation by the Department, by the Student Loan Fund Authority created under Republic Act No. 6014 which is hereby reinstated pursuant to the terms of the same Republic Act which shall be used to finance educational loans to cover matriculation and other school fees and educational expenses for book, subsistence, and board and lodging.

(b) Amounts covering payments for tuition, matriculation and other school fees shall be paid directly to the school concerned.

(c) Any loan granted under this Section shall be paid by the student-debtor after he has finished the course or profession for which the proceeds of the loan was expended, but only after a period of two (2) years from the time he has acquired an employment: *Provided, however*, That interest at the rate of not more than twelve percent per annum shall accrue on the balance thereof.

(d) *Social Security Fund.* The Social Security System Fund shall make available low interest educational loans to its members and to private educational institutions for school buildings and or improvement of their plants and facilities.

SEC. 12. *Limitation.* – The right of any student to avail himself of the benefits under this Act shall not apply.

(a) If he fails for one (1) schoolyear in the majority of the academic subjects in which he has enrolled during the course of his study unless such failure is due to some valid cause beyond his control; and

(b) If he enrolls for the first time, or transfers, outside of the region where he is domiciled unless the course he wants to pursue is a priority course as determined by the Department of Education, Culture and Sports and is not offered in any private school in his region.

SEC. 13. *College Faculty Development Fund.* – For the purpose of improving the quality of teaching in higher education, there is hereby established in Department of Education, Culture and Sports a College Faculty Development Fund to provide for scholarships for graduate degrees and non-degree workshops or seminars for faculty members in private colleges and universities: *Provided,* That faculty member recipients of such scholarships shall serve three (3) years return service for every year of scholarship availed of. The scholarship shall be in priority courses as determined by the Department of Education, Culture and Sports in coordination with the National Economic Development Authority (NEDA) and cannot be awarded to promote or inhibit sectarian purposes.

SEC. 14. *Program Administration/Rules and Regulations.* – The State Assistance Council shall be responsible for policy guidance and direction, monitoring and evaluation of new and existing programs, and the promulgation of rules and regulations, while the Department of Education, Culture and Sports shall be responsible for the day to day administration and program implementation. Likewise, it may engage the services and support of any qualified government or private entity for its implementation.

The State Assistance Council (SAC), hereinafter known as the Council, shall be headed by the Secretary of Education, Culture and Sports as chairman, with representatives from NEDA, DBM, DOST, and representatives from duly organized nationwide associations of teachers, students and school administrators as members. The last three (3) members shall be appointed by the President upon the recommendation of their respective sectors for a term of four (4) years.

The Council shall meet, from time to time, as the need arises, to assess the effectivity of the programs and to ensure that schools, colleges and universities where student recipients are enrolled continue to provide quality education. For this purpose, the Council shall establish criteria, including accreditation status, to determine which schools, colleges and universities may continue to enroll students who are recipients of government assistance under this Act.

SEC. 15. *Appropriations.* – (a) The appropriations of the Department of Education, Culture and Sports authorized in General Appropriations Act for Fiscal Year 1989, Republic Act No. 6688, for A.7.d Implementation of programs for secondary education, A.7.e Implementation of programs for higher education, A.7.g Implementation of free secondary education shall be reduced as far as practicable on a proportionate basis

by region to provide funds for the requirements of this Act in Fiscal Year 1989: *Provided*, That savings from any other item of appropriation of the Department of Education, Culture and Sports may be utilized for the implementation of this Act in Fiscal Year 1989: *Provided, further*, That any deficiency shall be taken from any or all of the following source:

(1) Portions of the coconut levies authorized under Republic Act No. 6260 and Presidential Decree No. 1468 and other laws earmarked to finance scholarships for the benefit of deserving children of the coconut farmers, and the income thereof: *Provided*, That such funds shall be used exclusively for the program of assistance for said children including their books, board and lodging and other allowances in case these are not provided in a particular program of assistance;

(2) Twenty percent (20%) of the travel tax and airport departure tax collections;

(3) Ten percent (10%) of any funds collected by the Sugar Regulatory Administration or the Philippine Coconut Authority for students in provinces where they are collected;

(4) Ten percent (10%) of the net income of the Development Bank of the Philippines;

(5) Portions of the Overseas Welfare Fund to benefit the dependents or children of overseas workers; and

(6) Any other lump sum appropriations or collections under the supervision and control of the Office of the President.

*Provided, finally*, That the total amount made available to carry out the purposes of this Act shall not exceed five hundred million pesos (P500 M) for Fiscal Year 1989.

Thereafter, such amount as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

(b) The amount of assistance on a per student basis as determined under Section 5(a) and (b) and Section 9(a) of this Act shall remain the same for the subsequent years unless Congress provides otherwise.

SEC. 16. *Penalties.* – In case of any violation of the provisions of this Act or the rules and regulations promulgated pursuant thereto by an institution, the Department of Education, Culture and Sports, upon the recommendation of the Council, may bar the institution from participating in or benefiting from the programs of this Act, and from other programs of the Department, without prejudice to administrative and criminal charges as may be filed against the school and/or its responsible officers under existing laws.



Any school who shall refuse, as required under paragraph (1)(c) of Section 5, Section 8(b) and Section 9(b), to furnish copies of their audited financial statements to concerned sectors with whom they are having consultations prior to tuition fee increases, shall forfeit the right to increase their tuition fees, in addition to other penalties or sanctions as may be imposed under the preceding paragraph or by existing laws.

SEC. 17. *Repealing Clause.* – All laws and decrees particularly Presidential Decree Nos. 932 and 1371 and such letters of instruction, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 18. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 19. *Effectivity Clause.* – This Act shall take effect immediately upon its publication in English in an English newspaper and in Filipino in a Filipino newspaper, both of general circulation.

Approved,

(Sgd.) RAMON V. MITRA  
*Speaker of the House of  
Representatives*

(Sgd.) JOVITO R. SALONGA  
*President of the Senate*

This Act which is a consolidation of Senate Bill No. 1105 and House Bill No. 24758 was passed by both the Senate and the House of Representatives on June 7, 1989.

(Sgd.) QUIRINO D. ABAD SANTOS, JR.  
*Secretary of the House of  
Representatives*

EDWIN P. ACOBA.  
*Secretary of the Senate*

Approved: June 10, 1989

(Sgd.) CORAZON C. AQUINO  
*President of the Philippines*

[REPUBLIC ACT NO. 7077]

AN ACT PROVIDING FOR THE DEVELOPMENT, ADMINISTRATION, ORGANIZATION, TRAINING, MAINTENANCE AND UTILIZATION OF THE CITIZEN ARMED FORCE OF THE ARMED FORCES OF THE PHILIPPINES AND FOR OTHER PURPOSES

ARTICLE X – (Utilization of the Reserve Force)

“SEC. 65. *Women Reservists.* — Women shall have the right and duty to serve in the AFP. The relevant standards for admission, training and commissioning of women shall be the same as those required for men, except for those essential adjustments in such standards required because of physiological differences between men and women.’

Approved: June 27, 1991.

[REPUBLIC ACT NO. 7165]

AN ACT CREATING THE LITERACY COORDINATING COUNCIL, DEFINING IT  
POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND  
FOR OTHER PURPOSES

SECTION 1. It is the policy of the State to give the highest priority to the adoption of measures for the total eradication of illiteracy. For this purpose, it shall encourage and nationalize the formulation of policies and the implementation of programs on non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs.

SECTION 2. To carry out the declared national policy, there is hereby created a Literacy Coordinating Council, hereinafter referred to as the Council, which shall be an inter-agency body administratively attached to the Department of Education, Culture and Sports.

SECTION 3. The Council shall be composed of eight (8) members as follows: the Undersecretary for Non-Formal Education of the Department of Education, Culture and Sports; the Undersecretary of the Department of Interior and Local Government in charge of Local Governments; the Director of the Philippine Information Agency; the President of the Philippine Normal College; a representative from the National Economic and Development Authority designated by the Director-General; a representative of the Committee on Education, Arts and Culture of the Senate to be designated by the President of the Senate; body, providing policy and program directions for all literacy endeavors in the country;

SECTION 4. The Council shall have the following functions:

1) To help act as the overall advisory and coordinating a representative of the Committee on Education and Culture of the House of Representatives to be designated by the Speaker; and the representative of non-government organizations involved in literacy education who shall be appointed by the President of the Philippines for a period of three (3) years.

The members of the Council shall annually elect a Chairman from among themselves except the two (2) representatives of Congress.

The Council shall meet regularly once a month and may hold special meetings to consider urgent matters upon the call of the Chairman or any three Council members.

2) To recommend strategies on the development of a mass movement for the total eradication of illiteracy in the country by the year 2000;

3) To formulate measures on the establishment and maintenance of a national data bank and information exchange and dissemination system to support literacy efforts at the national and local levels;

4) To assist in identifying and adopting successful management schemes of literacy programs, and adopt measures to boost research and development work in literacy, by government agencies and non-governmental organizations involved in literacy work;

5) To recommend ways and means of raising funds in order to support the literacy programs, projects, and activities;

6) To recommend measures on how to organize and strengthen support structures for literacy at the regional and local levels; and

7) To perform such other functions as may be necessary in furtherance of the purposes of this Act.

SECTION 5. The administrative and research staff shall be detailed from the existing personnel of the Department of Education, Culture and Sports without prejudice to the designation by the Council of such additional staff members as it may deem necessary for the proper discharge of its function and responsibilities.

SECTION 6. The Council may, in the performance of its functions, request the cooperation, assistance, and support of appropriate government agencies and non-governmental organizations involved in literacy.

SECTION 7. The sum of ten million pesos (P10,000,000.00) is hereby authorized to be appropriated, out of any funds in the National Treasury not otherwise appropriated to carry out the functions of the Council under this Act. Thereafter, the sum needed for the operation and maintenance of the Council shall be included in the annual Budget of the Department of Education, Culture and Sports.

The Council shall submit to Congress an annual report which shall include, among other things, policy recommendations which require legislative action towards the total eradication of illiteracy.

SECTION 8. All laws, executive orders, presidential decrees, and other issuances, or parts thereof, inconsistent with the provisions of this Act are hereby repealed.

**SECTION 9.** If any section or part of this Act shall be declared unconstitutional, such declaration shall not invalidate other provisions thereof.

**SECTION 10.** This Act shall take effect upon its publication in two (2) national newspapers of general circulation.

Approved: November 25, 1991

[REPUBLIC ACT NO. 7323]

AN ACT TO HELP POOR BUT DESERVING STUDENTS PURSUE THEIR EDUCATION BY ENCOURAGING THEIR EMPLOYMENT DURING SUMMER AND/OR CHRISTMAS VACATIONS, THROUGH INCENTIVES GRANTED TO EMPLOYERS, ALLOWING THEM TO PAY ONLY SIXTY *PER CENTUM* OF THEIR SALARIES OR WAGES AND THE FORTY *PER CENTUM* THROUGH EDUCATION VOUCHERS TO BE PAID BY THE GOVERNMENT, PROHIBITING AND PENALIZING THE FILING OF FRAUDULENT OR FICTITIOUS CLAIMS, AND FOR OTHER PURPOSES

SECTION 1. Any provision of law to the contrary notwithstanding, any person or entity employing at least fifty (50) persons may during the summer and/or Christmas vacations employ poor but deserving students fifteen (15) years of age but not more than twenty-five (25) years old, paying them a salary or wage not lower than the minimum wage provided by law and other applicable labor rules and regulations.

For purposes of this Act, poor but deserving students refer to those whose parents' combined incomes, together with their income, if any, do not exceed Thirty-six thousand pesos (P36,000) *per annum*. Employment should be at the Labor Exchange Center of the Department of Labor and Employment (DOLE).

SEC. 2. Sixty *per centum* (60%) of said salary or wage shall be paid by the employer in cash and forty *per centum* (40%) by the Government in the form of a voucher which shall be applicable in the payment for his tuition fees and books in any educational institution for secondary, tertiary, vocational or technological education. The amount of the education voucher shall be paid by the Government to the educational institution concerned within thirty (30) days from its presentation to the officer or agency designated by the Secretary of Finance.

The voucher shall not be transferable except when the payee thereof dies or for a justifiable cause stops in his duties in which case it can be transferred to his brothers or sisters. If there be none, the amount thereof shall be paid his heirs or to the payee himself, as the case may be.

SEC. 3. The Secretary of Labor and Employment, the Secretary of Education, Culture and Sports and the Secretary of Finance shall issue the corresponding rules and regulations to carry out the purposes of this Act.

The Secretary of Labor and Employment shall be the Project Director of this program.

SEC. 4. Any person or entity who shall make any fraudulent or fictitious claim under this Act, regardless of whether payment has been made, shall upon conviction be

punished with imprisonment of not less than six (6) months and not more than one (1) year and a fine of not less than Ten thousand pesos (₱10,000), without prejudice to their prosecution and punishment for any other offense punishable under the Revised Penal Code or any other penal statute.

In case of partnerships or corporations, the managing partner, general manager, or chief executive officer, as the case may be, shall be criminally liable.

SEC. 5. The amount necessary to carry out the purposes of this Act is hereby authorized to be appropriated in the General Appropriations Act for 1992 and the subsequent annual general appropriations acts.

SEC. 6. This Act shall take effect after its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved: March 30, 1992.

[REPUBLIC ACT NO. 7796]

AN ACT CREATING THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY, PROVIDING FOR ITS POWERS, STRUCTURE AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

“SECTION 7. *Composition of the TESDA Board.* — The TESDA Board shall be composed of the following:

The Secretary of Labor and Employment	Chairperson
Secretary of Education, Culture and Sports	Co-Chairperson
Secretary of Trade and Industry	Co-Chairperson
Secretary of Agriculture	Member
Secretary of Interior and Local Government	Member
Director-General of the TESDA Secretariat	Member

In addition, the President of the Philippines shall appoint the following members from the private sector: two (2) representatives, from the employer/industry organization, one of whom shall be a woman; three (3) representatives, from the labor sector, one of whom shall be a woman; and two (2) representatives of the national associations of private technical-vocational education and training institutions, one of whom shall be a woman. As soon as all the members of the private sector are appointed, they shall so organize themselves that the term of office of one-third (1/3) of their number shall expire every year. The member from the private sector appointed thereafter to fill vacancies caused by expiration of terms shall hold office for three (3) years.”

This Act which is a consolidation of Senate Bill No. 1283 and House Bill No. 12194 was finally passed by the Senate and the House of Representatives on August 23, 1994.

Approved: August 25, 1994.



**RULES AND REGULATIONS IMPLEMENTING  
THE TESDA ACT OF 1994**

Pursuant to Section 36 of the TESDA Act of 1994, the TESDA Board hereby promulgates the Implementing Rules and Regulations of the Act, as follows:

**RULE III**

**TESDA BOARD**

“SEC 2. *Composition of the TESDA Board.* — The TESDA Board is composed of the following:

The Secretary of Labor and Employment	Chairperson
Secretary of Education, Culture and Sports	Co-Chairperson
Secretary of Trade and Industry	Co-Chairperson
Secretary of Agriculture	Member
Secretary of Interior and Local Government	Member
Director-General of the TESDA Secretariat	Member

Private sector representatives appointed by the President:

- a) Two (2) representatives from the employer/industry organization, one of whom shall be a woman;
- b) Three (3) representatives from the labor sector, one of whom shall be a woman;
- c) Two (2) representatives of the national associations of private technical-vocational education and training institutions, one of whom shall be a woman.”

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and ninety-four.

[REPUBLIC ACT NO. 7836]

AN ACT TO STRENGTHEN THE REGULATION AND SUPERVISION OF THE PRACTICE OF TEACHING IN THE PHILIPPINES AND PRESCRIBING A LICENSURE EXAMINATION FOR TEACHERS AND FOR OTHER PURPOSES

*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 “Philippine Teachers Professionalization Act of 1994.”

SEC. 2. *Statement of Policy.* — The State recognizes the vital role of teachers in nation-building and development through a responsible and literate citizenry. Towards this end, the State shall ensure and promote quality education by proper supervision and regulation of the licensure examination and professionalization of the practice of the teaching profession.

SEC. 3. *Objectives.* — This Act has the herein objectives:

- a) The promotion, development and professionalization of teachers and the teaching profession; and
- b) The supervision and regulation of the licensure examination.

SEC. 4. *Definition of Terms.* — For purposes of this Act, the following terms shall mean:

- a) “Teaching” – refers to the profession concerned primarily with classroom instruction, at the elementary and secondary levels in accordance with the curriculum prescribed by the Department of Education, Culture and Sports, whether on part-time or full-time basis in the private or public schools.

- b) "Teachers" – refers to all persons engaged in teaching at the elementary and secondary levels, whether on full-time or part-time basis, including industrial arts or vocational teachers and all other persons performing supervisory and/or administrative functions in all schools in the aforesaid levels and qualified to practice teaching under this Act.
- c) "Board" – refers to the Board for Professional Teachers duly established and constituted under this Act.
- d) "Commission" – refers to the Professional Regulation Commission.

ARTICLE II  
BOARD FOR PROFESSIONAL TEACHERS

SEC. 5. *Creation and Composition of the Board.* — There is hereby created under this Act a Board for Professional Teachers, hereinafter called the Board, a collegial body under the general supervision and administrative control of the Professional Regulation Commission, hereinafter referred to as the Commission, composed of five (5) members who shall be appointed by the President of the Philippines from among the recommendees chosen by the Commission. The recommendees shall be chosen from the list of nominees selected by the accredited association of teachers, who duly possess all the qualifications prescribed in Section 8 of this Act.

The chairman and the vice-chairman of the Board shall be appointed from these five (5) members by the President: *Provided*, That the members of the first Board appointed under this Act shall be automatically registered as professional teachers and issued with the certificate of registration and professional license upon payment of the fees for examination, registration, and other fees prescribed by the Commission.

SEC. 6. *Duties and Functions of the Board.* — The Board shall have the following duties and functions:

- a) Promulgate, administer and enforce rules and regulations necessary for carrying out the provisions of this Act in accordance with the charter of the Professional Regulation Commission;
- b) Determine and fix the frequency, dates, and places of examination, appoint supervisors, proctors, and other personnel as needed who shall be entitled to a daily allowance to be fixed by the Board for every examination day actually attended, use buildings and facilities of public or private schools for examination purposes;
- c) Issue, suspend, or revoke the certificate of registration for the practice of the teaching profession;
- d) Prescribe and collect examination and other fees as it may deem proper;

- e) Prescribe and/or adopt a code of ethical and professional standards for the practice of the teaching profession. Such ethical standards, rules and regulations to take effect sixty (6) days after its publication in the *Official Gazette* or in any newspaper of general circulation;
- f) Administer oaths in connection with the administration of this Act;
- g) Supervise and regulate the registration, licensure and practice of professional teachers in the Philippines;
- h) Adopt an official seal of the Board;
- i) Look into the conditions affecting the practice of the teaching profession and whenever necessary, adopt such measures as may be deemed proper for the enhancement and maintenance of high professional and ethical standards of the profession;
- j) Ensure that all educational institutions offering elementary and secondary education comply with the essential requirements for curricula, faculty and facilities for the elementary and secondary levels;
- k) Investigate such violations of this Act, the rules and the code of ethical and professional standards for professional teachers as it may come to the knowledge of the Board, and for this purpose, to issue *subpoena* and *subpoena duces tecum* to secure the appearance of witnesses and the production of documents in connection therewith; and
- l) Discharge such other powers, duties and functions as the Board may deem necessary for the practice of the teaching profession and the upgrading enhancement, development and growth of education in the Philippines.

SEC. 7. *Term of Office.* — The members of the Board shall hold office for a term of three (3) years from the date they assume office: *Provided*, That the first appointees to the Board under this Act shall hold office according to the following terms: one (1) member shall serve for one (1) year; one (1) member for two (2) years; the chairman, vice-chairman, and one (1) member for three (3) years. Vacancies shall be served for the unexpired term only. No person who has served for two (2) consecutive terms shall be eligible for reappointment. Appointment to fill an unexpired term shall be considered an appointment to a complete term.

The chairman or any member shall take his oath of office prior to the performance of his duties.

SEC. 8. *Qualifications of Board Members.* — Each Board member must at the time of his appointment:

- a) Be a citizen and resident of the Philippines;
- b) Be at least thirty-five (35) years of age, of proven integrity, and possessed of high moral values in his personal as well as professional conduct and has not been convicted of any offense involving moral turpitude;
- c) Be a holder of the degree of Bachelor of Arts or Bachelor of Science in Education and preferably a holder of a master's or doctorate degree in education, or their equivalents, from a university, school, college, academy or institute duly constituted, recognized and/or accredited by the Philippine government;
- d) Be a professional teacher with a valid certificate of registration and valid professional license, save those members who shall compose the first Board for Professional Teachers;
- e) Has been a professional teacher in the active practice of the teaching profession for at least ten (10) years in the elementary and secondary level; and
- f) Not be an official or member of the faculty of, nor have pecuniary interest in any university, college, school, or institution conferring a bachelor's degree in education or its equivalents for at least three (3) years prior to his appointment, and neither connected with a review center or with any group or association where review classes or lectures in preparation for the licensure examination are offered or conducted.

*Provided, however,* That, the membership to the Board shall be evenly distributed to cover all levels of education, including equitable representation of the different fields of specialization.

SEC. 9. *Compensation of the Board.* — The chairman, vice-chairman, and members of the Board shall receive compensation comparable to the compensation received by existing regulatory boards under the Professional Regulation Commission, computed on the basis of the number of examinees/candidates.

SEC. 10. *Supervision of the Board and Custodian of its Records.* — The Board shall be under the supervision and control of the Commission. All records, including applications for examination, examination papers and results, minutes of deliberation, administrative cases and investigative cases and investigations involving professional teachers shall be kept by the Commission.

SEC. 11. *Secretariat and Support Service.* — The Professional Regulation Commission, through its chairman, shall provide the secretariat and other support services to implement effectively the provisions of this Act.

SEC. 12. *Removal of a Board Member.* — The chairman or any member of the Board may be removed by the President of the Philippines upon recommendation of the Commission for neglect of duty, incompetence, unprofessional, unethical, immoral or dishonorable conduct, commission or toleration of irregularities in the examination, after having been given the opportunity to defend himself in a proper administrative investigation.

In the course of investigation, the President may preventively suspend the respondent.

### ARTICLE III EXAMINATION AND REGISTRATION

SEC. 13. *Examination, Registration and License Required.* — Except as otherwise specifically allowed under the provisions of this Act, all applicants for registration as professional teachers shall be required to undergo a written examination which shall be given at least once a year in such places and dates as the Board may determine upon approval by the Commission. A valid certificate of registration and a valid professional license from the Commission are required before any person is allowed to practice as a professional teacher in the Philippines, except as otherwise allowed under this Act.

SEC. 14. *Scope of Examination.* — The examinations for the elementary and secondary school teachers shall be separate. The examination for teachers in the elementary level shall consist of two (2) parts, namely: professional education and general education. The examination for teachers in the secondary level shall consist of three (3) parts, namely: professional education, general education, and field of specialization.

SEC. 15. *Qualification Requirements of Applicants.* — No applicant shall be admitted to take the examination unless, on the date of filing of the application, he shall have complied with the following requirements:

- a) A citizen of the Philippines or an alien whose country has reciprocity with the Philippines in the practice of the teaching profession;
- b) At least eighteen (18) years of age;
- c) In good health and of good reputation with high moral values;
- d) Has not been convicted by final judgment by a court for an offense involving moral turpitude;
- e) A graduate of a school, college or university recognized by the government and possesses the minimum educational qualifications, as follows:
  - (1) For teachers in preschool, a bachelor's degree in early childhood education (BECED) or its equivalent;

- (2) For teachers in the elementary grades, a bachelor's degree in elementary education (BSEED) or its equivalent;
- (3) For teachers in the secondary grades, a bachelor's degree in education or its equivalent with a major and minor, or a bachelor's degree in arts and sciences with at least ten (10) units in professional education; and
- (4) For teachers of vocational and two-year technical courses, a bachelor's degree in the field of specialization or its equivalent, with at least eighteen (18) units in professional education.

SEC. 16. *Report of the Results of the Examination.* — The Board shall, within one hundred twenty (120) days after the examination, report the ratings obtained by each candidate to the Professional Regulation Commission for approval and appropriate action.

SEC. 17. *Issuance of Certificate of Registration and Professional License.* — The registration of a professional teacher commences from the date his name is enrolled in the roster of professional teachers.

Every registrant who has satisfactorily met all the requirements specified in this Act shall, upon payment of the registration fee, be issued a certificate of registration as a professional teacher bearing the full name of the registrant with serial number and date of issuance signed by the chairman of the Commission and the chairman, vice-chairman, and members of the Board, stamped with the official seal, as evidence that the person named therein is entitled to practice the profession with all the rights and privileges appurtenant thereto. The certificate shall remain in full force and effect until withdrawn, suspended and/or revoked in accordance with law.

A professional license signed by the chairman of the Commission and bearing the registration number and date of issuance thereof and the month of expiry or renewability shall likewise be issued to every registrant who has paid the annual registration fees for three (3) consecutive years. This license shall serve as evidence that the licensee can lawfully practice his profession until the expiration of its validity.

SEC. 18. *Oath Before Practice.* — Every registrant shall be required to take his professional oath before practicing as a professional teacher.

SEC. 19. *Periodic Merit Examination of Teachers.* — To encourage continuing professional growth and development and to provide additional basis for merit promotion, in addition to their performance rating, teachers may take an oral and written examination at least once in five (5) years as basis for merit promotion. In taking this examination, no fee shall be required.

SEC. 20. *Failure to Pass the Merit Examination.* — If a teacher fails to pass the merit examination, he or she shall be allowed to take the examination for a second time. Should he or she fail to pass the merit examination for the second time, then he or she

shall be required to take a DECS accredited refresher course or program before being allowed to retake the examination.

Failure of any permanent teacher to pass the merit examination shall not, however, be used as a ground for his/her dismissal or demotion.

SEC. 21. *Incentives.* — Teachers who pass the merit examination shall:

- a) Be awarded a diploma of merit by the Board;
- b) Earn merit points for purposes of promotion in salary or to a higher position or grade level;
- c) Be placed in the priority list for government scholarship; and
- d) Enjoy such other benefits as may be promulgated by the Board.

Similar incentives shall be given to teachers who make inventions, develop new methods of teaching, write a book or books and create works of artistic merit.

SEC. 22. *Integration of the Teaching Profession.* — The teaching profession shall be integrated into one national organization which shall be recognized by the Board and the Commission as the one and only integrated and accredited association of professional teachers. Upon registration with the Board, every professional teacher shall be encouraged to become a member of the integrated national organization. Those who have been registered with the Board but are not members of the said integrated organization within three (3) years after the effectivity of this Act. Membership in the integrated organization shall not be a bar to membership in other associations of the teaching profession. The professional teachers shall receive the benefits and privileges appurtenant to their membership in the said integrated and accredited organization of professional teachers only upon payment of the required membership fees and dues.

SEC. 23. *Revocation of the Certificate of Registration, Suspension from the Practice of the Teaching Profession, and Cancellation of Temporary or Special Permit.* — The Board shall have the power, after due notice and hearing, to suspend or revoke the certificate of registration of any registrant, to reprimand or to cancel the temporary/special permit of a holder thereof who is exempt from registration, for any of the following causes:

- (a) Conviction for any criminal offense by a court of competent jurisdiction;
- (b) Immoral, unprofessional or dishonorable conduct;
- (c) Declaration by a court of competent jurisdiction for being mentally unsound or insane;



- (d) Malpractice, gross incompetence, gross negligence or serious ignorance of the practice of the teaching profession;
- (e) The use of or perpetration of any fraud or deceit in obtaining a certificate of registration, professional license or special/temporary permit;
- (f) Chronic inebriety or habitual use of drugs;
- (g) Violation of any of the provisions of this Act, the rules and regulations and other policies of the Board and the Commission, and the code of ethical and professional standards for professional teachers; and
- (h) Unjustified or willful failure to attend seminars, workshops, conferences and the like or the continuing education program prescribed by the Board and the Commission.

The decision of the Board to revoke or suspend a certificate may be appealed to the regional trial court of the place where the Board holds office within fifteen (15) days from receipt of the said decision or of the denial of the motion for reconsideration filed in due time.

SEC. 24. *Registration by Reciprocity.* – No teacher of a foreign nationality shall be admitted to the examination, or be given a certificate of registration or be entitled to any of the rights and privileges provided under this Act, unless the country or state of which he is a subject permits Filipino professional teachers to practice within its territorial limits on the same basis as subjects or citizens of said country or state: *Provided,* That the requirements of certification of teachers with said foreign state or country are substantial; the same as those required and contemplated under this Act: *Provided, further,* That the laws of such state or country grant the same privilege to Filipino professional teachers on the same basis as the subject or citizens of such foreign country or state.

SEC. 25. *Roster of professional Teachers.* – A roster of professional teachers containing the names and addresses of professional teachers, date of registration or issuance of certificate, and other data which in the opinion of the Board may appear pertinent shall be maintained. Copies of the roster shall be provided by the Commission to the Board, the Department of Education, Culture and Sports, and the integrated and accredited organization of professional teachers.

SEC. 26. *Registration and Exception.* – Two (2) years after the effectivity of this Act, no person shall engage in teaching and/or act as a professional teacher as defined in this Act, whether in the preschool, elementary or secondary level, unless he is a duly registered professional teacher, and a holder of a valid certificate of registration and a valid professional license or a holder of a valid special, temporary permit.

Upon approval of the application and payment of the prescribed fees, the certificate of registration and professional license as a professional teacher shall be issued without examination as required in this Act to a qualified applicant, who at the time of the approval of this Act, is:

- (a) A holder of a certificate of eligibility as a teacher issued by the Civil Service Commission and the Department of Education, Culture and Sports; or
- (b) A registered professional teacher with the National Board for Teachers under the Department of Education, Culture and Sports (DECS) pursuant to Presidential Decree No. 1006; or
- (c) Not qualified under paragraphs one and two but with any of the following qualifications, to wit:
  - (1) An elementary or secondary teacher for five (5) years in good standing and a holder of a Bachelor of Science in Education or its equivalent; or
  - (2) An elementary or secondary teacher for three (3) in good standing and a holder of a master's degree in education or its equivalent.

*Provided*, That they shall be given two (2) years from the organization of the Board for professional teachers within which to register and be included in the roster of professional teachers: *Provided, further*, That those incumbent teachers who are not qualified to register without examination under this Act or who, albeit qualified, were unable to register within the two-year period shall be issued a five-year temporary or special permit from the time the Board is organized within which to register after passing the examination and complying with the requirements provided in this Act and be included in the roster of professional teachers: *Provided, furthermore*, That those who have failed the licensure examination for professional teachers shall be eligible as para-teachers and as such, shall be issued by the Board a special or temporary permit, and shall be assigned by the Department of Education, Culture and Sports (DECS) to schools as it may determine under the circumstances.

#### ARTICLE IV PROVISIONS RELATIVE TO THE PRACTICE OF THE TEACHING PROFESSION

SEC. 27. *Inhibition Against the Practice of the Teaching Profession.* – Except as otherwise allowed under this Act, no person shall practice or offer to practice the teaching profession in the Philippines or be appointed as teacher to any position calling for a teaching position without having previously obtained a valid certificate of registration and a valid professional license from the Commission.

SEC. 28. *Penal Provisions.* – The following shall be punishable by a fine of not less than Five thousand pesos (₱5,000.00) nor more than Twenty thousand pesos

(₱20,000.00) or imprisonment of not less than six (6) months nor more than five (5) years, or both, at the discretion of the court:

- (a) Any person who practices the teaching profession in the Philippines without being certified in accordance with the provisions of this Act;
- (b) Any person who represents or attempts to use as his own certificate of registration that of another;
- (c) Any person who gives any false, or fraudulent evidence of any kind to the Board or any member thereof in obtaining a certificate of registration as teacher;
- (d) Any person who impersonates any registrant of the same or different name;
- (e) Any person who uses a revoked or suspended certificate of registration;
- (f) Any person who, in connection with his name, otherwise assumes, uses or advertises any title or description tending to convey or conveys the impression that he is a teacher without holding a valid certificate; and
- (g) Any person who violates or who abets the violation of any of the provisions of this Act.

The penalty of fine or imprisonment or both, as provided in this section, shall also apply to any school or school official who shall cause or be responsible for the commission of any of the above-enumerated acts.

SEC. 29. *Appropriations.* – Such sums as may be necessary to carry out the provisions of this Act shall be included in the 1996 General Appropriations Act and thereafter.

SEC. 30. *Implementing Guidelines.* – The Board shall formulate and adopt the necessary guidelines for the effective implementation of the provisions of this Act within sixty (60) days of its approval.

The Board shall submit to both Committees on Education, Arts, and Culture; and the Committees on Civil Service and Professional Regulation of the Senate and House of Representatives, copies of the implementing rules and guidelines within thirty (30) days after its promulgation.

Any violation of this section shall render the official/s concerned liable under Republic Act No. 6713, otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees” and other pertinent administrative and/or penal laws.

SEC. 31. *Transitory Provision.* – All incumbent teachers in both the public and private sector not otherwise certified as professional teachers by virtue of this Act, shall

be given five (5) years temporary certificates from the time the Board for professional Teachers is organized within which to qualify as required by this Act and be included in the roster of professionals.

*Provided, however,* That the professional Board Examination for Teachers (PBET) shall still be administered by the Civil Service Commission and the Department of Education, Culture and Sports for the year 1995.

SEC. 32. *Separability Clause.* – If, for any reason, any section or provision of this Act or the application of such section or provision to any person or circumstance is declared unconstitutional or invalid, no other section or provision of this Act shall be affected thereby.

SEC. 33. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 34. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following its complete publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved.

(Sgd.) EDGARDO J. ANGARA  
*President of the Senate*

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

This Act which is a consolidation of House Bill No. 13059 and Senate Bill No. 1452 was finally passed by the House of Representatives and the Senate on December 14, 1994 and December 15, 1994 respectively.

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

(Sgd.) CAMILO L. SABIO  
*Secretary General  
House of Representatives*

Approved:

December 16, 1994

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*



VI

*Criminal*

*The Revised Penal Code was enacted in 1930. It is a reflection of what society perceived women to be. Premium was given to virginity and good reputation of a Filipina. Even the decisions of the Supreme Court depict Filipino women as shy, meek, virginal. There were also provisions of this Code that discriminated against women that had to be amended to apply to both men and women such as Art. 247 (Death Under Exceptional Circumstances).*

*Through the years and through the advocacy of women's groups there had been many changes. The Anti-Rape Law and the Sexual Harassment Law were enacted. But there is still a need for the enactment of laws such as the Domestic Violence Act to address violence in the family. It is the hope that in due time our penal laws will be more responsive to the needs of women.*

[ACT NO. 3815]

THE REVISED PENAL CODE  
(as amended)

AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS

Preliminary Article. — This law shall be known as “The Revised Penal Code.”

ARTICLE 11. *Justifying circumstances.* — The following do not incur any criminal liability:

1. Anyone who acts in defense of his person or rights, provided that the following circumstances concur;

First. Unlawful aggression;

Second. Reasonable necessity of the means employed to prevent or repel it;

Third. Lack of sufficient provocation on the part of the person defending himself.

2. Any one who acts in defense of the person or rights of his spouse, ascendants, descendants, or legitimate, natural or adopted brothers or sisters, or of his relatives by affinity in the same degrees, and those by consanguinity within the fourth civil degree, provided that the first and second requisites prescribed in the next preceding circumstance are present, and the further requisite, in case the provocation was given by the person attacked, that the one making defense had no part therein.

3. Anyone who acts in defense of the person or rights of a stranger, provided that the first and second requisites mentioned in the first circumstance of this article are present and that the person defending be not induced by revenge, resentment, or other evil motive.

4. Any person who, in order to avoid an evil or injury, does an act which causes damage to another, provided that the following requisites are present;

First. That the evil sought to be avoided actual exists;

Second. That the injury feared be greater than that done to avoid it;

Third. That there be no other practical and less harmful means of preventing it.

5. Any person who acts in the fulfillment of a duty or in the lawful exercise of a right or office.

6. Any person who acts in obedience to an order issued by a superior for some lawful purpose.

ARTICLE 12. *Circumstances which exempt from criminal liability.* — The following are exempt from criminal liability:

1. An imbecile or an insane person, unless the latter has acted during a lucid interval.

When the imbecile or an insane person has committed an act which the law defines as a felony (*delito*), the court shall order his confinement in one of the hospitals or asylums established for persons thus afflicted, which he shall not be permitted to leave without first obtaining the permission of the same court.

2. A person under nine years of age.

3. A person over nine years of age and under fifteen, unless he has acted with discernment, in which case, such minor shall be proceeded against in accordance with the provisions of article 80 of this Code.

When such minor is adjudged to be criminally irresponsible, the court, in conformity with the provisions of this and the preceding paragraph, shall commit him to the care and custody of his family who shall be charged with his surveillance and education; otherwise, he shall be committed to the care of some institution or person mentioned in said article 80.

4. Any person who, while performing a lawful act with due care, causes an injury by mere accident without fault or intention of causing it.

5. Any person who acts under the compulsion of irresistible force.

6. Any person who acts under the impulse of an uncontrollable fear of an equal or greater injury.

7. Any person who fails to perform an act required by law, when prevented by some lawful insuperable cause.

### CHAPTER THREE Circumstances which Mitigate Criminal Liability

ARTICLE 13. *Mitigating circumstances.* — The following are mitigating circumstances:

1. Those mentioned in the preceding chapter, when all the requisites necessary to justify the act or to exempt from criminal liability in the respective cases are not attendant.

2. That the offender is under eighteen years of age or over seventy years. In the case of the minor, he shall be proceeded against in accordance with the provisions of article 80.

3. That the offender had no intention to commit so grave a wrong as that committed.

4. That sufficient provocation or threat on the part of the offended party immediately preceded the act.

5. That the act was committed in the immediate vindication of a grave offense to the one committing the felony (*delito*) his spouse, ascendants, descendants, legitimate, natural or adopted brothers or sisters or relatives by affinity within the same degrees.

6. That of having acted upon an impulse so powerful as naturally to have produced passion or obfuscation.

7. That the offender had voluntarily surrendered himself to a person in authority or his agents, or that he had voluntarily confessed his guilt before the court prior to the presentation of the evidence for the prosecution.

8. That the offender is deaf and dumb, blind or otherwise suffering some physical defect which thus restricts his means of action, defense, or communication with his fellow beings.

9. Such illness of the offender as would diminish the exercise of the will-power of the offender without however depriving him of consciousness of his acts.

10. And, finally, any other circumstance of a similar nature and analogous to those above mentioned.

#### **CHAPTER FOUR** **Circumstances which Aggravate Criminal Liability**

ARTICLE 14. *Aggravating circumstances.* — The following are aggravating circumstances:

1. That advantage be taken by the offender of his public position.

2. That the crime be committed in contempt of or with insult to the public authorities.

3. That the act be committed with insult or in disregard of the respect due to the offended party on account of his rank, age, or sex, or that it be committed in the dwelling of the offended party, if the latter has not given provocation.



4. That the act be committed with abuse of confidence or obvious ungratefulness.

5. That the crime be committed in the palace of the Chief Executive, or in his presence, or where public authorities are engaged in the discharge of their duties, or in a place dedicated to religious worship.

6. That the crime be committed in the nighttime, or in an uninhabited place, or by a band, whenever such circumstances may facilitate the commission of the offense.

Whenever more than three armed malefactors shall have acted together in the commission of an offense, it shall be deemed to have been committed by a band.

7. That the crime be committed on the occasion of a conflagration, shipwreck, earthquake, epidemic, or other calamity or misfortune.

8. That the crime be committed with the aid of armed men or persons who insure or afford impunity.

9. That the accused is a recidivist.

A recidivist is one who, at the time of his trial for one crime, shall have been previously convicted by final judgment of another crime embraced in the same title of this Code.

10. That the offender has been previously punished for an offense to which the law attaches an equal or greater penalty or for two or more crimes to which it attaches a lighter penalty.

11. That the crime be committed in consideration of a price, reward, or promise.

12. That the crime be committed by means of inundation, fire, poison, explosion, stranding of a vessel or intentional damage thereto, derailment of a locomotive, or by the use of any other artifice involving great waste and ruin.

13. That the act be committed with evident premeditation.

14. That craft, fraud, or disguise be employed.

15. That advantage be taken of superior strength, or means be employed to weaken the defense.

16. That the act be committed with treachery (*alevosia*).

There is treachery when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly

and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.

17. That means be employed or circumstances brought about which add ignominy to the natural effects of the act.

18. That the crime be committed after an unlawful entry.

There is an unlawful entry when an entrance is effected by a way not intended for the purpose.

19. That as a means to the commission of a crime a wall, roof, floor, door, or window be broken.

20. That the crime be committed with the aid of persons under fifteen years of age or by means of motor vehicles, motorized watercraft, airships, or other similar means. (As amended by Rep. Act No. 5438, approved Sept. 9, 1968.)

21. That the wrong done in the commission of the crime be deliberately augmented by causing other wrong not necessary for its commission.

## CHAPTER FIVE Alternative Circumstances

ARTICLE 15. *Their concept.* — Alternative circumstances are those which must be taken into consideration as aggravating or mitigating according to the nature and effects of the crime and the other conditions attending its commission. They are the relationship, intoxication and the degree of instruction and education of the offender.

The alternative circumstance of relationship shall be taken into consideration when the offended party is the spouse, ascendant, descendant, legitimate, natural, or adopted brother or sister, or relative by affinity in the same degrees of the offender.

The intoxication of the offender shall be taken into consideration as a mitigating circumstance when the offender has committed a felony in a state of intoxication, if the same is not habitual or subsequent to the plan to commit said felony; but when the intoxication is habitual or intentional, it shall be considered as an aggravating circumstance.

ARTICLE 89. *How criminal liability is totally extinguished.* — Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.

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2. By service of the sentence.
3. By amnesty, which completely extinguishes the penalty and all its effects.
4. By absolute pardon.
5. By prescription of the crime.
6. By prescription of the penalty.
7. By the marriage of the offended woman, as provided in Article 344 of this Code.

### **Offenses Against Decency and Good Customs**

ARTICLE 200. *Grave scandal.* — The penalties of *arresto mayor* and public censure shall be imposed upon any person who shall offend against decency or good customs by any highly scandalous conduct not expressly falling within any other article of this Code.

ARTICLE 201. Immoral doctrines, obscene publications and exhibitions, and indecent shows. — The penalty of *prision mayor* or a fine ranging from six thousand to twelve thousand pesos, or both such imprisonment and fine, shall be imposed upon:

(1) Those who shall publicly expound or proclaim doctrines openly contrary to public morals;

(2) (a) The authors of obscene literature, published with their knowledge in any form; the editors publishing such literature; and the owners/operators of the establishment selling the same;

(b) Those who, in theaters, fairs, cinematographs or any other place, exhibit indecent or immoral plays, scenes, acts or shows, it being understood that the obscene literature or indecent or immoral plays, scenes, acts or shows, whether live or in film, which are prescribed by virtue hereof, shall include those which (1) glorify criminals or condone crimes; (2) serve no other purpose but to satisfy the market for violence, lust or pornography; (3) offend any race or religion; (4) tend to abet traffic in and use of prohibited drugs; and (5) are contrary to law, public order, morals, and good customs, established policies, lawful orders, decrees and edicts;

(3) Those who shall sell, give away or exhibit films, prints, engravings, sculptures or literature which are offensive to morals. (As amended by Presidential Decree Nos. 960 and 969, July 24, 1976.)

ARTICLE 202. *Vagrants and prostitutes -- Penalty.* — The following are vagrants:

1. Any person having no apparent means of subsistence, who has the physical ability to work and who neglects to apply himself or herself to some lawful calling;

2. Any person found loitering about public or semi-public buildings or places or tramping or wandering about the country or the streets without visible means of support;

3. Any idle or dissolute person who lodges in houses of ill fame; ruffians or pimps and those who habitually associate with prostitutes;

4. Any person who, not being included in the provisions of other articles of this Code, shall be found loitering in any inhabited or uninhabited place belonging to another without any lawful or justifiable purpose;

5. Prostitutes;

For the purposes of this article, women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct, are deemed to be prostitutes.

Any person found guilty of any of the offenses covered by this article shall be punished by *arresto menor* or a fine not exceeding 200 pesos, and in case of recidivism, by *arresto mayor* in its medium period to *prision correccional* in its minimum period or a fine ranging from 200 to 2,000 pesos, or both, in the discretion of the court.

ARTICLE 245. *Abuses against chastity — Penalties.* — The penalties of *prision correccional* in its medium and maximum periods and temporary special disqualification shall be imposed:

1. Upon any public officer who shall solicit or make immoral or indecent advances to a woman interested in matters pending before such officer for decision, or with respect to which he is required to submit a report to or consult with a superior officer;

2. Any warden or other public officer directly charged with the care and custody of prisoners or persons under arrest who shall solicit or make immoral or indecent advances to a woman under his custody.

If the person solicited be the wife, daughter, sister or relative within the same degree by affinity of any person in the custody of such warden or officer, the penalties shall be *prision correccional* in its minimum and medium periods and temporary special disqualification.

**TITLE EIGHT**  
**Crimes Against Persons**

**CHAPTER ONE**  
**Destruction of Life**

**SECTION 1**  
**Parricide, murder, homicide**

ARTICLE 246. *Parricide*. — Any person who shall kill his father, mother, or child, whether legitimate or illegitimate, or any of his ascendants, or descendants, or his spouse, shall be guilty of parricide and shall be punished by the penalty of *reclusion perpetua* to death. (Restored by Section 5, Republic Act No. 7659.)

ARTICLE 247. Death of physical injuries inflicted under exceptional circumstances. — Any legally married person who, having surprised his spouse in the act of committing sexual intercourse with another person, shall kill any of them or both of them in the act or immediately thereafter, or shall inflict upon them any serious physical injury, shall suffer the penalty of *destierro*.

If he shall inflict upon them physical injuries of any other kind, he shall be exempt from punishment.

These rules shall be applicable, under the same circumstances, to parents with respect to their daughters under eighteen years of age, and their seducer, while the daughters are living with their parents.

Any person who shall promote or facilitate prostitution of his wife or daughter, or shall otherwise have consented to the infidelity of the other spouse shall not be entitled to the benefits of this article.

ARTICLE 248. *Murder*. — Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua* to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.

2. In consideration of a price, reward or promise.

3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin.

4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.

5. With evident premeditation.

6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse. (As amended by Republic Act No. 7659.)

ARTICLE 249. *Homicide.* — Any person who, not falling within the provisions of article 246, shall kill another without the attendance of any of the circumstances enumerated in the next preceding article, shall be deemed guilty of homicide and be punished by reclusion temporal.

ARTICLE 250. *Penalty for frustrated parricide, murder or homicide.* — The courts, in view of the facts of the case, may impose upon the person guilty of the frustrated crime of parricide, murder or homicide, defined and penalized in the preceding articles, a penalty lower by one degree than that which should be imposed under the provision of article 50.

The courts, considering the facts of the case, may likewise reduce by one degree the penalty which under article 51 should be imposed for an attempt to commit any of such crimes.

### **Infanticide and abortion**

ARTICLE 255. *Infanticide.* — The penalty provided for parricide in article 246 and for murder in article 248 shall be imposed upon any person who shall kill any child less than three days of age.

If any crime penalized in this article be committed by the mother of the child for the purpose of concealing her dishonor, she shall suffer the penalty of *prision mayor* in its medium and maximum periods, and if said crime be committed for the same purpose by the maternal grandparents or either of them, the penalty shall be reclusion temporal. (As amended by Sec. 7, Republic Act No. 7659.)

ARTICLE 256. *Intentional abortion.* — Any person who shall intentionally cause an abortion shall suffer:

1. The penalty of reclusion temporal, if he shall use any violence upon the person of the pregnant woman.

2. The penalty of *prision mayor* if, without using violence, he shall act without the consent of the woman.

3. The penalty of *prision correccional* in its medium and maximum periods, if the woman shall have consented.

ARTICLE 257. *Unintentional abortion.* — The penalty of *prision correccional* in its minimum and medium period shall be imposed upon any person who shall cause an abortion by violence, but unintentionally.

ARTICLE 258. Abortion practiced by the woman herself or by her parents. — The penalty of *prision correccional* in its medium and maximum periods shall be imposed upon a woman who shall practice abortion upon herself or shall consent that any other person should do so.

Any woman who shall commit this offense to conceal her dishonor, shall suffer the penalty of *prision correccional* in its minimum and medium periods.

If this crime be committed by the parents of the pregnant woman or either of them, and they act with the consent of said woman for the purpose of concealing her dishonor, the offender shall suffer the penalty of *prision correccional* in its medium and maximum periods.

ARTICLE 259. Abortion practiced by a physician or midwife and dispensing of abortives. — The penalties provided in article 256 shall be imposed in its maximum period, respectively, upon any physician or midwife who, taking advantage of their scientific knowledge or skill, shall cause an abortion or assist in causing the same. Any pharmacist who, without the proper prescription from a physician, shall dispense any abortive shall suffer *arresto mayor* and a fine not exceeding 1,000 pesos.

### Physical Injuries

ARTICLE 262. *Mutilation.* — The penalty of reclusion temporal to *reclusion perpetua* shall be imposed upon any person who shall intentionally mutilate another by depriving him, either totally or partially, or some essential organ for reproduction.

Any other intentional mutilation shall be punished by *prision mayor* in its medium and maximum periods.

ARTICLE 263. *Serious physical injuries.* — Any person who shall wound, beat, or assault another, shall be guilty of the crime of serious physical injuries and shall suffer:

1. The penalty of *prision mayor*, if in consequence of the physical injuries inflicted, the injured person shall become insane, imbecile, impotent, or blind;

2. The penalty of *prision correccional* in its medium and maximum periods, if in consequence of the physical injuries inflicted, the person injured shall have lost the use of speech or the power to hear or to smell, or shall have lost an eye, a hand, a foot, an arm,



or a leg or shall have lost the use of any such member, or shall have become incapacitated for the work in which he was theretofore habitually engaged;

3. The penalty of *prision correccional* in its minimum and medium periods, if in consequence of the physical injuries inflicted, the person injured shall have become deformed, or shall have lost any other part of his body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance of the work in which he as habitually engaged for a period of more than ninety days;

4. The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period, if the physical injuries inflicted shall have caused the illness or incapacity for labor of the injured person for more than thirty days.

If the offense shall have been committed against any of the persons enumerated in article 246, or with attendance of any of the circumstances mentioned in article 248, the case covered by subdivision number 1 of this article shall be punished by reclusion temporal in its medium and maximum periods; the case covered by subdivision number 2 by *prision correccional* in its maximum period to *prision mayor* in its minimum period; the case covered by subdivision number 3 by *prision correccional* in its medium and maximum periods; and the case covered by subdivision number 4 by *prision correccional* in its minimum and medium periods.

The provisions of the preceding paragraph shall not be applicable to a parent who shall inflict physical injuries upon his child by excessive chastisement.

ARTICLE 264. *Administering injurious substances or beverages.* — The penalties established by the next preceding article shall be applicable in the respective cases to any person who, without intent to kill, shall inflict upon another any serious physical injury, by knowingly administering to him any injurious substance or beverages or by taking advantage of his weakness of mind or credulity.

ARTICLE 265. *Less serious physical injuries.* — Any person who shall inflict upon another physical injuries not described in the preceding articles, but which shall incapacitate the offended party for labor for ten days or more, or shall require medical attendance for the same period, shall be guilty of less serious physical injuries and shall suffer the penalty of *arresto mayor*.

Whenever less serious physical injuries shall have been inflicted with the manifest intent to insult or offend the injured person, or under circumstances adding ignominy to the offense, in addition to the penalty of *arresto mayor*, a fine not exceeding 500 pesos shall be imposed.

Any less serious physical injuries inflicted upon the offender's parents, ascendants, guardians, curators, teachers, or persons of rank, or persons in authority, shall be punished by *prision correccional* in its minimum and medium periods, provided that,

in the case of persons in authority, the deed does not constitute the crime of assault upon such person.

ARTICLE 266. *Slight physical injuries and maltreatment.* — The crime of slight physical injuries shall be punished:

1. By *arresto menor* when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one to nine days, or shall require medical attendance during the same period.

2. By *arresto menor* or a fine not exceeding 20 pesos and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical assistance.

3. By *arresto menor* in its minimum period or a fine not exceeding 50 pesos when the offender shall ill-treat another by deed without causing any injury.

## TITLE NINE Crimes Against Personal Liberty and Security

### CHAPTER ONE Crimes Against Liberty

#### SECTION 1 Illegal Detention

ARTICLE 267. *Kidnapping and serious illegal detention.* — Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of *reclusion perpetua* to death:

1. If the kidnapping or detention shall have lasted more than three days.
2. If it shall have been committed simulating public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer.

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances abovementioned were present in the commission of the offense.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed. (As amended by Sec. 8, Republic Act No. 7659.)

ARTICLE 268. *Slight illegal detention.* — The penalty of reclusion temporal shall be imposed upon any private individual who shall commit the crimes described in the next preceding article without the attendance of any of the circumstances enumerated therein. The same penalty shall be incurred by anyone who shall furnish the place for the perpetration of the crime.

If the offender shall voluntarily release the person so kidnapped or detained within three days from the commencement of the detention, without having attained the purpose intended, and before the institution of criminal proceedings against him, the penalty shall be *prision mayor* in its minimum and medium periods and a fine not exceeding 700 pesos. (As amended by Republic Act No. 18, approved Sept. 25, 1946.)

ARTICLE 269. *Unlawful arrest.* — The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon any person who, in any case other than those authorized by law, or without reasonable ground therefor, shall arrest or detain another for the purpose of delivering him to the proper authorities.

## SECTION 2 Kidnapping of minors

ARTICLE 270. *Kidnapping and failure to return a minor.* — The penalty of *reclusion perpetua* shall be imposed upon any person who, being entrusted with the custody of a minor person, shall deliberately fail to restore the latter to his parents or guardians. (As amended by Republic Act No. 18.)

ARTICLE 271. *Inducing a minor to abandon his home.* — The penalty of *reclusion correccional* and a fine not exceeding 700 pesos shall be imposed upon anyone who shall induce a minor to abandon the home of his parents or guardians or the persons entrusted with his custody.

If the person committing any of the crimes covered by the two preceding articles shall be the father or the mother of the minor, the penalty shall be *arresto mayor* or a fine not exceeding 300 pesos, or both. (As amended by Rep. Act No. 18.)

## SECTION 3 Slavery and Servitude

ARTICLE 272. *Slavery.* — The penalty of *prision mayor* and a fine of not exceeding 10,000 pesos shall be imposed upon anyone who shall purchase, sell, kidnap or detain a human being for the purpose of enslaving him.

If the crime be committed for the purpose of assigning the offended party to some immoral traffic, the penalty shall be imposed in its maximum period.

ARTICLE 273. *Exploitation of child labor.* — The penalty of *prision correccional* in its minimum and medium periods and a fine not exceeding 500 pesos shall be imposed upon anyone who, under the pretext of reimbursing himself of a debt incurred by an ascendant, guardian or person entrusted with the custody of a minor, shall, against the latter's will, retain him in his service.

ARTICLE 274. *Services rendered under compulsion in payment of debts.* — The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period shall be imposed upon any person who, in order to require or enforce the payment of a debt, shall compel the debtor to work for him, against his will, as household servant or farm laborer.

## CHAPTER TWO Crimes Against Security

### SECTION 1 Abandonment of helpless persons and exploitation of minors

ARTICLE 275. *Abandonment of persons in danger and abandonment of one's own victim.* — The penalty of *arresto mayor* shall be imposed upon:

1. Any one who shall fail to render assistance to any person whom he shall find in an uninhabited place wounded or in danger of dying, when he can render such assistance without detriment to himself, unless such omission shall constitute a more serious offense.

2. Anyone who shall fail to help or render assistance to another whom he has accidentally wounded or injured.

3. Anyone who, having found an abandoned child under seven years of age, shall fail to deliver said child to the authorities or to his family, or shall fail to take him to a safe place.

ARTICLE 276. *Abandoning a minor.* — The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon any one who shall abandon a child under seven years of age, the custody of which is incumbent upon him.

When the death of the minor shall result from such abandonment, the culprit shall be punished by *prision correccional* in its medium and maximum periods; but if the life of the minor shall have been in danger only, the penalty shall be *prision correccional* in its minimum and medium periods.

The provisions contained in the two preceding paragraphs shall not prevent the imposition of the penalty provided for the act committed, when the same shall constitute a more serious offense.

ARTICLE 277. *Abandonment of minor by person entrusted with his custody; indifference of parents.* — The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon anyone who, having charge of the rearing or education of a minor, shall deliver said minor to a public institution or other persons, without the consent of the one who entrusted such child to his care or in the absence of the latter, without the consent of the proper authorities.

The same penalty shall be imposed upon the parents who shall neglect their children by not giving them the education which their station in life require and financial condition permit.

ARTICLE 278. *Exploitation of minors.* — The penalty of *prision correccional* in its minimum and medium periods and a fine not exceeding 500 pesos shall be imposed upon:

1. Any person who shall cause any boy or girl under sixteen years of age to perform any dangerous feat of balancing, physical strength or contortion.

2. Any person who, being an acrobat, gymnast, rope-walker, diver, wild-animal tamer or circus manager or engaged in a similar calling, shall employ in exhibitions of these kinds of children under sixteen years of age who are not his children or descendants.

3. Any person engaged in any of the callings enumerated in the next preceding paragraph who shall employ any descendant of his under twelve years of age in such dangerous exhibitions.

4. Any ascendant, guardian, teacher or person entrusted in any capacity with the care of a child under sixteen years of age, who shall deliver such child gratuitously to any person following any of the callings enumerated in paragraph 2 hereof, or to any habitual vagrant or beggar.

If the delivery shall have been made in consideration of any price, compensation, or promise, the penalty shall in every case be imposed in its maximum period.

In either case, the guardian or curator convicted shall also be removed from office as guardian or curator; and in the case of the parents of the child, they may be deprived, temporarily or perpetually, in the discretion of the court, of their parental authority.

5. Any person who shall induce any child under sixteen years of age to abandon the home of its ascendants, guardians, curators, or teachers to follow any person engaged in any of the callings mentioned in paragraph 2 hereof, or to accompany any habitual vagrant or beggar.

ARTICLE 279. *Additional penalties for other offenses.* — The imposition of the penalties prescribed in the preceding articles, shall not prevent the imposition upon the same person of the penalty provided for any other felonies defined and punished by this Code.

ARTICLE 282. *Grave threats.* — Any person who shall threaten another with the infliction upon the person, honor or property of the latter or of his family of any wrong amounting to a crime, shall suffer:

1. The penalty next lower in degree than that prescribed by law for the crime be threatened to commit, if the offender shall have made the threat demanding money or imposing any other condition, even though not unlawful, and said offender shall have attained his purpose. If the offender shall not have attained his purpose, the penalty lower by two degrees shall be imposed.

If the threat be made in writing or through a middleman, the penalty shall be imposed in its maximum period.

2. The penalty of *arresto mayor* and a fine not exceeding 500 pesos, if the threat shall not have been made subject to a condition.

ARTICLE 283. *Light threats.* — A threat to commit a wrong not constituting a crime, made in the manner expressed in subdivision 1 of the next preceding article, shall be punished by *arresto mayor*.

ARTICLE 284. *Bond for good behavior.* — In all cases falling within the two next preceding articles, the person making the threats may also be required to give bail not to molest the person threatened, or if he shall fail to give such bail, he shall be sentenced to *destierro*.

ARTICLE 285. *Other light threats.* — The penalty of *arresto menor* in its minimum period or a fine not exceeding 200 pesos shall be imposed upon:

1. Any person who, without being included in the provisions of the next preceding article, shall threaten another with a weapon or draw such weapon in a quarrel, unless it be in lawful self-defense.

2. Any person who, in the heat of anger, shall orally threaten another with some harm not constituting a crime, and who by subsequent acts show that he did not persist in the idea involved in his threat, provided that the circumstances of the offense shall not bring it within the provisions of article 282 of this Code.

3. Any person who shall orally threaten to do another any harm not constituting a felony.

ARTICLE 286. *Grave coercions.* — The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon any person who, without authority of law, shall, by means of violence, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong.

If the coercion be committed for the purpose of compelling another to perform any religious act or to prevent him from so doing, the penalty next higher in degree shall be imposed.

ARTICLE 287. *Light coercions.* — Any person who, by means of violence, shall seize anything belonging to his debtor for the purpose of applying the same to the payment of the debt, shall suffer the penalty of *arresto mayor* in its minimum period and a fine equivalent to the value of the thing, but in no case less than 75 pesos.

Any other coercions or unjust vexations shall be punished by *arresto menor* or a fine ranging from 5 to 200 pesos, or both.

ARTICLE 288. *Other similar coercions.* — (Compulsory purchase of merchandise and payment of wages by means of tokens). — The penalty of *arresto mayor* or a fine ranging from 200 to 500 pesos, or both, shall be imposed upon any person, agent or officer, of any association or corporation who shall force or compel, directly or indirectly, or shall knowingly permit any laborer or employee employed by him or by such firm or corporation to be forced or compelled, to purchase merchandise or commodities of any kind.

The same penalties shall be imposed upon any person who shall pay the wages due a laborer or employee employed by him, by means of tokens or objects other than the legal tender currency of the Philippine Islands, unless expressly requested by the laborer or employee.

### **Adultery and Concubinage**

ARTICLE 333. *Who are guilty of adultery.* — Adultery is committed by any married woman who shall have sexual intercourse with a man not her husband and by the man who has carnal knowledge of her knowing her to be married, even if the marriage be subsequently declared void.

Adultery shall be punished by *prision correccional* in its medium and maximum periods.

If the person guilty of adultery committed this offense while being abandoned without justification by the offended spouse, the penalty next lower in degree than that provided in the next preceding paragraph shall be imposed.

ARTICLE 334. *Concubinage.* — Any husband who shall keep a mistress in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a woman who is not his wife, or shall cohabit with her in any other place, shall be punished by *prision correccional* in its minimum and medium periods. The concubine shall suffer the penalty of *destierro*.

## CHAPTER TWO Rape and Acts of Lasciviousness

ARTICLE 335. *When and how rape is committed.* — Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by *reclusion perpetua*.

Whenever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be death.

When the rape is attempted or frustrated and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, a homicide is committed, the penalty shall be death. (As amended by Republic Act No. 2632, approved June 18, 1960, and Republic Act No. 4111, approved June 20, 1964.)

The death penalty shall also be imposed if the crime of rape is committed, with any of the following attendant circumstances:

1. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.
2. When the victim is under the custody of the police or military authorities.
3. When the rape is committed in full view of the husband, parent, any of the children or other relatives within the third degree of consanguinity.
4. When the victim is a religious or a child below seven (7) years old.



5. When the offender knows that he is afflicted with Acquired Immune Deficiency Syndrome (AIDS) disease.

6. When committed by any member of the Armed Forces of the Philippines or the Philippine National Police or any law enforcement agency.

7. When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation. (As amended by Sec. 11, Republic Act No. 7659.)

ARTICLE 336. *Acts of lasciviousness.* — Any person who shall commit any act of lasciviousness upon other persons of either sex, under any of the circumstances mentioned in the preceding article, shall be punished by *prision correccional*.

### CHAPTER THREE

#### Seduction, Corruption of Minors, and White Slave Trade

ARTICLE 337. *Qualified seduction.* — The seduction of a virgin over twelve years and under eighteen years of age, committed by any person in public authority, priest, home-servant, domestic, guardian, teacher, or any person who, in any capacity, shall be entrusted with the education or custody of the woman seduced, shall be punished by *prision correccional* in its minimum and medium periods.

The penalty next higher in degree shall be imposed upon any person who shall seduce his sister or descendant, whether or not she be a virgin or over eighteen years of age.

Under the provisions of this Chapter, seduction is committed when the offender has carnal knowledge of any of the persons and under the circumstances described herein.

ARTICLE 338. *Simple seduction.* — The seduction of a woman who is single or a widow of good reputation, over twelve but under eighteen years of age, committed by means of deceit, shall be punished by *arresto mayor*.

ARTICLE 339. *Acts of lasciviousness with the consent of the offended party.* — The penalty of *arresto mayor* shall be imposed to punish any other acts of lasciviousness committed by the same persons and the same circumstances as those provided in articles 337 and 338.

ARTICLE 341. *White slave trade.* — The penalty of *prision mayor* in its medium and maximum periods shall be imposed upon any person who, in any manner, or under any pretext, shall engage in the business or shall profit by prostitution or shall enlist the services of any other person for the purpose of prostitution (As amended by Batas Pambansa Blg. 186, March 16, 1982.)

## CHAPTER FOUR

### Abduction

ARTICLE 342. *Forcible abduction.* — The abduction of any woman against her will and with lewd designs shall be punished by reclusion temporal. The same penalty shall be imposed in every case, if the female abducted be under twelve years of age.

ARTICLE 343. *Consented abduction.* — The abduction of a virgin over twelve years and under eighteen years of age, carried out with her consent and with lewd designs, shall be punished by the penalty of *prison correccional* in its minimum and medium periods.

## CHAPTER FIVE

### Provisions Relative to the Preceding Chapters of Title Eleven

ARTICLE 344. Prosecution of the crimes of adultery, concubinage, seduction, abduction, rape and acts of lasciviousness. — The crimes of adultery and concubinage shall not be prosecuted except upon a complaint filed by the offended spouse.

The offended party cannot institute criminal prosecution without including both the guilty parties, if they are both alive, nor, in any case, if he shall have consented or pardoned the offenders.

The offenses of seduction, abduction, rape or acts of lasciviousness, shall not be prosecuted except upon a complaint filed by the offended party or her parents, grandparents, or guardian, nor, in any case, if the offender has been expressly pardoned by the above named persons, as the case may be.

In cases of seduction, abduction, acts of lasciviousness and rape, the marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already imposed upon him. The provisions of this paragraph shall also be applicable to the co-principals, accomplices and accessories after the fact of the abovementioned crimes.

ARTICLE 345. Civil liability of persons guilty of crimes against chastity. — Person guilty of rape, seduction or abduction, shall also be sentenced:

1. To indemnify the offended woman.
2. To acknowledge the offspring, unless the law should prevent him from so doing.
3. In every case to support the offspring.

The adulterer and the concubine in the case provided for in articles 333 and 334 may also be sentenced, in the same proceeding or in a separate civil proceeding, to indemnify for damages caused to the offended spouse.

ARTICLE 346. *Liability of ascendants, guardians, teachers, or other persons entrusted with the custody of the offended party.* — The ascendants, guardians, curators, teachers and any person who, by abuse of authority or confidential relationships, shall cooperate as accomplices in the perpetration of the crimes embraced in chapters, second, third and fourth, of this title, shall be punished as principals.

Teachers or other persons in any other capacity entrusted with the education and guidance of youth, shall also suffer the penalty of temporary special disqualification in its maximum period to perpetual special disqualification.

Any person falling within the terms of this article, and any other person guilty of corruption of minors for the benefit of another, shall be punished by special disqualification from filling the office of guardian.

## TITLE TWELVE Crimes Against the Civil Status of Persons

### CHAPTER ONE Simulation of Births and Usurpation of Civil Status

ARTICLE 347. *Simulation of births, substitution of one child for another and concealment or abandonment of a legitimate child.* — The simulation of births and the substitution of one child for another shall be punished by *prision mayor* and a fine of not exceeding 1,000 pesos.

The same penalties shall be imposed upon any person who shall conceal or abandon any legitimate child with intent to cause such child to lose its civil status.

Any physician or surgeon or public officer who, in violation of the duties of his profession or office, shall cooperate in the execution of any of the crimes mentioned in the two next preceding paragraphs, shall suffer the penalties therein prescribed and also the penalty of temporary special disqualification.

ARTICLE 348. *Usurpation of civil status.* — The penalty of *prision mayor* shall be imposed upon any person who shall usurp the civil status of another, should he do so for the purpose of defrauding the offended party or his heirs; otherwise, otherwise, the penalty of *prision correccional* in its medium and maximum periods shall be imposed.

## CHAPTER TWO Illegal Marriages

ARTICLE 349. *Bigamy.* — The penalty of *prision mayor* shall be imposed upon any person who shall contract a second or subsequent marriage before the former marriage has been legally dissolved, or before the absent spouse has been declared presumptively dead by means of a judgment rendered in the proper proceedings.

ARTICLE 350. *Marriage contracted against provisions of laws.* — The penalty of *prision correccional* in its medium and maximum periods shall be imposed upon any person who, without being included in the provisions of the next proceeding article, shall have not been complied with or that the marriage is in disregard of a legal impediment.

If either of the contracting parties shall obtain the consent of the other by means of violence, intimidation or fraud, he shall be punished by the maximum period of the penalty provided in the next preceding paragraph.

ARTICLE 351. *Premature marriage.* — Any widow who shall marry within three hundred and one days from the date of the death of her husband, or before having delivered if she shall have been pregnant at the time of his death, shall be punished by *arresto mayor* and a fine not exceeding 500 pesos.

The same penalties shall be imposed upon any woman whose marriage shall have been annulled or dissolved, if she shall marry before her delivery or before the expiration of the period of three hundred and one days after the legal separation.

ARTICLE 352. *Performance of illegal marriage ceremony.* — Priests or ministers of any religious denomination or sect, or civil authorities who shall perform or authorize any illegal marriage ceremony shall be punished in accordance with the provisions of the Marriage Law.

Approved: December 8, 1930

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, nineteen hundred and eighty-nine.

**[REPUBLIC ACT NO. 6955]**

AN ACT TO DECLARE UNLAWFUL THE PRACTICE OF MATCHING FILIPINO WOMEN FOR MARRIAGE TO FOREIGN NATIONALS ON A MAIL-ORDER BASIS AND OTHER SIMILAR PRACTICES, INCLUDING THE ADVERTISEMENT, PUBLICATION, PRINTING OR DISTRIBUTION OF BROCHURES, FLIERS AND OTHER PROPAGANDA MATERIALS IN FURTHERANCE THEREOF AND PROVIDING PENALTY THEREFOR

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. It is the policy of the State to ensure and guarantee the enjoyment of the people of a decent standard of living. Towards this end, the state shall take measures to protect Filipino women from being exploited in utter disregard of human dignity in their pursuit of economic upliftment.

SEC. 2. Pursuant thereto, it is hereby declared unlawful:

(a) For a person, natural or juridical, association, club or any other entity to commit, directly or indirectly, any of the following acts:

- (1) To establish or carry on a business which has for its purpose the matching of Filipino women for marriage to foreign nationals either on a mail-order basis or through personal introduction;
- (2) To advertise, publish, print or distribute or cause the advertisement, publication, printing or distribution of any brochure, flier, or any propaganda material calculated to promote the prohibited acts in the preceding subparagraph.

- (3) To solicit, enlist or in any manner attract or induce any Filipino woman to become a member in any club or association whose objective is to match women for marriage to foreign nationals either on a mail-order basis or through personal introduction for a fee;
- (4) To use the postal service to promote the prohibited acts in subparagraph 1 hereof.

(b) For the manager or officer-in-charge or advertising manager of any newspaper, magazine, television or radio station, or other media, or of an advertising agency, printing company or other similar entities, to knowingly allow, or consent to, the acts prohibited in the preceding paragraph.

SEC. 3. In case of violation of this Act by an association, club, partnership, corporation, or any other entity, the incumbent officers thereof who have knowingly participated in the violation of this Act shall be held liable.

SEC. 4. Any person found guilty by the court to have violated any of the acts herein prohibited shall suffer an imprisonment of not less than six years and one day but not more than eight years, and a fine of not less than eight thousand pesos (P8,000) but not more than twenty thousand pesos (P20,000): *Provided*, That if the offender is a foreigner, he shall be immediately deported and barred forever from entering the country after serving his sentence and payment of fine.

SEC. 5. Nothing in this Act shall be interpreted as a restriction on the freedom of speech and of association for purposes not contrary to law as guaranteed by the Constitution.

SEC. 6. All laws, decrees, orders, instructions, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 7. This Act shall take effect upon its publication for two (2) consecutive weeks in a newspaper of general circulation.

Approved,

(Sgd.) RAMON V. MITRA  
*Speaker of the House of  
Representatives*

(Sgd.) JOVITO R. SALONGA  
*President of the Senate*

This Act which is originated in the Senate was finally passed by the Senate and the House of Representatives on June 5, 1989 and May 15, 1990, respectively.

(Sgd.) QUIRINO D. ABAD SANTOS, JR.  
*Secretary of the House of  
Representatives*

(Sgd.) EDWIN P. ACOBA  
*Secretary of the Senate*

Approved: June 13, 1990

(Sgd.) CORAZON C. AQUINO  
*President of the Philippines*

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety one.

[REPUBLIC ACT NO. 7309]

AN ACT CREATING A BOARD OF CLAIMS UNDER THE DEPARTMENT OF JUSTICE FOR VICTIMS OF UNJUST IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Creation and composition of the Board.* — There is hereby created a Board of Claims under the Department of Justice, hereinafter referred to as the Board, to be composed of one (1) chairman and two (2) members to be appointed by the Secretary of the said department.

SEC. 2. *Powers and Functions of the Board.* — The Board shall have the following powers and functions:

- a) to receive, evaluate, process and investigate, applications for claims under this Act;
- b) to conduct an independent administrative hearing and resolve applications for claims, grant or deny the same;
- c) to deputize appropriate government agencies in order to effectively implement its functions; and
- d) to promulgate rules and regulations in order to carry out the objectives of this Act.

SEC. 3. *Who may File Claims.* — The following may file claims for compensation before the Board.



a) any person who was unjustly accused, convicted, and imprisoned but subsequently released by virtue of a judgment of acquittal;

b) any person who was unjustly detained and released without being charged;

c) any victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; and

d) any person who is a victim of violent crimes. For purpose of this Act, violent crimes shall include rape and shall likewise refer to offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.

SEC. 4. *Award Ceiling* — For victims of unjust imprisonment or detention, the compensation shall be based on the number of months of imprisonment or detention and every fraction thereof shall be considered one month: *Provided, however,* That in no case shall such compensation exceed One thousand pesos (₱1,000) per month.

b) In all other cases, the maximum amount for which the Board may approve a claim shall not exceed Ten thousand pesos (₱10,000) or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to the injury, whichever is lower. This is without prejudice to the right of the claimant to seek other remedies under existing laws.

SEC. 5. *When to File Claims* — Any person entitled to compensation under this Act must, within six (6) months after being released from imprisonment or detention, or from the date the victim suffered damage or injury, file his claim with the Department, otherwise, he is deemed to have waived the same. Except as provided for in this Act, no waiver of claim whatsoever is valid.

SEC. 6. *Filing of Claims by Heirs* — In case of death or incapacity of any person entitled to any award under this Act, the claim may be filed by his heirs, in the following order: by his surviving spouse, children, natural parents, brother and/or sister.

SEC. 7. *Resolution of Claims* — The Board shall resolve the claim within thirty (30) working days after filing of the application.

The Board shall adopt an expeditious and inexpensive procedure for the claimants to follow in order to secure their claims under this Act.

SEC. 8. *Appeal* — Any aggrieved claimant may appeal, within fifteen (15) days from receipt of the resolution of the Board, to the Secretary of Justice whose decision shall be final and executory.

SEC. 9. *Funding* — For purposes of this Act, the initial amount of Ten million pesos (₱10,000,000.00) is hereby authorized to be appropriated from the funds of the National Treasury not otherwise appropriated.

The subsequent annual funding shall also partly come from one percent (1%) of the net income of the Philippine Amusement and Gaming Corporation and one percent (1%) of the proceeds and sales and other disposition of military camps in Metro Manila by the Base Conversion and Development Authority.

The proceeds from any contract relating to the depiction of a crime in a movie, book newspaper, magazine, radio or television production, or live entertainment of any kind or any other form of commercial exploitation of a convict's story, recollection, opinions and emotions with regard to the offense committed shall not be released to a convict in a criminal case of his heirs, agents, assignees, or successors in interest until full compensation for damages suffered by or awarded, to the victims, his heirs or successors in interest is paid or arranged for, and the state is able to collect/assess fines and costs and any other amounts due it in case of a conviction by final judgement. Such damages shall include, but shall not be limited to, judicial awards, funeral expenses, medical expenses, lost earnings and the like.

To ensure the continuity of the funding requirements under this Act, the amount of Five Pesos (₱5.00) shall be set aside from each filing fee in every civil case filed with the court, the total proceeds of which shall constitute the Victim Compensation Fund to be administered by the Department of Justice.

SEC. 10. *Repealing Clause*. — All laws, executive orders and executive issuances inconsistent with this Act are hereby deemed repealed or modified accordingly.

SEC. 11. *Separability Clause*. — If for any reason any section or provision of this Act shall be declared unconstitutional or invalid, no other section or provision shall be affected thereby.

SEC. 12. *Effectivity Clause*. — This Act shall take effect after its publication in two (2) newspapers of general circulation.

Approved,

(Sgd.) RAMON V. MITRA  
Speaker of the House  
of Representatives

(Sgd.) NEPTALI A. GONZALES  
President of the Senate

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SEC. 12. *Effectivity Clause*. — This Act shall take effect after its publication in two (2) newspapers of general circulation.

Approved,

(Sgd.) RAMON V. MITRA  
Speaker of the House  
of Representatives

(Sgd.) NEPTALI A. GONZALES  
President of the Senate

This bill which originated from the Senate was finally passed by the Senate and the House of Representatives on February 6, 1992 and February 3, 1992, respectively.

(Sgd.) CAMILO L. SABIO  
Secretary General  
House of Representatives

(Sgd.) ANACLETO D. BADOY, JR.  
Secretary of the Senate

Approved: March 30, 1992.

(Sgd.) CORAZON C. AQUINO  
President of the Philippines

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 7309, "AN ACT CREATING A BOARD OF CLAIMS FOR VICTIMS OF UNJUST IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES."

Pursuant to the provisions of Section 2(d) of Republic Act No. 7309, the following rules and regulations are hereby promulgated to implement the provisions of said Act:

TITLE I  
DEFINITION OF TERMS

Section 1. Definition of Terms. — As used in these rules and regulations, unless otherwise specifically provided, the following terms shall be understood to mean:

- (a) "ACT" shall refer to Republic Act No. 7309;
- (b) "BOARD" shall refer to the Board of Claims constituted under Section 1 of the Act;
- (c) "CLAIMANT" shall refer to any person who is:
  - (1) unjustly accused, convicted and imprisoned but subsequently released by virtue of a judgment of acquittal;
  - (2) unjustly detained and released without being charged;
  - (3) a victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court;
  - (4) victims of violent crimes; and,
  - (5) the heir of a person entitled to any award under this Act who died or was incapacitated
- (d) "VIOLENT CRIMES" shall include rape and offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.
- (e) "VICTIM COMPENSATION FUND (VCF)" shall refer to whatever amount maybe appropriated by Congress from the funds of the National Treasury, the amount of five pesos (₱5.00) set aside from each filing fee in every civil case filed in court 1% net earnings of PAGCOR and 1% of the proceeds of the sale of military camps in Metro Manila.

## TITLE II THE BOARD OF CLAIMS

### Section 1. Composition —

The Board of Claims shall be composed of a chairman and two (2) members to be appointed by the Secretary of Justice. It shall meet at least once a week or as often as may be necessary upon call by the chairman.

### Section 2. Powers and Functions —

The Board shall have the following powers and functions:

- (a) to receive, process, investigate and evaluate applications for claims under this Act,
- (b) to conduct an independent administrative hearing and resolve applications for claims;
- (c) to deputize and coordinate with appropriate government agencies in order to effectively implement its functions; and
- (d) to promulgate and amend rules and regulations in order to carry out the objectives of this Act.

## TITLE III ADJUDICATION OF CLAIMS

### Section 1. When to file claims —

Any person entitled to compensation under this Act, within six (6) months after being released from imprisonment or detention, or from the date he suffered damage or injury, must file his claim with the Board, otherwise he is deemed to have waived his claim. Except as provided for in this Act, no waiver of claim whatsoever is valid.

### Section 2. How to file claims —

A claimant may file a claim with the Board by filling up an application form provided for the purpose and attaching thereto:

- (a) In case of a person who was unjustly accused, convicted and imprisoned but subsequently released by virtue of a judgment of acquittal;
  - 1) a certified true copy of the judgment of acquittal;

- 2) certified true copies of the commitment order and release from confinement by the jail warden or prison authority concerned.
- (b) In case of a person who was unjustly detained and released without being charged
    - 1) any proof to show that he was unjustly detained without being charged
  - (c) In case of a victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court;
    - 1) certified true copy of the final judgment
  - (d) In case of a person who is a victim of violent crimes
    - 1) any evidence that would prove that he is a victim of violent crimes including but not limited to the certified true copy of the report to the police or a doctor's/psychiatrist's certificate, if necessary.
  - (e) If claimant is an heir, he shall also submit the following:
    - 1) Death certificate of the person entitled to an award or government doctor's certificate of incapacity;
    - 2) Marriage certificate if claimant is the spouse;
    - 3) Birth certificate/s if claimant is a child/children; or,
    - 4) Proof of relationship that he/she is a parent, brother or sister.

### Section 3. Processing do claims —

- (a) After the claim has been docketed and given a claim number, it shall be assigned to an Evaluator who shall evaluate the merits of the claim. Should there be a need to verify the authenticity of the evidence presented, he shall direct an investigation thereof;
- (b) The investigator shall submit his report to the Evaluator within five (5) days from assignment. The Evaluator shall submit his recommendation to the Board within ten (10) days from the submission of the investigator's report;
- (c) The Board shall resolve the claim within thirty (30) working days after the filing of the application; and,

- (d) Within fifteen (15) days from receipt of the resolution of the Board, an aggrieved claimant may appeal to the Secretary of Justice whose decision shall be final and executory.

#### TITLE IV AWARD

##### Section 1. How much shall be awarded —

- (a) For victim of unjust imprisonment or detention, the compensation shall be based on the number of months of imprisonment or detention, and every fraction thereof shall be considered one month: *Provided, however,* That in no case shall such compensation exceed one thousand pesos (₱1,000) per month.
- (b) In all other cases, the maximum amount for which the Board may approve a claim shall not exceed ten thousand pesos (₱10,000.00) or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to the injury, whichever is lower to be determined by the Board.

#### TITLE V EFFECTIVITY

These rules and regulations shall become effective after fifteen (15) days following their publication in two (2) newspapers of general circulation.

27th day of April 1992.

Manila, Philippines.



Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Second Regular Session

Begun and held in Metro Manila, on Monday the twenty-sixth day of July, nineteen hundred and ninety-three.

[REPUBLIC ACT NO. 7659]

AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES

WHEREAS, the Constitution, specifically Article III, Section 19 paragraph (1) thereof, states "Excessive fines shall not be imposed nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it ...";

WHEREAS, the crimes punishable by death under this Act are heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society;

WHEREAS, due to the alarming upsurge of such crimes which has resulted not only in the loss of human lives and wanton destruction of property but has also affected the nation's efforts towards sustainable economic development and prosperity while at the same time has undermined the people's faith in the Government and the latter's ability to maintain peace and order in the country;

WHEREAS, the Congress, in the interest of justice, public order and the rule of law, and the need to rationalize and harmonize the penal sanctions for heinous crimes, finds compelling reasons to impose the death penalty for said crimes;

Now, therefore,

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Declaration of Policy.* — It is hereby declared the policy of the State to foster and ensure not only obedience to its authority, but also to adopt such measures as would effectively promote the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society.

SEC. 2. Article 114 of the Revised Penal Code, as amended, is hereby amended to read as follows:

“Art. 114. *Treason.* — Any Filipino citizen who levies war against the Philippines or adheres to her enemies, giving them aid or comfort within the Philippines or elsewhere, shall be punished by *reclusion perpetua* to death and shall pay a fine not to exceed 100,000 pesos.

No person shall be convicted of treason unless on the testimony of two witnesses at least to the same overt act or on confession of the accused in open court.

Likewise, an alien, residing in the Philippines, who commits acts of treason as defined in paragraph 1 of this Article shall be punished by *reclusion temporal* to death and shall pay a fine not to exceed 100,000 pesos.”

SEC. 3. Section Three, Chapter One, Title One of Book Two of the same Code is hereby amended to read as follows:

“Section Three. — Piracy and mutiny on the high seas or in Philippine waters

Article 122. *Piracy in general and mutiny on the high seas or in the Philippine waters.* — The penalty of *reclusion perpetua* shall be inflicted upon any person who, on the high seas, or in Philippine waters, shall attack or seize a vessel or, not being a member of its complement nor a passenger, shall seize the whole or part of the cargo of said vessel, its equipment, or personal belongings of its complement or passengers.

The same penalty shall be inflicted in case of mutiny on the high seas or in Philippine waters.”

Art. 123. *Qualified piracy.* — The penalty of *reclusion perpetua* to death shall be imposed upon those who commit any of the crimes

referred to in the preceding article, under any of the following circumstances:

1. Whenever they have seized a vessel by boarding or firing upon the same;
2. Whenever the pirates have abandoned their victims without means of saving themselves; or
3. Whenever the crime is accompanied by murder, homicide, physical injuries or rape.”

SEC. 4. There shall be incorporated after Article 211 of the same Code a new article to read as follows:

“Art. 211-A. *Qualified Bribery*. — If any public officer is entrusted with law enforcement and he refrains from arresting or prosecuting an offender who has committed a crime punishable by *reclusion perpetua* and/or death in consideration of any offer, promise, gift or present, he shall suffer the penalty for the offense which was not prosecuted.

If it is the public officer who asks or demands such gift or present, he shall suffer the penalty of death.”

SEC. 5. The penalty of death for parricide under Article 246 of the same Code is hereby restored, so that it shall read as follows:

“Art. 246. *Parricide*. — Any person who shall kill his father, mother, or child, whether legitimate or illegitimate, or any of his ascendants, or descendants, or his spouse, shall be guilty of parricide and shall be punished by the penalty of *reclusion perpetua* to death.”

SEC. 6. Article 248 of the same Code is hereby amended to read as follows:

“Art. 248. *Murder*. — Any person who, not failing within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
2. In consideration of a price, reward or promise.

3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with the use of any other means involving great waste and ruin.

4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.

5. With evident premeditation.

6. With cruelty, by deliberately and inhumanely augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.”

SEC. 7. Article 255 of the same Code is hereby amended to read as follows:

“Art. 255. *Infanticide*. — The penalty provided for parricide in Article 246 and for murder in Article 248 shall be imposed upon any person who shall kill any child less than three days of age.

If any crime penalized in this Article be committed by the mother of the child for the purpose of concealing her dishonor, she shall suffer the penalty of *prision mayor* in its medium and maximum periods, and if said crime be committed for the same purpose by the maternal grandparents or either of them, the penalty shall be *reclusion temporal*.”

SEC. 8. Article 267 of the same Code is hereby amended to read as follows:

“Article 267. *Kidnapping and serious illegal detention*. — Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of *reclusion perpetua* to death:

1. If the kidnapping or detention shall have lasted more than three days.

2. If it shall have been committed simulating public authority.

3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.

4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer.

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed.”

SEC. 9. Article 294 of the same Code is hereby amended to read as follows:

“Art. 294. — *Robbery with violence against or intimidation of persons — Penalties.* — Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

2. The penalty of *reclusion temporal* in its medium period to *reclusion perpetua*, when or if by reason or on occasion of such robbery, any of the physical injuries penalized in subdivision 1 of Article 263 shall have been inflicted.

3. The penalty of *reclusion temporal*, when by reason or on occasion of the robbery, any of the physical injuries penalized in subdivision 2 of the article mentioned in the next preceding paragraph, shall have been inflicted.

4. The penalty of *prision mayor* in its maximum period to *reclusion temporal* in its medium period, if the violence or intimidation employed in the commission of the robbery shall have been carried to a degree clearly unnecessary for the commission of the crime, or when in the course of its execution, the offender shall have inflicted upon any person not responsible for its commission any of the physical injuries covered by subdivisions 3 and 4 of said Article 263.

5. The penalty of *prision correccional* in its maximum period to *prision mayor* in its medium period in other cases.”

SEC. 10. Article 320 of the same Code is hereby amended to read as follows:

“Art. 320. *Destructive Arson.* — The penalty of *reclusion perpetua* to death shall be imposed upon any person who shall burn:

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed.”

SEC. 9. Article 294 of the same Code is hereby amended to read as follows:

“Art. 294. — *Robbery with violence against or intimidation of persons — Penalties.* — Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

2. The penalty of *reclusion temporal* in its medium period to *reclusion perpetua*, when or if by reason or on occasion of such robbery, any of the physical injuries penalized in subdivision 1 of Article 263 shall have been inflicted.

3. The penalty of *reclusion temporal*, when by reason or on occasion of the robbery, any of the physical injuries penalized in subdivision 2 of the article mentioned in the next preceding paragraph, shall have been inflicted.

4. The penalty of *prision mayor* in its maximum period to *reclusion temporal* in its medium period, if the violence or intimidation employed in the commission of the robbery shall have been carried to a degree clearly unnecessary for the commission of the crime, or when in the course of its execution, the offender shall have inflicted upon any person not responsible for its commission any of the physical injuries covered by subdivisions 3 and 4 of said Article 263.

5. The penalty of *prision correccional* in its maximum period to *prision mayor* in its medium period in other cases.”

SEC. 10. Article 320 of the same Code is hereby amended to read as follows:

“Art. 320. *Destructive Arson.* — The penalty of *reclusion perpetua* to death shall be imposed upon any person who shall burn:

1. One (1) or more buildings or edifices, consequent to one single act of burning, or as a result of simultaneous burnings, or committed on several or different occasions.

2. Any building of public or private ownership, devoted to the public in general or where people usually gather or congregate for a definite purpose such as, but not limited to official governmental function or business, private transaction, commerce, trade workshop, meetings and conferences, or merely incidental to a definite purpose such as but not limited to hotels, motels, transient dwellings, public conveyance or stops or terminals, regardless of whether the offender had knowledge that there are persons in said building or edifice at the time it is set on fire and regardless also of whether the building is actually inhabited or not.

3. Any train or locomotive, ship or vessel, airship or airplane, devoted to transportation or conveyance, or for public use, entertainment or leisure.

4. Any building, factory, warehouse installation and any appurtenances thereto, which are devoted to the service of public utilities.

5. Any building the burning of which is for the purpose of concealing or destroying evidence of another violation of law, or for the purpose of concealing bankruptcy or defrauding creditors or to collect from insurance.

Irrespective of the application of the above enumerated qualifying circumstances, the penalty of *reclusion perpetua* to death shall be imposed when the arson is perpetrated or committed by two (2) or more persons or by a group of persons, regardless if whether their purpose is merely to burn or destroy the building or the burning merely constitutes an overt act in the commission or another violation of law.

The penalty of *reclusion perpetua* to death shall also be imposed upon any person who shall burn:

1. Any arsenal, shipyard, storehouse or military powder or fireworks factory, ordnance, storehouse, archives or general museum of the Government.

2. In an inhabited place, any storehouse or factory of inflammable or explosive materials.

If as consequence of the commission of any of the acts penalized under this Article, death results, the mandatory penalty of death shall be imposed.”

SEC. 11. Article 335 of the same Code is hereby amended to read as follows:

“Art. 335. *When and how rape is committed.* — Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by *reclusion perpetua*.

Whenever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be death.

When the rape is attempted or frustrated and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, a homicide is committed, the penalty shall be death.

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

1. when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.
2. when the victim is under the custody of the police or military authorities.
3. when the rape is committed in full view of the husband, parent, any of the children or other relatives within the third degree of consanguinity.
4. when the victim is a religious or a child below seven (7) years old.



5. when the offender knows that he is afflicted with Acquired Immune Deficiency Syndrome (AIDS) disease.

6. when committed by any member of the Armed Forces of the Philippines or the Philippine National Police of any law enforcement agency.

7. when by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation.”

SEC. 12. Section 2 of Republic Act No. 7080 (An Act Defining and Penalizing the Crime of Plunder) is hereby amended to read as follows:

“SEC. 2. *Definition of the Crime of Plunder; Penalties.* — Any public officer who, by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt or criminal acts as described in Section 1 (d) hereof in the aggregate amount or total value of at least Fifty million pesos (P50,000,000.00) shall be guilty of the crime of plunder and shall be punished by *reclusion perpetua* to death. Any person who participated with the said public officer in the commission of an offense contributing to the crime of plunder shall likewise be punished for such offense. In the imposition of penalties, the degree of participation and the attendance of mitigating and extenuating circumstances, as provided by the Revised Penal Code, shall be considered by the court. The court shall declare any and all ill-gotten wealth and their interests and other stocks derived from the deposit or investment thereof forfeited in favor of the State.”

SEC. 13. Sections 3,4,5,7,8 and 9, of Article II of Republic Act No. 6425, as amended, known as the Dangerous Drugs Act of 1972, are hereby amended to read as follows:

“SEC. 3. *Importation of Prohibited Drugs.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who unless authorized by law, shall import or bring into the Philippines any prohibited drug.

SEC. 4. *Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall sell, administer, deliver, give away to another, distribute,

dispatch in transit or transport any prohibited drug, or shall act as a broker in any of such transactions.

Notwithstanding the provisions of Section 20 of this Act to the contrary, if the victim of the offense is a minor, or should a prohibited drug involved in any offense under this Section be the proximate cause of the death of the victim thereof, the maximum penalty herein provided shall be imposed.

SEC. 5. *Maintenance of a Den, Dive or Resort for Prohibited Drug Users.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person or group of persons who shall maintain a den, dive or resort where any prohibited drug is used in any form or where such prohibited drugs in quantities specified in Section 20, Paragraph 1 of this Act are found.

Notwithstanding the provisions of Section 20 of this Act to the contrary, the maximum of the penalty shall be imposed in every case where a prohibited drug is administered, delivered or sold to a minor who is allowed to use the same in such place.

Should a prohibited drug be the proximate cause of the death of a person using the same in such den, dive or resort, the maximum penalty herein provided shall be imposed on the maintainer notwithstanding the provisions of Section 20 of this Act to the contrary.

SEC. 7. *Manufacture of Prohibited Drug.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall engage in the manufacture of any prohibited drug.

SEC. 8. *Possession or Use of Prohibited Drugs.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall possess or use any prohibited drug subject to the provisions of Section 20 hereof.

SEC. 9. *Cultivation of Plants which are Sources of Prohibited Drugs.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who shall plant, cultivate or culture on any medium Indian hemp, opium poppy (*papaver somniferum*) or any other plant which is or may hereafter be classified as dangerous drug or from which any dangerous drug may be manufactured or derived.

The land or portions thereof, and/or greenhouses on which any of the said plants is cultivated or cultured shall be confiscated and escheated to the State, unless the owner thereof can prove that he did not know of such cultivation or culture despite the exercise of due negligence on his part.

If the land involved is part of the public domain, the maximum of the penalties herein provided shall be imposed upon the offender.”

SEC. 14. Sections 14, 14-A, and 15 of Article III of Republic Act No. 6425, as amended, known as the Dangerous Drugs Act of 1972, are hereby amended to read as follows:

“SEC. 14. *Importation of Regulated Drugs.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall import or bring any regulated drug in the Philippines.

SEC. 14-A. *Manufacture of Regulated Drugs.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall engage in the manufacture of any regulated drug.

SEC. 15. *Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispense, deliver, transport or distribute any regulated drug.

Notwithstanding the provisions of Section 20 of this Act to the contrary, if the victim of the offense is a minor, or should a regulated drug involved in any offense under this Section be the proximate cause of death of a victim thereof, the maximum penalty herein provided shall be imposed.”

SEC. 15. There shall be incorporated after Section 15 of Article III of Republic Act No. 6425, as amended, known as the Dangerous Drugs Act of 1972, a new section to read as follows:

“Sec. 15-a. *Maintenance of a den, dive or resort for regulated drug users.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person or group of persons who shall maintain a den, dive or

resort where any regulated drugs in quantities specified in Section 20, paragraph 1 of this Act are found.

Notwithstanding the provisions of Section 20 of this Act to the contrary, the maximum penalty herein provided shall be imposed in every case where a regulated drug is administered, delivered or sold to a minor who is allowed to use the same in such place.

Should a regulated drug be the proximate cause of the death of a person using the same in such den, dive or resort, the maximum penalty herein provided shall be imposed on the maintainer notwithstanding the provisions of Section 20 of this Act to the contrary.”

SEC. 16. Section 16 of Article III of Republic Act No. 6425, as amended, known as the Dangerous Drugs Act of 1972, is hereby amended to read as follows:

“SEC. 16. *Possession or Use of Regulated Drugs.* — The penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who shall possess or use any regulated drug without the corresponding license or prescription, subject to the provisions of Section 20 hereof.”

SEC. 17. Section 20, Article IV of Republic Act No. 6425, as amended, known as the Dangerous Drugs Act of 1972, is hereby amended to read as follows:

“SEC. 20. *Application of Penalties, Confiscation and Forfeiture of the Proceeds or Instruments of the Crime.* — The penalties for offenses under Sections 3,4,7,8 and 9 of Article II and Sections 14, 14-A, 15 and 16 of Article III of this Act shall be applied if the dangerous drugs involved is in any of the following quantities:

1. 40 grams or more of opium;
2. 40 grams or more of morphine;
3. 200 grams or more of shabu or methylamphetamine hydrochloride;
4. 40 grams or more of heroin;
5. 750 grams or more of indian hemp or marijuana;
6. 50 grams or more of marijuana resin or marijuana resin oil;
7. 40 grams or more of cocaine or cocaine hydrochloride; or

8. In the case of other dangerous drugs, the quantity of which is far beyond therapeutic requirements, as determined and promulgated by the Dangerous Drugs Board, after public consultations/hearings conducted for the purpose.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalty shall range from *prision correccional* to *reclusion perpetua* depending upon the quantity.

Every penalty imposed for the unlawful importation, sale, administration, delivery, transportation or manufacture of dangerous drugs, the cultivation of plants which are sources of dangerous drugs and the possession of any opium pipe and other paraphernalia for dangerous drugs shall carry with it the confiscation and forfeiture, in favor of the Government, of all the proceeds of the crime including but not limited to money and other assets obtained thereby and the instruments or tools with which it was committed, unless they are property of a third person not liable for the offense, but those which are not of lawful commerce shall be ordered destroyed without delay. Dangerous drugs and plant sources of such drugs as well as the proceeds or instruments of the crime so confiscated and forfeited in favor of the Government shall be turned over to the Board for proper disposal without delay.

Any apprehending or arresting officer who misappropriates or misapplies or fails to account for seized or confiscated dangerous drugs or plant-sources of dangerous drugs or proceeds or instruments of the crime as herein defined shall after conviction be punished by the penalty of *reclusion perpetua* to death and a fine ranging from five hundred thousand pesos to ten million pesos.”

SEC. 18. There shall be incorporated after Section 20 of Republic Act No. 6425, as amended, known as the Dangerous Drugs Act of 1972, a new section to read as follows:

“SEC. 20-A. *Plea-bargaining Provision.* — Any person charged under the provision of this Act where the imposable penalty is *reclusion perpetua* to death shall not be allowed to avail of the provisions on plea-bargaining.”

SEC. 19. Section 24 of Republic Act No. 6425, as amended, known as the Dangerous Drugs Act of 1972, is hereby amended to read as follows:

“SEC. 24. *Penalties for Government Officials and Employees and Officers and Members of Police Agencies and the Armed Forces; 'Planting' of Evidence.* — The maximum penalties provided for in

Sections 3, 4(1), 5(1), 6, 7, 8, 9, 11, 12 and 13 of Article II and Sections 14, 14-A, 15(1), 15-A(1), 16, and 19 of Article III shall be imposed, if those found guilty of any of the said offenses are government officials, employees or officers including members of police agencies and the armed forces.

Any such above government official, employee or officer who is found guilty of "planting" any dangerous drugs punished in Sections 3,4,7,8,9 and 13 of Article II and Sections 14, 14-A, 15 and 16 of Article III of this Act in the person or in the immediate vicinity of another as evidence to implicate the latter, shall suffer the same penalty as therein provided."

SEC. 20. Sec. 14 of Republic Act No. 6539, as amended, known as the Anti-Carnapping Act of 1972, is hereby amended to read as follows:

"SEC.14. *Penalty for Carnapping.* — Any person who is found guilty of carnapping, as this term is defined in Section Two of this Act, shall, irrespective of the value of motor vehicle taken, be punished by imprisonment for not less than fourteen years and eight months and not more than seventeen years and four months, when the carnapping is committed without violence or intimidation of persons, or force upon things; and by imprisonment for not less than seventeen years and four months and not more than thirty years, when the carnapping is committed by means of violence against or intimidation of any person, or force upon things; and the penalty of *reclusion perpetua* to death shall be imposed when the owner, driver or occupant of the carnapped motor vehicle is killed or raped in the course of the commission of the carnapping or on the occasion thereof."

SEC. 21. Article 27 of the Revised Penal Code, as amended, is hereby amended to read as follows:

"Art. 27. *Reclusion Perpetua.* — The penalty of *reclusion perpetua* shall be from twenty years and one day to forty years;

*Reclusion temporal.* — The penalty of *reclusion temporal* shall be from twelve years and one day to twenty years.

*Prision mayor* and temporary disqualification. — The duration of the penalties of *prision mayor* and temporary disqualification shall be from six years and one day to twelve years, except when the penalty of disqualification is imposed as an accessory penalty, in which case, its duration shall be that of the principal penalty.

*Prision correccional*, suspension, and *destierro*. — The duration of the penalties of *prision correccional*, suspension, and *destierro* shall be from six months and one day to six years, except when suspension is imposed as an accessory penalty, in which case, its duration shall be that of the principal penalty.

*Arresto mayor*. — The duration of the penalty of *arresto mayor* shall be from one month and one day to six months.

*Arresto menor*. — The duration of the penalty of *arresto menor* shall be from one day to thirty days.

Bond to keep the peace. — The bond to keep the peace shall be required to cover such period of time as the court may determine.”

SEC. 22. Article 47 of the same Code is hereby amended to read as follows:

“Art. 47. *In what cases the death penalty shall not be imposed; Automatic Review of Death Penalty Cases.* — The death penalty shall be imposed in all cases in which it must be imposed under existing laws, except when the guilty person is below eighteen (18) years of age at the time of the commission of the crime or is more than seventy years of age or when upon appeal or automatic review of the case by the supreme court, the required majority vote is not obtained for the imposition of the death penalty, in which cases the penalty shall be *reclusion perpetua*.

In all cases where the death penalty is imposed by the trial court, the records shall be forwarded to the Supreme Court for automatic review and judgment by the court *en banc*, within twenty (20) days but not earlier than fifteen (15) days after promulgation of the judgment or notice of denial of any motion for new trial or reconsideration. The transcript shall also be forwarded within ten (10) days after the filing thereof by the stenographic reporter.

SEC. 23. Article 62 of the same Code, as amended, is hereby amended to read as follows:

“Art. 62. *Effects of the attendance of mitigating or aggravating circumstances and of habitual delinquency.* — Mitigating or aggravating circumstances and habitual delinquency shall be taken into account for the purpose of diminishing or increasing the penalty in conformity with the following rules:

1. Aggravating circumstances which in themselves constitute a crime especially punishable by law or which are included by the law in defining a crime and prescribing the penalty therefor shall not be taken into account for the purpose of increasing the penalty.

1(a). When in the commission of the crime, advantage was taken by the offender of his public position, the penalty to be imposed shall be in its maximum regardless of mitigating circumstances.

The maximum penalty shall be imposed if the offense was committed by any person who belongs to an organized/syndicated crime group.

An organized/syndicated crime group means a group of two or more persons collaborating, confederating or mutually helping one another for purposes of gain in the commission of any crime.

2. The same rule shall apply with respect to any aggravating circumstances inherent in the crime to such a degree that it must of necessity accompany the commission thereof.

3. Aggravating or mitigating circumstances which arise from the moral attributes of the offender, or from his private relations with the offended party, or from any other personal cause, shall only serve to aggravate or mitigate the liability of the principals, accomplices and accessories as to whom such circumstances are attendant.

4. The circumstances which consist in the material execution of the act, or in the means employed to accomplish it, shall serve to aggravate or mitigate the liability of those persons only who had knowledge of them at the time of the execution of the act or their cooperation therein.

5. Habitual delinquency shall have the following effects:

(a) Upon a third conviction the culprit shall be sentenced to the penalty provided by law for the last crime of which he be found guilty and to the additional penalty of *prision correccional* in its medium and maximum periods;

(b) Upon a fourth conviction, the culprit shall be sentenced to the penalty provided for the last crime of which he be found guilty and to the additional penalty of *prision mayor* in its minimum and medium periods; and



1. Aggravating circumstances which in themselves constitute a crime especially punishable by law or which are included by the law in defining a crime and prescribing the penalty therefor shall not be taken into account for the purpose of increasing the penalty.

1(a). When in the commission of the crime, advantage was taken by the offender of his public position, the penalty to be imposed shall be in its maximum regardless of mitigating circumstances.

The maximum penalty shall be imposed if the offense was committed by any person who belongs to an organized/syndicated crime group.

An organized/syndicated crime group means a group of two or more persons collaborating, confederating or mutually helping one another for purposes of gain in the commission of any crime.

2. The same rule shall apply with respect to any aggravating circumstances inherent in the crime to such a degree that it must of necessity accompany the commission thereof.

3. Aggravating or mitigating circumstances which arise from the moral attributes of the offender, or from his private relations with the offended party, or from any other personal cause, shall only serve to aggravate or mitigate the liability of the principals, accomplices and accessories as to whom such circumstances are attendant.

4. The circumstances which consist in the material execution of the act, or in the means employed to accomplish it, shall serve to aggravate or mitigate the liability of those persons only who had knowledge of them at the time of the execution of the act or their cooperation therein.

5. Habitual delinquency shall have the following effects:

(a) Upon a third conviction the culprit shall be sentenced to the penalty provided by law for the last crime of which he be found guilty and to the additional penalty of *prision correccional* in its medium and maximum periods;

(b) Upon a fourth conviction, the culprit shall be sentenced to the penalty provided for the last crime of which he be found guilty and to the additional penalty of *prision mayor* in its minimum and medium periods; and

(c) Upon a fifth or additional conviction, the culprit shall be sentenced to the penalty provided for the last crime of which he be found guilty and to the additional penalty of prison mayor in its maximum period to *reclusion temporal* in its minimum period.

Notwithstanding the provisions of this article, the total of the two penalties to be imposed upon the offender, in conformity herewith, shall in no case exceed 30 years.

For the purpose of this article, a person shall be deemed to be habitual delinquent, if within a period of ten years from the date of his release or last conviction of the crimes of serious or less serious physical injuries, *robo*, *hurto*, *estafa* or *falsificacion*, he is found guilty of any of said crimes a third time or oftener."

SEC. 24. Article 81 of the same Code, as amended, is hereby amended to read as follows:

"Art. 81. *When and how the death penalty is to be executed.* — The death sentence shall be executed with preference to any other and shall consist in putting the person under sentence to death by electrocution. The death sentence shall be executed under the authority of the Director of Prisons, endeavoring so far as possible to mitigate the sufferings of the person under sentence during electrocution as well as during the proceedings prior to the execution.

If the person under sentence so desires, he shall be anaesthetized at the moment of the execution.

As soon as facilities are provided by the Bureau of Prisons, the method of carrying out the sentence shall be changed to gas poisoning.

The death sentence shall be carried out not later than one (1) year after the judgment has become final."

SEC. 25. Article 83 of the same Code is hereby amended to read as follows:

"ART. 83. *Suspension of the execution of the death sentence.* — The death sentence shall not be inflicted upon a woman while she is pregnant or within one (1) year after delivery, nor upon any person over seventy years of age. In this last case, the death sentence shall be commuted to the penalty of *reclusion perpetua* with the accessory penalties provided in Article 40.

In all cases where the death sentence has become final, the records of the case shall be forwarded immediately by the Supreme Court to the Office of the President for possible exercise of the pardoning power.”

SEC. 26. All laws, presidential decrees and issuances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 27. If, for any reason or reasons, any part of the provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 28. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation. The publication shall not be later than seven (7) days after the approval hereof.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

(Sgd.) EDGARDO J. ANGARA  
*President of the Senate*

This bill, which is a consolidation of Senate Bill No. 891 and House Bill No. 62, was finally passed by the Senate and the House of Representatives on December 2, 1993 and December 8, 1993, respectively.

(Sgd.) CAMILO L. SABIO  
*Secretary General  
House of Representatives*

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

Approved,  
December 13, 1993

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, nineteen hundred and ninety-four.

[REPUBLIC ACT NO. 7877]

AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title.* — This Act shall be known as the “Anti-Sexual Harassment Act of 1995.”

SEC. 2. *Declaration of Policy.* — The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

SEC. 3. *Work, Education or Training-related Sexual Harassment Defined.* — Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

- (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms,

conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

- (2) The above acts would impair the employee's rights or privileges under existing labor laws; or
- (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

- (1) Against one who is under the care, custody or supervision of the offender;
- (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
- (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
- (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

*SEC. 4. Duty of the Employer or Head of Office in a Work-related, Education or Training Environment.* — It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

(a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

(b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainers and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainers, teachers, instructors, professors or coaches and students or trainees, as the case may be.

The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

*SEC. 5. Liability of the Employer, Head of Office, Educational or Training Institution.* — The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken thereon.

*SEC. 6. Independent Action for Damages.* — Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

*SEC. 7. Penalties.* — Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (₱10,000) nor more than Twenty thousand pesos (₱20,000), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

*SEC. 8. Separability Clause.* — If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SEC. 9. *Repealing Clause.* — All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) EDGARDO J. ANGARA  
*President of the Senate*

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House of  
Representatives*

This Act which is a consolidation of House Bill No. 9425 and Senate Bill No. 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

(Sgd.) CAMILO L. SABIO  
*Secretary General  
House of Representatives*

Approved: February 14, 1995

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

**MEMORANDUM CIRCULAR**

TO: All Heads of Departments, Bureaus and Agencies of the National and Local Government Including Government Owned and Controlled Corporations And State Colleges and Universities

SUBJECT: **POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE**

Pursuant to CSC Resolution No. 94-2854 dated May 31, 1994, the Commission has adopted a Policy on Sexual Harassment in the Workplace, as follows:

**RESOLUTION NO. 94-2854**

*WHEREAS*, the State values the dignity of every human person and guarantees full respect to human rights.

*WHEREAS*, sexual harassment is recognized as a violation of human rights, morale and efficiency in the workplace, violates the merit and fitness principle in the civil service and creates a hostile environment in the workplace which adversely affect productive performance.

*WHEREAS*, Section 4 RA 6713, provides for norms of personal conduct which every public official and employee must observe in the discharge and execution of official duties; that they shall act without discrimination against anyone, and shall at all times respect the rights of others and refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.

*WHEREAS*, Section 1, Chapter I, Title (A), Book V of the Administrative Code of 1987 and Section 4(B), RA 6713, empower the Civil Service Commission to adopt positive measures, to promote morale and efficiency, and observance of the standards of personal conduct, among others, in the civil service;

*NOW, THEREFORE*, the Commission hereby resolves to promulgate this Policy on Sexual Harassment in the Workplace.



## **POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE**

### ***Section 1. Policy Statement and Objective***

It is the policy of the state to afford protection to working women and ensure equal work opportunity for all, as well as full respect for human rights. Towards this end, the Civil Service Commission commits to provide a work environment supportive of productivity, wherein all officials and employees are treated with dignity and respect and will not tolerate any sexual harassment, whether engaged in by fellow employees, supervisors, associates or clients;

Sexual harassment by another employee or officer constitutes a ground for administrative disciplinary action under the offense of Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service or Simple Misconduct provided in Section 46(b), Chapter 6, Title I(A), Book V of the Administrative Code of 1987 and subject to penalties up to dismissal from the service.

### ***Section 2. Coverage***

This policy covers all officials and employees in government, whether in the Career or Non-Career Service, holding positions under permanent or temporary status in the national or local government, including government-owned or controlled corporations, with original charters, state colleges and universities.

This policy shall also include applicants for employment after the application has been received by the agency.

The Commission recognizes that officers and employees may be the subject of sexual harassment by clients who transact business with them. Under this circumstance, the head of agency shall take responsibility to support and assist the person subjected to such sexual harassment.

Notwithstanding the existence of this policy, every person can have the right to seek redress from the courts, even when steps are being taken under this policy.

This policy is not intended to constrain social interaction between people in government.

### ***Section 3. Definition.***

(a) Sexual harassment is one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of sexual nature, made directly, indirectly and impliedly when:

- (1) such conduct might reasonably be expected to cause insecurity, discomfort, offense or humiliation to another person or group; or
- (2) submission to such conduct is made either implicitly or explicitly a condition of employment, or any opportunity for training or grant of scholarship, or
- (3) submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee); or
- (4) such conduct has the purpose or the effect of interfering with a person's work performance, or creating an intimidating, hostile or offensive work environment.

(b) For this purpose, "employment-related sexual harassment" means sexual harassment by a member or employee of the agency which occurs:

- (1) in the working environment, or
- (2) anywhere else as a result of employment responsibilities or employment relationship.

It includes but is not limited to sexual harassment:

- at the office
- outside the office
- at office-related social functions
- in the course of work assignments outside the office
- at work-related conferences or training sessions
- during work-related travel
- over the telephone

#### ***Section 4. Responsibilities of Heads of Agencies***

The head of agency is responsible for:

- (1) informing officials and employees of this Policy on Sexual Harassment including their rights and responsibilities and the existence of procedures available under this policy;
- (2) investigating every formal written complaint of sexual harassment and imposing strict disciplinary measures when a complaint of employment related sexual harassment is found to have been substantiated, regardless of the position and status of the offender;

- (2) doing all in its power to provide advice, support and assistance to employees of the agency and applicants who are subjected to sexual harassment, whether one or both parties involved are employed within the same agency;
- (4) appointing advisors, and providing the training and resources for them to fulfill their responsibilities under this policy;
- (5) designating an officer of the agency who will be responsible for the investigation and hearing of complaints on sexual harassment;
- (6) strictly maintaining confidentiality in all stages of the proceedings to protect the interests of the complainant, the person complained against and any other person who may report cases of sexual harassment;
- (7) maintaining records as required by this policy.

#### ***Section 5. Procedures in disposition of Sexual Harassment Cases***

All complaints for sexual harassment shall be investigated and disposed of in accordance with existing rules and procedures on administrative proceedings.

*WHEREFORE*, the Commission resolves as it hereby resolved to approve this Policy on Sexual Harassment.

You are hereby enjoined to adopt and implement this Policy upon its effectivity.

This Memorandum Circular takes effect fifteen days (15) after publication in a newspaper of general circulation.

PATRICIA A. STO. TOMAS  
Chairman

**Republic of the Philippines**  
**CIVIL SERVICE COMMISSION**

Resolution No. 956161

WHEREAS, the State values the dignity of every human being and guarantees full respect for human rights;

WHEREAS, an act of sexual harassment is recognized as a violation of human rights, defeats and impairs morale and efficiency in the workplace, violates the merit and fitness principle in the civil service and creates or fosters a hostile environment in the workplace which adversely affect productive performance;

WHEREAS, R.A. 7877, An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and for other purposes, was enacted on February 14, 1995 and became effective on March 5, 1995, fifteen days after its publication in the Malaya and Times Journal on February 18, 1995.

WHEREAS, Section 4, Republic Act 7877 mandates each employer or head of agency to promulgate appropriate rules and regulations in consultation with and jointly approved by the employees through their duly designated representatives, to include guidelines on proper decorum and to create a Committee on Decorum and Investigation;

NOW, THEREFORE, this Commission hereby promulgates these Rules and Regulations prescribing procedures for the resolution, settlement or prosecution and adjudication of sexual harassment cases, as well as guidelines for the proper decorum of officials and employees in the Commission which shall be supplementary to these Rules (under separate cover);

**Rule I. COVERAGE**

Section 1. These Rules shall apply to all officials and employees in the Commission, including the Career Executive Service Board (CESB), Regional and Field Offices, whether in the Career or Non-Career service and holding positions under permanent or temporary status.

**Rule II. JURISDICTION**

Section 2. Jurisdiction. - The Commission as the disciplining authority over all its officials and employees shall exercise exclusive jurisdiction over acts and omissions which constitute sexual harassment. The decision of the Commission shall be final and appealable only to the Court of Appeals.

### Rule III. DEFINITION OF SEXUAL HARASSMENT

Section 3. Sexual harassment is a form of misconduct involving an act or a series of unwelcome sexual advances, requests for sexual favours, or other verbal or physical behaviour of a sexual nature, made directly, indirectly or impliedly under the following instances:

- (a) such behaviour might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to another person or group; or
- (b) submission to such conduct is made either implicitly or explicitly a condition of employment; or
- (c) submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee); or
- (d) such behaviour has the purpose or the effect of interfering with a person's work performance, or creating an intimidating, hostile or offensive work environment.

### Rule IV. SPECIFIC ACTS CONSTITUTING SEXUAL HARASSMENT

Section 4. The following acts constitute Employment or Work-Related Sexual Harassment:

- (a) Demand, request or requirement for sexual favor is made for the following considerations:
  - 1. as a condition for hiring or employment, re-employment or continued employment of an individual, or
  - 2. in granting said individual favorable compensation, terms or conditions of employment, promotion or privileges;
- (b) the demand, request or requirement for sexual favor is made against one whose training is entrusted to the offender;
- (c) the refusal of the demand, request or requirement for sexual favor will limit, classify or segregate an employee as would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

- (d) the demand, request or requirement for sexual favor would result in intimidating, hostile or offensive environment for the employee.

For this purpose, work or employment related sexual harassment may take place in the following:

1. the office
2. anywhere else as a result of work responsibilities or employment relations
3. at office related social functions
4. while on official business outside the office or during work-related travel
5. at official conferences, fora, symposia or training sessions
6. over the telephone, cellular phone, fax machine, E-mail

#### Rule V. FORMS OF SEXUAL HARASSMENT

Section 5. The acts of sexual harassment may take any of the following forms:

(a) Physical

- i. Physical Contact or Malicious Touching
- ii. Overt sexual advances
- iii. Unwelcome, improper or any unnecessary gesture of a sexual nature; or
- iv. any other suggestive expression or lewd insinuation

(b) Verbal, such as requests or demands for sexual favors or lurid remarks

- (c) Use of objects, pictures, letters or written notes with bold persuasive sexual under-pinnings and which create a hostile, offensive or intimidating work or training environment which is annoying or disgusting to the victim.

#### Rule VI. PERSONS LIABLE FOR SEXUAL HARASSMENT

Section 6. Any official having authority, influence or moral ascendancy over another person in the Commission, or employee, regardless of sex, are liable for sexual harassment in the Commission.

Any official or employee in the Commission, regardless of sex shall similarly be held liable for sexual harassment under the following circumstances:

1. Directing or inducing another to commit any of the acts of sexual harassment defined in these Rules (Principal by Induction) or
2. Cooperating in the commission of the sexual harassment by another without which it would not have been committed (Principal by Indispensable Cooperation).

#### Rule VII. DUTY OF THE COMMISSION

Section 7. The Commission shall initiate measures to:

- (a) prevent or deter the commission of acts of sexual harassment through an extensive awareness campaign or informal education, research and survey of data to determine extent of the problem, the profile of harassers and their victims and the forms of sexual harassment take and its consequences;
- (b) implement the procedures for the resolution, settlement or prosecution of acts of sexual harassment provided in these Rules;
- (c) create a Committee on Decorum and Investigation of cases on sexual harassment; and
- (d) furnish a copy of these Rules and Regulations to each of the officer or employee in the Commission and post a copy thereof in two conspicuous locations in places of work or training.

#### Rule VIII. COMMITTEE ON DECORUM AND INVESTIGATION OF SEXUAL HARASSMENT CASES

Section 8. A Committee on Decorum and Investigation shall be created in the Commission and each Regional Office, including the Career Executive Service Board (CESB). Said Committee shall perform the following:

- (a) Receive the complaint, file the formal charge and investigate and conduct hearings in accordance with the Uniform Rules of Procedure in the Conduct of Administrative Investigation in the Civil Service Commission. It shall submit a report of its findings with the corresponding recommendation to the Commission for final decision. Said report shall be considered strictly confidential.
- (b) Conduct meetings with officers, employees and trainees to increase understanding and prevent incidents of sexual harassment; and

- (c) Recommend measures to the Commission that will expedite the investigation and adjudication of sexual harassment cases.

In the Regional Office, the authority to investigate and hear sexual harassment case shall devolve upon the Local Committee which shall submit the report of investigation with its findings and recommendation directly to the Commission.

When a member of the Committee is a complainant or respondent in a sexual harassment case, the member shall inhibit himself/herself from the deliberations of the Committee.

Section 9. Composition. The Committee on Decorum and Investigation shall be composed of the following:

(a) Central Committee

- Chairman: A Director appointed by the Commission for a term of one (1) year
- The CSC Focal Point on Women and Development
- President CSC Employee Association or in the Absence thereof, a representative elected by the General Assembly
- An employee in the Second Level
- An employee in the First Level

(b) Local Committee

- The Regional Director as Chairman
- Equality Advocate (EQUAD) in the Regional office
- A representative of the Employee Association
- An employee in the Second Level
- An employee in the First Level

The representatives of the First and Second level employees in the Personnel Selection Board of this Commission who have been elected in a general assembly of employees shall concurrently sit as members of the Committee on Decorum and Investigation.

## Rule IX. PROCEDURES IN THE DISPOSITION OF SEXUAL HARASSMENT CASES

Section 10. All complaints for sexual harassment must be under oath and supported by the Affidavit of the offended party. Any complaint shall be investigated and disposed of in accordance with the Uniform Rules of Procedure in the Conduct of Administrative Investigations in the Civil Service Commission.



- (c) Recommend measures to the Commission that will expedite the investigation and adjudication of sexual harassment cases.

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Section 10. All complaints for sexual harassment must be under oath and supported by the Affidavit of the offended party. Any complaint shall be investigated and disposed of in accordance with the Uniform Rules of Procedure in the Conduct of Administrative Investigations in the Civil Service Commission.

No action shall be taken on an anonymous complaint, nor shall any civil servant be required to answer or comment on said anonymous complaint.

Section 11. Action on the Complaint. Upon receipt of a complaint which is sufficient in form and substance, the head of office shall within five (5) days transmit the same to the Committee on Decorum and Investigation. The Committee on Decorum, both central and local, shall have authority to file the formal charge. The Committee for this purpose will designate a hearing officer from among themselves.

Section 12. Preliminary Investigation. A preliminary investigation shall be conducted by the Committee wherein the complainant and the respondent shall submit their affidavits and counter-affidavits, as well as those of their witnesses. Failure of the respondent to submit his counter affidavit shall be construed as a waiver thereof.

During the inquiry or proceedings, the parties and their witnesses shall be asked to affirm their signature on said documents and the truthfulness of the statements contained therein. Under no circumstances shall cross-examination of the witnesses be allowed but the hearing officer may propound clarificatory questions.

Section 13. Failure to Affirm Signature and the Contents of Affidavit. Failure of the parties or witnesses to affirm their signature in their affidavits and the contents thereof during the preliminary investigation shall render such affidavit without evidentiary value.

Section 14. Record of Proceedings. During the preliminary investigation, the hearing officer shall record in his own handwriting his clarificatory questions to the parties and their witnesses and the answers given thereto. Such record and other notes made by the Hearing Officer shall form part of the records of the case.

Section 15. Duration of Investigation. The preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the Central or Local Committee and shall be terminated not later than ten (10) days thereafter.

Section 16. Investigation Report. Within five (5) days from the termination of the preliminary investigation, the investigating officer shall submit the Report of Investigation and the complete records of the proceeding to the Committee on Decorum for appropriate action.

Section 17. Formal Charge. When the Committee finds the existence of a prima facie case, the respondent shall be formally charged. The respondent shall be furnished copies of the complaint, sworn statements and other documents submitted by the complainant, unless the respondent shall be given at least seventy-two (72) hours from receipt of said formal charge to submit the answer under oath, together with the affidavits of the witnesses and other evidence. The respondent shall also be informed of the right to assistance of a counsel of his/her choice. If the respondent has already submitted the comment and counter-affidavits during the preliminary investigation, the respondent shall be given opportunity to submit additional evidence.

Section 18. Conduct of Formal Investigation. A formal investigation shall be held after the respondent has filed the answer or after the period for filing an answer has expired. It shall be completed within thirty (30) days from the date of the service of the formal charge, unless the period is extended by the Commission in meritorious cases.

Although the respondent did not elect a formal investigation, one shall nevertheless be conducted if upon evaluation of the complaint, the answer, and the documents in support thereof, the merits of the case can not be judiciously resolved without conducting such a formal investigation.

Section 19. Failure to File an Answer. If respondent fails or refuses to file the answer, respondent shall be considered to have waived the right to file an answer to the charges and formal investigation may already commence.

Section 20. Continuous Hearing Until Terminated: Postponement. Hearing shall be conducted on the hearing dates set by the hearing officer or as agreed upon during the pre-hearing conference. Postponements shall not be allowed except in meritorious cases, provided, that a party shall not be granted more than two (2) postponements.

The parties, their counsel and witnesses, if any shall be given a notice at least (5) days before the first scheduled hearing specifying the time, date, and place of the said hearing and subsequent hearings. Thereafter, the schedule of hearings previously set shall be strictly followed without further notice.

If the respondent fails or refuses to appear during the scheduled hearings, the investigation shall proceed *ex parte* and the respondent is deemed to have waived the right to be present and to submit evidence in his/her favor during those hearings.

## Rule X. ADMINISTRATIVE LIABILITIES

Section 21. Any person who is found guilty of sexual harassment shall after investigation be meted the penalty corresponding to the gravity and seriousness of the offense.

Section 22. The penalties for light, less grave, and grave offenses are as follows:

A. For light offenses:

1. Reprimand or fine or suspension not exceeding ten days; or
2. Fine or suspension not exceeding twenty days; or
3. Fine or suspension not exceeding thirty days at the discretion of the disciplining authority.

B. For less grave offenses:

1. Transfer or demotion in rank or salary of one grade or fine or suspension not exceeding six months; or
2. Fine not exceeding four (4) months or suspension not exceeding eight (8) months at the discretion of the disciplining authority.

C. For grave offenses:

1. Transfer or demotion in rank or salary from two to three grades or fine in an amount equivalent to six (6) months salary; or
2. Suspension for one year; or
3. Dismissal, at the discretion of the disciplining authority.

Section 23. The head of office who fails to act on any complaint properly filed for sexual harassment after being informed thereof against any employee in that Office shall be charged with neglect of duty.

#### Rule XI. PRESCRIPTIVE PERIOD

Section 24. Any complaint or action arising from the violation of these Rules should be filed within three (3) years from the commission of such violation, otherwise, the same shall be deemed to have prescribed.

#### Rule XII. EFFECT ON OTHER ISSUANCES

Section 25. Memorandum Circular No. 19, series of 1994 of this Commission shall be supplementary to these Rules in so far as it is not inconsistent herewith.

#### Rule XIII. REPEALING CLAUSE

Section 26. Rules and Regulations, other issuances, or parts thereof inconsistent with the provisions of these Rules are hereby repealed or modified accordingly.

#### Rule XIV. AMENDMENT

Section 27. The Civil Service Commission may amend or modify these Rules as may be necessary.

**Rule XV. EFFECTIVITY CLAUSE**

Section 28. These Rules and Regulations shall take effect immediately upon approval by the Commission.

October 10, 1995

(Sgd.) CORAZON ALMA G. DE LEON  
Chairman

(Sgd.) RAMON P. EREÑETA, JR.  
Commissioner

(Sgd.) THELMA P. GAMINDE  
Commissioner

Attested by:

(Sgd.) CARMENCITA GISELLE B. DAYSON  
Board Secretary VI

## CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT INTO GRAVE, LESS GRAVE OR LIGHT OFFENSE

In consonance with the definition of Section 3, Rule III Section 4, Rule IV and Section 5, Rule V of the Rules and Regulations of this Commission Implementing R.A. 7877, An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for other purposes, I propose that the following acts of sexual harassment be classified into three categories namely, grave or serious, less grave and light offense, to wit:

### Grave Offenses:

- (a) unwanted touching of private parts of the body or any other act of malicious touching;
- (b) sexual assault;
- (c) any act of sexual harassment mentioned in Section 5(a) and (b), Rule V of the CSC Implementing Rules and Regulations, committed by a superior officer or any person having moral ascendancy over the victim

The Less Grave Offenses may include but are not limited to:

- (a) requesting for dates to public places or sexual favors in exchange for employment, promotion, local or foreign travels, favorable working conditions or assignments or grant of benefits;
- (b) pinching not falling under grave offenses;
- (c) unnecessary touching or brushing against a victim's body;
- (d) derogatory or degrading remarks or innuendos directed toward members of one sex or one sexual orientation or used to describe a person; or
- (e) verbal abuse or threats

The following may be considered Light Offenses:

- (a) persistently telling sexist/smutfy jokes causing embarrassment or offense, told or carried out after the joker has been advised that they are offensive or embarrassing or are by their nature clearly embarrassing, offensive or vulgar;
- (b) leering or ogling which is an unwelcome, suggestive, flirtatious, knowing or malicious look at another;
- (c) voyeurism which is sexual stimulation derived through visual means;
- (d) the display of sexually offensive pictures, materials or graffiti;
- (e) unwelcome inquiries or comments about a person's sex life;
- (f) unwelcome sexual flirtation, advances, propositions;
- (g) making offensive hand or body gestures at an employee; or
- (h) persistent unwanted contact or attention after the end of a romantic relationship.

The above classification will greatly facilitate imposition of the proper penalty depending on the gravity and seriousness of the act of sexual harassment.

(Sgd.) EVALYN I. FETALINO  
Director IV  
CIVIL SERVICE COMMISSION

25 August 1995

Republic of the Philippines  
DEPARTMENT OF LABOR AND EMPLOYMENT  
Manila

**ADMINISTRATIVE ORDER NO. 68**  
Series of 1992

**AMENDING ADMINISTRATIVE ORDER NO. 80**  
**Policy Against Sexual Harassment**

WHEREAS, Administrative Order No. 80, series of 1991, besides defining and laying down the policy of the Department of Labor and Employment (DOLE) against sexual harassment, also attempts to lay down mechanisms that would help deter such acts or ensure protection of victims of such acts committed by or against employees or officials of the Department;

WHEREAS, some of the provisions of said Order need to be further strengthened and clarified;

WHEREAS, the Department recognizes the need to come up with more concrete measures to ensure and effectuate protection of victims against sexual harassment as such offense violates the principle of merit and fitness in the civil service, undermines the integrity of the workplace, creates a hostile working atmosphere and adversely affects workers' performance and productivity;

THEREFORE, in the light of the foregoing, Administrative Order No. 80, series of 1991 is hereby amended as follows:

**Section 1. Declaration of Policy**

In furtherance of the Constitutional provision relative to public office and human rights, as well as the protection of workers and equality of employment opportunities for all, the Department of Labor and Employment shall not tolerate sexual harassment committed by DOLE officials, employees, applicants for employment or any person transacting official business with DOLE. It shall take disciplinary measures against official or employee, whether permanent, casual or contractual, who subjects any fellow official or employee, applicant for employment or client, to sexual harassment.

## Section 2. What Constitutes Sexual Harassment

Any unwanted or unwelcome sexual advance, demand or request for sexual favor, or other act or conduct of sexual nature whether written, oral or physical, shall constitute sexual harassment when the act is committed by a DOLE official or employee upon his/her co-official, co-employee, applicant for employment or any other client of the DOLE, and such act is:

1. committed to take advantage of the weakness, vulnerability, status and professional, social and economic standing of the official, employee or client; or
2. explicitly or implicitly imposed as a condition for securing employment, advancement, promotion or preferential treatment; or
3. adversely interfering with the official's or employee's performance; or
4. bound to create a hostile, offensive, intimidating or uncomfortable work environment.

Sexual harassment constitutes a disgraceful and immoral act which is classified and penalized as a grave offense under the Grounds for Disciplinary Action of the DOLE Manual on Disposition of Administrative Cases. Such classification and its corresponding penalties shall be adopted by this Order without prejudice to the filing of other cases involving the same act with the regular courts.

## Section 3. Fact-Finding Committee: Creation and Composition

A Special Fact-Finding Committee is hereby created to receive and investigate/hear sexual harassment complaints and submit reports/recommendations to the Secretary.

The Committee shall be composed of the following:

1. DOLE Resident Ombudsperson - Chairperson
2. Chairperson, DOLE Philippine Development Plan for Women (PDPW) Focal Point - Co-Chairperson
3. Assistant Secretary for Management Services - Member
4. Director, Human Resource Development Service - Member
5. Director, Legal Service - Member



6. President, DOLE or its Concerned Agency Employees Union - Ad Hoc Member
7. Resident Ombudsperson of the Agency Concerned - Ad Hoc Member

Any member of the Committee who complains of or is complained against any act of sexual harassment shall inhibit himself/herself from participating in the deliberations of the Committee.

#### Section 4. Secretariat

The Legal Service shall act as the Secretariat of the Fact-Finding Committee.

#### Section 5. Procedure in the Disposition of Sexual Harassment Cases

The Secretary shall promulgate rules and regulations implementing this Administrative Order.

#### Section 6. Awareness Raising Campaign/Information Dissemination

Concerned agencies shall undertake information dissemination campaigns to raise awareness on the policy against sexual harassment and to prevent incidence of the same.

This Order shall take effect immediately.

(Sgd.) MA. NIEVES R. CONFESOR  
Acting Secretary

25 March 1992

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday the twenty-eighth day of July, nineteen hundred and ninety-seven.

[REPUBLIC ACT NO. 8353]

AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES

SECTION 1. *Short Title.* – This Act shall be known as “*The Anti-Rape Law of 1997.*”

SEC. 2. *Rape as a Crime Against Persons.* – The crime of rape shall hereafter be classified as a Crime Against Persons under Title Eight of Act No. 3815, as amended, otherwise known as the Revised Penal Code. Accordingly, there shall be incorporated into Title Eight of the same Code a new chapter to be known as Chapter Three on Rape, to read as follows:

“Chapter Three

“Rape

“Article 266-A. *Rape; When And How Committed.* – Rape Is Committed

“1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

“a) Through force, threat, or intimidation;

“b) When the offended party is deprived of reason or otherwise unconscious;

“c) By means of fraudulent machination or grave abuse of authority; and

“d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

“2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person’s mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

“Article 266-B. *Penalties.* – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

“Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

“When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion perpetua* to death.

“When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* to death.

“When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

“The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

“1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

“2) When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;

“3) When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;

“4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;

“5) When the victim is a child below seven (7) years old;

“6) When the offender knows that he is afflicted with Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually-transmissible disease and the virus or disease is transmitted to the victim;

“7) When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;

“8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;

“9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and

“10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

“Rape under paragraph 2 of the next preceding article shall be punished by *prision mayor*.

“Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *prision mayor to reclusion temporal*.

“When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion temporal*.

“When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion temporal to reclusion perpetua*.

“When by reason or on the occasion of the rape, homicide is committed, the penalty shall be *reclusion perpetua*.

“*Reclusion temporal* shall also be imposed if the rape is committed with any of the ten aggravating/qualifying circumstances mentioned in this article.

“Article 266-C. *Effect of Pardon*. – The subsequent valid marriage between the offender and the offended party shall extinguish the criminal action or the penalty imposed.

"In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: *Provided*, That the crime shall not be extinguished or the penalty shall not be abated if the marriage is *void ab initio*.

"Article 266-D. *Presumptions*. – Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her/him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266-A."

SEC. 3. *Separability Clause*. – ~~If any part, section, or provision~~ of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SEC. 4. *Repealing Clause*. – Article 335 of Act No. 3815, as amended, and all laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SEC. 5. *Effectivity*. – This Act shall take effect fifteen (15) days after completion of its publication in two (2) newspapers of general circulation.

Approved,

(SGD.) JOSE DE VENECIA, JR.  
Speaker of the House  
of Representatives

(SGD.) ERNESTO M. MACEDA  
President of the Senate

This Act, which is a consolidation of Senate Bill No. 950 and House Bill No. 6265, was finally passed by the Senate and the House of Representatives on June 5, 1997 and September 3, 1997, respectively.

(SGD.) ROBERTO P. NAZARENO  
Secretary General  
House of Representatives

(SGD.) LORENZO E. LEYNES, JR.  
Secretary of the Senate

Approved: September 30, 1997

(SGD.) FIDEL V. RAMOS  
President of the Philippines



VII

*A*n important aspect of a woman's life is her girlhood. It is, therefore, but right to enact laws addressing that stage of her life. This need is emphasized by the fact that there had many complaints by minors about abuses committed by their parents, guardians or the very people who they are supposed to trust and who supposedly are the ones who will uphold their rights.

*Girl Child*

[ACT NO. 3815]

THE REVISED PENAL CODE  
(as amended)

AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS

ARTICLE 340. *Corruption of minors.* — Any person who shall promote or facilitate the prostitution or corruption of persons underage to satisfy the lust of another, shall be punished by *prision mayor*, and if the culprit is a public officer or employee, including those in government owned or controlled corporations, he shall also suffer the penalty of temporary absolute disqualification. (As amended by Batas Pambansa Blg. 92, December 24, 1980.)

Approved: December 8, 1930

[PRESIDENTIAL DECREE NO. 603]

THE CHILD AND YOUTH WELFARE CODE

ART. 3. *Rights of the Child.* – All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors.

- (1) Every child is endowed with the dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has, therefore, the right to be born well.
- (2) Every child has the right to a wholesome family life that will provide him with love, care and understanding guidance and counseling, and moral and material security.

The dependent or abandoned child shall be provided with the nearest substitute for a home.

- (3) Every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society.

The gifted child shall be given opportunity and encouragement to develop his special talents.

The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care.

The physically or mentally handicapped child shall be given the treatment, education and care required by his particular condition.

- (4) Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a health and vigorous life.
- (5) Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of his character.
- (6) Every child has the right to an education commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.
- (7) Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of his leisure hours.



- (8) Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.
- (9) Every child has the right to live in a community and a society that can offer him an environment free from pernicious influences and conducive to the promotion of his health and the cultivation of his desirable traits and attributes.
- (10) Every child has the right to the care, assistance, and protection of the State, particularly when his parents or guardians fail or unable to provide him with his fundamental needs for growth, development, and improvement.
- (11) Every child has the right to an efficient and honest government that will deepen his faith in democracy and inspire him with the morality of the constituted authorities both in their public and private lives.
- (12) Every child has the right to grow up as a free individual, in an atmosphere of peace, understanding tolerance, and universal brotherhood, and with the determination to contribute his share in the building of a better world.

ART. 4. *Responsibilities of the Child.* – Every child, regardless of the circumstances of this birth, sex, religion, social status, political antecedents and other factors shall :

- (1) Strive to lead an upright and virtuous life in accordance with the tenets of his religion, the teachings of his elders and mentors, and the biddings of a clean conscience;
- (2) Love, respect and obey his parents, and cooperate with them in the strengthening of the family;
- (3) Extend to his brothers and sisters his love, thoughtfulness and helpfulness, and endeavor with them to keep the family harmonious and united;
- (4) Exert his utmost to develop his potentialities for service, particularly by undergoing a formal education suited to his abilities, in order that he may become an asset to himself and to society;
- (5) Respect not only his elders but also the customs and traditions of our people, the memory of our heroes, the duly constituted authorities, the laws of our country, and the principles and institutions of democracy;
- (6) Participate actively in civic affairs and in the promotion of the general welfare, always bearing in mind that it is the youth who will eventually be

called upon to discharge the responsibility of leadership in shaping the nation's future; and

- (7) Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for programs and prosperity and the furtherance of world peace.

ART. 6. *Abortion.* – The abortion of a conceived child, whether such act be intentional or not, shall be governed by the pertinent provisions of the Revised Penal Code.

ART. 11. *Promotion of Health.* – The promotion of the Child's health shall begin with adequate pre-natal and post-natal care both for him and his mother. All appropriate measures shall be taken to insure his normal total development.

It shall be the responsibility of the health, welfare, and educational entities to assist the parents in looking after the health of the child.

ART. 12. *Education.* – The schools and other entities engaged in non-formal education shall assist the parents in providing the best education for the child.

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## **Title II, Chapter I – (Parental Authority)**

### **Section A. *In General***

ART. 17. *Joint Parental Authority.* – The father and mother shall exercise jointly just and reasonable parental authority and responsibility over their legitimate or adopted children. In case of disagreement, the father's decision shall prevail unless there is a judicial order to the contrary.

In case of the absence or death of either parent, the present or surviving parent shall continue to exercise parental authority over such children, unless in case of the surviving parent's remarriage, the court, for justifiable reasons, appoints another person as guardian.

In case of separation of his parents, no child under five years of age shall be separated from his mother unless the court finds compelling reasons to do so.<sup>1</sup>

ART. 18. *Grandparents.* – Grandparents shall be consulted on important family questions but they shall not interfere in the exercise of parental authority by the parents.

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<sup>1</sup> ARTICLE 17 – Amended by Articles 211, 212, 213 of the Family Code of the Philippines.

ART. 19. *Absence or Death of Parents.* – Grandparents and in their default, the oldest brother or sister who is at least eighteen years of age, or the relative who has actual custody of the child, shall exercise parental authority in case of absence or death of both parents, unless a guardian has been appointed in accordance with the succeeding provision.<sup>2</sup>

ART. 20. *Guardian.* – The court may, upon the death of the parents in the cases mentioned in Arts. 328 to 332 of the Civil Code, appoint a guardian for the person and property of the child, on petition of any relative or friend of the family or the Department of social Welfare.

ART. 21. *Dependent, Abandoned or Neglected Child.* – The dependent, abandoned or neglected child shall be under the parental authority of a suitable or creditable person or institution that is caring for him as provided for under the four preceding articles, after the child has been declared abandoned by either the court or the Department of Social Welfare.

ART. 22. *Transfer to the Department of Social Welfare.* – The dependent, abandoned or neglected child may be transferred to the care of the Department of Social Welfare or a duly licensed child-caring institution or individual in accordance with Articles 142 and 154 of this Code, or upon the request of the person or institution exercising parental authority over him.

ART. 23. *Case Study.* – It shall be the duty of the Department of Social Welfare to make a case study of every child who is the subject of guardianship or custody proceedings and to submit its report and recommendations on the matter to the court for its guidance.

ART. 24. *Intervention of Department of Social Welfare.* – The Department of Social Welfare shall intervene on behalf of the child if it finds, after its case study, that the petition for guardianship or custody should be denied.

ART. 25. *Hearings Confidential.* – The hearing on guardianship and custody proceedings may, at the discretion of the court, be closed to the public and the records thereof shall not be released without its approval.

ART. 26. *Repealing Clause.* – All provisions of the Civil Code on parental authority which are not inconsistent with the provisions of this Chapter shall remain in force: *Provided,* That Articles 334 up to 348 inclusive on Adoption, are hereby expressly repealed and replaced by Section B of this Chapter.

#### Section B. *Adoption*

ART. 27. *Who May Adopt.* – Any person of age and in full possession of his civil rights may adopt: *Provided,* That he is in a position to support and care for his

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<sup>2</sup> ARTICLE 19 – Amended by Article 214 of the Family Code of the Philippines.

legitimate, legitimated, acknowledged natural children, or natural children by legal fiction, or other illegitimate children, in keeping with the means, both material and otherwise, of the family.

In all cases of adoption the adopter must be at least fifteen years older than the person to be adopted.<sup>3</sup>

ART. 28. *Who May Not Adopt.* – The following persons may not adopt:

- (1) A married person without the written consent of the spouse;
- (2) The guardian with respect to the ward prior to the final approval of his accounts;
- (3) Any person who has been convicted of a crime involving moral turpitude;
- (4) An alien who is disqualified to adopt according to the laws of his own country or one with whose government the Republic of the Philippines has broken diplomatic relations.<sup>4</sup>

ART. 29. *Adoption by Husband and Wife.* – Husband and wife may jointly adopt. In such case, parental authority shall be exercised as if the child were their own by nature.<sup>5</sup>

ART. 30. *Who May Not Be Adopted.* – The following may not be adopted:

- (1) A married person, without the written consent of the spouse;
- (2) An Alien with whose government the Republic of the Philippines has broken diplomatic relations;
- (3) A person who has already adopted unless the adoption has been previously revoked or rescinded in accordance with this Chapter.<sup>6</sup>

ART. 31. *Whose Consent is Necessary.* – The written consent of the following to the adoption shall be necessary:

- (1) The person to be adopted, if fourteen years of age or over;
- (2) The natural parents of the child or his legal guardian or the Department of social Welfare or any duly licensed child placement agency under whose care the child may be;

<sup>3</sup> ARTICLE 27 – Amended by Article 183 of the Family Code of the Philippines.

<sup>4</sup> ARTICLE 28 – Amended by Article 184 of the Family Code of the Philippines.

<sup>5</sup> ARTICLE 29 – Amended by Article 185-186 of the Family Code of the Philippines.

<sup>6</sup> ARTICLE 30 – Amended by Article 187 of the Family Code of the Philippines.

(3) The natural children, fourteen years and above, of the adopting parents.<sup>7</sup>

ART. 32. *Hurried Decisions.* – In all proceedings for adoption, steps should be taken by the court to prevent the natural parents from making hurried decisions caused by strain or anxiety to give up the child, and to ascertain, that all measures to strengthen the family have been exhausted and that any prolonged stay of the child in his own home will be inimical to his welfare and interest.

ART. 33. *Case Study.* – No petition for adoption shall be granted unless the Department of Social Welfare or the Social Work and Counseling Division, in case of Juvenile and Domestic Relations Courts, has made a case study of the child to be adopted, his natural parents as well as the prospective adopting parents, and has submitted its report and recommendations on the matter to the court hearing such petition. The Department of Social Welfare shall intervene on behalf of the child if it finds, after such case study, that the petition should be denied.<sup>8</sup>

ART. 34. *Procedure.* – The proceedings for adoption shall be governed by the Rules of Court in so far as they are not in conflict with this Chapter.

ART. 35. *Trial Custody.* – No petition for adoption shall be finally granted unless and until the adopting parents are given by the court a supervised trial custody period of at least six months to assess their adjustment and emotional readiness for the legal union. During the period of trial custody parental authority shall be vested in the adopting parents.

The court may, upon its own motion or on motion of the petitioner, reduce or dispense with the trial period if it finds that it is to the best interest of the child. In such case, the court shall state its reasons for reducing said period.<sup>9</sup>

ART. 36. *Decree of Adoption.* – If, after considering the report of the Department of Social Welfare or duly licensed child placement agency and the evidence submitted before it, the court is satisfied that the petitioner is qualified to maintain, care for, and educate the child, that the trial custody period has been completed, and that the best interests of the child will be promoted by the adoption, a decree of adoption shall be entered, which shall be effective as of the date the original petition was filed. The decree shall state the name by which the child is thenceforth to be known.

ART. 37. *Civil Registry Record.* – The adoption shall be recorded in the local civil register and shall be annotated on the record of birth, and the same shall entitle the adopted person to the issuance of an amended certificate of birth.

ART. 38. *Confidential Nature of Proceedings and Records.* – All hearings in adoption cases shall be confidential and shall not be open to the public. All records,

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<sup>7</sup> ARTICLE 31 – Amended by Article 188 of the Family Code of the Philippines.

<sup>8</sup> ARTICLE 33 – Amended by Executive Order 91.

<sup>9</sup> ARTICLE 35 – Amended by Executive Order 91.

books and papers relating to the adoption cases in the files of the court, of the Department of Social Welfare, and of any other agency or institution participating in the adoption proceedings, shall be kept strictly confidential.

Subject to the provisions of Article 7, in any case in which information from such records, books and papers is needed, the person or agency requesting the release of the information may file a petition to the court which entered the decree of adoption for its release. If the court finds that the disclosure of the information is necessary for purposes connected with or arising out of the adoption and will be for the best interest of the child, the court may permit the necessary information to be released, restricting the purposes for which it may be used.

ART. 39. *Effects of Adoption.* – The adoption shall:

- (1) Give to the adopted person the same rights and duties as if he were a legitimate child of the adopter: *Provided*, That an adopted child cannot acquire Philippine citizenship by virtue of such adoption;
- (2) Dissolve the authority vested in the natural parent or parents, except where the adopter is the spouse of the surviving natural parent;
- (3) Entitle the adopted person to use the adopter's surname; and <sup>10</sup>
- (4) Make the adopted person a legal heir of the adopter: *Provided*, That if the adopter is survived by legitimate parents or ascendants and by an adopted person, the latter shall not have more successional rights than an acknowledged natural child: *Provided, further*. That any property received gratuitously by the adopted from the adopter shall revert to the adopter should the former pre-decease the latter without legitimate issue unless the adopted has, during his lifetime, alienated such property: *Provided, finally*, That in the last case, should the adopted leave no property other than that received from the adopter, and he is survived by illegitimate issue or a spouse, such illegitimate issue collectively or the spouse shall receive one-fourth of such property; if the adopted is survived by illegitimate issue and a spouse, then the former collectively shall receive one-fourth and the latter also one-fourth the rest in any case reverting to the adopter, observing in the case of the illegitimate issue the proportion provided for in Article 895 of the Civil Code.

The adopter shall not be a legal heir of the adopted person, whose parents by nature shall inherit from him, except that if the latter are both dead, the adopting parent or parents take the place of the natural parents in the line of succession, whether testate or intestate.

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<sup>10</sup> ARTICLE 39 – Numbers 1, 2 and 3 – Amended by Article 189 of the Family Code of the Philippines.

ART. 40. *Rescission by Adopted.* – The adopted person or the Department of Social Welfare or any duly licensed child placement agency if the adopted is still a minor or otherwise incapacitated, may ask for the rescission of the adoption on the same grounds that cause the loss of parental authority under the Civil Code.<sup>11</sup>

ART. 41. *Revocation by Adopter.* – The adopter may petition the court for the revocation of the adoption in any of these cases:

- (1) If the adopted person has attempted against the life of the adopter and/or his spouse;
- (2) When the adopted minor has abandoned the home of the adopter for more than three years and efforts have been exhausted to locate the minor within the stated period;
- (3) When by other acts the adopted person has definitely repudiated the adoption.<sup>12</sup>

ART. 42. *Effects of Rescission or Revocation.* – Where the adopted minor has not reached the age of majority at the time of the revocation or rescission referred to in the next preceding articles, the court in the same proceeding shall determine whether he should be returned to the parental authority of his natural parents or remitted to the Department of Social Welfare or any duly licensed child placement agency or whether a guardian over his person and property should be appointed.

Where the adopted child has reached the age of majority, the revocation or rescission, if and when granted by the court, shall release him from all obligations to his adopting parents and shall extinguish all his rights against them: *Provided*, That if the said adopted person is physically or mentally handicapped as to need over his person or property, or both, the court may appoint a guardian in accordance with the provisions of existing law.

In all cases of revocation or rescission, the adopted shall lose the right to continue using the adopter's surname and the court shall order the amendment of the records in the Civil Registrar in accordance with its decision.

ART. 64. *Assistance to Widowed or Abandoned Parent and Her Minor Dependents.* – The State shall give assistance to widowed or abandoned parent or where either spouse is on prolonged absence due to illness, imprisonment, etc, and who is unable to support his/her children. Financial and other essential social services shall be given by the National Government or other duly licensed agencies with similar functions to help such parent acquire the necessary knowledge or skill needed for the proper care and maintenance of the family.

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<sup>11</sup> ARTICLE 40 – Amended by Article 191 of the Family Code of the Philippines.

<sup>12</sup> ARTICLE 41 -- Amended by Article 192 of the Family Code of the Philippines.

ART. 66. *Assistance to Unmarried Mothers and their Children.* – Any unmarried mother may, before and after the birth of her child, seek the assistance and advice of the Department of Social Welfare or any duly licensed child placement agency. The said agencies shall offer specialized professional services which include confidential help and protection to such mother and her child, including placement of protection to such mother and child, including placement of such mother's rights, if any, against the father of such child.

ART. 71. *Admission to Schools.* – The state shall see to it that no child is refused admission in public schools. All parents are required to enroll their children in schools to complete, at least an elementary education.

ART. 72. *Assistance.* – To implement effectively the compulsory education policy, all necessary assistance possible shall be given to parents, specially indigent ones or those who need the services of children at home, to enable the children to acquire at least an elementary education. Such assistance may be in the form of special school programs which may not require continuous attendance in school, or aid in the form of necessary school supplies, school lunch or whatever constitutes a bar to a child's attendance in school or access to elementary education.

ART. 73. *Nursery School.* – To further help promote the welfare of children of working mothers and indigent parents, and in keeping with the Constitutional provision on the maintenance of an adequate system of public education, public nursery and kindergarten schools shall be maintained, whenever possible. The operation and maintenance of such schools shall be responsibility of local governments. Aid from local board funds, when available, may be provided.

ART. 74. *Special Classes.* – Where needs warrants, there shall be at least special classes in every province, and if possible, special schools for the physically handicapped, the mentally retarded, the emotionally disturbed, and the specially gifted. The private sector shall be given all the necessary inducement and encouragement to establish such classes or schools.

ART. 75. *School Plants and Facilities.* – Local school officials and local government officials shall see to it that school children and students are provided with adequate schoolrooms and facilities including playground, space, and facilities for sports and physical development activities. Such officials should see to it that the school environment is free from hazards to the health and safety of the students and that there are adequate safety measures for any emergencies such as accessible exits, fire fighting equipment, and the like. All children shall have free access to adequate and medical services.

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## Chapter 2 (Working Children)

ART. 107. *Employment of Children Below Sixteen Years.* – Children below sixteen years of age may be employed to perform light work which is not harmful to their safety, health or normal development and which is not prejudicial to their studies.

The provisions of the Labor Code relating to employable age and conditions of employment of children are hereby adopted as part of this Code insofar as not inconsistent herewith.

ART. 108. *Duty of Employer to Submit Report.* – The employer shall submit to the Department of Labor a report of all children employed by him. A separate report shall be made of all such children who are found to be handicapped after medical examination. The Secretary of Labor shall refer such handicapped children to the proper government or private agencies for vocational guidance, physical and vocational rehabilitation and placement in employment.

ART. 109. *Register of Children.* – Every employer in any commercial, industrial or agricultural establishment or enterprise shall keep:

- (1) A register of all children employed by him, indicating the dates of their birth;
- (2) A separate file for the written consent to their employment given by their parents or guardians;
- (3) A separate file for their educational and medical certificates; and
- (4) A separate file for special work permits issued by the Secretary of labor in accordance with existing laws.

ART. 110. *Education of Children Employed as Domestic.* – If a domestic is under sixteen years of age, the head of the family shall give him an opportunity to complete at least elementary education as required under Article 71. The cost of such education shall be a part of the domestic's compensation unless there is a stipulation to the contrary.

ART. 117. *Classification of Child and youth Welfare Agencies.* – Public and private child welfare agencies providing encouragement, care, and protection to any category of children and youth whether mentally gifted, dependent, abandoned, neglected, abused, handicapped, disturbed or youthful offenders, classified and defined as follows, shall be coordinated by the Department of Social Welfare:

- (6) A maternity is an institution or place of residence whose primary function is to give shelter and care to pregnant women and their infants before, during and after delivery.

ART. 133. Healthy Growth of Children. – Pursuant to its obligation to assist the parents in the proper upbringing of the child, the State shall, whenever possible, in collaboration and cooperation with local government establish :

- (1) Puericulture and similar centers;
- (2) Juvenile courts;
- (3) Child welfare agencies;
- (4) Orphanages and other similar institutions; and
- (5) Children's recreation centers.

ART. 134. Puericulture or Health Centers. – Puericulture or health centers shall be established in every barangay to perform, among other things, the following functions:

- (1) Disseminate information concerning the health of children and expectant or nursing mothers;
- (2) Provide consultation service and treatment, whenever necessary, for the children and the expectant or nursing mothers;
- (3) Provide guidance and special treatment to children with physical handicaps; and
- (4) Advise child welfare institutions on matters relating to nutrition and hygiene.

ART. 156. *Legal Custody.* – When any child shall have been committed in accordance with the preceding article and such child shall have been accepted by the Department of Social Welfare or any duly licensed child placement agency or individual, the rights of his natural parents, guardian, or other custodian to exercise parental authority over him shall cease. Such agency or individual shall be entitled to the custody and control of such child during his minority, and shall have authority to care for, educate, train and place him out temporarily or for custody and care in a duly licensed child placement agency. Such agency or individual may intervene in adoption proceedings in such manner as shall best insure to the child's welfare.

ART. 159. *Temporary Custody of Child.* – Subject to regulation by the Department of Social Welfare and with the permission of the court in case of judicial commitment, the competent authorities of any duly licensed child placement agency or individual to which a child has been committed may place him in the care of any suitable person, at the latter's request, for a period not exceeding one month at a time.

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## Chapter 2 (Mentally Retarded, Physically Handicapped, Emotionally Disturbed and Mentally Ill Children)

ART. 168. *Mentally-Retarded Children.* – Mentally retarded children are (1) socially incompetent, that is socially inadequate and occupationally incompetent and unable to manage their own affairs; (2) mentally subnormal; (3) retarded intellectually from birth or early age; (4) retarded at maturity; (5) mentally deficient as a result of constitutional origin, through heredity or disease, and (6) essentially incurable.

ART. 169. *Classification of Mental Retardation.* – Mental Retardation is divided into four classifications:

- (1) *Custodial Group.* – The members of this classification are severely or profoundly retarded, hence, the least capable group. This include those with I.Q.s to 25.
- (2) *Trainable Group.* – The members of this group consist of those with I.Q.s from 25 to about 50; one who belongs to this group shows a mental level and rate of development which is  $\frac{1}{4}$  to  $\frac{1}{2}$  that the average child, is unable to acquire higher academic skills, but can usually acquire the basic skills for living to a reasonable degree. He can likewise attain a primary grade level of education if he receives effective instruction.
- (3) *Educable Group.* – This group's I.Q. ranges from about 50 to about 75, and the intellectual development is approximately  $\frac{1}{2}$  to  $\frac{3}{4}$  of that expected of normal child of the same chronological age. The degree of success or accomplishment that they will reach in life depends very much on the quality and type of education they receive, as well as on the treatment at home and in the community. Many of the educable retardates may reach 5<sup>th</sup> or 6<sup>th</sup> grade educational level and can develop occupational skills which may result in partial or complete economic independence in adulthood.
- (4) *Borderline or Low Normal Group.* – This is the highest group of mentally retarded, with I.Q.s from about 75 to about 89. The members of this classification are only slightly retarded and they can usually get by in regular classes if they receive some extra help, guidance and consideration. They have to spend much more time with their studies than do most children in order to pass. Those who cannot make it are usually handicapped by one or more other conditions aside from that of intelligence.

ART. 170. *Physically Handicapped Children.* – Physically and handicapped children are those who are crippled, deaf, mute, blind, or otherwise defective which restricts their means of action or communication with others.

ART. 171. *Emotionally Disturbed Children.* – Emotionally disturbed children are those who, although not afflicted with insanity or mental defect, are unable to maintain

normal social relations with others and the community in general due to emotional problems or complexes.

ART. 172. *Admission of Disabled Children.* – Mentally ill children are those with any behavioral disorders, whether functional or organic, which is of such a degree of severity as to require professional help or hospitalization.

ART. 173. *Admission of Disabled Children.* – The Department of Social Welfare, upon the application of the parents and guardians and the recommendation of any reputable diagnostic center or clinic, shall refer and/or admit disabled children to any public or private institution providing the proper care, training and rehabilitation.

“Disabled children” are used in this Chapter shall include mentally retarded, physically handicapped, emotionally disturbed, and severe mentally ill children.

ART. 174. *Training and Opportunities for Disabled Children.* – Specialized educational services shall be expanded and improved to provide appropriate opportunities for disabled children. Vocational rehabilitation and manpower conservation agencies shall train disabled children for specialized types of jobs, services and business which could be learned only by them and shall help provide opportunities for their future occupational placement: *Provided:* That agencies and organizations engaged in programs and services for the disabled need not be limited to minors. Persons of legal age maybe admitted whenever facilities are available for them.

ART. 175. *Planning of Programs and Services.* – Selected pilot demonstration projects needed by the disabled children shall be developed and shall be the basis for planning expanded programs and services throughout the nation. There shall be established area centers designed to bring together an aggregate of services to serve all ages of the disabled within a specified geographical area.

ART. 176. *Donations.* – Donations to agencies and organizations engaged in programs and services for disabled children shall be deductible in accordance with the provision of Presidential Decree No. 507.

ART. 177. *Petition for Commitment.* – Where a child appears to be mentally retarded, physically handicapped, emotionally disturbed, or mentally ill, and needs institutional care but his parents or guardians are opposed thereto, the Department of social Welfare, or any duly licensed child placement agency or individual shall have the authority to file a petition for commitment of the said child to any reputable institution providing care, training and rehabilitation for disabled children.

The parents or guardian of the child may file a similar petition in case no immediate placement can be arranged for the disabled child when the welfare and interest of child is at stake.

ART. 178. *Venue.* – The petition for commitment of a disabled child shall be filed with the Juvenile and Domestic Relations Court, if any, or with the court of First Instance of the province or City Court where the parent or guardian resides or where the child is found.

ART. 179. *Contents of Petition.* – The petition for commitment must state so far as known to the petitioner:

- (1) The facts showing that the child appears to be mentally retarded, physically handicapped, emotionally disturbed or mentally ill and needs institutional care;
- (2) The fact that the parents or guardian or any duly licensed disabled child placement agency, as the case may be, has opposed the commitment of such child;
- (3) The name of the parents and their residence, if known or if the child has no parents or parent living, the names and the residence of the guardian, if any; and
- (4) The name of the institution where the child is to be committed.

The petition shall be verified and shall be sufficient if based upon the information and belief of the petitioner.

ART. 180. *Order of Hearing.* – If the petition filed is sufficient in form and substance, the court, by an order reciting the purpose of the petition, shall fix the date for the hearing thereof, and a copy of such order shall be served on the child alleged to be mentally retarded, or physically handicapped, or emotionally disturbed, or mentally ill, and on the person having charge of him or any of his relatives residing in the province or city as the judge may deem proper. The court shall furthermore order the sheriff to produce, if possible, the alleged disabled child on the date of the hearing.

ART. 181. *Hearing and Judgment.* – Upon satisfactory proof that the institutional care of the child is for him or the public welfare and that his parents, or guardian or relatives are unable for any reason to take proper care of him, the Court shall order his commitment to the proper institution for disabled children.

ART. 182. *Disposition of Property or Money.* – The Court, in its order of commitment, shall make proper provisions for the custody of property or money belonging to be committed child.

ART. 183. *Findings and Other Data.* – The Court shall furnish the institution to which the child has been committed with a copy of its judgment, together with all the social and other data pertinent to the case.

ART. 184. *Expenses.* – The expense of maintaining a disabled child in the institution to which he has been committed shall be borne primarily by the parents or guardian and secondarily, by such disabled child, if he has property of his own.

In all cases where the expenses for the maintenance for the disabled cannot be paid in accordance with the next preceding paragraph, the same, or such part thereof as may remain unpaid, shall be borne by the Department of Social Welfare.

ART. 185. *Children With Cerebral Palsy.* – Children afflicted with cerebral palsy shall be committed to the institution which under the circumstances of the particular child concerned is best equipped to treat and care for him.

ART. 186. *Discharge of Child Judicially Committed.* – The Court shall order the discharge of any child judicially committed to the institution for disabled children if it is certified by the Department of Social Welfare that:

- (1) He has been certified by the duly licensed disabled child placement agency to be no longer a hazard to himself or to the community;
- (2) He has been sufficiently rehabilitated from his physical handicap or, if of work age, is already fit to engage in a gainful occupation; or
- (3) He has been relieved of his emotional problems and complexes and is ready to assume normal social relations.

ART. 187. *Discharge of Child Voluntarily Committed.* – Any child voluntarily committed to an institution for disabled children may be discharged by the Department of Social Welfare *motu proprio* or upon the request of his parents or guardian on any of the grounds specified in the preceding article. In the latter case, the Department of Social Welfare may refuse to discharge the child if, in its opinion, his release would be prejudicial to him or to the community.

ART. 188. *Assistance of Fiscal.* – The provincial or city fiscal shall represent the Department of Social Welfare or any recognized legal association in all judicial matters arising under the provisions of this Chapter.

ART. 201. *Civil Liability of Youthful Offenders.* – The civil liability for acts committed by a youthful offender shall devolve upon the offender's father and, in case of his death or incapacity, upon the mother, or in case of her death or incapacity, upon the guardian. Civil liability may also be voluntarily assumed by a relative or family friend of the youthful offender.

Done in the City of Manila, this 10<sup>th</sup> day of December, in the year of Our Lord, nineteen hundred and seventy-four.

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety-one.

[REPUBLIC ACT NO. 7610]

AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**ARTICLE I**  
**TITLE, POLICY, PRINCIPLES AND DEFINITION**  
**OF TERMS**

SECTION 1. *Title.* - This Act shall be known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act."

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; 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.

It shall be the policy of the State to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control.



The best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principles of First Call for Children as enunciated in the United Nations Convention on the Rights of the Child. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life.

SEC. 3. *Definition of Terms.* -

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

(b) "Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

- (1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
- (2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
- (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
- (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.

(c) "Circumstances which gravely threaten or endanger the survival and normal development of children" include, but are not limited to, the following:

- (1) Being in community where there is armed conflict or being affected by armed conflict-related activities;
- (2) Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
- (3) Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
- (4) Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;

- (5) Being a victim of man-made or natural disaster or calamity; or
- (6) Circumstances analogous to those abovestated which endanger the life, safety or normal development of children.

(d) "Comprehensive program against child abuse, exploitation and discrimination" refers to the coordinated program of services and facilities to protect children against:

- (1) Child prostitution and other sexual abuse;
- (2) Child trafficking
- (3) Obscene publications and indecent shows;
- (4) Other acts of abuse; and
- (5) Circumstances which threaten or endanger the survival and normal development of children.

## ARTICLE II PROGRAM ON CHILD ABUSE, EXPLOITATION AND DISCRIMINATION

SEC. 4. *Formulation of the Program.* - There shall be a comprehensive program to be formulated by the Department of Justice and the Department of Social Welfare and Development in coordination with other government agencies and private sector concerned, within one (1) year from the effectivity of this Act, to protect children against child prostitution and other sexual abuse; child trafficking; obscene publications and indecent shows; other acts of abuse; and circumstances which endanger child survival and normal development.

## ARTICLE III CHILD PROSTITUTION AND OTHER SEXUAL ABUSE

SEC. 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.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

(a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:

- (1) Acting as a procurer of a child prostitute;

- (2) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
- (3) Taking advantage of influence or relationship to procure a child as a prostitute;
- (4) Threatening or using violence towards a child to engage him as a prostitute;
- (5) Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution.

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: *Provided*, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: *Provided*, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be *reclusion temporal* in its medium period; and

(c) Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.

**SEC. 6. Attempt to Commit Child Prostitution.** - There is an attempt to commit child prostitution under Section 5, paragraph (a) hereof when any person who, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishments, vessels, vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse.

There is also an attempt to commit child prostitution, under paragraph (b) of Section 5 hereof when any person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments. A penalty lower by two (2) degrees than that prescribed for the consummated felony under Section 5 hereof shall be imposed upon the principals of the attempt to commit the crime of child prostitution under this Act, or, in the proper case, under the Revised Penal Code.

#### **ARTICLE IV CHILD TRAFFICKING**

**SEC. 7. Child Trafficking.** - Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of *reclusion*

*temporal to reclusion perpetua.* The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.

SEC. 8. *Attempt to Commit Child Trafficking.* - There is an attempt to commit child trafficking under Section 7 of this Act:

(a) When a child travels alone to a foreign country without valid reason therefor and without clearance issued by the Department of Social Welfare and Development or written permit or justification from the child's parents or legal guardian;

(b) When a pregnant mother executes an affidavit of consent for adoption for a consideration;

(c) When a person, agency, establishment or child caring institution recruits women or couples to bear children for the purpose of child trafficking;

(d) When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking; or

(e) When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day-care centers, or other child-caring institutions who can be offered for the purpose of child trafficking.

A penalty lower by two (2) degrees than that prescribed for the consummated felony under Section 7 hereof shall be imposed upon the principals of the attempt to commit child trafficking under this Act.

## ARTICLE V OBSCENE PUBLICATIONS AND INDECENT SHOWS

SEC. 9. *Obscene Publications and Indecent Shows.* - Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, pose, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of *prision mayor* in its medium period.

If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

Any ascendant, guardian, or person entrusted in any capacity with the care of the child who shall cause and/or allows such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of *prision mayor* in its medium period.

## ARTICLE VI OTHER ACTS OF ABUSE

### SEC. 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.* -

(a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of *prision mayor* in its minimum period.

(b) Any person who shall keep or have in his company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discothèque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of *prision mayor* in its maximum period and a fine of not less than fifty thousand pesos (₱50,000): *Provided*, That this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition, or acts in the performance of a social, moral or legal duty.

(c) Any person who shall induce, deliver or offer a minor to any one prohibited by this Act to keep or have in his company a minor as provided in the preceding paragraph shall suffer the penalty of *prision mayor* in its medium period and fine of not less than Forty thousand pesos (₱40,000): *Provided, however*, That should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be *prision mayor* in its maximum period, a fine of not less than Fifty thousand pesos (₱50,000), and the loss or parental authority over the minor.

(d) Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food drink, or otherwise, including residential places, who allows any person to take along with him to such place or places any minor herein described shall be imposed a penalty of *prision mayor* in its medium period and a fine of not less than Fifty thousand pesos (₱50,000.00) and the loss of the license to operate such a place or establishment.

(e) Any person who shall use, coerce, force or intimidate a streetchild or any other child to:

- (1) Beg or use begging as a means of living;
- (2) Act as conduit or middlemen in drug trafficking or pushing; or
- (3) Conduct any illegal activities, shall suffer the penalty of *prision correctional* in its medium period to *reclusion perpetua*.

For purposes of this Act, the penalty for the commission of acts punishable under Articles 248, 249, 262, paragraph 2, and 263, paragraph 1 of Act No. 3815, as amended,

the Revised Penal Code, for the crimes of murder, homicide, other intentional mutilation, and serious physical injuries, respectively, shall be *reclusion perpetua* when the victim is under twelve (12) years of age. The penalty for the commission of acts punishable under Articles 337, 339, 340 and 341 of Act No. 3815, as amended, the Revised Penal Code, for the crimes of qualified seduction, acts of lasciviousness with the consent of the offended party, corruption of minors, and white slave trade, respectively, shall be one (1) degree higher than that imposed by law when the victim is under twelve (12) years of age.

The victim of the acts committed under this section shall be entrusted to the care of the Department of Social Welfare and Development.

## ARTICLE VII SANCTIONS FOR ESTABLISHMENTS OR ENTERPRISES

SEC. 11. *Sanctions for 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 *prision correctional*.

An establishment shall be deemed to promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse if the acts constituting the same occur in the premises of said establishment under this Act or in violation of the Revised Penal Code, as amended. An enterprise such as a sauna, travel agency, or recruitment agency which: promotes the aforementioned acts as part of a tour for foreign tourists; exhibits children in a lewd or indecent show; provides child masseurs for adults of the same or opposite sex and said services include any lascivious conduct with the customer; or solicits children for activities constituting the aforementioned acts shall be deemed to have committed the acts penalized herein.

## ARTICLE VIII WORKING CHILDREN

SEC. 12. *Employment of Children.\** - Children below fifteen (15) years of age may be employed: *Provided, That*, the following minimum requirements are present:

(a) The employer shall secure for the child a work permit from the Department of Labor and Employment;

(b) The employer shall ensure the protection, health, safety and morals of the child;

(c) The employer shall institute measures to prevent exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and

(d) The employer shall formulate and implement a continuous program for training and skills acquisition of the child.

The Department of Labor and Employment shall promulgate rules and regulations necessary for the effective implementation of this section.

SEC. 13. *Non-formal Education for Working Children.* - The Department of Education, Culture and Sports shall promulgate a course design under its non-formal education program aimed at promoting the intellectual, moral and vocational efficiency of working children who have not undergone or finished elementary or secondary education. Such course design shall integrate the learning process deemed most effective under given circumstances.

SEC. 14. *Prohibition on the Employment of Children in Certain Advertisements.* - No person shall employ child models in all commercials or advertisements, promoting alcoholic beverages, intoxicating drinks, tobacco and its byproducts, and violence.

SEC. 15. *Duty of Employer.* - Every employer shall comply with the duties provided for in Articles 108 and 109 of Presidential Decree No. 603.

SEC. 16. *Penalties.* - Any person who shall violate any provision of this Article shall suffer the penalty of a fine of not less than One Thousand Pesos (₱1,000.00) but not more than Ten Thousand Pesos (₱10,000.00) or imprisonment of not less than three (3) months but not more than three (3) years, or both at the discretion of the court: *Provided, that,* in case of repeated violations of the provisions of this Article, the offender's license to operate shall be revoked.

## **ARTICLE IX CHILDREN OF INDIGENOUS CULTURAL COMMUNITIES**

SEC. 17. *Survival, Protection and Development.* - In addition to the rights guaranteed to children under this Act and other existing laws, children of indigenous cultural communities shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.

SEC. 18. *System of and Access to Education.* - The Department of Education, Culture and Sports shall develop and institute an alternative system of education for children of indigenous cultural communities which is culture-specific and relevant to the needs and the existing situation in their communities. The Department of Education,

Culture and Sports shall also accredit and support non-formal but functional indigenous educational programs conducted by nongovernmental organizations in said communities.

SEC. 19. *Health and Nutrition.* - The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority by all government agencies concerned. Hospitals and other health institutions shall ensure that children of indigenous cultural communities are given equal attention. In the provision of health and nutrition services to children of indigenous cultural communities, indigenous health practices shall be respected and recognized.

SEC. 20. *Discrimination.* - Children of indigenous cultural communities shall not be subjected to any and all forms of discrimination.

Any person who discriminates against children of indigenous cultural communities shall suffer a penalty of *arresto mayor* in its maximum period and a fine of not less than Five Thousand Pesos (P5,000) nor more than Ten Thousand Pesos (P10,000).

SEC. 21. *Participation.* - Indigenous cultural communities, through their duly-designated or appointed representatives shall be involved in planning, decision-making, implementation, and evaluation of all government programs affecting children of indigenous cultural communities. Indigenous institutions shall also be recognized and respected.

## ARTICLE X CHILDREN IN SITUATIONS OF ARMED CONFLICT

SEC. 22. *Children as Zones of Peace.* - Children are hereby declared as Zones of Peace. It shall be the responsibility of the State and all other sectors concerned to resolve armed conflicts in order to promote the goal of children as zones of peace. To attain this objective, the following policies shall be observed:

(a) Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or other cruel, inhumane or degrading treatment;

(b) Children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, couriers, or spies;

(c) Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered;

(d) The safety and protection of those who provide services including those involved in fact-finding missions from both government and non-government institutions shall be ensured. They shall not be subjected to undue harassment in the performance of their work;



(e) Public infrastructure such as schools, hospitals and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots; and

(f) All appropriate steps shall be taken to facilitate the reunion of families temporarily separated due to armed conflict.

SEC. 23. *Evacuation of Children During Armed Conflict.* - Children shall be given priority during evaluation as a result of armed conflict. Existing community organizations shall be tapped to look after the safety and well-being of children during evaluation operations. Measures shall be taken to ensure that children evacuated are accompanied by persons responsible for their safety and well-being.

SEC. 24. *Family Life and Temporary Shelter.* - Whenever possible, members of the same family shall be housed in the same premises and given separate accommodation from other evacuees and provided with facilities to lead a normal family life. In places of temporary shelter, expectant and nursing mothers and children shall be given additional food in proportion to their physiological needs. Whenever feasible, children shall be given opportunities for physical exercise, sports and outdoor games.

SEC. 25. *Rights of Children Arrested for Reasons Related to Armed Conflict.* - Any child who has been arrested for reasons related to armed conflict, either as combatant, courier, guide or spy is entitled to the following rights:

(a) Separate detention from adults except where families are accommodated as family units;

(b) Immediate free legal assistance;

(c) Immediate notice of such arrest to the parents or guardian of the child; and

(d) Release of the child on recognizance within twenty-four (24) hours to the custody of the Department of Social Welfare and Department or any responsible member of the community as determined by the court.

If after hearing the evidence in the proper proceeding the court should find that the aforesaid child has committed the acts charged against him, the court shall determine the imposable penalty, including any civil liability chargeable against him. However, instead of pronouncing judgment of conviction, the court shall suspend all further proceedings and shall commit such child to the custody or care of the Department of Social Welfare and Development or to any training institution operated by the Government, or duly-licensed agencies or to any other responsible person, until he has had reached eighteen (18) years of age or, for a shorter period as the court may deem proper, after considering the reports and recommendations of the Department of Social Welfare and Development or the agency or responsible individual under whose care he has been committed.

The aforesaid child shall be subject to visitation and supervision by a representative of the Department of Social Welfare and Development or any duly-licensed agency or such other officer as the court may designate subject to such conditions as it may prescribe.

The aforesaid child whose sentence is suspended can appeal from the order of the court in the same manner as appeals in criminal cases.

**SEC. 26. *Monitoring and Reporting of Children in Situations of Armed Conflict.*** - The chairman of the barangay affected by the armed conflict shall submit the names of children residing in said barangay to the municipal social welfare and development officer within twenty-four (24) hours from the occurrence of the armed conflict.

## **ARTICLE XI REMEDIAL PROCEDURES**

**SEC. 27. *Who May File a Complaint.*** - Complaints on cases of unlawful acts committed against children as enumerated herein may be filed by the following:

- (a) Offended party;
- (b) Parents or guardians;
- (c) Ascendant or collateral relative within the third degree of consanguinity;
- (d) Officer, social worker or representative of a licensed child-caring institution;
- (e) Officer or social worker of the Department of Social Welfare and Development;
- (f) Barangay chairman; or
- (g) At least three (3) concerned, responsible citizens where the violation occurred.

**SEC. 28. *Protective Custody of the Child.*** - The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

**SEC. 29. *Confidentiality.*** - At the instance of the offended party, his name may be withheld from the public until the court acquires jurisdiction over the case.

It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party.

**SEC. 30. *Special Court Proceedings.*** - Cases involving violations of this Act shall be heard in the chambers of the judge of the Regional Trial Court duly designated as Juvenile and Domestic Relations Court.

Any provision of existing law to the contrary notwithstanding and with the exception of *habeas corpus*, election cases, and cases involving detention prisoners and persons covered by Republic Act No. 4908, all courts shall give preference to the hearing or disposition of cases involving violations of this Act.

## ARTICLE XII COMMON PENAL PROVISIONS

### SEC. 31. *Common Penal Provisions.* -

(a) The penalty provided under this Act shall be imposed in its maximum period if the offender has been previously convicted under this Act;

(b) When the offender is a corporation, partnership or association, the officer or employee thereof who is responsible for the violation of this Act shall suffer the penalty imposed in its maximum period;

(c) The penalty provided herein shall be imposed in its maximum period when the perpetrator is an ascendant, parent, guardian, stepparent or collateral relative within the second degree of consanguinity or affinity, or a manager or owner of an establishment which has no license to operate or its license has expired or has been revoked;

(d) When the offender is a foreigner, he shall be deported immediately after service of sentence and forever barred from entry to the country;

(e) The penalty provided for in this Act shall be imposed in its maximum period if the offender is a public officer or employee: *Provided, however,* That if the penalty imposed is *reclusion perpetua* or *reclusion temporal*, then the penalty of perpetual or temporary absolute disqualification shall also be imposed: *Provided, finally,* That if the penalty imposed is *prision correctional* or *arresto mayor*, the penalty of suspension shall also be imposed; and

(f) A fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense.

## ARTICLE XIII FINAL PROVISIONS

SEC. 32. *Rules and Regulations.* - Unless otherwise provided in this Act, the Department of Justice, in coordination with the Department of Social Welfare and Development, shall promulgate rules and regulations for the effective implementation of this Act.

Such rules and regulations shall take effect upon their publication in two (2) national newspapers of general circulation.

SEC. 33. *Appropriations.* - The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 34. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue into full force and effect.

SEC. 35. *Repealing Clause.* - All laws, decrees, or rules inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 36: *Effectivity Clause.* - This Act shall take effect upon completion of its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) NEPTALI A. GONZALES  
President of the Senate

(Sgd.) RAMON V. MITRA  
Speaker of the House of Representatives

This Act which is a consolidation of House Bill Nos. 6946, 29431, 35354 and Senate Bill No. 1209 was finally passed by the House of Representatives and the Senate February 7, 1992.

(Sgd.) ANACLETO D. BADOY, JR.  
Secretary of the Senate

(Sgd.) CAMILO L. SABIO  
Secretary-General  
House of Representatives

Approved: June 17, 1992

(Sgd.) CORAZON C. AQUINO  
President of the Philippines

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, nineteen hundred and ninety-three.

[REPUBLIC ACT NO. 7658]

AN ACT PROHIBITING THE EMPLOYMENT OF CHILDREN BELOW 15 YEARS OF AGE IN PUBLIC AND PRIVATE UNDERTAKINGS. AMENDING FOR THIS PURPOSE SECTION 12, ARTICLE VIII OF R.A. 7610

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section 12, Article VIII of R.A. No. 7610 otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act" is hereby amended to read as follows:

"SEC. 12. *Employment of Children* - Children below fifteen (15) years of age shall not be employed except:

1. When a child works directly under the sole responsibility of his parents or legal guardian and where only members of the employer's family are employed: *Provided, however*, That his employment neither endangers his life, safety, health, and morals, nor impairs his normal development: *Provided, further*, That the parent or legal guardian shall provide the said minor child with the prescribed primary and/or secondary education; or
2. Where a child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential: *Provided*, That 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: and *Provided*, That the following requirements in all instances are strictly complied with:

- (a) The employer shall ensure the protection, health, safety, morals and normal development of the child;
- (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
- (c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the child.

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.

The Department of Labor and Employment shall promulgate rules and regulations necessary for the effective implementation of this Section.

SEC. 2. All laws, decrees, executive orders, rules and regulations or parts thereof contrary to, or inconsistent with this Act are hereby modified or repealed accordingly.

SEC. 3. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette in at least two (2) national newspaper of general circulation whichever comes earlier.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House of  
Representatives*

(Sgd.) EDGARDO I. ANGARA  
*President of the Senate*

This bill which is a consolidation of the Senate Bill No. 1155 and House Bill No. 8179, was finally passed by the Senate and the House of Representatives on October 7, 1993 and October 6, 1993, respectively.

(Sgd.) CAMILO L. SABIO  
*Secretary General*  
*House of Representatives*

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

Approved: November 9, 1993

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

This bill which is a consolidation of the Senate Bill No. 1155 and House Bill No. 8179, was finally passed by the Senate and the House of Representatives on October 7, 1993 and October 6, 1993, respectively.

(Sgd.) CAMILO L. SABIO  
*Secretary General*  
*House of Representatives*

(Sgd.) EDGARDO E. TUMANGAN  
*Secretary of the Senate*

Approved: November 9, 1993

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*



Republic of the Philippines  
DEPARTMENT OF LABOR AND EMPLOYMENT  
Manila

**DEPARTMENT ORDER NO. 18**

**Rules and Regulations Implementing Republic Act No. 7658**

By virtue of the provisions of Section 2 of Republic Act No. 7658, An Act Prohibiting the Employment of Children Below Fifteen (15) Years of Age in Public and Private Undertaking, amending Section 12, Article VIII of Republic Act No. 7610, the following Rules and Regulations governing the employment of children are hereby issued:

SECTION 1. *General Prohibition.* - Except otherwise provided in this Rules, children below 15 years of age shall not be employed, permitted or suffered to work, in any public or private establishment in the Philippines.

SECTION 2. *Definition of Terms.*

a. "Employer" - any parent, legal guardian or producer acting as employer who hires or engages the services of any child below 15 years of age.

b. "Legal guardian" - any person duly appointed by a court of competent authority to exercise care and custody of or parental authority over the person of such child/employee.

c. "Producer" - any individual or group of individuals engaged in the production of movies, films, motion pictures, shows or advertisements, whether on cinema, theater, radio or television, wherein the services of such child/employee are hired.

d. "Members of the Family" - those persons having family relations referred to under Article 150 of the Family Code of the Philippines. It shall include the employer-parent's or legal guardian's husband or wife, parents, children, other ascendants or descendants, brothers and sisters whether of full or halfblood.

e. "Department" - the Department of Labor and Employment.

SECTION 3. *Exceptions and Conditions.* - The following shall be the only exceptions to the prohibition on the employment of children below 15 years of age and the conditions for availment of said exceptions:

a. When the child works directly under the sole responsibility of his/her parents or legal guardian who employs members of his/her family only, under the following conditions:

1. the employment does not endanger the child's life, safety, health and morals;
2. the employment does not impair the child's normal development;
3. the employer-parent or legal guardian provides the child with the primary and/or secondary education prescribed by the Department of Education, Culture and Sports.

b. Where the child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential, provided that:

1. the employment does not involve advertisements or commercials promoting alcohol beverages, intoxicating drinks, tobacco and its by-products or exhibiting violence;
2. there is a written contract approved by the Department of Labor and Employment; and
3. the conditions prescribed in Section 3a above are met.

SECTION 4. *Pre-employment Requirements.* - Before an employer engages a child for employment under the exceptions enumerated above, he/she must first secure a work permit from the Regional Office of the Department having jurisdiction over the workplace.

The Regional Office shall require the employer to submit the following documents in support of the application for a work permit:

- a. Two (2) pictures of the child, one full body and the other showing the child's face, both of which must be recently taken and recognizable;
- b. the child's Birth Certificate or in its absence, his/her Baptismal Certificate and a joint affidavit of his/her two nearest kin showing the year he/she was born and a duly authenticated proof of legal guardianship where the employer is a legal guardian;
- c. a certificate of enrollment issued by the school where he/she is currently or last enrolled or a statement from the parent or legal guardian that the child is attending school;
- d. a written undertaking that:
  1. measures shall be instituted by the employer to prevent the child's exploitation and discrimination such as payment of minimum wage, hours of work and other terms and conditions required by law; and

2. the employer shall ensure the protection, health, safety, morals and normal development of the child;
- e. a medical certificate showing that the child is fit for employment;
  - f. a certification of a continuing program for training and skills acquisition approved and supervised by any competent authority, nearest the place of work, which may be recognized vocational or training school, the regional or local office of the Department of Social Welfare and Development and the National Manpower and Youth Council; and
  - g. a written contract of employment concluded by the child's parents or legal guardian with the employer in cases of employment or participation in public entertainment or information through cinema, theater, radio or television. Said contract shall bear the express agreement of the child concerned, if possible, and shall state the nature or full description of the job and the justification that the child's employment or participation is essential.

SECTION 5. *Hours of Work.* - Subject to consultations with the sectors concerned, the Department shall by appropriate regulations, issue standards governing the hours of work and time of day that children may be allowed to work.

SECTION 6. *Effect on Other Issuances.* - The provisions of existing rules and administrative issuances not otherwise repealed, modified or inconsistent with this Order shall continue to have full force and effect.

SECTION 7. *Penalties.* - Any person who shall violate any provision of Article 12 of RA 7610 as amended by RA 7658, shall suffer the penalty of a fine of not less than One Thousand Pesos (₱1,000) but not more than Ten Thousand (₱10,000) or imprisonment of not less than three (3) months but not more than three (3) years, or both at the discretion of the court: *Provided*, that in case of repeated violations of the provisions of this Article, the offender's license to operate shall be revoked.

SECTION 8. *Effectivity.* - This Rules and Regulations shall take effect fifteen (15) days after its publications in a newspaper of general circulation.

Signed this 12th of May, 1994 in the City of Manila, Philippines.

(Sgd.) MA. NIEVES R. CONFESOR  
Secretary

## **RULES AND REGULATIONS ON THE REPORTING AND INVESTIGATION OF CHILD ABUSE CASES**

Pursuant to Section 32 of Republic Act No. 7610 ("An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and for Other Purposes"), the following Rules and Regulations are hereby promulgated concerning the reporting and investigation of child abuse cases:

Section 1. *Objectives.* - These Rules and Regulations seek to encourage the reporting of cases of physical or psychological injury, sexual abuse or exploitation, or negligent treatment of children and to ensure the early and effective investigation of cases of child abuse towards the prosecution of the offender consistent with the need to promote the best interests of the child victim.

Sec. 2. *Definition of Terms.* - As used in these Rules, unless the context requires otherwise -

a) "Child" shall refer to a person below eighteen (18) years of age or one over said age and who, upon evaluation of a qualified physician, psychologist or psychiatrist, is found to be incapable of taking care of himself fully because of a physical or mental disability or condition or of protecting himself from abuse;

b) "Child abuse" refers to the infliction of physical or psychological injury, cruelty to, or neglect, sexual abuse or exploitation of a child;

c) "Cruelty" refers to any act by word or deed which debases, degrades or demeans the intrinsic worth and dignity of a child as human being. Discipline administered by a parent or legal guardian to a child does not constitute cruelty provided it is reasonable in manner and moderate in degree and does not constitute physical or psychological injury as defined herein;

d.) "Physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe injury or serious bodily harm suffered by a child;

e.) "Psychological injury" means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of said behaviors, which may be demonstrated by a change in behavior, emotional response or cognition;

f.) "Neglect" means failure to provide, for reasons other than poverty, adequate food, clothing, shelter, basic education or medical care so as to seriously endanger the physical, mental, social and emotional growth and development of the child;

g.) "Sexual abuse" includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children;

h.) "Lascivious conduct" means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, or the introduction of any object into the genitalia, anus or mouth, of any person, whether of the same or opposite sex, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genitals or pubic area of a person;

i.) "Exploitation" means the hiring, employment, persuasion, inducement, or coercion of a child to perform in obscene exhibitions and indecent shows, whether live or in video or film, or to pose or act as a model in obscene publications or pornographic materials, or to sell or distribute said materials; and

j.) "Department" shall refer to a duly authorized officer or social worker of the Department of Social Welfare and Development or similar agency of a local government unit.

Sec. 3. *Reporting.* - A person who learns of facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the Department, to the police or other law enforcement agency or to a Barangay Council for the Protection of Children.

Sec. 4. *Mandatory Reporting.* - The head of any public or private hospital, medical clinic and similar institution, as well as the attending physician and nurse, shall report, either orally or in writing, to the Department the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from knowledge of the same.

Sec. 5. *Duty of Government Workers to Report.* - It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, corrections officers and other government officials and employees whose work involves dealing with children to report all incidents of possible child abuse to the Department.

Sec. 6. *Failure to Report.* - Failure of the individuals mentioned in Section 4 above and the administrator or head of the hospital, clinic or similar institution concerned to report a possible case of child abuse shall be punishable with a fine of not more than two thousand pesos (₱2,000.00).

Sec. 7. *Immunity for Reporting.* - A person who, acting in good faith, reports a case of child abuse shall be free from any civil or administrative liability arising therefrom. There shall be presumption that any such person acted in good faith.

Sec. 8. *Investigation.* - Not later than forty-eight (48) hours after receipt of a report on a possible incident of child abuse, the Department shall immediately proceed to the home or establishment where the alleged child victim is found and interview said child to determine whether an abuse was committed, the identity of the perpetrator and the need of removing the child from his home or the establishment where he may be found or placing him under protective custody pursuant to Section 9 of these Rules.

Whenever practicable, the Department shall conduct the interview jointly with the police and/or barangay official.

To minimize the number of interviews of the child victim, his statement shall be transcribed or recorded on voice or video tape.

Sec. 9. *Protective Custody.* - If the investigation discloses sexual abuse, serious physical injury or life-threatening neglect of the child, the duly authorized officer or social worker of the Department shall immediately remove the child from his home or the establishment where he was found and place him under protective custody to ensure his safety.

Sec. 10. *Immunity of Officer Taking the Child under Protective Custody.* - The duly authorized officer or social worker of the Department and the assisting police officer or barangay official, if any, who shall take a child under protective custody shall be exempt from any civil, criminal and administrative liability therefor.

Sec. 11. *Notification of Police.* - The Department shall inform the police or other law enforcement agency whenever a child victim is placed under protective custody.

Sec. 12. *Physical Examination: Interview.* - The Department shall refer the child who is placed under protective custody to a government medical or health officer for a physical/mental examination and/or medical treatment. Thereafter, the Department shall determine the rehabilitation or treatment program which the child may require and to gather data relevant to the filing of criminal charges against the abuser.

Sec. 13. *Involuntary Commitment.* - The Department shall file a petition for the involuntary commitment of the child victim under the provisions of Presidential Decree No. 603, as amended, if the investigation confirms the commission of child abuse.

Sec. 14. *Suspension or Deprivation of Parental Authority.* - The Department shall ask the Court to suspend the parental authority of the parent or lawful guardian who abused the victim, *Provided*, that in cases of sexual abuse, the Department shall ask for the permanent deprivation of parental authority of the offending parent or lawful guardian.

Sec. 15. *Transfer of Parental Authority.* - The Department shall, in case of suspension or deprivation of parental authority and if the child victim cannot be placed under care of a next of kin, ask the proper Court to transfer said authority over the child victim to the Department or to the head of a duly accredited children's home, orphanage or similar institution.

Sec. 16. *Who May File A Complaint.* - A complaint against a person who abused a child may be filed by the -

- a. offended party;
- b. parent or legal guardian;
- c. ascendant or collateral relative of the child within the third degree of consanguinity;
- d. duly authorized officer or social worker of the Department;
- e. officer, social worker or representative of a licensed child caring institution;
- f. Barangay Chairman; or
- g. at least three (3) concerned responsible citizens of the community where the abuse took place who have personal knowledge of the offense committed.

Sec. 17. *Filing of Criminal Case.* - The investigation report of the Department and/or of the police or other law enforcement agency on the abuse of a child, together with the results of the physical/mental examination and/or medical treatment and other relevant evidence, shall be immediately forwarded to the provincial or city prosecutor concerned for the preparation and filing of the appropriate criminal charge against the person who allegedly committed the abuse.

Sec. 18. *Closure of Establishment.* - The Department shall immediately close the establishment or enterprise found to have promoted, facilitated or conducted activities constituting child abuse. The closure shall be for a period of not less than one (1) year. Upon said closure, the Department shall post signs with the words "off limits" in conspicuous places outside the premises of the closed establishments or enterprise. The unauthorized removal of said sign shall be punishable by *prision correccional*.

The Department shall seek the assistance of the local government unit concerned or the police or other law enforcement agency in the closure of an offending establishment or enterprise.

The Department shall also file the appropriate criminal complaint against the owner or manager of the closed establishment or enterprise under the provisions of R.A. 7610, the Revised Penal Code, as amended, or special laws.

An establishment or enterprise shall be presumed to promote or facilitate child abuse if the acts constituting the same occur within its premises. An establishment such as sauna parlor, travel agency, or recruitment agency which promotes acts of child sexual abuse as part of a tour program; exhibits children in a lewd or indecent show; provides child masseurs or masseuses for adults of the same or opposite sex and includes any

lascivious conduct as part of the services that are rendered; or solicits children for activities constituting sexual abuse shall be deemed to have promoted or facilitated child abuse.

Sec. 19. *Guardian Ad Litem*. - Upon the filing of the criminal complaint for child abuse, the Department shall ask the appropriate court to appoint a guardian *ad litem* to represent the best interest of the child.

The guardian *ad litem* shall -

- a) explain to the child the legal proceedings in which the child will be involved;
- b) advise the judge, when appropriate, and as a friend of the court, regarding the child's ability to understand the proceedings and questions propounded therein;
- c) advise the prosecutor concerning the ability of the child cooperate as a witness for the prosecution;
- d) attend all investigations, hearings and trial proceedings in which the child is a participant; and
- e) monitor and coordinate concurrent administrative and court actions.

Sec. 20. *Confidentiality of Identity of Victim*. - At the request of the victim or his representative, the name of the child shall be withheld by the Department until the court has acquired jurisdiction over his case.

Sec. 21. *Speedy Trial of Child Abuse Cases*. - The trial of child abuse cases shall take precedence over all other cases before the courts, except election and habeas corpus cases. The trial in said cases shall commence within three (3) days from the date the accused is arraigned, and no postponement of the child initial hearing shall be granted except on account of the illness of the accused or other grounds beyond his control.

Sec. 22. *Protection of Victim from Undue Publicity*. - The prosecutor in a child abuse shall, taking into consideration the age, psychological maturity and understanding of the child victim, the nature of the unlawful acts committed, the desire of the victim and the interest of the child's family, take the necessary steps to exclude the public during the giving of testimony of the child victim; to limit the publication of information, photographs or artistic renderings that may identify the victim; and to prevent the undue and sensationalized publicity of the case.

Sec. 23. *Confidentiality of Records*. - All records pertaining to cases of sexual abuse shall be strictly confidential and no information relating thereto shall be disclosed except in connection with any court or official proceeding based thereon.



The unauthorized disclosure of the aforementioned records shall be punishable by a fine of not more than two thousand four hundred pesos (₱2,400.00) or by imprisonment of not more than one (1) year or such fine and imprisonment.

Section 24. *Effectivity.* - These Rules shall take effect upon the approval of the Secretary of Justice and fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Done in the city of Manila this \_\_\_ day of October 1993.

(Sgd.) FRANKLIN M. DRILON  
Secretary of Justice

CONFORME:

(Sgd.) CORAZON ALMA DE LEON  
Secretary of Social Welfare and Development

## RULES AND REGULATIONS ON THE TRAFFICKING OF CHILDREN

Pursuant to Section 32 of Republic Act No. 7610 entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES", the following rules and regulations are hereby issued to implement Article IV of said Act concerning "Child Trafficking":

SECTION 1. *Definition of Terms.* - As used in these Rules, unless the context otherwise requires:

- a. "Child" shall refer to a Filipino citizen who is below eighteen (18) years of age;
- b. "Trafficking" shall refer to the act of trading or dealing with children, including but not limited to, the buying and selling of children for money, or for any other consideration, or barter;
- c. "Parent" shall refer to the natural parents, legal guardian of a child or one exercising parental authority over the child;
- d. "Department" shall refer to the Department of Social Welfare and Development; and
- e. "Code" shall refer to Presidential Decree No. 603, "The Child and Youth Welfare Code".

SEC. 2. *Child Abandoned in an Institution.* - A hospital, clinic or duly licensed child-caring or placement agency shall report to the Department any child in its care whenever the parent has left the child in the said hospital clinic or child-caring or placement agency for seven (7) days without any valid reason and without providing for his care and support.

SEC. 3. *Child Left With A Private Individual.* - If a child is left by the parent with a private individual for the same period mentioned in Section 2 above without providing for the care and support of the child, the private individual who has custody over the child shall report such fact to the Department.

SEC. 4. *Presumption of Abandonment of Child.* - The following shall be presumed as an intent on the part of a parent to abandon a child:

- a. failure to provide for the care and support of a child for at least six (6) continuous months for no valid reason shall be presumed as an intent to abandon the child unless said failure is due to reasons beyond the control of the parent or is due to financial reasons; or
- b. failure to report to a law enforcement agency or to the Department that the child is missing within seventy-two (72) hours after his disappearance is discovered.

SEC. 5. *Action of Department.* - Upon receipt of the report of the presence of an abandoned child in a hospital, clinic or private individual, the Department shall, if found true, immediately take custody of said child and arrange for the immediate transfer of the child to a duly accredited child-caring or placement agency. Thereafter, the Department shall file a petition for the involuntary commitment of the abandoned child in favor of a duly accredited child placement agency or private individual in accordance with the provisions of the Code. The Department shall also file the appropriate criminal complaint against the parent who abandoned the child.

SEC. 6. *Prohibited Act.* - It shall be unlawful for a hospital, clinic, duly accredited child placement agency or person to deliver an abandoned child under its custody to a public institution or private individual without the written consent of the parent or person who entrusted such child to its or his care, or in the absence of the latter, of the Department.

Violation of this provision will subject the guilty party to the penalty of *arresto mayor* and payment of a fine not exceeding five hundred pesos (₱500.00). This is without prejudice to the filing of a separate complaint against the guilty party under Article 210 of the Code.

SEC. 7. *Criminal Liability for Abandonment of Child.* - A parent who abandons a child who is under seven (7) years of age for six (6) continuous months shall, if found guilty, be punished with *arresto mayor* and payment of a fine not exceeding five hundred pesos (₱500.00).

If the child dies as a result of the abandonment, the culprit shall be punished by *prision correccional* in its medium and maximum periods.

If the child is merely exposed to danger by reason of the abandonment, the culprit shall be punished by *prision correccional* in its minimum periods.

SEC. 8. *Unaccompanied Foreign Travel of A Child.* - A child shall not be allowed to travel alone to a foreign country without a travel clearance therefor issued by the Department or a written permit issued under oath by both natural or adoptive parents, or the legal guardian or other person having legal custody of the child.

SEC. 9. *Department Travel Clearance.* - An application for travel clearance authorizing the unaccompanied foreign travel of a child shall be filed with the Department. The application shall be in the form prescribed by the Department and shall be signed under oath by both natural or adoptive parents of the child, or the guardian or legal custodian of the child.

SEC. 10. *Parental Travel Permit.* - The written permission given by the natural or adoptive parents, guardian or legal custodian for the unaccompanied foreign travel of their child shall be in the form prescribed by the Department. It shall be under oath and signed by both natural parents, the adoptive parent/s or the legal guardian or other person having legal custody of the child.

If the child will travel in the company of one of the natural parents or adoptive parents, the permit shall be signed by the parent who will stay behind in the Philippines.

SEC. 11. *Contents of Application for Department Travel Clearance and Parental Travel Permit.* - An application for a Department travel clearance and a parental travel permit shall, among others, indicate the exact address of the child at the point of destination, the date of departure, the purpose and duration of the child's travel and the arrangements for the welfare of the child in the country of destination.

SEC. 12. *Supporting Documents of Application for Department Travel Clearance and Parental Travel Permit.* - An application for the issuance of a Department travel clearance and a parental travel permit shall be accompanied by certified true copies of the following documents:

- a. the passport or other travel document of the child, including the visa or other appropriate documentation;
- b. the child's birth certificate and marriage certificate of the natural parents or if the same are not available, other proof of the child's age and filiation, or the adoption decree, guardianship or custody papers of the adoptive parent or person having legal custody of the child; and
- c. proof that the child will not become a public charge in the country of destination.

SEC. 13. *Department Action on a Parental Travel Permit.* - A copy of the parental travel permit shall be filed with the Department at least seven (7) working days before the scheduled departure of the child.

If the Department, after investigation, finds that the foreign travel is inimical to the interest, it shall request the Bureau of Immigration to place the child in its hold-departure list and shall notify the parent of the child of said action.

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- a. the passport or other travel document of the child, including the visa or other appropriate documentation;
- b. the child's birth certificate and marriage certificate of the natural parents or if the same are not available, other proof of the child's age and filiation, or the adoption decree, guardianship or custody papers of the adoptive parent or person having legal custody of the child; and
- c. proof that the child will not become a public charge in the country of destination.

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If the Department, after investigation, finds that the foreign travel is inimical to the interest, it shall request the Bureau of Immigration to place the child in its hold-departure list and shall notify the parent of the child of said action.

SEC. 14. *Holding of Departure of Child.* - An unaccompanied child shall not be allowed by the Bureau of Immigration personnel at the port of embarkation to depart for a foreign destination except upon presentation of the Department travel clearance or parental travel permit, as the case may be, duly stamped having been received by the Department.

The authorized representative of the Department at the port of embarkation shall provide the immigration personnel thereat with such assistance as may be necessary.

SEC. 15. *Attempt to Commit Child Trafficking.* - The following shall be liable for the offense of attempt to commit child trafficking as defined and penalized under Section 8 of Republic Act No. 7610:

- a. The parent or other person who is responsible for the travel arrangements of the unaccompanied child,
- b. The pregnant mother who executes an affidavit consenting to the adoption of her unborn child for a consideration;
- c. The head of an agency, establishment, child-caring institution or person who recruits women to bear children or couples to procreate;
- d. The physician, surgeon, public officer or other person who, in violation of his profession or office, cooperates in the simulation of the birth for the purpose of trafficking;
- e. The person, whether natural or juridical, who locates children among low-income families, hospitals, clinics, nurseries, day care centers, or other child-caring institutions for the purpose of offering said children for placement or adoption.

SEC. 16. *Presumption of Child Trafficking.* - There shall be presumption of child trafficking if a person, whether natural or juridical, has under his custody two or more children without any legal basis or without being licensed to act as a foster parent or a child placement agency.

SEC. 17. *Criminal Liability.* - If any of the offenses described herein is committed by a juridical person, the penalty shall be imposed upon the manager, administrator, representative, director, agent, or employee who committed the violation or who caused, directed, cooperated or participated in said violation.

SEC. 18. *Effectivity.* - These Rules shall take effect upon approval by the Secretary of Justice and fifteen (15) days after its publication in two (2) newspapers of general circulation.

Done in the city of Manila this 24th day of January 1994.

(Sgd.) FRANKLIN M. DRILON  
Secretary of Justice

CONFORME:

(Sgd.) CORAZON ALMA G. DE LEON  
Secretary of Social Welfare  
and Development

SEC. 18. *Effectivity.* - These Rules shall take effect upon approval by the Secretary of Justice and fifteen (15) days after its publication in two (2) newspapers of general circulation.

Done in the city of Manila this 24th day of January 1994.

(Sgd.) FRANKLIN M. DRILON  
Secretary of Justice

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Secretary of Social Welfare  
and Development



## **RULES AND REGULATIONS ON CHILDREN OF INDIGENOUS CULTURAL COMMUNITIES**

Pursuant to Section 32 of Republic Act No. 7610 ("An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and for Other Purposes"), the following Rules and Regulations are hereby promulgated concerning children of indigenous cultural communities.

**SECTION 1. Objectives.** - These Rules and Regulations seek to provide children of indigenous cultural communities with basic health, nutrition and other basic social services to ensure their protection, survival and development consistent with the customs and traditions of their respective communities.

**SEC. 2. Definition of Terms.** - As used in these Rules, unless the context requires otherwise -

- a. "indigenous cultural community" refers to a native community whose members are bound by a common ethnic origin, language, culture, or religion or beliefs and whose existence as a distinct community with its own particular characteristics should be preserved;
- b. "child" refers to a person below eighteen (18) years of age who is a member of an indigenous cultural community;
- c. "DECS" refers to the Department of Education, Culture and Sports;
- d. "DOH" refers to the Department of Health;
- e. "DSWD" refers to the Department of Social Welfare and Development or similar agency of a local government unit; and
- f. "NGOs" refers to non-government organizations.

**SEC. 3. Access to Education.** - The DECS shall ensure that a child is provided with the opportunity to obtain an education and to develop his skills.

**SEC. 4. Basic Education.** - The DECS, in coordination with the Office of Northern Cultural Communities, Office for Southern Cultural Communities, Office on Muslim Affairs and concerned NGOs, shall develop and/or strengthen programs that will enable a child to attend a school offering elementary and secondary education programs.

**SEC. 5. Alternative Education.** - Consistent with the expressed desire or need of an indigenous cultural community to preserve its ethno-cultural characteristics, the

DECS, in coordination with the government agencies named in Section 4 above and concerned NGOs, shall develop, establish and maintain an alternative system of education for the children of said community. Whenever practicable, the dialect of the community shall be used as the medium of instruction.

SEC. 6. *Non-Formal Education.* - The DECS shall accredit and support non-formal programs of NGOs that provide a child with practical skills and crafts that will propagate and develop the traditional arts, culture and vocational skills of the indigenous cultural community to which the child belongs.

SEC. 7. *Health Services.* - The DOH, in coordination with the local government unit concerned and NGOs, shall make essential nutrition and health services available to a child. It shall provide a child with basic immunization services, protect him from endemic diseases, and establish programs as will ensure that the child will be given medical attention in regional and provincial hospitals, rural and municipal health centers and other field units of the DOH.

The health and nutrition programs that may be established by the DOH shall take into account the beliefs, customs and practices of the indigenous cultural community to which the child belongs. The DOH shall train workers in the health practices of the indigenous cultural community to be served and shall encourage the use of scientifically acceptable traditional medicine.

SEC. 8. *Coordinating Committee for Children of Indigenous Cultural Communities.* - A city/municipal government shall establish a Coordinating Committee for Children of Indigenous Cultural Communities, hereinafter referred to as the Committee, composed of representatives of the local government unit, concerned NGOs and of the indigenous cultural communities in the locality.

The Community shall elect its Chairman and other officers from among its members. The municipality/city social worker shall act as the convenor of the Committee and shall serve as its secretary.

SEC. 9. *Functions of Committee.* - The Committee shall:

- a) identify the barangays where the indigenous cultural community resides and prepare a mapping plan thereof;
- b) determine the number of indigenous cultural community households in a barangay and the number of children in each household;
- c) identify, coordinate, monitor and evaluate all programs affecting the children of an indigenous cultural community in the area and submit a report thereon to the local government unit concerned and if necessary, recommend the establishment of other programs to meet the identified needs of the children; and

- d) assist the indigenous cultural community and its members in resolving disagreements, disputes or difficulties relating to discrimination and the implementation of government and private programs and projects intended to benefit said community.

SEC. 10. *Discrimination.* - No person or entity, whether public or private, shall discriminate against a child by reason of his being a member of an indigenous cultural community in, among others, the hiring, promotion and in the enjoyment of the terms and conditions of employment; in the use of public transport; in the enjoyment or use of public accommodations and services; and in the availment of health, recreational, nutrition and educational at services and facilities.

Any other act, practice, process or treatment which results in the deprivation or curtailment of the rights, freedoms and privileges to which a child is entitled under the Universal Declaration of Human Rights, the United Nations Convention on the Rights of a Child, The Child and Youth Welfare Code (Presidential Decree 603, as amended) and similar issuances and laws on the sole basis of said child being a member of an indigenous cultural community shall be considered discrimination.

SEC. 11. *Complaint for Discrimination.* - A complaint for discrimination may be filed by aggrieved child or by his parent or guardian with the Chairman of the Coordinating Committee for Indigenous Cultural Communities, the Barangay Chairman, the DSWD, or directly with Philippine National Police.

SEC. 12. *Penalty for Discrimination.* - Any person or entity that practices acts of discrimination against a child shall, if found guilty, suffer the penalty of *arresto mayor* in its maximum period and a fine of not less than five thousand pesos (₱5,000.00) nor more than ten thousand pesos (₱10,000.00).

SEC. 13. *Effectivity.* - These Rules and Regulations shall take effect upon completion of its publication in at least two (2) newspapers of general circulation.

Done in the City of Manila this 24th day of November 1993.

(Sgd.) FRANKLIN M. DRILON  
Secretary of Justice

CONFORME:

(Sgd.) CORAZON ALMA DE LEON  
Secretary of Social Welfare  
and Development

## RULES AND REGULATIONS ON CHILDREN IN SITUATIONS OF ARMED CONFLICT

Pursuant to Section 32 of Republic Act No. 7610 entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES", the following rules and regulations are hereby issued to implement Article X of said Act concerning "Children In Situations Of Armed Conflict":

SECTION 1. *Definition of Terms.* - As used in these Rules, unless the context otherwise requires -

- a. "armed conflict" refers to any conflict between government forces and organized groups which involves the actual use of armed force and which disrupts normal social, economic, political and cultural activities in a specific geographic area;
- b. "government forces" refers to the Armed Forces of the Philippines, the Philippine National Police and other armed groups supporting the government forces;
- c. "child" refers to one who is below eighteen (18) years of age;
- d. "social worker" refers to a social welfare and development officer of a local government unit;
- e. "non-government worker" refers to a member of a duly licensed private group or entity that has been accredited by the appropriate government agency concerned to perform primary health and emergency relief services. The term includes doctors, nurses, dentists, trained community health workers and allied professionals such as social workers and volunteer relief workers;
- f. "government worker" refers to a public officer or employee who provides health, educational, social and relief services;
- g. "service worker" refers to a social worker, a government or non-government worker;
- h. "Department" refers to the Department of Social Welfare and Development of the national government or a duly authorized officer thereof; and
- i. "Commission" refers to the Commission on Human Rights.

SEC. 2. *Policy.* - Children shall be considered as zones of peace and shall enjoy the protection of the State against dangers arising from an armed conflict.

Measures shall be undertaken to protect them from harm and assure their survival and well-being. Children in situations of armed conflict shall be accorded special treatment by government forces.

SEC. 3. *Non-Recruitment of Children.* - Children shall not be recruited or employed by government forces to perform or engage in activities necessary to and in direct connection with an armed conflict either as a soldier, guide, courier or in a similar capacity which would result in his being identified as an active member of an organized group that is hostile to the government forces.

SEC. 4. *Use of Public Infrastructure for Military Purposes.* - Hospitals, rural health units, school buildings, *madaris*, day care centers, barangay halls, places of worship and similar places shall not be utilized by government forces as a command post, detachment, supply depot or similar facility.

SEC. 5. *Delivery of Basic Services by Government Workers.* - Consistent with the needs of public safety, government forces shall facilitate and assure the delivery by government workers of goods and basic services, such as education, primary health and emergency relief services, to their field units in areas of armed conflict.

SEC. 6. *Delivery of Basic Services by Non-Government Workers.* - Government forces shall allow non-government workers to visit evacuation centers to provide health, educational and social services and to render relief assistance to the evacuees thereat.

SEC. 7. *Free Passage of Service Workers and Flow of Goods.* - The government forces shall coordinate with the Peace and Order Council (POC) concerned and the social worker in ensuring, under normal conditions, the immediate and unimpeded flow to and from areas of armed conflict, of health personnel and patients, medical supplies and equipment, foodstuffs and other basic necessities, and relief goods.

SEC. 8. *Limitation of Entry into Areas of Armed Conflict.* - The government forces may prevent or limit the entry of service workers and the delivery goods into an area of armed conflict if the same will interfere directly with ongoing combat operations, or will endanger the lives or safety of service workers or those delivering the goods.

Any dispute arising from the restriction of the flow of goods and services shall be resolved by the POC concerned.

If the POC upholds the temporary restriction of the flow of goods and services, the POC shall expedite the release of the goods or the rendition of the services upon the termination of combat operations, provided that in no case shall said temporary suspension be for a period longer than three (3) days, and provided further, that in no case shall the restriction lead to the starvation of those inside the combat area.

In emergency situations, the government forces shall adopt special measures to allow relief goods and needed services to reach children in the combat area. In such a case, the government forces may, if requested, provide protection to ensure the delivery of said goods and services to the children.

SEC. 9. *Activities Prior to Armed Conflict.* - In case of a threatened or impending outbreak of an armed conflict, a social worker shall:

- a. identify, in consultation with government forces, the areas where serious combat action is likely to occur and evacuation areas or centers;
- b. prepare a master list of the families in the affected areas, with a separate list of children, and a written assessment of their requirements for food, medicine and other basic needs;
- c. recommend the activation of the local Disaster Coordinating Council; and
- d. conduct disaster preparedness orientation meetings in coordination with government and non-government organizations.

The social worker shall submit a copy of the results of the activities enumerated in paragraphs a and b above to the Department.

SEC. 10. *Evacuation Priority.* - Before and upon the outbreak of an armed conflict, children shall be the first to be rescued, evacuated and given assistance.

In the evacuation of children, the social worker shall, in coordination with the government forces and the local Disaster Coordinating Council and non-government organizations, place the children to be evacuated under the care of persons who shall be responsible for their transfer to an evacuation area/center: *Provided*, that the separation of children from their families shall be avoided and if this is not possible, the social worker shall ensure that at least one parent or relative shall accompany the child in the evacuation area/center.

SEC. 11. *Monitoring and Report on Children in Situations of Armed Conflict.* - Within twenty-four (24) hours from the occurrence of combat action between the government and hostile forces, the chairman of the affected barangay, or in his absence, any member of the Sangguniang Barangay, shall submit to the social worker a list of the children residing in the barangay. The list shall be used to determine the children who were evacuated and to ascertain their whereabouts.

SEC. 12. *Family Life and Temporary Shelter.* - The Department shall establish the minimum standards for evacuation centers.

Whenever possible, members of the same family shall be housed in the same premises in an evacuation center or other temporary shelter; given separate accommodations from other evacuees; and provided with facilities to enable them to lead a normal family life. Children shall be given opportunities for early childhood care and development, alternative learning system, physical exercise, sports and outdoor games. They shall be given immunization and protection from endemic diseases and with nursing mothers, given food in proportion to their physiological needs. When necessary, children shall be provided psycho-social intervention.

SEC. 13. *Unaccompanied Children.* - The social worker shall identify the children who have been separated from their parents or guardians during an evacuation. Said children shall be provided with individual and sustained care in the evacuation center to minimize stress. The name of the unaccompanied child shall be registered by the head of the evacuation center or social worker in a record book to be opened and maintained for said purpose. Whenever practicable, the child shall be photographed and an individual file shall be made containing all available information about him.

Efforts shall be made to ensure the early reunion of the unaccompanied child with his parents or guardians.

SEC. 14. *Return of Evacuees to their Homes.* - The government forces shall allow the evacuees to return to their homes or to be reunited with their families as soon as tactical consideration permit.

SEC. 15. *Rights of Child Under the Custody of Government Forces.* - A child who is taken into custody by government forces in an area of armed conflict shall be informed of his constitutional rights and treated humanely. He shall not be subjected to torture or to cruel, inhuman or degrading treatment, or used in a military operation in any capacity. The government forces shall ensure, the physical safety of the child under its custody; provide him with food and the necessary medical attention or treatment; and remove him from the area of armed conflict and transfer him at the earliest possible time to higher echelons of command/office for proper disposition.

The government forces shall, within twenty-four hours after the child is transferred to a military camp, inform the parents or guardian of the child and the social worker or the Department, of the presence of the child in the said camp.

SEC. 16. *Transfer of Child to the Philippine National Police.* - In case a child is taken into custody by the Armed Forces of the Philippines, the military commander concerned shall immediately transfer custody over said child to the nearest station of the Philippine National Police, preferably to the Child and Youth Relations unit thereof. Whenever possible, the parents of the child shall be given previous notice of said transfer.

In the proper case, the affidavits/statements of the persons who have personal knowledge of the child's offense shall be transmitted by the military commander concerned to the Philippine National Police.

SEC. 17. *Duty of Philippine National Police.* - Immediately after a child is taken into custody by the Philippine National Police in an area of armed conflict or upon receipt of custody of a child from the Armed Forces of the Philippines, the police officer concerned shall:

- a. arrest/detain the suspect and notify the parents or guardian of the child and the Commission, the Department or social worker of the detention;
- b. refer the case of the child to the nearest public or private agency which provides free legal assistance; and
- c. give the child a thorough physical and mental examination as required under Article 10 of Presidential Decree No. 603, as amended.

SEC. 18. *Place of Detention of Child.* - The government forces shall keep the child who is taken into custody in a detention/jail facility that is separate from adults, except where the child and his family are accommodated in a family detention unit.

Whenever practicable, the child shall be provided alternative education while under detention.

SEC. 19. *Visitation Rights of the Child.* - The family members, relatives, friends, legal counsels of the child under custody shall be granted free access to the detention center where the child is held. Private physicians and other health personnel shall be given the same access in accordance with existing government guidelines on the matter.

SEC. 20. *Referral of Case to Prosecutor.* - If warranted, the Philippine National Police shall forward the records of the investigation of the case of the child under custody to the prosecutor concerned for the conduct of an inquest and/or preliminary investigation to determine whether or not the child should remain under custody and corresponding charged in court.

SEC. 21. *Visitation of Child.* - Upon being informed of the detention/arrest of the child by the government forces, the Department or the local representative of the Commission shall immediately visit the child to determine the observance by the government forces of the human rights of the suspect.

As used herein, the term "human rights" refers to the rights of children under the Philippine Constitution, Presidential Decree No. 603, as amended, Republic Act No. 7610, the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948, the Declaration of the Rights of the Child, the United Nations Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the Geneva Convention of 12 August 1949 and the Protocol Additional to said Geneva Convention Relating to the Protection of Victims on Non-International Conflicts (Protocol II), relevant laws and government issuances.



SEC. 22. *Reports of Violation of Rights of Children.* - Reports of specific incidents of violations of human rights of children in situations of armed conflict shall be filed with the Department or the Commission or non-governmental organizations duly accredited by the Commission to monitor human rights violations. The Commission shall forward said reports to the general headquarters of the government forces or may file the same directly with the office of the city/provincial prosecutor for appropriate action.

SEC. 23. *Filing of Complaint/Information.* - If the evidence submitted in the inquest/preliminary investigation engenders a well-founded belief that a crime has been committed and the child is probably guilty thereof, the prosecutor shall file the corresponding complaint/information against the child in court.

SEC. 24. *Release of Child on Recognizance.* - Within twenty-four (24) hours after the filing of a criminal complaint/information against the child in court, the legal counsel of the child, or in his absence, the representative of the Department or Commission may request the appropriate Court to release the child on recognizance to the representative of the Department or Commission or to any responsible member of the community who shall be responsible for the child's appearance in court. The child who is released on recognizance may be placed with a family, in a government rehabilitation center, or in accredited welfare agency.

SEC. 25. *Suspension of Sentence.* - If after hearing, the court finds that the child committed the acts charged against him, the court shall determine the imposable penalty, including any civil liability chargeable against him.

However, instead of pronouncing judgement of conviction, the court shall suspend all further proceedings and, shall commit the child to the custody or care of the Department or to any training institution operated by the Government, or duly licensed agency, or any responsible person, until he has reached eighteen years of age or for a shorter period as the court may deem proper, after considering the reports and recommendation of the Department, or the licensed agency, or responsible individual under whose care the child had been committed.

The child shall be subjected to visitation and supervision by the Department or any duly licensed agency or such other officer as the court may designate, subject to such conditions as it may prescribe.

SEC. 26. *Appeal.* - The child whose sentence is suspended can appeal from the order of the court in the same manner as appeals in criminal cases. He shall be accorded the rights and privileges enjoyed by a Youth Offender under the provisions of Presidential Decree No. 603, as amended.

SEC. 27. *Effectivity.* - These Rules shall take effect upon approval by the Secretary of Justice and fifteen (15) days after its publication in two (2) newspapers of general circulation.

Done in the City of Manila this 21st day of January 1994.

(Sgd.) FRANKLIN M. DRILON  
Secretary of Justice

CONFORME:

(Sgd.) CORAZON ALMA G. DE LEON  
Secretary of Social Welfare  
and Development

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety-six.

[REPUBLIC ACT NO. 8296]

AN ACT DECLARING EVERY SECOND SUNDAY OF DECEMBER AS THE  
NATIONAL CHILDREN'S BROADCASTING DAY

*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

SECTION 1. The second Sunday of December of every year is hereby declared as  
"The National Children's Broadcasting Day."

SEC. 2. In observance of this Day, television and radio stations nationwide shall  
allocate a minimum of three (3) hours airtime for programs exclusively for, on, or about  
children and produced especially in observance of the National Children's Broadcasting  
Day: *Provided*, That at least one (1) hour shall be prime time.

The programs should be child-friendly, promote positive values, and enable  
children to exercise their rights to freedom of thought and expression as stated in the  
United Nations Convention on the Rights of the Child. The participation of children as  
talents or guests should be encouraged.

SEC. 3. To ensure the meaningful observance of this day as herein declared,  
heads of government agencies and instrumentalities, government-owned and controlled  
corporations, local government units, employers in the private sector and the *Kapisanan  
ng mga Brodkaster ng Pilipinas (KBP)* shall encourage and allow sufficient time and  
opportunities for their employees to engage and participate in any ceremony or activity  
within the premises of their offices or establishments to celebrate National Children's  
Broadcasting Day.

SEC. 4. The Philippine Information Agency (PIA) in coordination with the *Kapisanan ng mga Brodkaster ng Pilipinas (KBP)* shall initiate and/or monitor programs in the observance of this day.

SEC. 5. This Act shall take effect upon its approval.

Approved,

(Sgd.) ERNESTO M. MACEDA  
*President of the Senate*

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

This Act which is a consolidation of House Bill No. 150 and Senate Bill No. 1085 was finally passed by the House of Representatives and the Senate on July 5, 1997.

(Sgd.) LORENZO E. LEYNES, JR.  
*Secretary of the Senate*

(Sgd.) ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

Approved: 06 June 1997

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, nineteen hundred and ninety-seven.

[REPUBLIC ACT NO. 8370]

CHILDREN'S TELEVISION ACT OF 1997

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title.* — This Act shall be known as the “Children’s Television Act of 1997.”

SEC. 2. *Declaration of Policy.* — The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being by enhancing their over-all development, taking into account sectoral needs and conditions in the development of educational, cultural, recreational policies and programs addressed to them.

Likewise, the State recognizes the importance and impact of broadcast media, particularly television programs on the value formation and intellectual development of children and must take steps to support and protect children’s interests by providing television programs that reflect their needs, concerns and interests without exploiting them.

The State recognizes broadcasting as a form of mass communication guaranteed by the Constitution, the exercise of which is impressed with public interest, and which imposes upon the broadcast industry the social responsibility of ensuring that its activities serve the interest and welfare of the Filipino people.

SEC. 3. *Definition of Terms.* — For purposes of this Act, the following terms shall mean:

- a) *Children* - all persons below eighteen (18) years old;
- b) *Children's television* - refers to programs and other materials broadcast on television that are specifically designed for viewing by children;
- c) *Child-friendly programs* - refer to programs not specifically designed for viewing by children but which serve to further the positive development of children and contain no elements that may result in physical, mental and emotional harm to them. These include various formats and genre that appeal to children and are made available for all ages from early childhood to adolescence; and
- d) *Child-viewing hours* - hours which are considered to be appropriate for children to watch television taking into account other activities which are necessary or desirable for their balanced development.

SEC. 4. *Establishment of a National Council for Children's Television.* — There is hereby established a National Council for Children's Television (NCCT), hereinafter referred to as the Council, which shall be attached to the Office of the President for purposes of administrative supervision.

The Council shall be composed of five (5) members who shall be appointed by the President for a term of three (3) years: *Provided*, That of the first appointees:

- a) the term of the first set of two (2) members shall be for three (3) years;
- b) the term of the second set of two (2) members shall be for two (2) years; and
- c) the term of the remaining member shall be for one (1) year.

The members of the Council shall elect a chairperson from among themselves.

Members of the Council shall be appointed on the basis of their integrity, high degree of professionalism and having distinguished themselves as an authority in the promotion of children's rights to responsible television programming and shall represent the following sectors, namely: academe, broadcast media, child development specialists, parents and child-focused non-government organizations duly registered with the Securities and Exchange Commission (SEC) and with membership preferably in all the cities and provinces throughout the country. The nominees shall be nominated by their respective organization and the Council for the Welfare of Children in consultation with the Advisory Committee.

The members of the Council shall serve and continue to hold office until their successors shall have been appointed and qualified. Should a member of the Council fail to complete his/her term, the successor shall be appointed by the President, but only for the unexpired portion of the term.

The ranks, emoluments and allowances of the members of the Council shall be in accordance with the Salary Standardization Law and other applicable laws.

SEC. 5. *The Council Secretariat.* — The Council shall organize a secretariat to be headed by an Executive Director and with not more than twenty (20) personnel, as may be determined by the Council. The Council shall determine the secretariat's staffing pattern, determine the qualifications, duties, responsibilities and functions, as well as compensation for the positions to be created by the Council upon recommendation of the Executive Director subject to the National Compensation and Classification Plan and other existing Civil Service rules and regulations.

SEC. 6. *The Advisory Committee and Its Composition.* — There is hereby constituted an Advisory Committee which shall assist the Council in the formulation of national policies pertaining to children's broadcast programs and in monitoring its implementation. The Council and the Advisory Committee shall meet at least once every quarter of a year.

The members of the Advisory Committee shall be composed of the following:

- a) the Executive Director of the Council for the Welfare of Children;
  - b) the Chairman or Executive Director of the National Commission for Culture and the Arts;
  - c) the President of the *Kapisanan ng mga Brodkaster sa Pilipinas*;
  - d) the President or Executive Director of the Philippine Association of National Advertisers;
  - e) Press Undersecretary/Officer-in-Charge of the Philippine Information Agency;
  - f) the Chairman of the Movie and Television Review and Classification Board;
- and
- g) a representative from the National Telecommunications Commission.

Whenever any member of the Advisory Committee is unable to attend, he or she shall designate a representative to attend as his or her alternate.

SEC. 7. *Functions of the Council.* — The Council shall have the following functions:

a) to formulate and recommend plans, policies and priorities for government and private sector (i.e. broadcasters, producers, advertisers) action towards the development of high quality locally-produced children's television programming, to meet the developmental and informational needs of children;

b) to promote and encourage the production and broadcasting of developmentally-appropriate television programs for children through the administration of a national endowment fund for children's television and other necessary mechanisms;

c) to monitor, review and classify children's television programs and advertisements aired during the hours known to be child-viewing hours in order to take appropriate action such as disseminating information to the public and bringing monitoring results to the attention of concerned agencies for appropriate action;

d) to formulate, together with the television broadcast industry, a set of standards for television programs shown during child-viewing hours and work closely with the industry for the adoption and implementation of said standards.

e) to initiate the conduct of research for policy formulation and program development and disseminate its results to broadcasters, advertisers, parents and educators on issues related to television and Filipino children;

f) to promote media education within the formal school system and other non-formal means of cooperation with private organizations;

g) to monitor the implementation of this Act and other existing government policies and regulations pertaining to children's broadcast programs, as well as to recommend and require the appropriate government agencies and/or self-regulatory bodies concerned to enforce the appropriate sanctions for violations of these regulations and policies based on their respective mandates;

h) to recommend to Congress appropriate legislative measures which will grant incentives for independent producers and broadcasters to encourage the production of quality local children's television programs; and

i) to act on complaints committed in violation of this Act with the goal of protecting children from the negative and harmful influences and to cause or initiate the prosecution of violators of this Act.

SEC. 8. *Submission of Comprehensive Media Program for Children.* — Within one (1) year from the effectivity of this Act, the Council in consultation with the Advisory Committee shall submit to Congress a comprehensive development and protection program with the end in view of formulating policies on children's media



programs, and recommending plans and priorities for government towards the promotion, development, production and broadcasting of developmentally-appropriate media programs for children. Likewise, it shall prescribe an appropriate set of criteria for evaluating programs with the end in view of establishing a Television Violence Rating Code.

Towards this end, the Council may consider internationally-accepted programs of action for children's television. More particularly, the Council shall be guided by the following standards herein to be known as "The Charter of Children's Television":

a) Children should have programs of high quality which are made specifically for them, and which do not exploit them. These programs, in addition to being entertaining should allow children to develop physically, mentally and socially to their fullest potential;

b) Children should hear, see and express themselves, their culture, languages and life experiences through television programs which affirm their sense of self, community and place;

c) Children's programs should promote an awareness and appreciation of other cultures in parallel with the child's own cultural background;

d) Children's programs should be wide-ranging in genre and content, but should not include gratuitous scenes of violence and sex;

e) Children's programs should be aired in regular time slots when children are available to view and/or distributed through widely accessible media or technologies;

f) Sufficient funds must be made available to make these programs conform to the highest possible standards; and

g) Government, production, distribution and funding organizations should recognize both the importance and vulnerability of indigenous children's television and the steps to support and protect it.

SEC. 9. *Allotment of Air time for Educational Children's Programs.* — A minimum of fifteen percent (15%) of the daily total air time of each broadcasting network shall be allotted for child-friendly shows within the regular programming of all networks granted franchises or as a condition for renewal of broadcast licenses hereinafter, to be included as part of the network's responsibility of serving the public.

SEC. 10. *Implementing Rules and Regulations.* — The Council, in consultation with all appropriate government agencies and non-government organizations, shall issue the necessary rules and regulations for the implementation of this Act within ninety (90) days after its effectivity.

SEC. 11. *Penalty.* — In the exercise of its administrative function, the Council shall petition the proper government agencies and/or appropriate self-regulatory bodies to suspend, revoke or cancel the license to operate television stations found violating any provision of this Act and its implementing rules and regulations.

SEC. 12. *The National Endowment Fund for Children's Television.* — The creation of a National Endowment Fund for Children's Television, hereinafter referred to as the Fund, is created for the promotion of high standards of indigenous program development in children's television and media specifically intended for Filipino children. An amount of Thirty million pesos (₱30,000,000) sourced from the income of the lotto operations of the Philippine Charity Sweepstakes Office (PCSO) and another Thirty million pesos (₱30,000,000) from the gross income of the Philippine Gaming Corporation (PAGCOR) shall form part of the Fund.

a) The Fund shall be created for the purpose of developing and producing high quality television programs that are culturally-relevant and developmentally-appropriate for children.

b) The Fund is intended to contribute to the development of media programs that contribute to Filipino children's awareness and appreciation for their cultural identity, national heritage and social issues that will in turn help them grow to be productive and nationalistic citizens.

c) Access to the Fund shall be provided by the Council through a grant application process for qualified producers and organizations with proven track record in the production of high quality children's television programs. Necessary requirements are to be submitted to the Council for approval.

d) Copyright for programs and products to be developed with assistance from the Fund will be jointly owned by the Council and the producers.

e) Priority shall be given to independent producers and organizations or institutions including youth organizations who do not have access to the resources of a national network.

f) The Council is authorized to accept grants, contributions or donations from private corporations and international donors for the National Endowment Fund for Children's Television: *Provided*, That such grants, contributions or donations are exempted from donor's and donee's taxes: *Provided, further*, That these funds will be used strictly for the endowment fund.

SEC. 13. *Appropriations.* — For the initial operating expenses of the Council, the amount of Five million pesos (₱5,000,000) is hereby appropriated out of the funds of the National Treasury not otherwise appropriated. Thereafter, it shall submit to the Department of Budget and Management its proposed budget for inclusion in the General Appropriations Act, approved by Congress.

SEC. 14. *Separability Clause.* — If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions thereof.

SEC. 15. *Repealing Clause.* — All laws, decrees, executive orders, presidential proclamations, rules and regulations or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 16. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

(Sgd.) ERNESTO M. MACEDA  
*President of the Senate*

This Act, which is a consolidation of Senate Bill No. 1576 and House Bill No. 2191 was finally passed by the Senate and the House of Representatives on October 23, 1997.

(Sgd.) ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

(Sgd.) LORENZO E. LEYNES, JR.  
*Secretary of the Senate*

Approved: October 28, 1997

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Eleventh Congress

Third Regular Session

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

[REPUBLIC ACT NO. 8980]

AN ACT PROMULGATING A COMPREHENSIVE POLICY AND A NATIONAL SYSTEM FOR EARLY CHILDHOOD CARE AND DEVELOPMENT (ECCD), PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

*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 “ECCD Act.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote the rights of children to survival, development and special protection with full recognition of the nature of childhood and its special needs; and to support parents in their roles as primary caregivers and as their children’s first teachers. The State shall institutionalize a National System for Early Childhood Care and Development (ECCD) that is comprehensive, integrative and sustainable, that involves multi-sectoral and inter-agency collaboration at the national and local levels among government; among service providers, families and communities; and among the public and private sectors, nongovernment organizations, professional associations, and academic institutions. This System shall promote the inclusion of children with special needs and advocate respect for cultural diversity. It shall be anchored on complementary strategies for ECCD that include service delivery for children from conception to age six (6), educating parents and caregivers, encouraging the active involvement of parents and communities in ECCD programs, raising awareness about the importance of ECCD, and promoting community development efforts that improve the quality of life for young children and families.

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

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SEC. 3. *Objectives.* – The objectives of the National ECCD System are:

- (a) To achieve improved infant and child survival rates by ensuring that adequate health and nutrition programs are accessible to young children and their mothers from the pre-natal period throughout the early childhood years;
- (b) To enhance the physical, social, emotional, cognitive, psychological, spiritual and language development of young children;
- (c) To enhance the role of parents and other caregivers as the primary caregivers and educators of their children from birth onwards;
- (d) To facilitate a smooth transition from care and education provided at home to community or school-based setting and to primary school;
- (e) To enhance the capabilities of service providers and their supervisors to comply with quality standards for various ECCD programs;
- (f) To enhance and sustain the efforts of communities to promote ECCD programs and ensure that special support is provided for poor and disadvantaged communities;
- (g) To ensure that young children are adequately prepared for the formal learning system and that both public and private schools are responsive to the developmental needs of these children;
- (h) To establish an efficient system for early identification, prevention, referral and intervention for developmental disorders and disabilities in early childhood; and
- (i) To improve the quality standards of public and private ECCD programs through, but not limited to, a registration and credential system for ECCD service providers.

SEC. 4. *Definitions.* – For purposes of this Act:

(a) Early Childhood Care and Development (ECCD) System refers to the full range of health, nutrition, early education and social services programs that provide for the basic holistic needs of young children from birth to age six (6), to promote their optimum growth and development. These programs include:

(1) Center-based programs, such as the day care service established under Republic Act No. 6972, public and private pre-schools, kindergarten or school-based programs, community or church-based early childhood education programs initiated by nongovernment organizations or people's organizations, workplace-related child care and education programs, child-minding centers, health centers and stations; and

(2) Home-based programs, such as the neighborhood-based play groups, family day care programs, parent education and home visiting programs.

(b) ECCD Service Providers include the various professionals, paraprofessionals, and volunteer caregivers who are directly responsible for the care and education of young children through the various center and home-based programs. They include, but are not limited to, day care workers, teachers, teacher-aides, rural health midwives, social workers, community health workers, barangay nutrition scholars, parent effectiveness service volunteers, child development workers, and family day care providers.

(c) ECCD Curriculum refers to the age-appropriate and developmentally appropriate educational objectives, program of activities, organized learning experiences and recommended learning materials for children that are implemented by service providers through center and home-based programs. It shall consist of national program goals and guidelines, instructional objectives, and content outlines integrating local learning experiences and indigenous learning materials.

(d) Parent Education refers to the various formal and alternative means of providing parents with information, skills, and support systems to assist them in their roles as their children's primary caregivers and educators. These include public and private parent education programs linked to center, home and media-based child care and education programs.

SEC. 5. *System Framework and Components.* – The ECCD System shall include the following components:

(a) ECCD Curriculum – which focuses on children's total development according to their individual needs and socio-cultural background. It shall promote the delivery of complementary and integrative services for health care, nutrition, early childhood education, sanitation, and cultural activities. It shall use the child's first language as the medium of instruction.

(b) Parent Education and Involvement, Advocacy, and Mobilization of Communities – which harness and develop parents' strengths as providers of ECCD at home, active partners of other stakeholders, advocates for community concerns that affect children, and pillars of support for local and national ECCD programs through community organization efforts.

(c) Human Resource Development Program – which establishes mechanisms for the systematic professionalization of ECCD service providers, through enrollment in educational programs in site-based or distance education modes, through pre-service or in-service training including continuing education programs, whereby a registration and credential system shall be developed in the ECCD System.

(d) ECCD Management – which focuses on a continuing process of planning, implementation, supervision, financial management, monitoring, evaluation and

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(d) ECCD Management – which focuses on a continuing process of planning, implementation, supervision, financial management, monitoring, evaluation and



reporting. It shall encourage the active involvement and build the capabilities of service providers, parents, and local government officials to sustain the program, and it shall be guided by the principles of decentralization as stipulated in the Local Government Code of 1991.

(e) Quality Standards and Accreditation – which ensures that each component in the ECCD System complies with national quality standards, to be established by the National ECCD Coordinating Council as provided for under Section 8 of this Act, linked to an accreditation process.

SEC. 6. *Establishment of ECCD System.* – The National ECCD System shall be established in at least three (3) regions each year, as may be determined by the National ECCD Coordinating Council, to achieve national coverage over a five-year period.

SEC. 7. *Implementing Arrangements and Operational Structures.* – The implementation of the National ECCD System shall be the joint responsibility of the national government agencies, local government units, nongovernment organizations, and private organizations that are accredited to deliver the services or to provide training and technical assistance.

(a) Responsibilities of the National Government – National government agencies shall be responsible for developing policies and programs, providing technical assistance and support to the ECCD service providers in consultation with coordinating committees at the provincial, city/municipal, and barangay levels, as provided for in Section 8 of this Act, and monitoring of ECCD service benefits and outcomes. The Department of Social Welfare and Development (DSWD), the Department of Education, Culture and Sports (DECS), the Department of Health (DOH), the Department of the Interior and Local Government (DILG), the Department of Labor and Employment (DOLE), the Department of Agriculture (DA), the Department of Justice (DOJ), the National Economic and Development Authority (NEDA), and the National Nutrition Council (NNC) shall jointly prepare annual ECCD work plans that will coordinate their respective technical assistance and support for the National ECCD Program. They shall consolidate existing program implementing guidelines that ensure consistency in integrated service delivery within the National ECCD System.

(1) The DECS shall promote the National ECCD Program in schools. ECCD programs in public schools shall be under the joint responsibility of their respective school principal/school-head and parents-teachers-community association (PTCA) within the standards set forth in the National ECCD System and under the guidance of the City/Municipal ECCD Coordinating Committee for the effective and equitable delivery of ECCD services. It shall also make available existing facilities of public elementary schools for ECCD classes.

(2) Public and private pre-schools shall be registered by the Provincial or City ECCD Coordinating Committee upon the recommendation of the respective division office of the DECS. NGO-initiated, community, church, home, and workplace-based

service providers shall be registered upon the recommendation of the provincial/city social welfare and development office. These public and private ECCD service providers shall operate within the standards set forth in the National ECCD System and under the guidance of the City/Municipal ECCD Coordinating Committee for the effective delivery of ECCD services.

(b) Responsibilities of Local Government Units – Local government units (LGUs) shall be primarily responsible for:

(1) Implementing the National ECCD Program by providing basic public ECCD services;

(2) Supporting the organization of parent cooperatives to initiate the establishment of ECCD programs;

(3) Ensuring that service providers of public ECCD programs under their supervision shall be justly compensated, that adequate funds are made available, and their working conditions are conducive to fulfill national quality standards; and

(4) Providing counterpart funds for the training and continuing education of ECCD service providers, and supporting the operations of Provincial, City/Municipal and Barangay ECCD Coordinating Committees.

(c) Responsibilities of Families and Communities – The families and communities shall support the local ECCD programs by participating in various projects for the overall development of their children.

SEC. 8. *Creation of National Coordinating Council and Coordinating Committees for ECCD.* – To ensure the sustained inter-agency and multi-sectoral collaboration from the national, provincial, city/municipal to barangay levels, a National Coordinating Council and provincial, city/municipal and barangay coordinating committees shall be organized.

(a) National ECCD Coordinating Council – The Council for the Welfare of Children (CWC) shall also function as the National ECCD Coordinating Council, hereinafter referred to as the Council, and shall hereby be under the Office of the President.

(1) Composition – In addition to the existing members of the CWC, two (2) private individuals, who are ECCD practitioners and experts shall be appointed by the President, upon recommendation of the Council, for a term of two (2) years subject to one (1) reappointment. The Council shall meet once a month or as often as necessary. The Secretaries of the DSWD, DECS, DOH, and DILG shall act as co-chairpersons of the Council and must be represented by a person with a rank not lower than an Undersecretary.

(2) Council Secretariat – The CWC Secretariat shall also serve as the secretariat of the Council. It shall be headed by an executive director, who shall be appointed by the President, upon the recommendation of the Council. He/She shall have the rank, privileges, and emoluments of a Career Executive Service Officer I. Nothing herein shall prejudice any right vested prior to the enactment of this Act.

There shall be created two (2) permanent positions of Deputy Executive Director to be appointed by the Council, one of whom shall be exclusively concerned with ECCD programs and activities and the other exclusively with the existing functions of the CWC. The Deputy Executive Directors shall be assisted by senior technical staff to be seconded from the DSWD, DECS, DOH, DILG, DOLE, DA, DOJ, NEDA and NNC for a period of at least two (2) years, subject to renewal, and shall be entitled to whatever additional remuneration the law allows for such secondment.

(3) Functions of the National ECCD Coordinating Council – The Council shall:

(i) Promulgate policies and implementing guidelines for ECCD programs in consultation with stakeholders at various levels, including the regional level when appropriate, consistent with the national policy and program frameworks defined in this Act;

(ii) Establish ECCD program standards that reflect development ally appropriate and culturally relevant practices for ECCD programs, which shall interface with the primary school curriculum of the DECS;

(iii) Develop a national system for the recruitment, registration, continuing education and equivalency, and credential system of ECCD service providers, supervisors and administrators to improve and professionalize the ECCD sector and upgrade quality standards of public and private ECCD programs;

(iv) Develop and implement a system of awards and recognition to deserving ECCD program implementors and service providers;

(v) Coordinate the various ECCD programs of each line agency and monitor the delivery of services to the ECCD program beneficiaries nationwide;

(vi) Evaluate and assess the impact and outcome of various ECCD programs nationwide through an effective information system;

(vii) Develop and establish a national system for early identification, screening, surveillance of early childhood disabilities, developmental problems, and giftedness;

(viii) Develop and implement various support mechanisms that maximize the public and private resources for implementing ECCD programs, giving priority to the needy and high risk children from poor communities;

(iv) Provide counterpart funds to poor and disadvantaged communities for the establishment, and expansion of public ECCD programs, improvement of physical facilities and for hiring of ECCD service providers;

(x) Promote and encourage private sector initiative for the establishment of ECCD programs; and

(xi) Provide guidelines for ECCD Coordinating Committees at the provincial, city/municipal and barangay levels for the conduct of solicitations and requests for assistance from local and international civic organizations, private philanthropic foundations to supplement available resources.

(b) Provincial ECCD Coordinating Committee. Composition, Functions, Secretariat. – There shall be created in every province a Provincial ECCD Coordinating Committee.

(1) Composition – The Provincial ECCD Coordinating Committee shall be composed of the Governor of the Province as Chairperson, Division Superintendent of DECS, Provincial Planning and Development Officer, Provincial Budget Officer, Provincial Health Officer, Provincial Director of DILG, Provincial Social Welfare and Development Officer, Provincial Treasurer, President of the Provincial League of Municipal Mayors, and two (2) representatives of nongovernment organizations operating ECCD programs appointed by the Committee, for a two-year term, subject to one (1) reappointment, as members;

(2) Functions – The Provincial ECCD Coordinating Committee shall be under the Provincial Development Council and shall perform similar functions as the National ECCD Coordinating Council as appropriate, including other functions that may be provided in the Implementing Rules and Regulations of this Act. It shall coordinate the delivery of services and support from the National ECCD Coordinating Council and the national line agencies involved in ECCD programs. It shall also support and complement the resources available to municipalities and barangays in the province in the expansion and improvement of ECCD programs, as well as be responsible for the registration of ECCD programs and service providers; and

(3) Secretariat – The Provincial ECCD Coordinating Committee shall organize a secretariat which shall coordinate and monitor the effective implementation of ECCD programs in the province. It shall be headed by the provincial ECCD Officer, who shall be appointed by the Governor, upon the recommendation of the Provincial ECCD Coordinating Committee. He/She shall have the rank, privileges and emoluments of a Department head.

For the first three (3) years of the establishment of the ECCD system in the province, the salary, allowances and other benefits of the Provincial ECCD Officer shall be paid for by the Council. Thereafter, such sums as may be necessary for the salaries,

allowances and other benefits of the Provincial ECCD Officer shall be provided by the province.

(c) City/Municipal ECCD Coordinating Committee. Composition, Functions, Secretariat. – There shall be created in every city and municipality a City/Municipal ECCD Coordinating Committee.

(1) Composition – The City/Municipal ECCD Coordinating Committee shall be composed of the City/Municipal Mayor as Chairperson, the Division Superintendent/District Supervisor of DECS, City/Municipal Planning and Development Officer, City/Municipal Budget Officer, City/Municipal Health Officer, City/Municipal Social Welfare and Development Officer, City/Municipal Local Government Officer, City/Municipal Treasurer, City/Municipal Nutrition Officer, President of the Association of Barangay Captains in the City/Municipality, President of the Parent-Teachers-Community Federation in the City/Municipality, and two (2) representatives of non-government organizations involved in ECCD programs in the City/Municipality appointed by the Committee for a two-year term, subject to one (1) reappointment, as members.

(2) Functions – The City/Municipal ECCD Coordinating Committee shall be under the city/municipal development council and shall perform similar functions as the council as appropriate, including other functions that may be provided in the Implementing Rules and Regulations. It shall likewise support and complement the resources available to barangays in the expansion and improvement of ECCD programs, coordinate and monitor the delivery of services at the barangay level, ensure accurate reporting and documentation of service delivery, as well as mobilize and encourage private sector initiatives for the establishment of ECCD program implementors in the city/municipality that conforms to National ECCD System Standards.

(3) Secretariat – The City/Municipal ECCD Coordinating Committee shall organize a Secretariat which shall coordinate and monitor the effective implementation of ECCD programs in the city/municipality. It shall be headed by the City/Municipal ECCD Officer, who shall be appointed by the mayor, upon the recommendation of the City/Municipal ECCD Coordinating Committee.

(d) Barangay ECCD Coordinating Committee – The Barangay Council for the Protection of Children (BCPC), created under Presidential Decree 603, shall also function as the Barangay ECCD Coordinating Committee. The BCPC shall be responsible for the proper and effective implementation of public ECCD programs and maintenance of database system at the barangay level. Pursuant to this, all barangays shall organize BCPCs in their respective areas.

The BCPC shall be composed of, among others: The Barangay Captain, the school head/s in the barangay, the Barangay health midwife, the Barangay health worker, the Barangay nutrition scholar, the day care worker/s, parents, the Sangguniang Kabataan Chairman, and a representative from child-focused non-government organizations/

people's organizations, as members. The members of the BCPC shall elect from among themselves the Chairperson.

**SEC. 9. *Financing ECCD Programs.*** – ECCD programs at the community level shall be financed through a combination of public and private funds. All public ECCD program providers shall prioritize young children from families who are in greatest need and who can least afford private sector programs.

(a) **Public support for ECCD programs.** – The government shall support public ECCD programs through cost-sharing arrangements that shall involve the LGUs, and counterpart funds from the national government agencies for technical assistance and support. Additional funds may be generated from intergovernmental donors and financial institutions by the appropriate government agencies through the NEDA to support the public programs in fourth, fifth and sixth class municipalities including the urban poor. Funds shall be accessible to qualified LGUs through the Municipal Development Fund or other financing mechanisms as prescribed by the Department of Finance (DOF) and based on guidelines from the Department of Budget and Management (DBM). The Council may establish a trust fund to assist LGUs in the expansion and upgrading of ECCD programs.

Primary health care programs, pre-natal and post-natal care, growth, monitoring and promotion, and supplementary nutrition programs shall continue to be funded through the LGUs with technical support and additional resources from the DOH.

The Day Care Program, Parent Effectiveness Service, Child-Minding Centers, Family Day Care and Parent-Child Development Programs shall continue to be supported by the LGUs in the form of construction of basic infrastructure, provision of facilities, materials and equipment, and compensation for the service providers. The DSWD shall provide for technical assistance.

The kindergarten program in public schools shall continue to be supported by the DECS in cooperation with the PTCAs, where applicable, by providing teacher training, supplementary learning materials and reference materials for ECCD programs.

The DSWD, DECS, DOH, and DILG shall support the implementation by LGUs of the National ECCD Program and shall include in their respective annual general appropriations beginning the fiscal year following the approval of this Act the necessary funding to achieve the goal of national coverage within a five-year period and sustain the Program from thereon. The work and financial plan of the DSWD, DECS, DOH, and DILG shall be coordinate with the Council.

(b) **Support for ECCD Programs.** – Support for ECCD programs can be solicited from local and international civic organizations, private philanthropic foundations to supplement available resources.

Workplace-based or related ECCD programs should be supported by corporations and employers in the form of physical facilities and recurrent operating costs. The operating cost incurred for employer or corporate-sponsored ECCD programs can be deducted from taxable income: *Provided*, That the employer or corporation will not charge user fees.

(c) Costs to be Shouldered by Families. – The Council shall monitor users fees and contributions allowed for both public and private programs to ensure that these are affordable and within reasonable limits.

User fees for public programs should be limited to monthly contribution intended to subsidize recurrent costs. Parents are encouraged to contribute their time and services especially in cases where they are unable to afford the regular contributions.

SEC. 10. *Appropriations.* – For the implementation of this Act, the amount of Four hundred million pesos (P400,000,000.00) per year for five (5) years is hereby appropriated for the National ECCD Program of the Council effective upon approval of this Act. Said amount shall be funded from the gross income of the Philippine Amusement and Gaming Corporation and shall be directly remitted in four (4) quarterly installments to a special account of the Council. Thereafter, such sums as may be necessary for the operations of the Council shall be included in the General Appropriations Act.

A supplementary appropriations in the amount of Thirty million pesos (P30,000,000.00) shall be provided to the Council from the President's Organizational Adjustment Fund upon approval of this Act.

The above appropriations shall be separate and distinct from the annual budget of the CWC.

Expenses for ECCD programs and technical support packages provided by the DSWD, DECS, DOH, DILG, DOLE, DA, DOJ, NEDA, and the NNC shall be specified as separate line items in their respective annual budgets in the General Appropriations Act. Their annual ECCD workplans shall be the basis for these budgets and shall be released directly to their regional or provincial offices whenever applicable.

SEC. 11. *Annual Report.* – The Council shall, at the close of each calendar year, submit an annual report to Congress, giving a detailed account of its proceedings and accomplishments during the year and making recommendations for the adoption of measures that will improve the National ECCD System.

SEC. 12. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions thereof.

SEC. 13. *Repealing Clause.* – Pertinent provisions of Presidential Decree No. 603 and Executive Order No. 233, all laws, decrees, executive orders, presidential

proclamations, rules and regulations or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 14. *Implementing Rules and Regulations.* – The Council in consultation with all appropriate government agencies and nongovernment organizations shall formulate and issue the necessary rules and regulations for the implementation of this Act within ninety (90) days after the effectivity of this Act.

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

Approved,

(Sgd.) MANUEL B. VILLAR, JR.  
*Speaker of the House  
of Representatives*

(Sgd.) FRANKLIN M. DRILON  
*President of the Senate*

This Act, which is a consolidation of Senate Bill No. 1438 and House Bill No. 11692, was finally passed by the Senate and House of Representatives on October 16, 2000 and October 10, 2000, respectively.

(Sgd.) ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

(Sgd.) OSCAR G. YABES  
*Secretary of the Senate*

Approved: December 5, 2000

(Sgd.) JOSEPH E. ESTRADA  
*President of the Philippines*





## VIII

### *General Purpose*

*L*aws passed that do not fall under any of the foregoing categories were classified as general purpose.

*Many enactments were passed that although not directly intended for women, affect women. Representation by women in policy making bodies, additional benefits to special sectors such as senior citizens and disabled persons. There are also laws passed directly for concerns of women such as the Women in Nation-Building Act and the National Women's Day Law.*

*Note that despite the absence of a law on domestic violence, there is a Memorandum from the Office of the President instructing all offices to address the problem. This is a recognition by government that it is a pressing need.*

**MALACAÑANG  
MANILA  
[PRESIDENTIAL DECREE NO. 633]**

**CREATING A NATIONAL COMMISSION ON THE ROLE OF FILIPINO WOMEN**

WHEREAS, the General Assembly of the United Nations has designated 1975 as International Women's Year with its central theme of "Equality, Development and Peace";

WHEREAS, the United Nations will convene during International Women's Year an International Conference in which, *inter alia*, will be launched an international action-program including short and long term measures aimed at achieving the integration of women as full and equal partners with men in the total development effort;

WHEREAS, the Government of the Republic of the Philippines recognizes the significant contribution of Filipino women as citizens, homemakers, workers, volunteers, as well as their increasing participation in the development of friendly relations and cooperation among nations and the promotion of world peace; and

WHEREAS, there is a need for a body to review, evaluate and recommend measures, including priorities to ensure the full integration of women for economic, social, and cultural development at national, regional and international levels and to ensure further equality between men and women;

NOW, THEREFORE, I FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby create under the Office of the President The National Commission on the Role of Filipino Women. The membership shall be as follows:

Chairman - Mrs. Imelda Romualdez Marcos

Members:

- (1) Members of the Cabinet whose respective departments directly or indirectly affect the participation of women in national development and their integration therein;
- (2) The heads of the women's organizations as the President may designate;
- (3) The heads of the different chamber of commerce and industry;

- (4) Representatives of government and private sectors as the President may designate who would be in a position to help implement the aims of International Women's Year;
- (5) Others as may be deemed necessary by the Commission.

The members of the Commission may designate qualified and competent representatives to act in their stead. The Commission may create such committees as it may deem necessary to carry out its functions;

The Commission shall have the following functions:

- (1) To advise the President in formulating policies and implementing programs on increased contribution by women in national development;
- (2) To ensure that the gains which Filipino women have achieved because of Philippine culture and tradition will be preserved and enhanced in the process of modernization;
- (3) To continuously review and evaluate the extent to which women are integrated in all sectors of economic and social life at all levels on a basis of equality with men;
- (4) To make recommendations which would guarantee the enjoyment by women and men of full equality before the law in all fields where it does not exist;
- (5) To prepare a national program for International Women's Year which can be implemented throughout the Philippines.

This decree shall take effect immediately.

Done in the City of Manila, this 7<sup>th</sup> day of January, in the year of Our Lord, nineteen hundred and seventy-five.

(Sgd.) FERDINAND E. MARCOS  
President  
Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR  
Executive Secretary

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President  
Republic of the Philippines

By the President:

(Sgd.) ALEJANDRO MELCHOR  
Executive Secretary

## 1987 CONSTITUTION

### Article II – (Declaration of Principles and State Policies)

#### Principles

Sec. 5. “The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

#### State Policies

Sec. 9. “The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.”

Sec. 11. “The State values the dignity of every human person and guarantees full respect for human rights.”

Sec. 12. “The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.”

Sec. 13. “The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.”

Sec. 14. “The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.”

Sec. 15. “The State shall protect and promote the right to health of the people and instill health consciousness among them.”

Sec. 16. “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.”

Sec. 18. “The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.”

Sec. 20. "The State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments."

Sec. 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law."

### **Article III – (Bill of Rights)**

Section 1. "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

Sec. 4. "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances."

Sec. 7. "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

Sec. 8. "The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged."

### **Article IV – (Citizenship)**

"Section 1. The following are citizens of the Philippines:

- (1) Those who are citizens of the Philippines at the time of the adoption of this Constitution;
- (2) Those whose fathers or mothers are citizens of the Philippines;
- (3) Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
- (4) Those who are naturalized in accordance with law.

Sec. 2. Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. Those who elect Philippine citizenship in accordance with paragraph (3). Section 1 hereof shall be deemed natural-born citizens.

Sec. 3. Philippine citizenship may be lost or reacquired in the manner provided by law.

Sec. 4. Citizens of the Philippines who marry aliens shall retain their citizenship, unless by their act or omission they are deemed, under the law, to have renounced it.

Sec. 5. Dual allegiance of citizens is inimical to the national interest and shall be dealt with by law.”

#### **Article V – (Suffrage)**

“Section 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.

Sec. 2. The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as system for absentee voting by qualified Filipinos abroad.

The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.”

#### **Article VI – (Legislative Department)**

“Sec. 10. The salaries of Senators and Members of the House of Representatives shall be determined by law. No increase in said compensation shall take effect until after the expiration of the full term of all the Members of the Senate and the House of Representatives approving such increase.

Sec. 28. (1) The rule of taxation shall be uniform and equitable. The Congress shall evolve a progressive system of taxation.

#### **Article XII – (National Economy and Patrimony)**

Sec. 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant.



The State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

The Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fishworkers in rivers, lakes, bays, and lagoons.

The President may enter into agreements with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development, and utilization of minerals, petroleum, and other mineral oils according to the general terms and conditions provided by law, based on real contributions to the economic growth and general welfare of the country. In such agreements, the State shall promote the development and use of local scientific and technical resources.

The President shall notify the Congress of every contract entered into in accordance with this provision, within thirty days from its execution.

Sec. 6. The use of property bears a social function, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish, and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.

Sec. 7. Save in cases of hereditary succession, no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain.

### **Article XIII – (Social Justice and Human Rights)**

Section 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

Sec. 2. The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

Sec. 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane

conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, and to expansion and growth.

Sec. 7. The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The State shall also protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources.

Sec. 11. The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.

The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems.

Sec. 14. The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

Sec. 15. The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

Sec. 16. The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making

shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

Sec. 17. (1) There is hereby created an independent office called the Commission on Human Rights.

(2) The Commission shall be composed of a Chairman and four Members who must be natural-born citizens of the Philippines and a majority of whom shall be members of the Bar. The term of office and other qualifications and disabilities of the Members of the Commission shall be provided by law.

(3) Until this Commission is constituted, the existing Presidential Committee on Human Rights shall continue to exercise its present functions and powers.

(4) The approved annual appropriations of the Commission shall be automatically and regularly released.

Sec. 18. The Commission on Human Rights shall have the following powers and functions:

(1) Investigate, on its own, or on complaint by any party, all forms of human rights violations involving civil and political rights;

(2) Adopt its operational guidelines and rules of procedure, and cite for contempt for violations thereof in accordance with the Rules of Court.

(3) Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection;

(4) Exercise visitatorial powers over jails, prisons, or detention facilities;

(5) Establish a continuing program of research, education, and information to enhance respect for the primacy of human rights;

(6) Recommend to the Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;

(7) Monitor the Philippine Government's compliance with international treaty obligations on human rights;

(8) Grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;

(9) Request the assistance of any department, bureau, office, or agency in the performance of its functions;

(10) Appoint its officers and employees in accordance with law; and

(11) Perform such other duties and functions as may be provided by law.

Sec. 19. The Congress may provide for other cases of violations of human rights that should fall within the authority of the Commission, taking into account its recommendations.

#### **Article XIV – (Education, Science and Technology, Arts, Culture, and Sports)**

“Section 1. The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.

#### **Article XV – (The Family)**

“Section 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Sec. 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

Sec. 3. The State shall defend:

(1) The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood;

(2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;

(3) The right of the family to a family living wage and income; and

(4) The right of families or family associations to participate in the planning and implementation of policies and programs that affect them.

Sec. 4. The family has the duty to care for its elderly members but the State may also do so through just programs of social security.

[EXECUTIVE ORDER NO. 292]

INSTITUTING THE "ADMINISTRATIVE CODE OF 1987"

Book IV, Title III, Chapter 6 (Board of Pardons and Parole)

Sec. 17. *Board of Pardons and Parole.* — The Board of Pardons and Parole shall continue to discharge the powers and functions as provided in existing law and such additional functions as may be provided by law.

Sec. 18. *Board Composition.* — The Board shall be composed of the Secretary as Chairman and six (6) members consisting of: The Administrator of the Parole and Probation Administration as ex-officio member, a sociologist, a clergyman, an educator, a person with training and experience in correction work, and a member of the Philippine Bar; Provided, that one of them is a woman. The members of the Board shall be appointed by the President upon the recommendation of the Secretary and shall hold office for a term of six (6) years, without prejudice to reappointment.

In case of vacancy by reason of death, incapacity, resignation or removal of any of the Board members, the Secretary shall have the authority to designate a temporary member possessing the qualifications of his predecessor and to serve out his unexpired term or until the President shall have appointed a regular member to fill the vacancy.

Signed: July 25, 1987

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, nineteen hundred and eighty-nine.

[REPUBLIC ACT NO. 6949]

AN ACT TO DECLARE MARCH EIGHT OF EVERY YEAR AS A WORKING SPECIAL HOLIDAY TO BE KNOWN AS NATIONAL WOMEN'S DAY

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. The eighth day of March of every year is hereby declared as a working special holiday to be known as National Women's Day.

SEC. 2. To ensure meaningful observance of the holiday as herein declared, all heads of government agencies and instrumentalities, including government-owned and controlled corporations as well as local government units, and employers in the private sector shall encourage and afford sufficient time and opportunities for their employees to engage and participate in any activity conducted within the premises of their respective offices or establishments to celebrate National Women's Day.

SEC. 3. This Act shall take effect two (2) days following its publication in at least two (2) national newspapers of general circulation.

Approved,

(Sgd.) RAMON V. MITRA  
*Speaker of the House of  
Representatives*

(Sgd.) JOVITO R. SALONGA  
*President of the Senate*

This Act which is a consolidation of Senate Bill No. 1430 and House Bill No. 28379 was finally passed by both the Senate and the House of Representatives on April 4, 1990.

(Sgd.) QUIRINO D. ABAD SANTOS, JR. (Sgd.) EDWIN P. ACOBA  
*Secretary of the House of Representatives*      *Secretary of the Senate*

Approved: April 10, 1990

(Sgd.) CORAZON C. AQUINO  
*President of the Philippines*

[REPUBLIC ACT NO. 6981]

AN ACT PROVIDING FOR A WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM AND FOR OTHER PURPOSES

SECTION 1. *Name of Act.* — This Act shall be known as the “Witness Protection, Security and Benefit Act”.

SECTION 2. *Implementation of Program.* — The Department of Justice, hereinafter referred to as the Department, through its Secretary, shall formulate and implement a “Witness Protection, Security and Benefit Program”, hereinafter referred to as the Program, pursuant to and consistent with the provisions of this Act.

The Department may call upon any department, bureau, office or any other executive agency to assist in the implementation of the Program and the latter offices shall be under legal duty and obligation to render such assistance.

SECTION 3. *Admission into the Program.* — Any person who has witnessed or has knowledge or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority, may be admitted into the Program:

*Provided, That:*

a) the offense in which his testimony will be used is a grave felony as defined under the Revised Penal Code, or its equivalent under special laws;

b) his testimony can be substantially corroborated in its material points;

c) he or any member of his family within the second civil degree of consanguinity or affinity is subjected to threats to his life or bodily injury or there is a likelihood that he will be killed, forced, intimidated, harassed or corrupted to prevent him from testifying, or to testify falsely, or evasively, because or on account of his testimony; and

d) he is not a law enforcement officer, even if he would be testifying against the other law enforcement officers. In such a case, only the immediate members of his family may avail themselves of the protection provided for under this Act.

If the Department, after examination of said applicant and other relevant facts, is convinced that the requirements of this Act and its implementing rules and regulations have been complied with, it shall admit said applicant to the Program, require said witness to execute a sworn statement detailing his knowledge or information on the commission of the crime, and thereafter issue the proper certification. For purposes of this Act, any such person admitted to the Program shall be known as the Witness.



SECTION 4. *Witness in Legislative Investigations.* — In case of legislative investigations in aid of legislation, a witness, with his express consent, may be admitted into the Program upon the recommendation of the legislative committee where his testimony is needed when in its judgment there is pressing necessity therefor: *Provided*, That such recommendation is approved by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

SECTION 5. *Memorandum of Agreement With the Person to be Protected.* — Before a person is provided protection under this Act, he shall first execute a memorandum of agreement which shall set forth his responsibilities including:

a) to testify before and provide information to all appropriate law enforcement officials concerning all appropriate proceedings in connection with or arising from the activities involved in the offense charged;

b) to avoid the commission of the crime;

c) to take all necessary precautions to avoid detection by others of the facts concerning the protection provided him under this Act;

d) to comply with legal obligations and civil judgments against him;

e) to cooperate with respect to all reasonable requests of officers and employees of the Government who are providing protection under this Act; and

f) to regularly inform the appropriate program official of his current activities and address.

SECTION 6. *Breach of the Memorandum of Agreement.* — Substantial breach of the memorandum of agreement shall be a ground for the termination of the protection provided under this Act: *Provided, however*, That before terminating such protection, the Secretary of Justice shall send notice to the person involved of the termination of the protection provided under this Act, stating therein the reason for such termination.

SECTION 7. *Confidentiality of Proceedings.* — All proceedings involving application for admission into the Program and the action taken thereon shall be confidential in nature. No information or documents given or submitted in support thereof shall be released except upon written order of the Department or the proper court. Any person who violates the confidentiality of said proceedings shall upon conviction be punished with imprisonment of not less than one (1) year but not more than six (6) years and deprivation of the right to hold a public office or employment for a period of five (5) years.

SECTION 8. *Rights and Benefits.* — The witness shall have the following rights and benefits:

a) To have a secure housing facility until he has testified or until the threat, intimidation or harassment disappears or is reduced to a manageable or tolerable level. When the circumstances warrant, the Witness shall be entitled to relocation and/or change of personal identity at the expense of the Program. This right may be extended to any member of the family of the Witness within the second civil degree of consanguinity or affinity.

(b) The Department shall, whenever practicable, assist the Witness in obtaining a means of livelihood. The Witness relocated pursuant to this Act shall be entitled to a financial assistance from the Program for his support and that of his family in such amount and for such duration as the Department shall determine.

(c) In no case shall the Witness be removed from or demoted in work because or on account of his absences due to his attendance before any judicial or quasi-judicial body or investigating authority, including legislative investigations in aid of legislation, in going thereto and in coming therefrom: *Provided*, That his employer is notified through a certification issued by the Department, within a period of thirty (30) days from the date when the Witness last reported for work: *Provided, further*, That in the case of prolonged transfer or permanent relocation, the employer shall have the option to remove the Witness from employment after securing clearance from the Department upon the recommendation of the Department of Labor and Employment.

Any Witness who failed to report for work because of witness duty shall be paid his equivalent salaries or wages corresponding to the number of days of absence occasioned by the Program. For purposes of this Act, any fraction of a day shall constitute a full day salary or wage. This provision shall be applicable to both government and private employees.

(d) To be provided with reasonable travelling expenses and subsistence allowance by the Program in such amount as the Department may determine for his attendance in the court, body or authority where his testimony is required, as well as conferences and interviews with prosecutors or investigating officers.

e) To be provided with free medical treatment, hospitalization and medicines for any injury or illness incurred or suffered by him because of witness duty in any private or public hospital, clinic, or at any such institution at the expense of the Program.

f) If a Witness is killed, because of his participation in the Program, his heirs shall be entitled to a burial benefit of not less than Ten thousand pesos (₱10,000.00) from the Program exclusive of any other similar benefits he may be entitled to under other existing laws.

g) In case of death or permanent incapacity, his minor or dependent children shall be entitled to free education, from primary to college level in any state, or private school, college or university as may be determined by the Department, as long as they shall have qualified thereto.

SECTION 9. *Speedy Hearing or Trial.* — In any case where a Witness admitted into the Program shall testify, the judicial or quasi-judicial body, or investigating authority shall assure a speedy hearing or trial and shall endeavor to finish said proceeding within three (3) months from the filing of the case.

SECTION 10. *State Witness.* — Any person who has participated in the commission of a crime and desires to be a witness for the State, can apply and, if qualified as determined in this Act and by the Department, shall be admitted into the Program whenever the following circumstances are present:

a) the offense in which his testimony will be used is a grave felony as defined under the Revised Penal Code or its equivalent under special laws;

b) there is absolute necessity for his testimony;

c) there is no other direct evidence available for the proper prosecution of the offense committed:

d) his testimony can be substantially corroborated on its material points;

e) he does not appear to be most guilty; and

f) he has not at any time been convicted of any crime involving moral turpitude.

An accused discharged from an information or criminal complaint by the court in order that he may be a State Witness pursuant to Section 9 and 10 of Rule 119 of the Revised Rules of Court may upon his petition be admitted to the Program if he complies with the other requirements of this Act. Nothing in this Act shall prevent the discharge of an accused, so that he can be used as a State Witness under Rule 119 of the Revised Rules of Court.

SECTION 11. *Sworn Statement.* — Before any person is admitted into the Program pursuant to the next preceding Section he shall execute a sworn statement describing in detail the manner in which the offense was committed and his participation therein. If after said examination of said person, his sworn statement and other relevant facts, the Department is satisfied that the requirements of this Act and its implementing rules are complied with, it may admit such person into the Program and issue the corresponding certification.

If his application for admission is denied, said sworn statement and any other testimony given in support of said application shall not be admissible in evidence, except for impeachment purposes.

SECTION 12. *Effect of Admission of a State Witness into the Program.* — The certification of admission into the Program by the Department shall be given full faith and credit by the provincial or city prosecutor who is required not to include the Witness in the criminal complaint or information and if included therein, to petition the court for his discharge in order that he can be utilized as a State Witness. The Court shall order the discharge and exclusion of the said accused from the information.

Admission into the Program shall entitle such State Witness to immunity from criminal prosecution for the offense or offenses in which his testimony will be given or used and all the rights and benefits provided under Section 8 hereof.

SECTION 13. *Failure or Refusal of the Witness to Testify.* — Any Witness registered in the Program who fails or refuses to testify or to continue to testify without just cause when lawfully obliged to do so, shall be prosecuted for contempt. If he testifies falsely or evasively, he shall be liable to prosecution for perjury. If a State Witness fails or refuses to testify, or testifies falsely or evasively, or violates any condition accompanying such immunity without just cause, as determined in a hearing by the proper court, his immunity shall be removed and he shall be subject to contempt or criminal prosecution. Moreover, the enjoyment of all rights and benefits under this Act shall be deemed terminated.

The Witness may, however, purge himself of the contumacious acts by testifying at any appropriate stage of the proceedings.

SECTION 14. *Compelled Testimony.* — Any Witness admitted into the Program pursuant to Sections 3 and 10 of this Act cannot refuse to testify or give evidence or produce books, documents, records or writings necessary for the prosecution of the offense or offenses for which he has been admitted into the Program on the ground of the constitutional right against self-incrimination but he shall enjoy immunity from criminal prosecution and cannot be subjected to any penalty or forfeiture for any transaction, matter or thing concerning his compelled testimony or books, documents, records and writings produced.

In case of refusal of said Witness to testify or give evidence or produce books, documents, records, or writings, on the ground of the right against self-incrimination, and the state prosecutor or investigator believes that such evidence is absolutely necessary for a successful prosecution of the offense or offenses charged or under investigation, he, with the prior approval of the department, shall file a petition with the appropriate court for the issuance of an order requiring said Witness to testify, give evidence or produce the books, documents, records, and writings described, and the court shall issue the proper order.

The court, upon motion of the state prosecutor or investigator, shall order the arrest and detention of the Witness in any jail contiguous to the place of trial or investigation until such time that the Witness is willing to give such testimony or produce such documentary evidence.

SECTION 15. *Perjury or Contempt.* — No Witness shall be exempt from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion pursuant to this Act. The penalty next higher in degree shall be imposed in case of conviction for perjury. The procedure prescribed under Rule 71 of the Rules of Court shall be followed in contempt proceedings but the penalty to be imposed shall not be less than one (1) month but not more than one (1) year imprisonment.

SECTION 16. *Credibility of Witness.* — In all criminal cases, the fact of the entitlement of the Witness to the protection and benefits provided for in this Act shall not be admissible in evidence to diminish or affect his credibility.

SECTION 17. *Penalty for Harassment of Witness.* — Any person who harasses a Witness and thereby hinders, delays, prevents or dissuades a Witness from:

a) attending or testifying before any judicial or quasi-judicial body or investigating authority;

b) reporting to a law enforcement officer or judge the commission or possible commission of an offense, or a violation of conditions or probation, parole, or release pending judicial proceedings;

c) seeking the arrest of another person in connection with the offense;

d) causing a criminal prosecution, or a proceeding for the revocation of a parole or probation; or

e) performing and enjoying the rights and benefits under this Act or attempts to do so, shall be fined not more than Three thousand pesos (P3,000.00) or suffer imprisonment of not less than six (6) months but not more than one (1) year, or both, and he shall also suffer the penalty of perpetual disqualification from holding public office in case of a public officer.

SECTION 18. *Rules and Regulations.* — The Department shall promulgate such rules and regulations as may be necessary to implement the intent and purposes of this Act. Said rules and regulations shall be published in two (2) newspapers of general circulation.

SECTION 19. *Repealing Clause.* — All laws, decrees, executive issuances, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 20. *Funding.* — The amount of Ten million pesos (₱10,000,000.00) is hereby authorized to be appropriated out of any funds in the National Treasury not otherwise appropriated to carry into effect the purpose of this Act.

Expenses incurred in the implementation of the Program may be recovered as part of the cost or indemnity imposed upon the accused.

Furthermore, other funding schemes or sources, subject to the limitations of the law, shall be allowed in furtherance hereof.

SECTION 21. *Separability Clause.* — The declaration of unconstitutionality or invalidity of any provision of this Act shall not affect the other provisions hereof.

SECTION 22. *Effectivity.* — This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved: April 24, 1991

The court, upon motion of the state prosecutor or investigator, shall order the arrest and detention of the Witness in any jail contiguous to the place of trial or investigation until such time that the Witness is willing to give such testimony or produce such documentary evidence.

SECTION 15. *Perjury or Contempt.* — No Witness shall be exempt from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion pursuant to this Act. The penalty next higher in degree shall be imposed in case of conviction for perjury. The procedure prescribed under Rule 71 of the Rules of Court shall be followed in contempt proceedings but the penalty to be imposed shall not be less than one (1) month but not more than one (1) year imprisonment.

SECTION 16. *Credibility of Witness.* — In all criminal cases, the fact of the entitlement of the Witness to the protection and benefits provided for in this Act shall not be admissible in evidence to diminish or affect his credibility.

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a) attending or testifying before any judicial or quasi-judicial body or investigating authority;

b) reporting to a law enforcement officer or judge the commission or possible commission of an offense, or a violation of conditions or probation, parole, or release pending judicial proceedings;

c) seeking the arrest of another person in connection with the offense;

d) causing a criminal prosecution, or a proceeding for the revocation of a parole or probation; or

e) performing and enjoying the rights and benefits under this Act or attempts to do so, shall be fined not more than Three thousand pesos (P3,000.00) or suffer imprisonment of not less than six (6) months but not more than one (1) year, or both, and he shall also suffer the penalty of perpetual disqualification from holding public office in case of a public officer.

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SECTION 20. *Funding.* — The amount of Ten million pesos (₱10,000,000.00) is hereby authorized to be appropriated out of any funds in the National Treasury not otherwise appropriated to carry into effect the purpose of this Act.

Expenses incurred in the implementation of the Program may be recovered as part of the cost or indemnity imposed upon the accused.

Furthermore, other funding schemes or sources, subject to the limitations of the law, shall be allowed in furtherance hereof.

SECTION 21. *Separability Clause.* — The declaration of unconstitutionality or invalidity of any provision of this Act shall not affect the other provisions hereof.

SECTION 22. *Effectivity.* — This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved: April 24, 1991



Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety-one.

[REPUBLIC ACT NO. 7192]

AN ACT PROMOTING THE INTEGRATION OF WOMEN AS FULL AND EQUAL PARTNERS OF MEN IN DEVELOPMENT AND NATION BUILDING AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title* — This Act shall be cited as the "Women in Development and Nation Building Act."

SECTION 2. *Declaration of Policy.* — The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men. The State shall provide women rights and opportunities equal to that of men.

To attain the foregoing policy:

(1) A substantial portion of official development assistance funds received from foreign governments and multilateral agencies and organizations shall be set aside and utilized by the agencies concerned to support programs and activities for women;

(2) All government departments shall ensure that women benefit equally and participate directly in the development programs and projects of said department, specifically those funded under official foreign development assistance, to ensure the full participation and involvement of women in the development process; and

(3) All government departments and agencies shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein.

SECTION 3. *Responsible Agency* — The National Economic and Development Authority (NEDA) shall primarily be responsible for ensuring the participation of women as recipients in foreign aid, grants and loans. It shall determine and recommend the amount to be allocated for the development activity involving women.

SECTION 4. *Mandate* — The NEDA, with the assistance of the National Commission on the Role of Filipino Women, shall ensure that the different government departments, including its agencies and instrumentalities which, directly or indirectly, affect the participation of women in national development and their integration therein;

(1) Formulate and prioritize rural or countryside development programs or projects, provide income and employment opportunities to women in the rural areas and thus, prevent their heavy migration from rural to urban or foreign countries;

(2) Include an assessment of the extent to which their programs and/or projects integrate women in the development process and of the impact of said programs or projects on women, including their implications on enhancing the self-reliance of women in improving their income;

(3) Ensure the active participation of women and women's organizations in the development programs and/or projects including their involvement in the planning, design, implementation, management, monitoring and evaluation thereof;

(4) Collect sex-disaggregated data and include such data in its program/project paper, proposal or strategy;

(5) Ensure that programs and/or projects are designed so that the percentage of women who receive assistance is approximately proportionate to either their traditional participation in the targeted activities or their proportion of the population, whichever is higher. Otherwise, the following should be stated in the program/project paper, proposal or strategy:

- (a) The obstacles in achieving the goal;
- (b) The steps being taken to overcome those obstacles; and
- (c) To the extent that steps are not being taken to overcome those obstacles, why they are not being taken.

(6) Assist women in activities that are of critical significance to their self-reliance and development.

SECTION 5. *Equality in Capacity to Act* — Women of legal age, regardless of civil status, shall have the capacity to act and enter into contracts which shall in every respect be equal to that of men under similar circumstances.

In all contractual situations where married men have the capacity to act, married women shall have equal rights.

To this end:

(1) Women shall have the capacity to borrow and obtain loans and execute security and credit arrangements under the same conditions as men;

(2) Women shall have equal access to all government and private sector programs granting agricultural credit, loans and nonmaterial resources and shall enjoy equal treatment in agrarian reform and land resettlement programs;

(3) Women shall have equal rights to act as incorporators and enter into insurance contracts; and

(4) Married women shall have rights equal to those of married men in applying for passports, secure visas and other travel documents, without need to secure the consent of their spouses.

In all other similar contractual relations, women shall enjoy equal rights and shall have the capacity to act which shall in every respect be equal too those of men under similar circumstances.

SECTION 6. *Equal Membership in Clubs* — Women shall enjoy equal access to membership in all social, civic and recreational clubs, committees, associations and similar other organizations devoted to public purpose. They shall be entitled to the same rights and privileges accorded to their spouses if they belong to the same organization.

SECTION 7. *Admission to Military Schools* — Any provision of the law to the contrary notwithstanding, consistent with the needs of the services, women shall be accorded equal opportunities for appointment, admission, training, graduation, and commissioning in all military or similar schools of the Armed Forces of the Philippines and the Philippine National Police not later than the fourth academic year following the approval of this Act in accordance with the standards required for men except for those minimum essential adjustments required by physiological differences between sexes.

SECTION 8. *Voluntary PAG-IBIG, GSIS and SSS Coverage* — Married persons who devote full time to managing the household and family affairs shall, upon the working spouse's consent, be entitled to voluntary PAG-IBIG (Pagtutulungan - Ikaw, Bangko, Industriya at Gobyerno), Government Service Insurance System (GSIS) or Social Security System (SSS) coverage to the extent of one-half (½) of the salary and compensation of the working spouse. The contributions due thereon shall be deducted from the salary of the working spouse.

The GSIS or the SSS, as the case may be, shall issue rules and regulations necessary to effectively implement the provisions of this section.

SECTION 9. *Implementing Rules* — The NEDA in consultation with the different government agencies concerned shall issue rules and regulations as may be necessary for the effective implementation of Section 2, 3, and 4 of this Act within six (6) months from its effectivity.

SECTION 10. *Compliance Report* — Within six (6) months from the effectivity of this Act and every six (6) months thereafter, all government departments, including its agencies and instrumentalities, shall submit a report to Congress on their compliance with this Act.

SECTION 11. *Separability Clause* — If for any reason any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. *Repealing Clause* — The provisions of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, as amended, and of Executive Order No. 209, otherwise known as the Family Code of the Philippines, and all laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof, inconsistent herewith are hereby repealed.

SECTION 13. *Effectivity Clause* — The rights of women and all the provisions of this Act shall take effect immediately upon its publication in the Official Gazette or in two (2) newspaper of general circulation.

Approved,

(Sgd.) NEPTALI A. GONZALES  
President of the Senate

(Sgd.) RAMON V. MITRA  
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 22466 and Senate Bill No. 1200 was finally passed by the House of Representatives and the Senate on December 11, 1991.

(Sgd.) LORENZO E. LEYNES, JR.  
Acting Secretary of the Senate  
House of Representatives

(Sgd.) CAMILO L. SABIO  
Secretary General

Approved: February 12, 1992

(Sgd.) CORAZON C. AQUINO  
President of the Philippines

**IMPLEMENTING RULES AND REGULATIONS (IRR)  
FOR SECTIONS 2, 3, AND 4 OF  
REPUBLIC ACT NO. 7192**

The following rules and regulations are hereby issued pursuant to Section 9 of R.A. 7192, otherwise known as the "Women in Development and Nation Building Act."

**RULE 1**

**POLICY AND APPLICATION**

SECTION 1. *Purpose* - These rules and regulations provide guidance and measures that will mobilize and substantially enhance the participation of women in the development process in ways equal to that of men.

SECTION 2. *Declaration of Policies* - The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men. The State shall provide women rights and opportunities equal to that of men.

To attain the foregoing policy, the following provisions shall be strictly observed:

(a) A substantial portion of the official development assistance funds received from foreign governments and multi-lateral agencies and organizations shall be set aside and utilized by the agencies concerned to support programs and activities for women.

(b) All government departments shall ensure that women benefit equally and participate directly in the development programs and projects of said department, especially those funded under official foreign development assistance to ensure the full participation and involvement of women in the development process.

(c) All government departments and agencies shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein.

SECTION 3. *Mandate and Responsible Agency* —

(a) The National Economic and Development Authority (NEDA) shall primarily be responsible for ensuring the participation of women as recipients in foreign aid, grants and loans. It shall determine and recommend the amount to be allocated for the development activity involving women.

(b) The NEDA and the National Commission on the Role of Filipino Women (NCRFW) shall ensure that the different government departments, including its agencies and instrumentalities which directly or indirectly affect the participation of women in national development and their integration therein;

- (1) Formulate and prioritize rural or countryside development programs or projects, provide income and employment opportunities to women in the rural areas and thus, prevent their heavy migration from rural to urban or foreign countries;
- (2) Include an assessment of the extent to which their programs and/or projects integrate women in the development process and of the impact of said programs or projects on women, including their implications on enhancing the self-reliance of women in improving their income;
- (3) Ensure the active participation of women and women's organizations in the development programs and/or projects including their involvement in the planning, design, implementation, management, monitoring and evaluation thereof;
- (4) Collect sex-disaggregated data and include such data in its program/project paper, proposal or strategy;
- (5) Ensure that programs and/or projects are designed so that the percentage of women who receive assistance is approximately proportionate to either their traditional participation in the targeted activities or their proportion of the population, whichever is higher. Otherwise, the following should be stated in the program/project paper, proposal or strategy:
  - (i) The obstacles in achieving the goal;
  - (ii) The steps being taken to overcome those obstacles; and
  - (iii) To the extent that steps are not being taken to overcome those obstacles, why they are not being taken.
- (6) Assist women in activities that are of critical significance to their self-reliance and development.

SECTION 4. *Coverage* — These rules shall apply to the following:

(a) NEDA Secretariat of the NEDA Board and the NEDA Regional Offices (NROs) serving as Secretariats to the various Regional Development Councils (RDCs);

(b) Sub-regional Planning Development Offices serving as the Technical Secretariats of the various Local Development Councils and the Local Government Executives;

(c) NCRFW, the Governmental's National Machinery on Women;

(d) All Government agencies and instrumentalities including Local Governments to the extent provided for in the Republic Act; and

(e) The Agency Women in Development (WID) Focal Points.

SECTION 5. *Guidelines on Implementation* — In the implementation of the provisions of R.A. 7192 and its IRR, the following shall be considered:

(a) Gender Responsive Planning is a new development concept being operationalized within the government bureaucracy. As such, the first two (2) years of its implementation shall be devoted to the evaluation, development and revision/refinements of systems, tools and procedures to be utilized by concerned agencies in the discharge of their functions.

(b) As the tools for facilitating the integration of gender concerns are being developed, concerned government officials/staffs of the various agencies, who have undergone gender sensitizing and skills training programs, shall immediately undertake specific measures to implement the tasks expected of them under the Act and the IRR.

(c) NEDA, NCRFW and the Agency Focal Points shall ensure that the necessary basic tools and guidelines shall be available not later than the first six-twelve months from the date of effectivity of the IRR.

(d) More specific guidelines have to be drawn vis-a-vis the requirements of the Local Government Code (LGC). In this regard, the NROs and concerned sub-national development offices, (Provincial Planning Development Offices - PPDOs and Municipal/City Planning Development Offices - M/CPDOs may have to further translate these into more operational terms, whenever necessary, for the adequate implementation of the R.A. at the field levels.

More specifically, these guidelines shall be consistent with the Clearing and Monitoring System for the LGUs' ODA grant-assisted programs and projects. This System, which was approved by the President, is aimed at coordinating and systematizing the direct accessing of grants from external/foreign donors, as provided for by the LGC.

(e) NEDA and NCRFW in consultation with concerned agencies shall, in the course of implementing these guidelines make the necessary amendments in response to emerging developments.

## RULE II

### RESOURCE MOBILIZATION

#### SECTION 6. *Resource Mobilization for Gender Concerns and Women's Activities*

(a) In support of the full benefits of gender responsive planning, external and domestic resources shall be increasingly mobilized for utilization by national and local government agencies to support programs and projects for women.

(b) In the implementation of the provisions of this Section, the following considerations shall be strictly observed:

- (1) The concept of mainstreaming gender concerns in the development process shall be strongly pursued at all times. This standpoint is essential in ensuring the expedient participation in development and nation building of women as a distinct human resource of society.
- (2) The line/implementing agencies shall ensure that in the first year of implementation (1993), at least 5 percent of funds received from foreign governments and multi-lateral agencies/organizations are in support of programs/projects that mainstream/include gender concerns in development. In the subsequent years, this shall be increased from 5 percent to 10-30 percent as the various line/implementing agencies and LGUs shall be increased opportunities to incorporate gender concerns in their on-going and new programs and projects.
- (3) The application of the required percentage allocation shall be on a cumulative basis, and not on a project to project basis. Cognizant, however, that some sectors such as transport, public works and other hard infrastructure have projects benefitting the entire population regardless of gender, the compliance to the above-mentioned shall not be strictly enforced. Concerned departments shall, however, make explicit in their program/project proposals their recognition of women/women's organizations as beneficiaries, as groups to consult, as direct participants/managers, as development agents/catalysts, and as conduits, whenever feasible.
- (4) NEDA shall endeavor to sustain if not increase this allocation to enable the concerned agencies to promptly and adequately meet the needs of the women sector.



### **RULE III**

#### **CLASSIFICATION OF PROGRAMS AND PROJECTS**

SECTION 7. Programs and projects for women may take the following forms:

(a) "Integrated programs/projects"

In support of development programs/projects where women's roles, contributions, benefits are appropriately integrated and taken into account as early as project conceptualization.

The processes involved in the design of such projects is expected to have considered the peculiarities of each gender as early as the project development phase, and shall have corrected any imbalances that traditional projects usually commit.

Such projects demonstrate higher forms of mainstreaming/including gender/women concerns in development efforts where there are no built-in barriers to the participation of either gender. On-going projects and completed project proposals may be reviewed accordingly for inclusion of gender-fair project approaches, and minimum but coherent description of the concerns in the over-all project objectives, design and strategies.

(b) "Women's Components"

- in support of women's components within larger general projects focusing on activities designed to harness the potentials of the women sector, without necessarily altering the original character of the project. This can be pushed through for pipeline projects that are in the design stage where detailed replanning of components can be undertaken.

(c) "For Women Only"

- in support of studies and technical assistance requirements to further promote the integration of women in development policies and programs/projects. These are special support interventions in aid of policy formulation and program/project development among others.

## RULE IV

### ROLES AND RESPONSIBILITIES

#### SECTION 8. *NEDA and NCRFW*

##### (a) Development Planning/Advocacy

- (1) NEDA, in consultation with NCRFW, shall come up with relevant planning/updating framework to the various Planning Sub-committees that will appropriately ensure the integration of gender concerns in the development plans.

NEDA and NCRFW shall provide technical assistance to the Sectoral Planning Sub-committees. The NROs, on the other hand, shall do the same to the regional and sub-national planning bodies/committees.

- (2) NCRFW shall provide the line/implementing agencies and the LGUs through the Department of Interior and Local Government (DILG) prior to the Planning Exercise, relevant guidelines which they can consider in drafting their respective inputs to the formulation of the Medium-Term Philippine Development Plan, the Regional/Local Development Plans, the Philippine Development Reports and related reports. These guidelines shall be updated to respond to emerging developments.
- (3) NCRFW shall continue to spearhead the formulation and updating of the Philippine Perspective Plan for Gender and Development and related documents.
- (4) NCRFW and NEDA shall devise appropriate measures to build and strengthen linkages with the concerned Legislative Sub-committees for the purpose of ensuring complementation in policy directions and recommending appropriate legislative agenda.
- (5) NEDA, in consultation with NCRFW, shall ensure the continuing participation of Non-Government Organizations (NGOs)/People's Organizations (POs) who are able to articulate gender concerns in relevant sub-committees and working groups for policy formulation and development planning.
- (6) NCRFW shall network and conduct periodic consultations with NGOs/POs, especially women groups, to generate their involvement in the development process. Concerned NEDA staffs shall actively participate in these consultations.

(b) Programming

- (1) NEDA shall review project proposal forms and guidelines, revise them accordingly, and ensure that sex-disaggregated data are adequately reflected in the program/project's situationers and made as basis for the identification of strategies and activities.

These forms shall be disseminated to the concerned agencies as soon as possible in order that project proposals to be submitted to NEDA for processing for external assistance already reflect the desire reorientation.

- (2) NEDA and NCRFW shall jointly develop a set of viable criteria for guidance of project evaluators in assessing the extent of responsiveness of gender concerns in relevant aspects of the project proposals. The active involvement of the agencies shall be sought in the undertaking.

Criteria and guidelines to be developed may be considered in the next updating of the NEDA Project Development Manual.

- (3) NEDA shall evaluate programs/projects from a gender perspective and recommend viable measures on further integrating gender concerns in those that are found to be technically sound and feasible.
- (4) NEDA shall prioritize well-packaged, technically sound and feasible programs/projects that are found to increase the access of women to income and employment opportunities in the rural areas, including those that would equip women with decision-making and management skills.
- (5) NCRFW shall assist agencies, LGUs and NGOs/POs in developing and packaging programs/projects that integrate gender perspectives in various sectoral concerns.
- (6) NCRFW shall make a regular inventory of the pipeline programs/projects for ODA funding following the above-mentioned classifications.
- (7) NEDA shall provide a regular update on ODA resources actually committed for gender concerns.
- (8) NEDA and NCRFW shall actively advocate the donors' community to sustain their priorities towards assisting/funding innovative gender responsive programs/projects. As a more crucial activity, they shall increasingly mobilize line/implementing agencies, specifically their department heads/management officials, to give high priority to efforts

that will strengthen existing mechanisms and structures towards the integration of gender concerns in their planning, programming, monitoring, and evaluating functions.

- (9) NCRFW and NEDA shall mobilize agencies through periodic consultations and memorandum circulars to review their pipeline programs/projects and accordingly integrate gender concerns.

(c) Monitoring and Evaluation

- (1) NEDA shall provide where appropriate, guidelines for the monitoring and evaluation of projects to determine the extent to which gender concerns have been addressed to and have been mainstreamed.
- (2) NCRFW shall make available a gender responsive monitoring/evaluation and impact assessment framework which can readily be adopted by concerned agencies.
- (3) NEDA, in its regular conduct of impact studies or post-implementation evaluations, shall include an assessment of the extent to which selected major development programs/projects are able to integrate gender concerns in actual implementation.
- (4) NCRFW, on the basis of its review and evaluation functions, shall also undertake selective impact assessments of women's programs/projects.

Moreover, NEDA and NCRFW could jointly conduct impact assessments as may be deemed necessary.

- (5) NEDA, NCRFW, line/implementing agencies and the LGUs shall utilize existing coordination and monitoring systems and procedures in evaluating the extent of compliance of the concerned agencies with the IRR.
- (6) NEDA and NCRFW shall mobilize specifically the Planning offices/units and concerned bureaus of the various agencies such as the Bureau of Agricultural Statistics (BAS-Department of Agriculture), Bureau of Labor and Employment Statistics (BLES-Department of Labor and Employment) in identifying and making available crucial sex-disaggregated data requirements vis-a-vis their specific purposes (planning, programming, delivery of services, resource allocation, etc.).

Data that are beyond the agencies' capacity to generate shall be referred to the data generating agencies such as the National Statistics Office (NSO), among others, for appropriate action.

These specialized data producing agencies shall provide the necessary technical assistance to concerned entities by virtue of their mandates and specifically by the R.A. provisions. As among those government agencies mandated by this R.A., they shall be expected to initiate proactive measures towards ensuring the timely and adequate collection of sex-disaggregated data for planning and programming purposes.

Specifically, the NSCB shall ensure that gender concerns are integrated into the sectoral plans and programs of the Philippine Statistical Development Plan (PSDP) and that appropriate mechanisms are adopted to implement the gender-based statistical activities of the concerned agencies at both the central and sub-national levels.

- (7) NCRFW shall ensure that all governmental agencies/instrumentalities, particularly of the critical sectors and sub-national offices including LGUs, have set up and reactivated their respective Focal Points and periodically assess their performance/progress vis-a-vis their functions and the implementation of the R.A.'s provisions.

#### SECTION 9. *Sectoral WID Focal Points*

(a) At the agency level, the WID Focal Points shall be strengthened to institute the necessary changes in order that the guidelines set forth in pursuit of the R.A.'s objectives shall be effectively and efficiently implemented. In this regard, the NCRFW Memorandum Circular No. 89-1 shall be revised to specifically denote that the WID Focal Point shall not be lower than an Undersecretary or its equivalent rank in the case of Central Offices and not lower than the rank of an Assistant Directory or its equivalent position at the sub-national levels. The revised Circular shall explicitly state that the WID Focal Point shall not be limited to women officials. To ensure sustained efforts, Planning Offices of the various government departments/agencies and instrumentalities or their equivalent/appropriate strategic units, shall be designated as the technical secretariat of the WID Focal Points.

(b) The WID Focal Points shall serve as the catalysts for gender responsive planning/programming in their respective agencies. They shall ensure that disseminated guidelines are appropriately utilized and revised to suit emerging developments. They shall ensure the conduct by appropriate staffs/units of periodic assessments of policies, programs/projects, procedures and circulars which are deemed discriminatory to gender concerns.

(c) Their functions relative to three primary sub-sectors namely, the internal management; the women constituency; and the women employees of their respective agencies shall remain to take effect, and in fact, are deemed highly relevant to the implementation of the R.A. and its IRR.

(d) Relative to the highest official of the agency, they shall serve as an advisory body on matters concerning gender issues and women in development, conduct appropriate interventions that shall ensure and sustain their Management's critical consciousness and support, including their regular rendering of reports on the progress of their activities within and outside the agency.

(e) Relative to their women constituency, they shall coordinate the conduct of detailed assessments of the agency's current policies, strategies and programs with reference to the identified priority needs or concerns of women in their respective sectors. They shall, likewise, initiate the evaluation of the current set of statistics and indicators on women in the sector and accordingly, coordinate the formulation of a comprehensive plan for gender responsive data management system.

They shall also be expected to spearhead an assessment of the agency's performance relative to their targets. Moreover, they shall ensure that the required inputs to the policy formulation and plan formulation, programs/projects and other related outputs have adequately integrated gender concerns.

(f) Relative to the agencies' women employees, the WID Focal Points shall generate adequate and relevant statistics, illustrating the status of women in their respective agencies. They shall also, in coordination with the Civil Service Commission (CSC), initiate the evaluation of the impact on women of their agency's policies, rules and practices on hiring, promotion, training, administration of benefits, etc. Also in partnership with CSC, they shall spearhead the development of career pathing program and initiate the setting up of appropriate mechanism and support systems. They shall also identify qualified employees within their agencies who shall work with the CSC Equality Advocates to assist women employees who are encountering problems of sexual harassment and discrimination.

(g) They shall ensure that their respective agencies have strong linkages and partnerships with NGOs/POs who have integrated gender concerns in their respective institutions, and promote their participation in various stages of the planning cycle. They shall be tasked to coordinate and monitor the operationalization of the guidelines and related undertakings at the sub-national and field levels.

(h) They shall directly liaise with NEDA and NCRFW in matters pertaining to the R.A. and the IRR.

## **RULE V**

### **SUPPORT SYSTEMS AND REPORTING**

**SECTION 10. *Support Systems and Capability Building Interventions*** — The NCRFW shall continue to conduct training programs on Gender Sensitivity and Gender Responsive Development Planning, and related programs in support of the various entities tasked to primarily attend to the implementation of the R.A.'s provisions.

(a) As a general rule, the NCRFW shall train key agency personnel who can later become the agency's pool of trainers.

(b) Gender Sensitivity and Consciousness Raising shall be undertaken for selected policy makers at various levels, inclusive of the Local Government Executives.

(c) Skills training programs on Gender Responsive Development Planning shall be provided to the agencies' Focal Points and selected key planners, programs implementors and extension/field workers of critical or priority sectors.

(d) In aid of their critical responsibilities under this Act, key staffs of NEDA, NCRFW, DILG and selected local government technical personnel shall undergo intensive gender related technical courses and to the extent possible, hands-on training activities.

(e) NCRFW shall explore with the Women's Studies' Consortia and professional women's groups the possibility of developing and implementing capability building programs for selected NGOs/POs to facilitate their participation in the development process, and more specifically in the implementation of the IRR.

(f) The regular holding of the Focal Point Assemblies shall be utilized as venues for the upgrading of their technical competencies by inviting experts to speak on topics related to Gender and Development.

(g) NCRFW shall assist concerned agencies in identifying experts, resource persons and consultants who shall provide them more focused and sector-specific interventions.

(h) In line with the integration objectives, agencies shall tap their regular training budget for the dissemination of gender and development concepts and skills' development, initially to critical sectors within the agencies and across positions and geographical levels. NCRFW shall also source out external resources for the conduct of highly specialized training programs on Gender and Development.

(i) In coordination with the NSCB, NSO and other data-producing agencies, the NCRFW shall pursue the development and continuous refinement of a gender-responsive data base and indicator system which shall assist agencies in all phases of the development process from planning to monitoring and evaluation.

#### SECTION 11. *Reporting Mechanisms and Procedures*

(a) Existing monitoring and reporting systems shall be utilized to the extent that these shall facilitate generation of the relevant information and required documentation necessary for the compliance report to the Office of the President and the Legislature.

(b) All government departments including their agencies and instrumentalities shall submit their compliance report to Congress every six months upon effectivity of the IRR. These government departments shall also furnish copies of the compliance reports to NCRFW as inputs to the consolidated Special Cabinet Report on Women to the Office of the President, and to the NEDA as inputs to the Philippine Development Report (PDR). These reports shall reflect activities at both the central and field offices.

(c) The government departments shall be given one month and a half to generate the reports from their field offices. The first semestral report shall be due on or before the third week of August and the second semestral report on or before the third week of February.

(d) The first report for the year shall essentially cover the following points:

- (1) analytical situationer on the status of gender responsive planning/programming (highlighting on the current vis-a-vis desired situation);
- (2) agency's thrusts on gender and development;
- (3) policies/procedures and circulars for review/modification for the year;
- (4) agency's budgetary (domestic sources) estimates and activities earmarked for the year;
- (5) estimated ODA funds earmarked for gender-related/women activities; and
- (6) status/progress of activities.

(e) The second report shall cover the actual implementation of policies, plans, programs and projects during the year.

(f) These above-mentioned agency reports shall be made available to other Government Offices (GOs), NGOs/POs and other groups who shall indicate their interests.



## **RULE VI**

### **BUDGET AND FINAL PROVISIONS**

#### **SECTION 12. *Budgetary Support***

The activities embodied in this IRR shall be implemented using the regular budget of the government departments/agencies. In cases where some critical activities can not be funded from the regular budgets, the concerned government departments/agencies, and the LGUs shall be advised to source these from supplemental budgetary requests.

#### **SECTION 13. *Effectivity***

These rules and regulations shall take effect immediately upon approval.

**SOCIAL DEVELOPMENT COMMITTEE  
RESOLUTION NO. 5 (Series of 1992)**

**A RESOLUTION APPROVING THE IMPLEMENTING RULES AND  
REGULATIONS FOR SECTIONS 2, 3, 4 OF REPUBLIC ACT 7192**

*WHEREAS*, Republic Act (RA) 7192, otherwise known as An Act Promoting the Integration of Women as Full and Equal Partners of Men in Development and Nation Building and For Other Purposes, mandates the National Economic and Development Authority (NEDA) the task of ensuring the participation of women as recipients of foreign aid, grants and loans in pursuance to the said R.A.;

*WHEREAS*, the same R.A. provides that NEDA with the assistance of the National Commission on the Role of Filipino Women (NCRFW) shall coordinate the implementation of the Act's provisions which, among others, mandates the different government departments, including its agencies and instrumentalities to integrate the participation of women in national development;

*WHEREAS*, after consultations with the different government departments and agencies through the Women in Development (WID) Focal Points and selected non-government organizations, NEDA has formulated the Implementing Rules and Regulations of Section 2, 3, and 4 of the said Act;

*NOW, THEREFORE, BE IT RESOLVED*, as it is hereby resolved, by the Chairman and the members of the Social Development Committee (SDC) to approve as it is hereby approved the Implementing Rules and Regulations of Section 2, 3, and 4 of R.A. 7192.

(Sgd.) Hon. NIEVES R. CONFESOR  
Secretary, Dept. of Labor & Employment  
Chairman, Social Devt. Committee

(Sgd.) Hon. CIELITO F. HABITO  
Secretary, Socio-economic Planning  
Co-Chairman, Social Devt. Committee

(Sgd.) Hon. ROBERTO S. SEBASTIAN  
Secretary  
Dept. of Agriculture

(Sgd.) Hon. JUAN M. FLAVIER  
Secretary  
Dept. of Health

(Sgd.) ERNESTO D. GARILAO  
Secretary  
Dept. of Agrarian Reform

(Sgd.) Hon. ARMANDO V. FABELLA  
Secretary  
Dept. of Education, Culture & Sports

(Sgd.) Hon. RAFAEL M. ALUNAN III  
Secretary  
Dept. of Interior & Local Government

(Sgd.) Hon. CORAZON ALMA DE LEON  
Acting Secretary  
Dept. of Social Welfare & Development

(Sgd.) Hon. EDELMIRO AMANTE  
Executive Secretary

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety-one.

[REPUBLIC ACT NO. 7277]

AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**TITLE ONE – GENERAL PROVISIONS**

**CHAPTER 1 – Basic Principle**

SECTION 1. *Title.* — This Act shall be known as the “Magna Carta for Disabled Persons.”

SEC 2. *Declaration of Policy.* — The grant of the rights and privileges for disabled persons shall be guided by the following principles:

- (a) Disabled persons are part of Philippine society, thus the State shall give full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society. Toward this end, the State shall adopt policies ensuring the rehabilitation, self-development and self-reliance of disabled persons. It shall develop their skills and potentials to enable them to compete favorably for available opportunities.
- (b) Disabled persons have the same rights as other people to take their proper place in society. They should be able to live freely and as independently as possible. This must be the concern of everyone – the family, community and

all government and nongovernment organizations. Disabled persons' rights must never be perceived as welfare services by the Government.

- (c) The rehabilitation of the disabled persons shall be the concern of the Government in order to foster their capacity to attain a more meaningful, productive and satisfying life. To reach out to a greater number of disabled persons, the rehabilitation services and benefits shall be expanded beyond the traditional urban-based centers to community based programs, that will ensure full participation of different sectors as supported by national and local government agencies.
- (d) The State also recognizes the role of the private sector in promoting the welfare of disabled persons and shall encourage partnership in programs that address their needs and concerns.
- (e) To facilitate integration of disabled persons into the mainstream of society, the State shall advocate for and encourage respect for disabled persons. The State shall exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to disabled persons.

SECTION 3. *Coverage.* – This Act shall cover all disabled persons and, to the extent herein provided, departments, offices and agencies of the National Government or nongovernment organizations involved in the attainment of the objectives of this Act.

SECTION 4. *Definition of Terms.* – For purposes of this Act, these terms are defined as follows:

- (a) *Disabled Persons* are those 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;
- (b) *Impairment* is any loss, diminution or aberration of psychological, physiological, or anatomical structure or function;
- (c) *Disability* – shall mean (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment;
- (d) *Handicap* – refers to a disadvantage for a given individual resulting from an impairment or a disability, that limits or prevents the function or activity, that is considered normal given the age and sex of the individual;
- (e) *Rehabilitation* – is an integrated approach to physical, social, cultural, spiritual, educational and vocational measures that create conditions for the individual to attain the highest possible level of functional ability;

- (f) *Social Barriers* – refer to the characteristics of institutions, whether legal, economic, cultural, recreational or other, any human group, community, or society which limit the fullest possible participation of disabled persons in the life of the group. Social barriers include negative attitudes which tend to single out and exclude disabled persons and which distort roles and interpersonal relationship;
- (g) *Auxiliary Aids and Services* include:
- (1) qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;
  - (2) qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments;
  - (3) acquisition or modification of equipment or devices; and
  - (4) other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability;
- (h) *Reasonable Accommodation* include (1) improvement of existing facilities used by employees in order to render these readily accessible to and usable by disabled persons; and (2) modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provision of auxiliary aids and services, and other similar accommodations for disabled persons;
- (i) *Sheltered Employment* refers to the provision of productive work for disabled persons through workshops providing special facilities, income-producing projects or homework schemes with a view to giving them the opportunity to earn a living thus enabling them to acquire a working capacity required in open industry.
- (j) *Auxiliary Social Services* are the supportive activities in the delivery of social services to the marginalized sectors of society;
- (k) *Marginalized Disabled Persons* refer to disabled persons who lack access to rehabilitative services and opportunities to be able to participate fully in socioeconomic activities and who have no means of livelihood or whose incomes fall below the poverty threshold;
- (l) *Qualified Individual with a Disability* shall mean an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or

desires. However, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job;

(m) *Readily Achievable* means a goal can be easily attained and carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include –

- (1) the nature and cost of the action;
- (2) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
- (3) the overall financial resources of the covered entity with respect to the number of its employees; the number, type and location of its facilities; and
- (4) the type of operation or operations of the covered entity, including the composition, structure and functions of the work force of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity;

(n) *Public Transportation* means transportation by air, land and sea that provides the public with general or special service on a regular and continuing basis;

(o) *Covered entity* means an employer, employment agency, labor organization or joint labor-management committee; and

(p) *Commerce* shall be taken to mean as travel, trade, traffic, commerce, transportation, or communication among the provinces or between any foreign country or any territory or possession and any province.

## **TITLE TWO – RIGHTS AND PRIVILEGES OF DISABLES PERSONS**

### **CHAPTER 1 – Employment**

**SECTION 5. *Equal Opportunity for Employment.*** – No disabled person shall be denied access to opportunities for suitable employment. A qualified disabled employee shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able bodied person.

Five percent (5%) of all casual, emergency and contractual positions in the Departments of Social Welfare and Development; Health; Education, Culture and Sports; and other government agencies, offices or corporations engaged in social development shall be reserved for disabled persons.

SECTION 6. *Sheltered Employment.* – If suitable employment for disabled persons cannot be found through open employment as provided in the immediately preceding Section, the State shall endeavor to provide it by means of sheltered employment. In the placement of disabled persons in sheltered employment, it shall accord due regard to the individual qualities, vocational goals and inclinations to ensure a good working atmosphere and efficient production.

SECTION 7. *Apprenticeship.* – Subject to the provisions of the Labor Code as amended, disabled persons shall be eligible as apprentices or learners: *Provided*, That their handicap is not much as to effectively impede the performance of job operations in the particular occupation for which they are hired: *Provided, further*, That after the lapse of the period of apprenticeship if found satisfactory in the job performance, they shall be eligible for employment.

SECTION 8. *Incentives for Employers.* – (a) To encourage the active participation of the private sector in promoting the welfare of disabled persons and to ensure gainful employment for qualified disabled persons, adequate incentives shall be provided to private entities which employ disabled persons.

- (b) Private entities that employ disabled persons who meet the required skills or qualifications, either as regular employee, apprentice or learner, shall be entitled to an additional deduction, from their gross income, equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to disabled persons: *Provided, however*, That such entities present proof as certified by the Department of Labor and Employment that disabled persons are under their employ. *Provided, further*, That the disabled employee is accredited with the Department of Labor and Employment and the Department of Health as to his disability, skills and qualifications.
- (c) Private entities that improve or modify their physical facilities in order to provide reasonable accommodation for disabled persons shall also be entitled to an additional deduction from their net taxable income, equivalent to fifty percent (50%) of the direct costs of the improvements or modifications. This section, however, does not apply to improvements or modifications of facilities required under Batas Pambansa Bilang 344.

SECTION 9. *Vocational Rehabilitation.* – Consistent with the principle of equal opportunity for disabled workers and workers in general, the State shall take appropriate vocational rehabilitation measures that shall serve to develop the skills and potentials of disabled persons and enable them to compete favorably for available productive and remunerative employment opportunities in the labor market.



The State shall also take measures to ensure the provision of vocational rehabilitation and livelihood services for disabled persons in the rural areas. In addition, it shall promote cooperation and coordination between the government and nongovernmental organizations and other private entities engaged in vocational rehabilitation activities.

The Department of Social Welfare and Development shall design and implement training programs that will provide disabled persons with vocational skills to enable them to engage in livelihood activities or obtain gainful employment. The Department of Labor and Employment shall likewise design and conduct training programs geared towards providing disabled persons with skills for livelihood.

SECTION 10. *Vocational Guidance and Counseling.* – The Department of Social Welfare and Development, shall implement measures providing and evaluating vocational guidance and counseling to enable disabled persons to secure, retain and advance in employment. It shall ensure the availability and training of counselors and other suitably qualified staff responsible for the vocational guidance and counseling of disabled persons.

SECTION 11. *Implementing Rules and Regulations.* – The Department of Labor and Employment shall in coordination with the Department of Social Welfare and Development (DSWD) and National Council for the Welfare of Disabled Persons (NCWDP) shall promulgate the rules and regulations necessary to implement the provisions under this Chapter.

## CHAPTER 2 – Education

SECTION 12. *Access to Quality Education.* – The State shall ensure that disabled persons are provided with adequate access to quality education and ample opportunities to develop their skills. It shall take appropriate steps to make such education accessible to all disabled persons. It shall be unlawful for any learning institution to deny a disabled person admission to any course it offers by reason of handicap or disability.

The State shall take into consideration the special requirements of disabled persons in the formulation of educational policies and programs. It shall encourage learning institutions to take into account the special needs of disabled persons with respect to the use of school facilities, class schedules, physical education requirements, and other pertinent consideration.

The State shall also promote the provision by learning institutions, especially higher learning institutions, of auxiliary services that will facilitate the learning process for disabled persons.

SECTION 13. *Assistance to Disabled Students.* – The State shall provide financial assistance to economically marginalized but deserving disabled students pursuing post secondary or tertiary education. Such assistance may be in the form of scholarship grants, student loan programs, subsidies, and other incentives to qualified disabled students in both public and private schools. At least five percent (5%) of the allocation for the Private Education Student Financial Assistance Program created by virtue of R.A. 6725 shall be set aside for disabled students pursuing vocational or technical and degree courses.

SECTION 14. *Special Education.* – The State shall establish, maintain and support a complete, adequate and integrated system of special education for the visually impaired, hearing impaired, mentally retarded persons and other types of exceptional children in all regions of the country. Toward this end, the Department of Education, Culture and Sports shall establish special education classes in public schools in cities, or municipalities. It shall also establish, where viable, Braille and Record Libraries in provinces, cities or municipalities.

The National Government shall allocate funds necessary for the effective implementation of the special education program nationwide. Local government units may likewise appropriate counterpart funds to supplement national funds.

SECTION 15. *Vocational or Technical and Other Training Programs.* – The State shall provide disabled persons with training in civics, vocational efficiency, sports and physical fitness, and other skills. The Department of Education, Culture and Sports shall establish in at least one government-owned vocational and technical school in every province a special vocational and technical training program for disabled persons. It shall develop and implement sports and physical fitness programs specifically designed for disabled persons taking into consideration the nature of their handicap.

SECTION 16. *Non-Formal Education.* – The State shall develop non-formal education programs intended for the total human development of disabled persons. It shall provide adequate resources for non-formal education programs and projects that cater to the special needs of disabled persons.

SECTION 17. *State Universities and Colleges.* – If viable and needed, the State University or State College in each region or province shall be responsible for (a) the development of material appliances and technical aids for disabled persons; (b) the development of training materials for vocational rehabilitation and special education instructions; and (c) the research on special problems, particularly of the visually-impaired, hearing-impaired, speech-impaired, and orthopedically-impaired students, mentally retarded, and multi-handicapped and others, and the elimination of social barriers and discrimination against disabled persons; and (d) inclusion of the Special Education for Disabled (SPED) course in the curriculum.

The National Government shall provide these state universities and colleges with the necessary special facilities for visually-impaired, hearing-impaired, speech-impaired,

and orthopedically-impaired students. It shall likewise allocate the necessary funds in support of the above.

### CHAPTER 3 – Health

SECTION 18. *National Health Program.* – The Department of Health in coordination with the National Council for the Welfare of Disabled Persons, shall institute a national health program which shall aim to attain the following:

- (a) prevention of disability, whether occurring prenatally or post-natally;
- (b) recognition and early diagnosis of disability; and
- (c) early rehabilitation of the disabled.

SECTION 19. *Rehabilitation Centers.* – The Department of Health shall establish medical rehabilitation centers in government provincial hospitals, and shall include in its annual appropriation the necessary funds for the operation of such centers.

The Department of Health shall formulate and implement a program to enable marginalized disabled persons to avail of free rehabilitation services in government hospitals.

SECTION 20. *Health Services.* – The State shall protect and promote the right to health of disabled persons and shall adopt an integrated and comprehensive approach to their health development which shall make essential health services available to them at affordable cost.

The National Government shall provide an integrated health service for disabled persons which shall include, but not limited to, the following:

- (a) prevention of disability through immunization, nutrition, environmental protection and preservation, and genetic counseling; and early detection of disability and timely intervention to arrest disabling condition; and
- (b) medical treatment and rehabilitation.

The Department of Health shall field medical personnel specializing in the treatment and rehabilitation of disabled persons to provincial hospitals and, when viable, to municipal health centers. It shall also train its field health personnel in the provision of medical attention to disabled persons. It shall further ensure that its field health units have the necessary capabilities to fit prosthetic and orthotic appliances on disabled persons.

### CHAPTER 4 – Auxiliary Social Services

SECTION 21. *Auxiliary Social Services.* – The State shall ensure that marginalized persons are provided with the necessary auxiliary services that will restore their social functioning and participation in community affairs. Toward this end, the Department of Social Welfare and Development shall develop and implement programs

on auxiliary social services that respond to the needs of marginalized disabled persons. The components of such a program shall be as follows:

- (a) assistance in the acquisition of prosthetic devices and medical intervention of specialty services;
- (b) provision of specialized training activities designed to improve functional limitations of disabled persons related to communication skills;
- (c) development among disabled persons of a positive self-image through the provision of counseling, orientation and mobility and strengthening daily living capability;
- (d) provision of family care services geared towards developing the capability of families to respond to the needs of the disabled members of the family;
- (e) provision of substitute family care services and the facilities therefore for abandoned, neglected, abused and unattached disabled persons who need custodial care;
- (f) provision of after care and follow-up services for the continued rehabilitation in a community-based setting of disabled persons who were released from residential care or rehabilitation centers; and
- (g) provision of day care services for disabled children of pre-school age.

## CHAPTER 5 – Telecommunications

SECTION 22. *Broadcast Media.* – Television stations shall be encouraged to provide a sign language inset or subtitles in at least one (1) newscast program a day and special programs covering events of national significance.

SECTION 23. *Telephone Services.* – All telephone companies shall be encouraged to install special telephone devices or units for the hearing-impaired and ensure that they are commercially available to enable them to communicate through the telephone system.

SECTION 23. *Free Postal Charges for the Disabled.* – Postal charges shall be free on the following:

- (a) articles and literatures like books and periodicals, orthopedic and other devices, and teaching aids for the use of the disabled sent by mail within the Philippines and abroad; and
- (b) aids and orthopedic devices for the disabled sent abroad by mail for repair.

*Provided*, That the aforesaid items are for personal purposes only: *Provided, further*, That the disabled person is a marginalized disabled as certified by the Social Welfare and Development Office of the local government unit concerned or the Department of Social Welfare and Development.

## CHAPTER 6 – Accessibility

SECTION 25. *Barrier-Free Environment*. – The State shall ensure the attainment of a barrier-free environment that will enable disabled persons to have access in public and private buildings and establishments and such other places mentioned in Batas Pambansa Bilang 344, otherwise known as the “Accessibility Law.”

The national and local governments shall allocate funds for the provision of architectural facilities or structural features for disabled persons in government buildings and facilities.

SECTION 26. *Mobility*. – The State shall promote the mobility of disabled persons. Disabled persons shall be allowed to drive motor vehicles, subject to the rules and regulations issued by the Land Transportation Office pertinent to the nature of their disability and the appropriate adaptations or modifications made on such vehicles.

SECTION 27. *Access to Public Transport Facilities*. – The Department of Social Welfare and Development shall develop a program to assist marginalized disabled persons gain access in the use of public transport facilities. Such assistance may be in the form of subsidized transportation fare.

The said department shall allocate such funds as may be necessary for the effective implementation of the public transport program for the disabled persons.

The “Accessibility Law,” as amended, shall be made supplementary to this Act.

SECTION 28. *Implementing Rules and Regulations*. – The Department of Transportation and Communications shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

## CHAPTER 7 – Political and Civil Rights

SECTION 29. *System of Voting*. – Disabled persons shall be allowed to be assisted by a person of his choice in voting in the national or local elections. The person thus chosen shall prepare the ballot for the disabled voter inside the voting booth. The person assisting shall bind himself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him. Violation of this provision shall constitute an election offense.

Polling places should be made accessible to disabled persons during national or local elections.

SECTION 30. *Right to Assemble.* – Consistent with the provisions of the Constitution, the State shall recognize the right of disabled persons to participate in processions, rallies, parades, demonstrations, public meetings, and assemblages or other forms of mass or concerned action held in public.

SECTION 31. *Right to Organize.* – The State recognizes the right of disabled persons to form organizations or associations that promote their welfare and advance or safeguard their interests. The National Government, through its agencies, instrumentalities and subdivisions, shall assist disabled persons in establishing self-help organizations by providing them with the necessary technical and financial assistance.

Concerned government agencies and offices shall establish close linkages with organizations of disabled persons in order to respond expeditiously to the needs of disabled persons. National line agencies and local government units shall assist disabled persons in setting up specific projects that will be managed like business propositions.

To ensure the active participation of disabled persons in the social and economic development of the country, their organizations shall be encouraged to participate in the planning, organization and management of government programs and projects for disabled persons.

Organizations of disabled persons shall participate in the identification and preparation of programs that shall serve to develop employment opportunities for the disabled persons.

### **TITLE THREE – PROHIBITION ON DISCRIMINATION AGAINST DISABLED PERSONS**

#### **CHAPTER 1 – Discrimination in Employment**

SECTION 32. *Discrimination on Employment.* – No entity, whether public or private, shall discriminate against a qualified disabled person by reason of disability in regard to job application procedures, the hiring, promotion, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. The following constitute acts of discrimination:

- (a) Limiting, segregating or classifying a disabled job applicant in such a manner that adversely affects his work opportunities;
- (b) Using qualification standards, employment tests or other selection criteria that screen out or tend to screen out a disabled person unless such standards, tests or other selection criteria are shown to be job-related for the position in question and are consistent with business necessity;

- (c) Utilizing standards, criteria, or methods of administration that:
  - (1) have the effect of discrimination on the basis of disability; or
  - (2) perpetuate the discrimination of others who are subject to common administrative control;
- (d) Providing less compensation, such as salary, wage or other forms of remuneration and fringe benefits, to a qualified disabled employee, by reason of his disability, than the amount to which a non-disabled person performing the same work is entitled;
- (e) Favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants, solely on account of the latter's disability;
- (f) Re-assigning or transferring a disabled employee to a job or position he cannot perform by reason of his disability;
- (g) Dismissing or terminating the services of a disabled employee by reason of his disability unless the employer can prove that he impairs the satisfactory performance of the work involved to the prejudice of the business entity: *Provided, however,* That the employer first sought to provide reasonable accommodations for disabled persons;
- (h) Failing to select or administer in the most effective manner employment tests which accurately reflect the skills, aptitude or other factor of the disabled applicant or employee that such test purports to measure, rather than the impaired sensory, manual or speaking skills of such applicant or employee, if any; and
- (i) Excluding disabled persons from membership in labor unions or similar organizations.

SECTION 33. *Employment Entrance Examination.* – Upon an offer of employment, a disabled applicant may be subjected to medical examination, on the following occasions:

- (a) all entering employees are subjected to such an examination regardless of disability;
- (b) information obtained during the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, *Provided, however,* That:

- (1) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employees and necessary accommodations;
- (2) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;
- (3) government officials investigating compliance with this Act shall be provided relevant information on request; and
- (4) the results of such examination are used only in accordance with this Act.

#### CHAPTER 2 – Discrimination on Transportation

SECTION 34. *Public Transportation.* – It shall be considered discrimination for the franchisees or operators and personnel of sea, land, and air transportation facilities to charge higher fare or to refuse to convey a passenger, his orthopedic devices, personal effects, and merchandise by reason of his disability.

#### CHAPTER 3 – Discrimination on the Use of Public Accommodations and Services

SECTION 35. *Public Accommodation and Services.* – For purposes of this Chapter, public accommodations and services shall include the following:

- (a) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five (5) rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
- (b) a restaurant, bar, or other establishment serving food or drink;
- (c) a motion picture, theater, concert hall, stadium, or other place of exhibition or entertainment;
- (d) an auditorium, convention center, lecture hall, or other place of public gathering;
- (e) a bakery, grocery store, hardware store, shopping center, or other sales or rental establishment;
- (f) a bank, barber-shop, beauty-shop, travel service, funeral parlor, gas station, office of a lawyer, pharmacy, insurance office, professional office of a health care provider, hospital or other service establishment;
- (g) a terminal, depot, or other station used for specified public transportation;
- (h) a museum, gallery, library or other place of public display or collection;



- (i) a park, zoo, amusement park, or other place of recreation;
- (j) a nursery, elementary, secondary, undergraduate, or post-graduate private school, or other place of education;
- (k) a gymnasium, health spa, bowling alley, golf course; or
- (l) other place of exercise or recreation.

SECTION 36. *Discrimination on the Use of Public Accommodations.* – (a) No disabled persons shall be discriminated on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation. The following constitute acts of discrimination:

- (1) denying a disabled person, directly or through contractual, licensing, or other arrangement, the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity by reason of his disability;
- (2) affording a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other able-bodied persons; and
- (3) providing a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with a good, service, facility, advantage, privilege or accommodation that is different or separate from that provided to other able-bodied persons unless such action is necessary to provide the disabled person with a good, service, facility, advantage, privilege, or accommodation, or other opportunity that is as effective as that provided to others;

For purposes of this section, the term “individuals or class of individuals” refers to the clients or customers of the covered public accommodation that enters into the contractual, licensing or other arrangement.

- (b) Integrated Settings – Goods, services, facilities, privileges, advantages, and accommodations shall be afforded to an individual with a disability in the most integrated setting appropriate to the needs of the individual.
- (c) Opportunity to Participate – Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

- (d) Association – It shall be discriminatory to exclude or otherwise deny equal goods, services, facilities, advantages, privileges, accommodations or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.
- (e) Prohibition – For purposes of this Section, the following shall be considered as discriminatory:
- (1) the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class or individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, or accommodations being offered;
  - (2) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of the goods, facilities, services, privileges, advantages, or accommodations;
  - (3) failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage or accommodation being offered or would result in undue burden;
  - (4) a failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, where such removal is readily achievable; and
  - (5) where an entity can demonstrate that the removal of a barrier under clause (4) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

**SECTION 37. *Use of Government Recreational or Sports Centers Free of Charge.*** – Recreational or sports centers owned or operated by the Government shall be used, free of charge, by marginalized disabled persons during their social, sports or recreation activities.

SECTION 38. *Implementing Rules and Regulations.* – The Department of Public Works and Highways shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

#### TITLE FOUR: FINAL PROVISIONS

SECTION 39. *Housing Program.* – The National Government shall take into consideration in its national shelter program the special housing requirements of disabled persons.

SECTION 40. *Role of National Agencies and Local Government Units.* – Local government units shall promote the establishment of organizations of disabled persons in their respective territorial jurisdictions. National agencies and local government units may enter into joint ventures with organizations or associations of disabled persons to explore livelihood opportunities and other undertakings that shall enhance the health, physical fitness and the economic and social well-being of disabled persons.

SECTION 41. *Support From Nongovernment Organizations.* – Non-government organizations or private volunteer organizations dedicated to the purpose of promoting and enhancing the welfare of disabled persons shall, as they, are hereby encouraged, become partners of the Government in the implementation of vocational rehabilitation measures and other related programs and projects. Accordingly, their participation in the implementation of said measures, programs and projects is to be extended all possible support by the Government.

The Government shall sponsor a volunteer service program which shall harness the involvement of private individuals in the provision of assistance to disabled persons.

SECTION 42. *Tax Incentives.* – (a) Any donation, bequest, subsidy or financial aid which may be made to government agencies engaged in the rehabilitation of disabled persons and organizations of disabled persons shall be exempt from the donor's tax subject to the provisions of Section 94 of the National Internal Revenue Code (NIRC), as amended and shall be allowed as deductions from the donor's gross income for purposes of computing the taxable income subject to the provisions of Section 29(h) of the Code.

- (b) Donations from foreign countries shall be exempt from taxes and duties on importation subject to the provisions of Section 105 of the Tariff and Customs Code of the Philippines, as amended, Section 103 of the NIRC, as amended and other relevant laws and international agreements.
- (c) Local manufacturing of technical aids and appliances used by disabled persons shall be considered as a preferred area of investment subject to the provisions of Executive Order No. 226 otherwise known as the "Omnibus Investments Code of 1987" and, as such, shall enjoy the rights, privileges and incentives as provided in said Code such as, but not limited, to the following:

- (1) repatriation of investments;
- (2) remittance of earnings;
- (3) remittance of payments on foreign contracts;
- (4) freedom from expropriations;
- (5) freedom from requisition of investment;
- (6) income tax holiday;
- (7) additional deduction for labor expense;
- (8) tax and duty exemption on imported capital equipment;
- (9) tax credit on domestic capital equipment;
- (10) exemption from contractor's tax;
- (11) simplification of customs procedures;
- (12) unrestricted use of consigned equipment;
- (13) employment of foreign nationals;
- (14) tax credit for taxes and duties on raw materials;
- (15) access to bonded manufacturing/trading warehouse system;
- (16) exemption from taxes and duties on imported spare parts; and
- (17) exemption from wharfage dues and any export tax, duty, impost and fee

SECTION 43. *Continuing Clause.* – Should any department or agency tasked with the enforcement or formulation of rules and regulations and guidelines for implementation of any provision of this Act is abolished, merged with another department or agency or modified, such shall not affect the enforcement or formulation of rules, regulations and guidelines for implementation of this Act to the effect that –

- (a) In case of abolition, the department or agency established to replace the abolished department or agency shall take-over the functions under this Act of the abolished department or agency.
- (b) In case the department or agency tasked with the enforcement or formulation of rules, regulations and guidelines for implementation of this Act is merged with another department or agency, the former shall continue the functions under this Act of the merged department or agency.
- (c) In case of modification, the department or agency modified shall continue the functions under this Act of the department or agency that has undergone modification.

SECTION 44. *Enforcement by the Secretary of Justice.* –

(a) Denial of Rights

- (1) Duty to Investigate – the Secretary of Justice shall investigate alleged violations of this Act, and shall undertake periodic reviews of compliance of covered entities under this Act.

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(b) Potential Violations – If the Secretary of Justice has reasonable cause to believe that –

- (1) any person or group of persons is engaged in a pattern or practice of discrimination under this Act; or
- (2) any person or group of persons has been discriminated against under this Act and such discrimination raises an issue of general public importance, the Secretary of Justice may commence a legal action in any appropriate court.

SECTION 45. *Authority of Court.* – The court may grant any equitable relief that such court considers to be appropriate, including, to the extent required by this Act:

- (a) granting temporary, preliminary or permanent relief;
- (b) providing an auxiliary aid or service, modification of policy, practice or procedure, or alternative method; and
- (c) making facilities readily accessible to and usable by individuals with disabilities;

SECTION 46. *Penal Clause.* – (a) Any person who violates any provision of this Act shall suffer the following penalties:

- (1) for the first violation, a fine of not less than Five thousand pesos (₱5,000.00) but not exceeding One hundred thousand pesos (₱100,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court; and
  - (2) for any subsequent violation, a fine of not less than One hundred thousand pesos (₱100,000.00) but not exceeding Two hundred thousand pesos (₱200,000.00) or imprisonment for not less than two (2) years but not more than six (6) years, or both at the discretion of the court.
- (b) Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than Five thousand pesos (₱5,000.00) but not more than Fifty thousand pesos (₱50,000.00), or both, at the discretion of the court.
  - (c) If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefor.
  - (d) If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

SECTION 47. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 48. *Separability Clause.* – Should any provision of this Act be found unconstitutional by a court of law, such provisions shall be severed from the remainder of the Act, and such action shall not affect the enforceability of the remaining provisions of this Act.

SECTION 49. *Repealing Clause.* – All laws, presidential decrees, executive orders and rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 50. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in any two (2) newspapers of general circulation.

Approved.

(Sgd.) RAMON V. MITRA  
Speaker of the House  
of Representatives

(Sgd.) NEPTALI A. GONZALES  
President of the Senate

This bill which is a consolidation of Senate Bill No. 1286 and House Bill No. 35091, was finally passed by the Senate and the House of Representatives on January 22, 1992 and January 16, 1992, respectively.

(Sgd.) CAMILO L. SABIO  
Secretary General  
House of Representatives

(Sgd.) ANACLETO D. BADOY, JR.  
Secretary of the Senate

Approved: March 24, 1992

(Sgd.) CORAZON C. AQUINO  
President of the Philippines

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety-nine.

[REPUBLIC ACT NO. 7432]

AN ACT TO MAXIMIZE THE CONTRIBUTION OF SENIOR CITIZENS TO NATION BUILDING, GRANT BENEFITS AND SPECIAL PRIVILEGES AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Declaration of Policies and Objectives.* — Pursuant to Article XV, Section 4 of the Constitution, it is the duty of the family to take care of its elderly members while the State may design programs of social security for them. In addition to this, Section 10 in the Declaration of Principles and State Policies provides: “The State shall provide social justice in all phases of national development”. Further, Article XIII, Section 11 provides: “The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children.” Consonant with these constitutional principles the following are the declared policies of this Act:

- a) to motivate and encourage the senior citizens to contribute to nation building;
- b) to encourage their families and the communities they live with to reaffirm the valued Filipino tradition of caring for the senior citizens.

In accordance with these policies, this Act aims to:

- 1) establish mechanisms whereby the contribution of the senior citizens are maximized;



2) adopt measures whereby our senior citizens are assisted and appreciated by the community as a whole;

3) establish a program beneficial to the senior citizens, their families and the rest of the community that they serve.

SEC. 2. *Definition of Terms.* — As used in this Act, the term “senior citizen” shall mean any resident citizen of the Philippines at least sixty (60) years old, including those who have retired from both government offices and private enterprises, and has an income of not more than Sixty thousand pesos (₱60,000.00) per annum subject to review by the National Economic and Development Authority (NEDA) every three (3) years.

The term “benefactor” shall mean any person whether related to the senior citizens or not who takes care of him/her as a dependent.

The term “head of the family” shall mean any person so defined in the National Internal Revenue Code.

SEC. 3. *Contribution to the Community.* — Any qualified senior citizen as determined by the Office for Senior Citizen Affairs (OSCA) may render his/her services to the community which shall consist of, but not limited to, any of the following:

- a) tutorial and/or consultancy services;
- b) actual teaching and demonstration of hobbies and income generating skills;
- c) lectures on specialized fields like agriculture, health, environmental protection and the like;
- d) the transfer of new skills acquired by virtue of their training mentioned in Section 4, paragraph d);
- e) undertaking other appropriate services as determined by the Office for Senior Citizens Affairs (OSCA) such as school traffic guide, tourist aid, pre-school assistant, etc.

In consideration of the services rendered by the qualified elderly, the Office for Senior Citizens Affairs (OSCA) may award or grant benefits or privileges to the elderly, in addition to the other privileges provided for under Section 4 hereof.

SEC. 4. *Privileges for the Senior Citizens.* — The senior citizens shall be entitled to the following:

- a) the grant of twenty percent (20%) discount from all establishments relative to utilization of transportation services, hotels and similar lodging establishment, restaurants and recreation centers and purchase of medicine anywhere in the country: *Provided*, That private establishments may claim the cost as tax credit;

b) a minimum of twenty percent (20%) discount on admission fees charged by theaters, cinema houses and concert halls, circuses, carnivals and other similar places of culture, leisure, and amusement;

c) exemption from the payment of individual income taxes: *Provided*, That their annual taxable incomes does not exceed the poverty level as determined by the National Economic and Development Authority (NEDA) for that year;

d) exemption from training fees for socioeconomic programs undertaken by the OSCA as part of its work;

e) free medical and dental services in government establishment anywhere in the country, subject to guidelines to be issued by the Department of Health, the Government Service Insurance System and the Social Security System;

f) to the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), Social Security System (SSS) and PAG-IBIG, as the case may be, as are enjoyed by those in actual service.

SEC. 5. *Government Assistance.* — The Government shall provide the following assistance to those caring for and living with the senior citizen:

a) The senior citizen shall be treated as dependents provided for in the National Internal Revenue Code and as such, individual taxpayers caring for them, be they relatives or not shall be accorded the privileges granted by the Code insofar as having dependents are concerned.

b) Individuals or non-governmental institutions establishing homes, residential retirement villages solely for the senior citizens shall be accorded the

1) priority in the building for the first five (5) years starting from the first year of operation;

2) priority in the building and/or maintenance of provincial or municipal roads leading to the aforesaid home, residential community or retirement village.

SEC. 6. *Retirement Benefits.* — To the extent practicable and feasible, retirement benefits from both the Government and the private sectors shall be upgraded to be at par with the current scale enjoyed by those in actual service.

SEC. 7. *The Office for Senior Citizens Affairs (OSCA).* — There shall be established in the Office of the Mayor an OSCA to be headed by a Councilor who shall be designated by the *Sangguniang Bayan* and assisted by the Community Development

Officer in coordination with the Department of Social Welfare and Development. The functions of this office are:

a) to plan, implement and monitor yearly work programs in pursuance of the objectives of this Act;

b) to draw up a list of available and required services which can be provided by the senior citizens;

c) to maintain and regularly update on a quarterly basis the list of senior citizens and to issue nationally uniform individual identification cards which shall be valid anywhere in the country;

d) to service as a general information and liaison center to serve the needs of the senior citizens.

SEC. 8. *Municipal Responsibility.* — It shall be the responsibility of the municipality through the mayor to ensure that the provisions of this Act are implemented to its fullest.

SEC. 9. *Penalties.* — Violation of any provision of this Act for which no penalty is specifically provided under any other law, shall be punished by imprisonment not exceeding one (1) month or a fine not exceeding One thousand pesos (₱1,000.00) or both.

SEC. 10. *Implementing Rules and Regulations.* — The Secretary of Social Welfare and Development, jointly with the Department of Finance, the Department of Tourism, the Department of Health, the Department of Transportation and Communications and the Department of Interior and Local Government shall issue the necessary rules and regulations to carry out the objectives of this Act.

SEC. 11. *Appropriation.* — The necessary appropriation for the operation and maintenance of the OSCA shall be appropriated and approved by the local government units concerned. The National Government shall appropriate such amount as may be necessary to carry out the objectives of this Act.

SEC. 12. *Repealing Clause.* — All provisions of laws, orders, decrees, including rules and regulations inconsistent herewith are hereby repealed and/or modified accordingly.

SEC. 13. *Separability Clause.* — If any part or provision of this Act shall be held to be unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 14. *Effectivity.* — This Act shall take effect fifteen (15) days following its publication in one (1) national newspaper of general circulation.

Approved,

(Sgd.) RAMON V. MITRA  
*Speaker of the House of  
Representatives*

(Sgd.) NEPTALI A. GONZALES  
*President of the Senate*

This Act which is a consolidation of Senate Bill No. 835, 1435 and House Bill No. 35335 was finally passed by both the Senate and the House of Representatives on and February 7, 1992.

(Sgd.) CAMILO L. SABIO  
*Secretary General  
House of Representatives*

(Sgd.) ANACLETO D. BADOY, JR.  
*Secretary of the Senate*

Approved: April 23, 1992

(Sgd.) CORAZON C. AQUINO  
*President of the Philippines*

[REPUBLIC ACT NO. 7845]

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY ONE, NINETEEN HUNDRED NINETY FIVE, AND FOR OTHER PURPOSES

“Sec. 27. *Gender-Responsive Projects.* – All departments, bureaus, offices and agencies shall set aside an amount out of their 1995 appropriations to be used for projects designed to address gender issues in accordance with R.A. No. 7192.

The concerned departments, bureaus, offices and agencies shall submit reports to the National Commission on the Role of Filipino Women through the Department of Budget and Management, indicating the amounts utilized to implement such Gender-responsive projects and activities.

The implementation of this Section shall be in accordance with the guidelines to be jointly issued by the National Commission on the Role of Filipino Women, the National Economic and Development Authority and the Department of Budget and Management.

Approved: December 30, 1994

**[REPUBLIC ACT NO. 8174]**

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY ONE, NINETEEN HUNDRED NINETY SIX AND FOR OTHER PURPOSES

“Sec. 27. *Gender-Responsive Projects.* – All departments, bureaus, offices and agencies shall set aside a minimum amount of five percent (5%) out of their 1996 appropriations to be used for projects designed to address gender issues in accordance with R.A. No. 7192.

The concerned departments, bureaus, offices and agencies shall submit reports to the National Commission on the Role of Filipino Women through the Department of Budget and Management, indicating the amounts utilized to implement such Gender-responsive projects and activities.

The implementation of this Section shall be in accordance with the guidelines to be jointly issued by the National Economic and Development Authority and the Department of Budget and Management.”

Approved: December 29, 1995

[REPUBLIC ACT NO. 8250]

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY ONE, NINETEEN HUNDRED NINETY SEVEN, AND FOR OTHER PURPOSES

“Sec. 28. *Gender-Responsive Projects.* – All departments, bureaus, offices and agencies shall set aside a minimum amount of five percent (5%) out of their 1997 appropriations to be used for projects designed to address gender issues in accordance with R.A. No. 7192.

The concerned departments, bureaus, offices and agencies shall submit semestral reports to Congress, the Department of Budget and Management and the National Commission on the Role of Filipino Women indicating the amounts utilized to implement such gender-responsive projects and activities.

The implementation of this Section shall be in accordance with the guidelines jointly issued by the National Economic and Development Authority and the Department of Budget and Management.

Approved: February 12, 1997

[REPUBLIC ACT NO. 8368]

AN ACT REPEALING PRESIDENTIAL DECREE NO. 772, ENTITLED  
'PENALIZING SQUATTING AND OTHER SIMILAR ACTS'

SECTION 1. *Title.* — This Act shall be known as the "Anti-Squatting Law Repeal Act of 1997."

SECTION 2. *Repeal.* — Presidential Decree No. 772, entitled "Penalizing Squatting and Other Similar Acts" is hereby repealed.

SECTION 3. *Effect on Pending Cases.* — All pending cases under the provisions of Presidential Decree No. 772 shall be dismissed upon the effectivity of this Act.

SECTION 4. *Effect on Republic Act No. 7279.* — Nothing herein shall be construed to nullify, eliminate or diminish in any way Section 27 of Republic Act No. 7279 or any of its provisions relative to sanctions against professional squatters and squatting syndicates.

SECTION 5. *Effectivity.* — This Act shall take effect thirty (30) days after its publication in two (2) newspapers of national circulation.

Approved: October 27, 1997



Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Tenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, nineteen hundred and ninety-seven.

[REPUBLIC ACT NO. 8369]

AN ACT ESTABLISHING FAMILY COURTS, GRANTING THEM EXCLUSIVE ORIGINAL JURISDICTION OVER CHILD AND FAMILY CASES, AMENDING BATAS PAMBANSA BILANG 129, AS AMENDED, OTHERWISE KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1980, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Title* — This Act shall be known as the “Family Courts Act of 1997.”

SEC. 2. *State and National Policies.* — The State shall protect the rights and promote the welfare of children in keeping with the mandate of the Constitution and the precepts of the United Nations Convention on the Rights of the Child. The State shall provide a system of adjudication for youthful offenders which takes into account their peculiar circumstances.

The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. The court shall preserve the solidarity of the family, provide procedures for the reconciliation of spouses and the amicable settlement of family controversy.

SEC. 3. *Establishment of Family Courts.* — There shall be established a Family Court in every province and city in the country. In case where the city is the capital of the province, the Family Court shall be established in the municipality which has the highest population.

SEC. 4. *Qualification and Training of Family Court Judges.* — Section 15 of Batas Pambansa Bldg. 129, as amended, is hereby further amended to read as follows:

“SEC. 15. (a) *Qualification.* — No person shall be appointed Regional Trial Judge or Presiding Judge of the Family Court unless he is a natural-born citizen of the Philippines, at least thirty-five (35) years of age, and for at least ten (10) years, has been engaged in the practice of law in the Philippines or has held a public office in the Philippines requiring admission to the practice of law as an indispensable requisite.

“(b) *Training of Family Court Judges.* — The Presiding Judge, as well as the court personnel of the Family Courts, shall undergo training and must have the experience and demonstrated ability in dealing with child and family cases.

“The Supreme Court shall provide a continuing education program on child and family laws, procedure and other related disciplines to judges and personnel of such courts.”

SEC. 5. *Jurisdiction of Family Courts.* — The Family Courts shall have exclusive original jurisdiction to hear and decide the following cases:

a) Criminal cases where one or more of the accused is below eighteen (18) years of age but not less than nine (9) years of age, or where one or more of the victims is a minor at the time of the commission of the offense: *Provided*, That if the minor is found guilty, the court shall promulgate sentence and ascertain any civil liability which the accused may have incurred. The sentence, however, shall be suspended without need of application pursuant to Presidential Decree No. 603, otherwise known as the “Child and Youth Welfare Code”;

b) Petitions for guardianship, custody of children, *habeas corpus* in relation to the latter;

c) Petitions for adoption of children and the revocation thereof;

d) Complaints for annulment of marriage, declaration of nullity of marriage and those relating to marital status and property relations of husband and wife or those living together under different status and agreements, and petitions for dissolution of conjugal partnership of gains;

e) Petitions for support and/or acknowledgment;

f) Summary judicial proceedings brought under the provisions of Executive Order No. 209, otherwise known as the “Family Code of the Philippines”;

g) Petitions for declaration of status of children as abandoned, dependent or neglected children, petitions for voluntary or involuntary commitment of children; the suspension, termination, or restoration of parental authority and other cases cognizable under Presidential Decree No. 603, Executive Order No. 56, (Series of 1986), and other related laws;

h) Petitions for the constitution of the family home;

i) Cases against minors cognizable under the Dangerous Drugs Act, as amended;

j) Violations of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act," as amended by Republic Act No. 7658; and

k) Cases of domestic violence against:

- 1) Women – which are acts of gender based violence that results, or are likely to result in physical, sexual or psychological harm or suffering to women; and other forms of physical abuse such as battering or threats and coercion which violate a woman's personhood, integrity and freedom of movement; and
- 2) Children – which include the commission of all forms of abuse, neglect, cruelty, exploitation, violence, and discrimination and all other conditions prejudicial to their development.

If an act constitute a criminal offense, the accused or batterer shall be subject to criminal proceedings and the corresponding penalties.

If any question involving any of the above matters should arise as an incident in any case pending in the regular courts, said incident shall be determined in that court.

*SEC. 6. Use of Income.* — All Family Courts shall be allowed the use of ten percent (10%) of their income derived from filing and other court fees under Rule 141 of the Rules of Court for research and other operating expenses including capital outlay: *Provided*, That this benefit shall likewise be enjoyed by all courts of justice.

The Supreme Court shall promulgate the necessary guidelines to effectively implement the provisions of this section.

*SEC. 7. Special Provisional Remedies.* — In cases of violence among immediate family members living in the same domicile or household, the Family Court may issue a restraining order against the accused or defendant upon a verified application by the complainant or the victim for relief from abuse.

The court may order the temporary custody of children in all civil actions for their custody. The court may also order support *pendente lite*, including deduction from the salary and use of conjugal home and other properties in all civil actions for support.

SEC. 8. *Supervision of Youth Detention Homes.* — The judge of the Family Court shall have direct control and supervision of the youth detention home which the local government unit shall establish to separate the youth offenders from the adult criminals: *Provided, however,* That alternatives to detention and institutional care shall be made available to the accused including counseling, recognizance, bail, community continuum, or diversions from the justice system: *Provided, further,* That the human rights of the accused are fully respected in a manner appropriate to their well-being.

SEC. 9. *Social Services and Counseling Division.* — Under the guidance of the Department of Social Welfare and Development (DSWD), a Social Services and Counseling Division (SSCD) shall be established in each judicial region as the Supreme Court shall deem necessary based on the number of juvenile and family cases existing in such jurisdiction. It shall provide appropriate social services to all juvenile and family cases filed with the court and recommend the proper social action. It shall also develop programs, formulate uniform policies and procedures, and provide technical supervision and monitoring of all SSCD in coordination with the judge.

SEC. 10. *Social Services and Counseling Division Staff.* — The SSCD shall have a staff composed of qualified social workers and other personnel with academic preparation in behavioral sciences to carry out the duties of conducting intake assessment, social case studies, casework and counseling, and other social services that may be needed in connection with cases filed with the court: *Provided, however,* That in adoption cases and in petitions for declaration of abandonment, the case studies may be prepared by social workers of duly licensed child caring or child placement agencies, or the DSWD. When warranted, the division shall recommend that the court avail itself of consultative services of psychiatrists, psychologists, and other qualified specialists presently employed in other departments of the government in connection with its cases.

The position of Social Work Adviser shall be created under the Office of the Court Administrator, who shall monitor and supervise the SSCD of the Regional Trial Court.

SEC. 11. *Alternative Social Services.* — In accordance with Section 17 of this Act, in areas where no Family Court has been established or no Regional Trial Court was designated by the Supreme Court due to limited number of cases, the DSWD shall designate and assign qualified, trained, and DSWD accredited social workers of the local government units to handle juvenile and family cases filed in the designated Regional Trial Court of the place.

SEC. 12. *Privacy and Confidentiality of Proceedings.* — All hearings and conciliation of the child and family cases shall be treated in a manner consistent with the promotion of the child's and family's dignity and worth, and shall respect their privacy at

all stages of the proceedings. Records of the cases shall be dealt with utmost confidentiality and the identity of parties shall not be divulged unless necessary and with authority of the judge.

SEC. 13. *Special Rules of Procedure.* — The Supreme Court shall promulgate special rules of procedure for the transfer of cases to the new courts during the transition period and for the disposition of family cases with the best interests of the child and the protection of the family as primary consideration taking into account the United Nations Convention on the Rights of the Child.

SEC. 14. *Appeals.* — Decisions and orders of the court shall be appealed in the same manner and subject to the same conditions as appeals from the ordinary Regional Trial Courts.

SEC. 15. *Appropriations.* — The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 16. *Implementing Rules and Regulations.* — The Supreme Court, in coordination with the DSWD, shall formulate the necessary rules and regulations for the effective implementation of the social aspects of this Act.

SEC. 17. *Transitory Provisions.* — Pending the establishment of such Family Courts, the Supreme Court shall designate from among the branches of the Regional Trial Court at least one Family Court in each of the cities of Manila, Quezon, Pasay, Caloocan, Makati, Pasig, Mandaluyong, Muntinlupa, Laoag, Baguio, Santiago, Dagupan, Olongapo, Cabanatuan, San Jose, Angeles, Cavite, Batangas, Lucena, Naga, Iriga, Legazpi, Roxas, Iloilo, Bacolod, Dumaguete, Tacloban, Cebu, Mandanue, Tagbilaran, Surigao, Butuan, Cagayan de Oro, Davao, General Santos, Oroquieta, Ozamis, Dipolog, Zamboanga, Pagadian, Iligan, and in such other places as the Supreme Court may deem necessary.

Additional cases other than those provided in Section 5 may be assigned to the Family Courts when their dockets permit: *Provided*, That such additional cases shall not be heard on the same day family cases are heard.

In areas where there are no Family Courts, the cases referred to in Section 5 of this Act shall be adjudicated by the Regional Trial Court.

SEC. 18. *Separability Clause.* — In case any provision of this Act is declared unconstitutional, the other provisions shall remain in effect.

SEC. 19. *Repealing Clause.* — All other laws, decrees, executive orders, rules or regulations inconsistent herewith are hereby repealed, amended, or modified accordingly.

SEC. 20. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in at least two (20 national newspapers of general circulation.

Approved,

(Sgd.) JOSE DE VENECIA, JR.  
*Speaker of the House  
of Representatives*

(Sgd.) ERNESTO M. MACEDA  
*President of the Senate*

This Act, which is a consolidation of Senate Bill No. 1205 and House Bill No. 9292 was finally passed by the Senate and the House of Representatives on October 13, 1997 and October 9, 1997, respectively.

(Sgd.) ROBERTO P. NAZARENO  
*Secretary General  
House of Representatives*

(Sgd.) LORENZO E. LEYNES, JR.  
*Secretary of the Senate*

Approved: October 28, 1997

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

[REPUBLIC ACT NO. 8371]

AN ACT TO RECOGNIZE, PROTECT AND PROMOTE THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES/ INDIGENOUS PEOPLES, CREATING A NATIONAL COMMISSION ON INDIGENOUS PEOPLES, ESTABLISHING IMPLEMENTING MECHANISMS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Chapter V (Social Justice and Human Rights)

“SECTION 26. *Women.* — ICC/IP women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition.

The State shall provide full access to education, maternal and child care, health and nutrition, and housing services to indigenous women. Vocational, technical, professional and other forms of training shall be provided to enable these women to fully participate in all aspects of social life. As far as possible, the State shall ensure that indigenous women have access to all services in their own languages.”

Approved: October 29, 1997

[REPUBLIC ACT NO. 8424]

AN ACT AMENDING THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED, AND FOR OTHER PURPOSES

SECTION 1. Short Title. — This Act shall be cited as the “Tax Reform Act of 1997.”

“CHAPTER III — TAX ON INDIVIDUALS

“SECTION 24. Income Tax Rates. —

“(A) Rates of Income Tax on Individual Citizen and Individual Resident Alien of the Philippines. —

“(1) An income tax is hereby imposed:

“(a) On the taxable income defined in Section 31 of this Code, other than income subject to tax under Subsections (B), (C) and (D) of this Section, derived for each taxable year from all sources within and without the Philippines by every individual citizen of the Philippines residing therein;

“(b) On the taxable income defined in Section 31 of this Code, other than income subject to tax under Subsections (B), (C) and (D) of this Section, derived for each taxable year from all sources within the Philippines by an individual citizen of the Philippines who is residing outside of the Philippines including overseas contract workers referred to in Subsection (C) of Section 23 hereof; and

“(c) On the taxable income defined in Section 31 of this Code, other than income subject to tax under Subsections (B), (C) and (D) of this Section, derived for each taxable year from all sources within the Philippines by an individual alien who is a resident of the Philippines.

“The tax shall be computed in accordance with and at the rates established in the following schedule:

“Not over ₱10,000	5%
“Over ₱10,000 but not over ₱30,000	₱500+10% of the excess over ₱10,000
“Over ₱ 30,000 but not over ₱70,000	₱2,500+15% of the excess over ₱30,000
“Over ₱ 70,000 but not over ₱140,000	₱8,500+20% of the excess over P70,000
“Over ₱140,000 but not over P250,000	₱22,500+25% of the excess over P140,000
“Over ₱250,000 but not over ₱500,000	₱50,000+30% of the excess over ₱250,000
“Over ₱500,000	₱125,000+34% of the excess over ₱500,000 in 1998.



*“Provided, That effective January 1, 1999, the top marginal rate shall be thirty-three percent (33%) and effective January 1, 2000, the said rate shall be thirty-two percent (32%).*

“For married individuals, the husband and wife, subject to the provision of Section 51(D) hereof, shall compute separately their individual income tax based on their respective total taxable income: *Provided, That if any income cannot be definitely attributed to or identified as income exclusively earned or realized by either of the spouses, the same shall be divided equally between the spouses for the purpose of determining their respective taxable income.*

*“(B) Rate of Tax on Certain Passive Income: —*

*“(1) Interests, Royalties, Prizes, and Other Winnings. — A final tax at the rate of twenty percent (20%) is hereby imposed upon the amount of interest from any currency bank deposit and yield or any other monetary benefit from deposit substitutes and from trust funds and similar arrangements; royalties, except on books, as well as other literary works and musical compositions, which shall be imposed a final tax of ten percent (10%); prizes (except prizes amounting to Ten thousand pesos (₱10,000) or less which shall be subject to tax under Subsection (A) of Section 24; and other winnings (except Philippine Charity Sweepstakes and Lotto winnings), derived from sources within the Philippines: *Provided, however, That interest income received by an individual taxpayer (except a nonresident individual) from a depository bank under the expanded foreign currency deposit system shall be subject to a final income tax at the rate of seven and one-half percent (7 1/2%) of such interest income: *Provided, further, That interest income from long-term deposit or investment in the form of savings, common or individual trust funds, deposit substitutes, investment management accounts and other investments evidenced by certificates in such form prescribed by the Bangko Sentral ng Pilipinas (BSP) shall be exempt from the tax imposed under this Subsection: *Provided, finally, That should the holder of the certificate pre-terminate the deposit or investment before the fifth (5th) year, a final tax shall be imposed on the entire income and shall be deducted and withheld by the depository bank from the proceeds of the long-term deposit or investment certificate based on the remaining maturity thereof:****

*“Four (4) years to less than five (5) years — 5%;*

*“Three (3) years to less than four (4) years — 12%; and*

*“Less than three (3) years — 20%.*

*“(2) Cash and/or Property Dividends. — A final tax at the following rates shall be imposed upon the cash and/or property dividends actually or constructively received by an individual from a domestic corporation or from a joint stock company, insurance or mutual fund companies and regional operating headquarters of multinational companies, or on the share of an individual in the distributable net income after tax of a partnership (except a general professional partnership) of which he is a partner, or on the share of an*

individual in the net income after tax of an association, a joint account, or a joint venture or consortium taxable as a corporation of which he is a member or co-venturer:

- “Six percent (6%) beginning January 1, 1998;
- “Eight percent (8%) beginning January 1, 1999;
- “Ten percent (10%) beginning January 1, 2000.

“*Provided, however,* That the tax on dividends shall apply only on income earned on or after January 1, 1998. Income forming part of retained earnings as of December 31, 1997 shall not, even if declared or distributed on or after January 1, 1998, be subject to this tax.

“(C) Capital Gains from Sale of Shares of Stock not Traded in the Stock Exchange. — The provisions of Section 39(B) notwithstanding, a final tax at the rates prescribed below is hereby imposed upon the net capital gains realized during the taxable year from the sale, barter, exchange or other disposition of shares of stock in a domestic corporation, except shares sold, or disposed of through the stock exchange.

“Not over ₱100,000	5%
“On any amount in excess of ₱100,000	10%

“(D) Capital Gains from Sale of Real Property. —

“(1) In General. — The provisions of Section 39(B) notwithstanding, a final tax of six percent (6%) based on the gross selling price or current fair market value as determined in accordance with Section 6(E) of this Code, whichever is higher, is hereby imposed upon capital gains presumed to have been realized from the sale, exchange, or other disposition of real property located in the Philippines, classified as capital assets, including *pacto de retro* sales and other forms of conditional sales, by individuals, including estates and trusts: *Provided,* That the tax liability, if any, on gains from sales or other dispositions of real property to the government or any of its political subdivisions or agencies or to government-owned or -controlled corporations shall be determined either under Section 24(A) or under this Subsection, at the option of the taxpayer;

“(2) Exception. — The provisions of paragraph (1) of this Subsection to the contrary notwithstanding, capital gains presumed to have been realized from the sale or disposition of their principal residence by natural persons, the proceeds of which is fully utilized in acquiring or constructing a new principal residence within eighteen (18) calendar months from the date of sale or disposition, shall be exempt from the capital gains tax imposed under this Subsection: *Provided,* That the historical cost or adjusted basis of the real property sold or disposed shall be carried over to the new principal residence built or acquired: *Provided, further,* That the Commissioner shall have been duly notified by the taxpayer within thirty (30) days from the date of sale or disposition through a prescribed return of his intention to avail of the tax exemption herein mentioned: *Provided, still further,* That the said tax exemption can only be availed of once every ten (10) years: *Provided, finally,* That if there is no full utilization of the

proceeds of sale or disposition, the portion of the gain presumed to have been realized from the sale or disposition shall be subject to capital gains tax. For this purpose, the gross selling price or fair market value at the time of sale, whichever is higher, shall be multiplied by a fraction which the unutilized amount bears to the gross selling price in order to determine the taxable portion and the tax prescribed under paragraph (1) of this Subsection shall be imposed thereon.

“SECTION 35. Allowance of Personal Exemption for Individual Taxpayer. —

“(A) In General. — For purposes of determining the tax provided in Section 24(A) of this Title, there shall be allowed a basic personal exemption as follows:

“For single individual or married individual judicially decreed as legally separated with no qualified dependents	P20,000
“For head of family	P25,000
“For each married individual	P32,000

“In the case of married individuals where only one of the spouses is deriving gross income, only such spouse shall be allowed the personal exemption.

“For purposes of this paragraph, the term ‘head of family’ means an unmarried or legally separated man or woman with one or both parents, or with one or more brothers or sisters, or with one or more legitimate, recognized natural or legally adopted children living with and dependent upon him for their chief support, where such brothers or sisters or children are not more than twenty-one (21) years of age, unmarried and not gainfully employed or where such children, brothers or sisters, regardless of age are incapable of self-support because of mental or physical defect.

“(B) Additional Exemption for Dependents. — There shall be allowed an additional exemption of Eight thousand pesos (P8,000) for each dependent not exceeding four (4).

“The additional exemption for dependents shall be claimed by only one of the spouses in the case of married individuals.

“In the case of legally separated spouses, additional exemptions may be claimed only by the spouse who has custody of the child or children: *Provided*, That the total amount of additional exemptions that may be claimed by both shall not exceed the maximum additional exemptions herein allowed.

“For purposes of this Subsection, a ‘dependent’ means a legitimate, illegitimate or legally adopted child chiefly dependent upon and living with the taxpayer if such dependent is not more than twenty-one (21) years of age, unmarried and not gainfully employed or if such dependent, regardless of age, is incapable of self-support because of mental or physical defect.

“(C) Change of Status. — If the taxpayer marries or should have additional dependent(s) as defined above during the taxable year, the taxpayer may claim the corresponding additional exemption, as the case may be, in full for such year.

“If the taxpayer dies during the taxable year, his estate may still claim the personal and additional exemptions for himself and his dependent(s) as if he died at the close of such year.

“If the spouse or any of the dependents dies or if any of such dependents marries, becomes twenty-one (21) years old or becomes gainfully employed during the taxable year, the taxpayer may still claim the same exemptions as if the spouse or any of the dependents died, or as if such dependents married, became twenty-one (21) years old or became gainfully employed at the close of such year.

“(D) Personal Exemption Allowable to Nonresident Alien Individual. — A nonresident alien individual engaged in trade, business or in the exercise of a profession in the Philippines shall be entitled to a personal exemption in the amount equal to the exemptions allowed in the income tax law in the country of which he is a subject or citizen, to citizens of the Philippines not residing in such country, not to exceed the amount fixed in this Section as exemption for citizens or residents of the Philippines: *Provided*, That said nonresident alien should file a true and accurate return of the total income received by him from all sources in the Philippines, as required by this Title.

## “CHAPTER IX — RETURNS AND PAYMENT OF TAX

“SECTION 51. Individual Return. —

“(A) Requirements. —

“(1) Except as provided in paragraph (2) of this Subsection, the following individuals are required to file an income tax return:

“(a) Every Filipino citizen residing in the Philippines;

“(b) Every Filipino citizen residing outside the Philippines, on his income from sources within the Philippines;

“(c) Every alien residing in the Philippines, on income derived from sources within the Philippines; and

“(d) Every nonresident alien engaged in trade or business or in the exercise of profession in the Philippines.

“(2) The following individuals shall not be required to file an income tax return:

“(a) An individual whose gross income does not exceed his total personal and additional exemptions for dependents under Section 35: *Provided*, That a citizen of the Philippines and any alien individual engaged in business or practice of profession within the Philippines shall file an income tax return, regardless of the amount of gross income;

“(b) An individual with respect to pure compensation income, as defined in Section 32(A)(1), derived from sources within the Philippines, the income tax on which has been correctly withheld under the provisions of Section 79 of this Code: *Provided*, That an individual deriving compensation concurrently from two or more employers at any time during the taxable year shall file an income tax return: *Provided, further*, That an individual whose pure compensation income derived from sources within the Philippines exceeds Sixty thousand pesos (P60,000) shall also file an income tax return;

“(c) An individual whose sole income has been subjected to final withholding tax pursuant to Section 57(A) of this Code; and

“(d) An individual who is exempt from income tax pursuant to the provisions of this Code and other laws, general or special.

“(3) The foregoing notwithstanding, any individual not required to file an income tax return may nevertheless be required to file an information return pursuant to rules and regulations prescribed by the Secretary of Finance, upon recommendation of the Commissioner.

“(4) The income tax return shall be filed in duplicate by the following persons:

“(a) A resident citizen — on his income from all sources;

“(b) A nonresident citizen — on his income derived from sources within the Philippines;

“(c) A resident alien — on his income derived from sources within the Philippines; and

“(d) A nonresident alien engaged in trade or business in the Philippines — on his income derived from sources within the Philippines.

“(B) Where to File. — Except in cases where the Commissioner otherwise permits, the return shall be filed with an authorized agent bank, Revenue District Officer, Collection Agent or duly authorized Treasurer of the city or municipality in which such person has his legal residence or principal place of business in the Philippines, or if there be no legal residence or place of business in the Philippines, with the Office of the Commissioner.

“(C) When to File. —

“(1) The return of any individual specified above shall be filed on or before the fifteenth (15th) day of April of each year covering income for the preceding taxable year.

“(2) Individuals subject to tax on capital gains:

“(a) From the sale or exchange of shares of stock not traded thru a local stock exchange as prescribed under Section 24(C) shall file a return within thirty (30) days after each transaction and a final consolidated return on or before April 15 of each year covering all stock transactions of the preceding taxable year; and

“(b) From the sale or disposition of real property under Section 24(D) shall file a return within thirty (30) days following each sale or other disposition.

“(D) Husband and Wife. — Married individuals, whether citizens, resident or nonresident aliens, who do not derive income purely from compensation, shall file a return for the taxable year to include the income of both spouses, but where it is impracticable for the spouses to file one return, each spouse may file a separate return of income but the returns so filed shall be consolidated by the Bureau for purposes of verification for the taxable year.

“(E) Return of Parent to Include Income of Children. — The income of unmarried minors derived from property received from a living parent shall be included in the return of the parent, except (1) when the donor's tax has been paid on such property, or (2) when the transfer of such property is exempt from donor's tax.

“(F) Persons Under Disability. — If the taxpayer is unable to make his own return, the return may be made by his duly authorized agent or representative or by the guardian or other person charged with the care of his person or property, the principal and his representative or guardian assuming the responsibility of making the return and incurring penalties provided for erroneous, false or fraudulent returns.

“(G) Signature Presumed Correct. — The fact that an individual's name is signed to a filed return shall be prima facie evidence for all purposes that the return was actually signed by him.

February 25, 1998

[REPUBLIC ACT NO. 8522]

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY ONE, NINETEEN HUNDRED NINETY EIGHT, AND FOR OTHER PURPOSES

"Sec. 28. *Gender-Responsive Projects.* – All departments, bureaus, offices, agencies, state universities and colleges and instrumentalities including government owned and/or controlled corporations shall set aside a minimum amount of five percent (5%) out of their 1998 appropriations to be used for projects designed to address gender issues in accordance with R.A. No. 7192.

The concerned departments, bureaus, offices, agencies, state universities and colleges and instrumentalities including government owned and/or controlled corporations shall formulate their 1998 gender and development plan and submit semestral reports to Congress, the Department of Budget and Management and the National Commission on the Role of Filipino Women, indicating the amounts utilized to implement such gender-responsive projects and activities.

The implementation of this Section shall be in accordance with the guidelines jointly issued by the National Economic and Development Authority, the Department of Budget and Management and the National Commission on the Role of Filipino Women.

Approved: February 14, 1998

**[REPUBLIC ACT NO. 8551]**

AN ACT PROVIDING FOR THE REFORM AND REORGANIZATION OF THE PHILIPPINE NATIONAL POLICE AND FOR OTHER PURPOSES, AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NUMBERED SIXTY-NINE HUNDRED AND SEVENTY-FIVE ENTITLED, "AN ACT ESTABLISHING THE PHILIPPINE NATIONAL POLICE UNDER A RE-ORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND FOR OTHER PURPOSES"

**TITLE I  
TITLE AND DECLARATION OF POLICY**

SECTION 1. *Title.* — This Act shall be known as the "Philippine National Police Reform and Reorganization Act of 1998".

SECTION 2. *Declaration of Policy and Principles.* — It is hereby declared the policy of the State to establish a highly efficient and competent police force which is national in scope and civilian in character administered and controlled by a national police commission.

The Philippine National Police (PNP) shall be a community and service oriented agency responsible for the maintenance of peace and order and public safety.

The PNP shall be so organized to ensure accountability and uprightness in police exercise of discretion as well as to achieve efficiency and effectiveness of its members and units in the performance of their functions.

**TITLE II  
THE ROLE OF THE PNP IN COUNTER-INSURGENCY FUNCTIONS**

SECTION 3. Section 12 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 12. *Relationship of the Department with the Department of National Defense.* — The Department of the Interior and Local Government shall be relieved of the primary responsibility on matters involving the suppression of insurgency and other serious threats to national security. The Philippine National Police shall, through information gathering and performance of its ordinary police functions, support the Armed Forces of the Philippines on matters involving suppression of insurgency, except in cases where the President shall call on the PNP to support the AFP in combat operations.



“In times of national emergency, the PNP, the Bureau of Fire Protection, and the Bureau of Jail Management and Penology shall, upon the direction of the President, assist the armed forces in meeting the national emergency.”

### TITLE III THE NATIONAL POLICE COMMISSION

SECTION 4. Section 13 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 13. *Creation and Composition.* — A National Police Commission, hereinafter referred to as the Commission, is hereby created for the purpose of effectively discharging the functions prescribed in the Constitution and provided in this Act. The Commission shall be an agency attached to the Department for policy and program coordination. It shall be composed of a Chairperson, four (4) regular Commissioners, and the Chief of PNP as ex-officio member. Three (3) of the regular commissioners shall come from the civilian sector who are neither active nor former members of the police or military, one (1) of whom shall be designated as vice chairperson by the President. The fourth regular commissioner shall come from the law enforcement sector either active or retired: *Provided*, That an active member of a law enforcement agency shall be considered resigned from said agency once appointed to the Commission: *Provided, further*, That at least one (1) of the Commissioners shall be a woman. The Secretary of the Department shall be the ex-officio Chairperson of the Commission, while the Vice Chairperson shall act as the executive officer of the Commission.”

SECTION 5. Section 14 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 14. *Powers and Functions of the Commission.* — The Commission shall exercise the following powers and functions:

“(a) Exercise administrative control and operational supervision over the Philippine National Police which shall mean the power to:

“1) Develop policies and promulgate a police manual prescribing rules and regulations for efficient organization, administration, and operation, including criteria for manpower allocation, distribution and deployment, recruitment, selection, promotion, and retirement of personnel and the conduct of qualifying entrance and promotional examinations for uniformed members;

“2) Examine and audit, and thereafter establish the standards for such purposes on a continuing basis, the performance, activities, and facilities of all police agencies throughout the country;

“3) Establish a system of uniform crime reporting;

“4) Conduct an annual self-report survey and compile statistical data for the accurate assessment of the crime situation and the proper evaluation of the efficiency and effectiveness of all police units in the country;

“5) Approve or modify plans and programs on education and training, logistical requirements, communications, records, information systems, crime laboratory, crime prevention and crime reporting;

“6) Affirm, reverse or modify, through the National Appellate Board, personnel disciplinary actions involving demotion or dismissal from the service imposed upon members of the Philippine National Police by the Chief of the Philippine National Police;

“7) Exercise appellate jurisdiction through the regional appellate boards over administrative cases against policemen and over decisions on claims for police benefits;

“8) Prescribe minimum standards for arms, equipment, and uniforms and, after consultation with the Philippine Heraldry Commission, for insignia of ranks, awards, and medals of honor. Within ninety (90) days from the effectivity of this Act, the standards of the uniformed personnel of the PNP must be revised which should be clearly distinct from the military and reflective of the civilian character of the police;

“9) Issue subpoena and subpoena *duces tecum* in matters pertaining to the discharge of its own powers and duties, and designate who among its personnel can issue such processes and administer oaths in connection therewith;

“10) Inspect and assess the compliance of the PNP on the established criteria for manpower allocation, distribution, and deployment and their impact on the community and the crime situation, and thereafter formulate appropriate guidelines for maximization of resources and effective utilization of the PNP personnel;

“11) Monitor the performance of the local chief executives as deputies of the Commission; and

“12) Monitor and investigate police anomalies and irregularities.

“b) Advise the President on all matters involving police functions and administration;

“c) Render to the President and to the Congress an annual report on its activities and accomplishments during the thirty (30) days after the end of the calendar year, which shall include an appraisal of the conditions obtaining in the organization and administration of police agencies in the municipalities, cities and provinces throughout the country, and recommendations for appropriate remedial legislation;

“d) Recommend to the President, through the Secretary, within sixty (60) days before the commencement of each calendar year, a crime prevention program; and

“e) Perform such other functions necessary to carry out the provisions of this Act and as the President may direct.”

SECTION 6. Section 15 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 15. *Qualifications.* — No person shall be appointed regular member of the Commission unless:

“(a) He or she is a citizen of the Philippines;

“(b) A member of the Philippine Bar with at least five (5) years experience in handling criminal or human rights cases or a holder of a master’s degree but preferably a doctorate degree in public administration, sociology, criminology, criminal justice, law enforcement, and other related disciplines; and

“(c) The regular member coming from the law enforcement sector should have practical experience in law enforcement work for at least five (5) years while the three (3) other regular commissioners must have done extensive research work or projects on law enforcement, criminology or criminal justice or members of a duly registered non-government organization involved in the promotion of peace and order.”

SECTION 7. Section 16 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 16. *Term of Office.* — The four (4) regular and full-time Commissioners shall be appointed by the President for a term of six (6) years without re-appointment or extension.”

SECTION 8. *Expiration of the Terms of Office of Current Commissioners.* — Upon the effectivity of this Act the terms of office of the current Commissioners are deemed expired which shall constitute a bar to their reappointment or an extension of their terms in the Commission except for current Commissioners who have served less than two (2) years of their terms of office who may be appointed by the President for a maximum term of two (2) years.

SECTION 9. Section 17 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 17. *Temporary or Permanent Incapacity of the Chairperson.* — In case of absence due to the temporary incapacity of the chairperson, the Vice chair shall serve as Chairperson until the Chairperson is present or regains capacity to serve. In case of death or permanent incapacity or disqualification of the chairperson, the acting chairperson shall also act as such until a new chairperson shall have been appointed by the President and qualified.”

SECTION 10. Section 20 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 20. *Organizational Structure.* — The Commission shall consist of the following units:

“(a) Commission Proper. — This is composed of the offices of the Chairman and four (4) Commissioners.

“(b) Staff Services. — The staff services of the Commission shall be as follows:

“(1) The Planning and Research Service, which shall provide technical services to the Commission in areas of overall policy formulation, strategic and operational planning, management systems or procedures, evaluation and monitoring of the Commission’s programs, projects and internal operations; and shall conduct thorough research and analysis on social and economic conditions affecting peace and order in the country;

“(2) The Legal Affairs Service, which shall provide the Commission with efficient and effective service as legal counsel of the Commission; draft or study contracts affecting the Commission and submit appropriate recommendations pertaining thereto; and render legal opinions arising from the administration and operation of the Philippine National Police and the Commission;

“(3) The Crime Prevention and Coordination Service, which shall undertake criminological researches and studies; formulate a national crime prevention plan; develop a crime prevention and information program and provide editorial direction for all criminology research and crime prevention publications;

“(4) The Personnel and Administrative Service, which shall perform personnel functions for the Commission, administer the entrance and promotional examinations for policemen, provide the necessary services relating to records, correspondence, supplies, property and equipment, security and general services, and the maintenance and utilization of facilities, and provide services relating to manpower, career planning and development, personnel transactions and employee welfare;

“(5) The Inspection, Monitoring and Investigation Service, which shall conduct continuous inspection and management audit of personnel, facilities and operations at all levels of command of the PNP, monitor the implementation of the Commission’s programs and projects relative to law enforcement; and monitor and investigate police anomalies and irregularities;

“(6) The Installations and Logistics Service, which shall review the Commission’s plans and programs and formulate policies and procedures regarding acquisition, inventory, control, distribution, maintenance and disposal of supplies and shall oversee the implementation of programs on transportation facilities and installations and the procurement and maintenance of supplies and equipment; and

“(7) The Financial Service, which shall provide the Commission with staff advice and assistance on budgetary and financial matters, including the overseeing of the processing and disbursement of funds pertaining to the scholarship program and surviving children of deceased and/or permanently incapacitated PNP personnel.

“(c) Disciplinary Appellate Boards — The Commission shall establish a formal administrative disciplinary appellate machinery consisting of the National Appellate Board and the regional appellate boards.

“The National Appellate Board shall decide cases on appeal from decisions rendered by the PNP chief, while the regional appellate boards shall decide cases on appeal from decisions rendered by officers other than the PNP chief, the mayor, and the People’s Law Enforcement Board (PLEB) created hereunder.”

SECTION 11. Section 22 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 22. *Qualifications of Regional Directors.* — No person shall be appointed regional director unless:

“(a) He or she is a citizen of the Philippines; and

“(b) A holder of a master’s degree and appropriate civil service eligibility.”

SECTION 12. *Qualifications Upgrading Program.* — The Commission shall design and establish a qualifications upgrading program for the members of the Commission in coordination with the Civil Service Commission, the Department of Education, Culture and Sports and the Commission on Higher Education through a distance education program and/or an in-service education program or similar programs within ninety (90) days from the effectivity of this Act: *Provided*, That those who are already in the service from the effectivity of this Act shall have five (5) years to obtain the required degree or qualification counted from the implementation of the qualifications upgrading program.

#### TITLE IV THE PHILIPPINE NATIONAL POLICE A. REORGANIZATION

SECTION 13. *Authority of the Commission to Reorganize the PNP.* — Notwithstanding the provisions of Republic Act No. 6975 on the organizational structure and rank classification of the PNP, the Commission shall conduct a management audit, and prepare and submit to Congress a proposed reorganization plan of the PNP not later than December 31, 1998, subject to the limitations provided under this Act and based on the following criteria: a) increased police visibility through dispersal of personnel from the headquarters to the field offices and by the appointment and assignment of non-uniformed personnel to positions which are purely administrative, technical, clerical or menial in nature and other positions which are not actually and directly related to police operation; and b) efficient and optimized delivery of police services to the communities. The PNP reorganization program shall be approved by Congress through a joint resolution.

#### B. QUALIFICATIONS UPGRADING

SECTION 14. Section 30 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 30. *General Qualifications for Appointment.* — No person shall be appointed as officer or member of the PNP unless he or she possesses the following minimum qualifications:

“a) A citizen of the Philippines;

“b) A person of good moral conduct;

“c) Must have passed the psychiatric/psychological, drug and physical tests to be administered by the PNP or by any NAPOLCOM accredited government hospital for the purpose of determining physical and mental health;

“d) Must possess a formal baccalaureate degree from a recognized institution of learning;

“e) Must be eligible in accordance with the standards set by the Commission;

“f) Must not have been dishonorably discharged from military employment or dismissed for cause from any civilian position in the Government;

“g) Must not have been convicted by final judgment of an offense or crime involving moral turpitude;

“h) Must be at least one meter and sixty-two centimeters (1.62 m.) in height for male and one meter and fifty-seven centimeters (1.57 m.) for female;

“i) Must weigh not more or less than five kilograms (5 kgs.) from the standard weight corresponding to his or her height, age, and sex; and

“j) For a new applicant, must not be less than twenty-one (21) nor more than thirty (30) years of age: except for the last qualification, the above-enumerated qualifications shall be continuing in character and an absence of any one of them at any given time shall be a ground for separation or retirement from the service: *Provided*, That PNP members who are already in the service upon the effectivity of this Act shall be given at least two (2) more years to obtain the minimum educational qualification and one (1) year to satisfy the weight requirement.

“For the purpose of determining compliance with the requirements on physical and mental health, as well as the non-use of prohibited drugs, the PNP by itself or through a NAPOLCOM accredited government hospital shall conduct regular psychiatric, psychological drug and physical tests randomly and without notice.

“After the lapse of the time period for the satisfaction of a specific requirement, current members of the PNP who will fail to satisfy any of

the requirements enumerated under this Section shall be separated from the service if they are below fifty (50) years of age and have served in Government for less than twenty (20) years or retired if they are from the age of fifty (50) and above and have served the Government for at least twenty (20) years without prejudice in either case to the payment of benefits they may be entitled to under existing laws.”

SECTION 15. *Waivers for Initial Appointments to the PNP.* — The age, height, weight, and educational requirements for initial appointment to the PNP may be waived only when the number of qualified applicants fall below the minimum annual quota: *Provided*, That an applicant shall not be below twenty (20) nor over thirty-five (35) years of age: *Provided, further*, That any applicant not meeting the weight requirement shall be given reasonable time but not exceeding six (6) months within which to comply with the said requirement: *Provided, furthermore*, That only applicants who have finished second year college or have earned at least seventy-two (72) collegiate units leading to a bachelor’s degree shall be eligible for appointment: *Provided, furthermore*, That anybody who will enter the service without a baccalaureate degree shall be given a maximum of four (4) years to obtain the required educational qualification: *Provided, finally*, That a waiver for height requirement shall be automatically granted to applicants belonging to the cultural communities.

SECTION 16. *Selection Criteria Under the Waiver Program.* — The selection of applicants under the Waiver Program shall be subject to the following minimum criteria:

- a) Applicants who possess the least disqualification shall take precedence over those who possess more disqualifications.
- b) The requirements shall be waived in the following order: (a) age, (b) height, (c) weight, and (d) education.

The Commission shall promulgate rules and regulations to address other situations arising from the waiver of the entry requirements.

SECTION 17. *Nature of Appointment Under a Waiver Program.* — Any PNP uniformed personnel who is admitted due to the waiver of the educational or weight requirements shall be issued a temporary appointment pending the satisfaction of the requirement waived. Any member who will fail to satisfy any of the waived requirements within the specified time periods under Section 13 of this Act shall be dismissed from the service.

SECTION 18. *Re-application of Dismissed PNP Members Under a Waiver Program.* — Any PNP member who shall be dismissed under a waiver program shall be eligible to re-apply for appointment to the PNP: *Provided*, That he or she possesses the minimum qualifications under Section 14 of this Act and his or her reappointment is not by virtue of another waiver program.



SECTION 19. *The Field Training Program.* — All uniformed members of the PNP shall undergo a Field Training Program for twelve (12) months involving actual experience and assignment in patrol, traffic, and investigation as a requirement for permanency of their appointment.

SECTION 20. *Increased Qualifications for Provincial Directors.* — No person may be appointed Director of a Provincial Police Office unless:

a) he or she holds a master's degree in public administration, sociology, criminology, criminal justice, law enforcement, national security administration, defense studies, or other related discipline from a recognized institution of learning; and

b) has satisfactorily passed the required training and career courses necessary for the position as may be established by the Commission.

Any PNP personnel who is currently occupying the position but lacks any of the qualifications mentioned above shall be given three (3) years upon the effectivity of this Act to comply with the requirements; otherwise he or she shall be relieved from the position.

SECTION 21. Section 32 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 32. *Examinations of Policemen.* — The National Police Commission shall administer the entrance and promotional examinations for policemen on the basis of the standards set by the Commission.”

SECTION 22. Section 34 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 34. *Qualifications of Chief of City and Municipal Police Stations.* — No person shall be appointed chief of a city police station unless he/she is a graduate of Bachelor of Laws or has finished all the required courses of a master's degree program in public administration, criminology, criminal justice, law enforcement, national security administration, defense studies, and other related disciplines from a recognized institution of learning. No person shall be appointed chief of a municipal police station unless he or she has finished at least second year Bachelor of Laws or has earned at least twelve (12) units in a master's degree program in public administration, criminology, criminal justice, law enforcement, national security administration, and other related disciplines from a recognized institution of learning: *Provided*, That members of the Bar with at least five (5) years of law practice, licensed criminologists or graduates of the Philippine National Police Academy and who possess the general qualifications for initial appointment to the PNP shall be qualified for appointment as chief of a city or municipal

police station: *Provided, further,* That the appointee has successfully passed the required field training program and has complied with other requirements as may be established by the Commission: *Provided, furthermore,* That the chief of police shall be appointed in accordance with the provisions of Section 51, paragraph (b), subparagraph 4(i) of this Act.”

SECTION 23. *Qualifications Upgrading Program.* — The Commission shall design and establish a qualifications upgrading program for the Philippine National Police officers and members in coordination with the Civil Service Commission, and the Commission on Higher Education through a distance education program and/or an in-service education program or other similar programs within ninety (90) days from the effectivity of this Act.

### C. ATTRITION SYSTEM FOR UNIFORMED PERSONNEL

SECTION 24. *Attrition System.* — There shall be established a system of attrition within the uniformed members of the PNP within one (1) year from the effectivity of this Act to be submitted by the PNP to the Commission for approval. Such attrition system shall include but is not limited to the provisions of the following sections.

SECTION 25. *Attrition by Attainment of Maximum Tenure in Position.* — The maximum tenure of PNP members holding key positions is hereby prescribed as follows:

POSITION	MAXIMUM TENURE
Chief	four (4) years
Deputy Chief	four (4) years
Director of the Staff Services	four (4) years
Regional Directors	six (6) years
Provincial/City Directors	nine (9) years

Other positions higher than Provincial Director shall have the maximum tenure of six (6) years. Unless earlier separated, retired or promoted to a higher position in accordance with the PNP Staffing Pattern, police officers holding the above-mentioned positions shall be compulsorily retired at the maximum tenure in position herein prescribed, or at age fifty-six (56), whichever is earlier: *Provided,* That in times of war or other national emergency declared by Congress, the President may extend the PNP Chief's tour of duty: *Provided, further,* That PNP members who have already reached their maximum tenure upon the effectivity of this Act may be allowed one (1) year more of tenure in their positions before the maximum tenure provided in this Section shall be applied to them, unless they shall have already reached the compulsory retirement age of fifty-six (56), in which case the compulsory retirement age shall prevail.

Except for the Chief, PNP, no PNP member who has less than one (1) year of service before reaching the compulsory retirement age shall be promoted to a higher rank or appointed to any other position.

SECTION 26. *Attrition by Relief*. — A PNP uniformed personnel who has been relieved for just cause and has not been given an assignment within two (2) years after such relief shall be retired or separated.

SECTION 27. *Attrition by Demotion in Position or Rank*. — Any PNP personnel, civilian or uniformed, who is relieved and assigned to a position lower than what is established for his or her grade in the PNP staffing pattern and who shall not be assigned to a position commensurate to his or her grade within eighteen (18) months after such demotion in position shall be retired or separated.

SECTION 28. *Attrition by Non-promotion*. — Any PNP personnel who has not been promoted for a continuous period of ten (10) years shall be retired or separated.

SECTION 29. *Attrition by Other Means*. — A PNP member or officer with at least five (5) years of accumulated active service shall be separated based on any of the following factors:

- a) inefficiency based on poor performance during the last two (2) successive annual rating periods;
- b) inefficiency based on poor performance for three (3) cumulative annual rating periods;
- c) physical and/or mental incapacity to perform police functions and duties; or
- d) failure to pass the required entrance examinations twice and/or finish the required career courses except for justifiable reasons.

SECTION 30. *Retirement or Separation Under the Preceding Sections*. — Any personnel who is dismissed from the PNP pursuant to Sections 25, 26, 27, 28 and 29 hereof shall be retired if he or she has rendered at least twenty (20) years of service and separated if he or she has rendered less than twenty (20) years of service unless the personnel is disqualified by law to receive such benefits.

#### D. PROMOTION SYSTEM

SECTION 31. *Rationalized Promotion System*. — Within six (6) months after the effectivity of this Act, the Commission shall establish a system of promotion for uniformed and non-uniformed personnel of the PNP which shall be based on merits and on the availability of vacant positions in the PNP staffing pattern. Such system shall be gender fair and shall ensure that women members of the PNP shall enjoy equal opportunity for promotion as that of men.

SECTION 32. *Promotion by Virtue of Position*. — Any PNP personnel designated to any key position whose rank is lower than that which is required for such

position shall, after six (6) months of occupying the same, be entitled to a rank adjustment corresponding to the position: *Provided*, That the personnel shall not be reassigned to a position calling for a higher rank until after two (2) years from the date of such rank adjustment: *Provided, further*, That any personnel designated to the position who does not possess the established minimum qualifications therefor shall occupy the same temporarily for not more than six (6) months without reappointment or extension.

SECTION 33. Section 38 (a) and (b) of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 38. *Promotions*. — (a) A uniformed member of the PNP shall not be eligible for promotion to a higher position or rank unless he or she has successfully passed the corresponding promotional examination given by the Commission, or the Bar, or the corresponding board examinations for technical services and other professions, has satisfactorily completed the appropriate and accredited course in the PNPA or equivalent training institutions, and has satisfactorily passed the required psychiatric/psychological and drug tests. In addition, no uniformed member of the PNP shall be eligible for promotion during the pendency of his or her administrative and/or criminal case or unless he or she has been cleared by the People’s Law Enforcement Board (PLEB), and the Office of the Ombudsman of any complaints proffered against him or her, if any.

“(b) Any uniformed member of the PNP who has exhibited acts of conspicuous courage and gallantry at the risk of his/her life above and beyond the call of duty, shall be promoted to the next higher rank: *Provided*, That such acts shall be validated by the Commission based on established criteria.”

#### E. UPGRADING OF SALARIES AND BENEFITS

SECTION 34. Section 75 of the same Act is hereby amended to read as follows:

“SEC. 75. *Retirement Benefits*. — Monthly retirement pay shall be fifty percent (50%) of the base pay and longevity pay of the retired grade in case of twenty (20) years of active service, increasing by two and one-half percent (2.5%) for every year of active service rendered beyond twenty (20) years to a maximum of ninety percent (90%) for thirty-six (36) years of active service and over: *Provided*, That, the uniformed personnel shall have the option to receive in advance and in lump sum his retirement pay for the first five (5) years: *Provided, further*, That payment of the retirement benefits in lump sum shall be made within six (6) months from effectivity date of retirement and/or completion: *Provided, finally*, That retirement pay of the officers/non-officers of the PNP shall be subject

to adjustments based on the prevailing scale of base pay of police personnel in the active service.”

SECTION 35. Section 73 of the same Act is hereby amended to read as follows:

“SEC. 73. *Permanent Physical Disability.* — An officer or non-officer who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of his duty as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of his position, shall be entitled to one year’s salary and to lifetime pension equivalent to eighty percent (80%) of his last salary, in addition to other benefits as provided under existing laws.

“Should such member who has been retired under permanent total disability under this section die within five (5) years from his retirement, his surviving legal spouse or if there be none, the surviving dependent legitimate children shall be entitled to the pension for the remainder of the five (5) years guaranteed period.”

SECTION 36. Section 36 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 36. *Status of Members of the Philippine National Police.* — The uniformed members of the PNP shall be considered employees of the National Government and shall draw their salaries therefrom. They shall have the same salary grade level as that of public school teachers: *Provided,* That PNP members assigned in Metropolitan Manila, chartered cities and first class municipalities may be paid financial incentive by the local government unit concerned subject to the availability of funds.”

SECTION 37. *Early Retirement Program.* — Within three (3) years after the effectivity of this Act, any PNP officer or non-commissioned officer may retire and be paid separation benefits corresponding to a position two (2) ranks higher than his or her present rank subject to the following conditions:

- a) that at the time he or she applies for retirement, he or she has already rendered at least ten (10) years of continuous government service;
- b) the applicant is not scheduled for separation or retirement from the service due to the attrition system or separation for cause;
- c) he or she has no pending administrative or criminal case; and

d) he or she has at least three (3) more years in the service before reaching the compulsory retirement age and at least a year before his or her maximum tenure in position.

SECTION 38. *Rationalization of Retirement and Separation Benefits.* — The Commission shall formulate a rationalized retirement and separation benefits schedule and program within one (1) year from the effectivity of this Act for approval by Congress: *Provided*, That, the approved schedule and program shall have retroactive effect in favor of PNP members and officers retired or separated from the time specified in the law, unless the retirement or separation is for cause and the decision denies the grant of benefits.

## TITLE V INTERNAL AFFAIRS SERVICE

SECTION 39. *Creation, Powers, and Functions.* — An Internal Affairs Service (IAS) of the PNP is hereby created which shall:

- a) pro-actively conduct inspections and audits on PNP personnel and units;
- b) investigate complaints and gather evidence in support of an open investigation;
- c) conduct summary hearings on PNP members facing administrative charges;
- d) submit a periodic report on the assessment, analysis, and evaluation of the character and behavior of PNP personnel and units to the Chief PNP and the Commission;
- e) file appropriate criminal cases against PNP members before the court as evidence warrants and assist in the prosecution of the case;
- f) provide assistance to the Office of the Ombudsman in cases involving the personnel of the PNP.

The IAS shall also conduct, *motu proprio*, automatic investigation of the following cases:

- a) incidents where a police personnel discharges a firearm;
- b) incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of a police operation;
- c) incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;

d) incidents where a suspect in the custody of the police was seriously injured;  
and

e) incidents where the established rules of engagement have been violated.

Finally, the IAS shall provide documents or recommendations as regards to the promotion of the members of the PNP or the assignment of PNP personnel to any key position.

SECTION 40. *Organization.* — National, regional, and provincial offices of the Internal Affairs shall be established. Internal Affairs Service shall be headed by an Inspector General who shall be assisted by a Deputy Inspector General. The area offices shall be headed by a Director while the provincial offices shall be headed by a Superintendent: *Provided*, That the head of the Internal Affairs Service shall be a civilian who shall meet the qualification requirements provided herein.

The commission shall establish a rationalized staffing pattern in the Reorganization Plan as provided for in Section 13 hereof.

SECTION 41. *Appointments.* — The Inspector General shall be appointed by the President upon the recommendation of the Director General and duly endorsed by the Commission. Appointments of personnel who shall occupy various positions shall be made by the Inspector General and shall be based on an established career pattern and criteria to be promulgated by the Commission.

SECTION 42. *Entry Qualifications to IAS.* — Entry to the Internal Affairs Service shall be voluntary and subject to rigid screening where only PNP personnel who have at least five (5) years experience in law enforcement and who have no derogatory service records shall be considered for appointment: *Provided*, That members of the Bar may enter the service laterally.

SECTION 43. *Initial Appointments to the National, Directorial, and Provincial Internal Affairs Service Offices.* — Initial appointments of the heads of the offices in the Internal Affairs Service shall be made by the President upon recommendation by the Commission. Thereafter, appointments and promotions to the Service shall follow the established requirements and procedures.

SECTION 44. *Promotions.* — The Commission shall establish the promotion system within the IAS which shall follow the general principles of the promotion system in the PNP.

SECTION 45. *Prohibitions.* — Any personnel who joins the IAS may not thereafter join any other unit of the PNP. Neither shall any personnel of the IAS be allowed to sit in a committee deliberating on the appointment, promotion, or assignment of any PNP personnel.

SECTION 46. *Career Development and Incentives.* — (1) Personnel of the Internal Affairs Service shall in addition to other allowances authorized under existing laws be granted occupational specialty pay which shall not exceed fifty percent (50%) of their basic pay. This pay shall not be considered a forfeiture of other remuneration and allowances which are allowed under existing laws.

(2) IAS members shall also have priorities in the quota allocation for training and education.

SECTION 47. *Records Management of the IAS.* — Local Internal Affairs Offices shall be responsible for the maintenance and update of the records of the members of the PNP within their jurisdiction.

When a PNP personnel is reassigned or transferred to another location or unit outside the jurisdiction of the current Internal Affairs Office, the original records of such personnel shall be transferred over to the Internal Affairs Office that will acquire jurisdiction over the transferred personnel while copies will be retained by the former Internal Affairs Office. In cases where a PNP personnel has been relieved of his/her position and has not been given an assignment, the Internal Affairs Office where the person has been assigned last shall continue to have jurisdiction over his or her records until such time that the officer or member shall have been given a new assignment where the records will be forwarded to the Internal Affairs Office acquiring jurisdiction over the PNP personnel.

SECTION 48. *Inclusion of Supervisors and Superiors in IAS Investigations.* — The immediate superior or supervisor of the personnel or units being investigated under the preceding section shall be automatically included in the investigation of the IA to exclusively determine lapses in administration or supervision.

SECTION 49. *Disciplinary Recommendations of the IAS.* — (a) Any uniformed PNP personnel found guilty of any of the cases mentioned in Section 39 of this Act and any immediate superior or supervisor found negligent under Section 48 shall be recommended automatically for dismissal or demotion, as the case may be.

(b) Recommendations by the IAS for the imposition of disciplinary measures against an erring PNP personnel, once final, cannot be revised, set-aside, or unduly delayed by any disciplining authority without just cause. Any disciplining authority who fails to act or who acts with abuse of discretion on the recommendation of the IAS shall be made liable for gross neglect of duty. The case of erring disciplinary authority shall be submitted to the Director General for proper disposition.

SECTION 50. *Appeals.* — Decisions rendered by the provincial inspectors shall be forwarded to the area internal affairs office for review within ten (10) working days upon the receipt thereof. Decisions of the area office may be appealed to the national office through the Office of Inspector General. Decisions rendered by the National IAS shall be appealed to the National Appellate Board or to the court as may be appropriate:



*Provided*, That the summary dismissal powers of the Director General and Regional Directors as provided in Section 42 of Republic Act No. 6975 shall remain valid: *Provided, further*, That the existing jurisdiction over offenses as provided under Republic Act No. 6975 shall not be affected.

SECTION 51. *Complaints Against the IAS.* — A complaint against any personnel or office of IAS shall be brought to the Inspector General's Office or to the Commission as may be appropriate.

## TITLE VI DISCIPLINARY MECHANISMS

SECTION 52. Section 41 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 41(a). *Citizen's Complaints.* — Any complaint by a natural or juridical person against any member of the PNP shall be brought before the following:

“(1) Chiefs of Police, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period not exceeding fifteen (15) days;

“(2) Mayors of cities and municipalities, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period of not less than sixteen (16) days but not exceeding thirty (30) days;

“(3) People's Law Enforcement Board, as created under Section 43 hereof, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period exceeding thirty (30) days; or by dismissal.

“The Commission shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this Section.

“(b) *Internal Discipline.* — On dealing with minor offenses involving internal discipline found to have been committed by any regular member of their respective commands, the duly designated supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

“(1) Chiefs of police or equivalent supervisors may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any of the combination of the foregoing: *Provided*, That, in all cases, the total period shall not exceed fifteen (15) days;

“(2) Provincial directors or equivalent supervisors may summarily impose administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; forfeiture of salary or suspension, or any combination of the foregoing: *Provided*, That, in all cases, the total period shall not exceed thirty (30) days;

“(3) Police regional directors or equivalent supervisors shall have the power to impose upon any member the disciplinary punishment of dismissal from the service. He may also impose the administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; suspension or forfeiture of salary; demotion; or any combination of the foregoing: *Provided*, That, in all cases, the total period shall not exceed sixty (60) days;

“(4) The Chief of the PNP shall have the power to impose the disciplinary punishment of dismissal from the service; suspension or forfeiture of salary; or any combination thereof for a period not exceeding one hundred eighty (180) days: *Provided, further*, That the chief of the PNP shall have the authority to place police personnel under restrictive custody during the pendency of a grave administrative case filed against him or even after the filing of a criminal complaint, grave in nature, against such police personnel.

“(c) *Exclusive Jurisdiction.* — A complaint or a charge filed against a PNP member shall be heard and decided exclusively by the disciplining authority who has acquired original jurisdiction over the case and notwithstanding the existence of concurrent jurisdiction as regards the offense: *Provided*; That offenses which carry higher penalties referred to a disciplining authority shall be referred to the appropriate authority which has jurisdiction over the offense.

“For purposes of this Act, a ‘minor offense’ shall refer to any act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include, but not limited to:

- “(1) Simple misconduct or negligence;
- “(2) Insubordination;
- “(3) Frequent absences and tardiness;
- “(4) Habitual drunkenness; and

“(5) Gambling prohibited by law.

“(d) Forum shopping of multiple filing of complaints. — When an administrative complaint is filed with a police disciplinary authority, such as the People’s Law Enforcement Board (PLEB), no other case involving the same cause of action shall be filed with any other disciplinary authority.

“In order to prevent forum shopping or multiple filing of complaints, the complainant or party seeking relief in the complaint shall certify under oath in such pleading, or in a sworn certification annexed thereto and simultaneously filed therewith, to the truth of the following facts and undertaking:

“(a) that he has not heretofore commenced any other action or proceeding involving the same issues in other disciplinary forum;

“(b) that to the best of his knowledge, no such action or proceeding is pending in other police administrative disciplinary machinery or authority;

“(c) that if there is any such action or proceeding which is either pending or may have been terminated, he must state the status thereof; and

“(d) that if he should thereafter learn that a similar action or proceeding has been filed or is pending before any other police disciplinary authority, he must undertake to report that fact within five (5) days therefrom to the disciplinary authority where the original complaint or pleading has been filed.”

SECTION 53. Section 42 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 42. *Summary Dismissal Powers of the National Police Commission, PNP Chief and PNP Regional Directors.* — The National Police Commission, the chief of the PNP and PNP regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following cases:

“(a) When the charge is serious and the evidence of guilt is strong;

“(b) When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges; and

“(c) When the respondent is guilty of a serious offense involving conduct unbecoming of a police officer.

“Any member or officer of the PNP who shall go on absence without official leave (AWOL) for a continuous period of thirty (30) days or more shall be dismissed immediately from the service. His activities and whereabouts during the period shall be investigated and if found to have committed a crime, he shall be prosecuted accordingly.”

SECTION 54. Section 44 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 44. *Disciplinary Appellate Boards.* — The formal administrative disciplinary machinery of the PNP shall be the National Appellate Board and the regional appellate boards.

“The National Appellate Board shall be composed of the four (4) regular commissioners and shall be chaired by the executive officer. The Board shall consider appeals from decisions of the Chief of the PNP.

“The National Appellate Board may conduct its hearings or sessions in Metropolitan Manila or any part of the country as it may deem necessary.

“There shall be at least one (1) regional appellate board per administrative region in the country to be composed of a senior officer of the regional Commission as Chairman and one (1) representative each from the PNP, and the regional peace and order council as members. It shall consider appeals from decisions of the regional directors, other officials, mayors, and the PLEBs: *Provided*, That the Commission may create additional regional appellate boards as the need arises.”

SECTION 55. Section 47 of Republic Act No. 6975 is hereby amended to read as follows:

“Sec. 47. *Preventive Suspension Pending Criminal Case.* — Upon the filing of a complaint or information sufficient in form and substance against a member of the PNP for grave felonies where the penalty imposed by law is six (6) years and one (1) day or more, the court shall immediately suspend the accused from office for a period not exceeding ninety (90) days from arraignment; *Provided, however*, That if it can be shown by evidence that the accused is harassing the complainant and/or witnesses, the court may order the preventive suspension of the accused PNP member even if the charge is punishable by a penalty lower than six (6) years and one (1) day: *Provided, further*, That the preventive suspension shall not be more than ninety (90) days except if the delay in

the disposition of the case is due to the fault, negligence or petitions of the respondent: *Provided, finally*, That such preventive suspension may be sooner lifted by the court in the exigency of the service upon recommendation of the chief, PNP. Such case shall be subject to continuous trial and shall be terminated within ninety (90) days from arraignment of the accused.”

SECTION 56. Section 49 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 49. *Legal Assistance.* — The Secretary of Justice, the chairman of the Commission or the Chief of the PNP may authorize lawyers of their respective agencies to provide legal assistance to any member of the PNP who is facing before the prosecutor’s office, the court or any competent body, a charge or charges arising from any incident which is related to the performance of his official duty: *Provided*, That government lawyers so authorized shall have the power to administer oaths: *Provided, further*, That in such cases, when necessary, as determined by the Commission, a private counsel may be provided at the expense of the Government. The Secretary of Justice, the Chairman of the Commission and the Chief of the PNP shall jointly promulgate rules and regulations to implement the provisions of this Section.”

## TITLE VII CREATION OF WOMEN’S DESKS IN ALL POLICE STATIONS AND THE FORMULATION OF A GENDER SENSITIVITY PROGRAM

SECTION 57. *Creation and Functions.* — The PNP shall establish women’s desks in all police stations throughout the country to administer and attend to cases involving crimes against chastity, sexual harassment, abuses committed against women and children and other similar offenses: *Provided*, That municipalities and cities presently without policewomen will have two (2) years upon the effectivity of this Act within which to comply with the requirement of this provision.

SECTION 58. *Prioritization of Women for Recruitment.* — Within the next five (5) years, the PNP shall prioritize the recruitment and training of women who shall serve in the women’s desk. Pursuant to this requirement, the PNP shall reserve ten percent (10%) of its annual recruitment, training, and education quota for women

SECTION 59. *Gender Sensitivity Program.* — The Commission shall formulate a gender sensitivity program within ninety (90) days from the effectivity of this Act to include but not limited to the establishment of equal opportunities for women in the PNP, the prevention of sexual harassment in the workplace, and the prohibition of discrimination on the basis of gender or sexual orientation.

*Liability.* — Any personnel who shall violate the established rules regarding gender sensitivity and gender equality shall be suspended for a period of not less than thirty (30) days and shall undergo gender sensitivity training. *Provided,* That any personnel who violates the rules more than two (2) times shall be liable for demotion or dismissal from the PNP.

*Condition for Promotion.* — Nothing in this title shall be construed to prohibit the assignment of policewomen to other positions in the PNP nor shall this title be used for the non-promotion of a PNP female personnel.

## TITLE VIII

### POWER OF LOCAL GOVERNMENT EXECUTIVES IN THE ADMINISTRATION OF THE PNP

SECTION 51. The provisions of the second, third, fourth and fifth paragraphs of subparagraph (4) of Section 51, Chapter III-D of Republic Act No. 6975 are hereby amended to read as follows:

“The term ‘operational supervision and control’ shall mean the power to direct, superintend, and oversee the day-to-day functions of police investigation of crime, crime prevention activities, and traffic control in accordance with the rules and regulations promulgated by the Commission.

“It shall also include the power to direct the employment and deployment of units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order within the locality. For this purpose, the terms ‘employment’ and ‘deployment’ shall mean as follows:

“‘Employment’ refers to the utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawlessness, violence, rebellious and seditious conspiracy, insurgency, subversion or other related activities.

“‘Deployment’ shall mean the orderly and organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined.”

SECTION 63. Section 51 (b) (4) of Republic Act No. 6975 is hereby amended to read as follows:

“(4) Other Powers. In addition to the aforementioned powers, city and municipal mayors shall have the following authority over the PNP units in their respective jurisdictions:

SECTION 60. *Administrative Liability.* — Any personnel who shall violate the established rules and regulations regarding gender sensitivity and gender equality shall be suspended without pay for not less than thirty (30) days and shall undergo gender sensitivity seminar or training: *Provided,* That any personnel who violates the rules more than twice shall be recommended for demotion or dismissal from the PNP.

SECTION 61. *Non-prohibition for Promotion.* — Nothing in this title shall be construed as a restriction on the assignment of policewomen to other positions in the PNP nor shall any provisions of this title be used for the non-promotion of a PNP female personnel to higher position.

## TITLE VIII PARTICIPATION OF LOCAL GOVERNMENT EXECUTIVES IN THE ADMINISTRATION OF THE PNP

SECTION 62. The provisions of the second, third, fourth and fifth paragraphs of subparagraph (b) (1), Section 51, Chapter III-D of Republic Act No. 6975 are hereby amended to read as follows:

“The term ‘operational supervision and control’ shall mean the power to direct, superintend, and oversee the day-to-day functions of police investigation of crime, crime prevention activities, and traffic control in accordance with the rules and regulations promulgated by the Commission.

“It shall also include the power to direct the employment and deployment of units or elements of the PNP, through the station commander, to ensure public safety and effective maintenance of peace and order within the locality. For this purpose, the terms ‘employment’ and ‘deployment’ shall mean as follows:

“‘Employment’ refers to the utilization of units or elements of the PNP for purposes of protection of lives and properties, enforcement of laws, maintenance of peace and order, prevention of crimes, arrest of criminal offenders and bringing the offenders to justice, and ensuring public safety, particularly in the suppression of disorders, riots, lawlessness, violence, rebellious and seditious conspiracy, insurgency, subversion or other related activities:

“‘Deployment’ shall mean the orderly and organized physical movement of elements or units of the PNP within the province, city or municipality for purposes of employment as herein defined.”

SECTION 63. Section 51 (b) (4) of Republic Act No. 6975 is hereby amended to read as follows:

“(4) Other Powers. In addition to the aforementioned powers, city and municipal mayors shall have the following authority over the PNP units in their respective jurisdictions:

“(i) Authority to choose the chief of police from a list of five (5) eligibles recommended by the provincial police director, preferably from the same province, city or municipality: *Provided, however,* That in no case shall an officer-in-charge be designated for more than thirty (30) days: *Provided, further,* That the local peace and order council may, through the city or municipal mayor, recommend the recall or reassignment of the chief of police when, in its perception, the latter has been ineffective in combating crime or maintaining peace and order in the city or municipality: *Provided, finally,* That such relief shall be based on guidelines established by the NAPOLCOM;

“(ii) Authority to recommend to the provincial director the transfer, reassignment or detail of PNP members outside of their respective city or town residences; and

“(iii) Authority to recommend from a list of eligibles previously screened by the peace and order council the appointment of new members of the PNP to be assigned to their respective cities or municipalities without which no such appointments shall be attested: *Provided,* That whenever practicable and consistent with the requirements of the service, PNP members shall be assigned to the city or municipality of their residence.

“The control and supervision of anti-gambling operations shall be within the jurisdiction of local government executives.”

SECTION 64. *Automatic Deputation of Local Government Executives as Commission Representatives.* — Governors and mayors, upon having been elected and living qualified as such, are automatically deputized as representatives of the National Police Commission in their respective jurisdiction. As deputized agents of the Commission, local government executives can inspect police forces and units, conduct audit, and exercise other functions as may be duly authorized by the Commission.

SECTION 65. Section 52 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 52. *Suspension or Withdrawal of Deputation.* — Unless reversed by the President, the Commission may, after consultation with the provincial governor and congressman concerned, suspend or withdraw the deputation of any local executive for any of the following grounds:

“(a) Frequent unauthorized absences;

“(b) Abuse of authority;

“(c) Providing material support to criminal elements; or

“(d) Engaging in acts inimical to national security or which negate the effectiveness of the peace and order campaign.



“Upon good cause shown, the President may, directly or through the Commission, *motu proprio* restore such deputation withdrawn from any local executive.”

## TITLE IX STRENGTHENING THE PEOPLE'S LAW ENFORCEMENT BOARD

SECTION 66. Paragraph (a), Section 43 of Republic Act No. 6975 is hereby amended to read as follows:

“SEC. 43. *People's Law Enforcement Board (PLEB)*. — (a) Creation and Functions — The sangguniang panlungsod/bayan in every city and municipality shall create such number of People's Law Enforcement Boards (PLEBs) as may be necessary: *Provided*, That there shall be at least one (1) PLEB for every five hundred (500) city or municipal police personnel and for each of the legislative districts in a city.

“The PLEB shall be the central receiving entity for any citizen's complaint against the officers and members of the PNP. Subject to the provisions of Section 41 of Republic Act No. 6975, the PLEB shall take cognizance of or refer the complaint to the proper disciplinary or adjudicatory authority within three (3) days upon the filing of the complaint.”

SECTION 67. Number (3) of Paragraph (b), Section 43 of Republic Act No. 6975 is hereby amended to read as follows:

“(3) Three (3) other members who are removable only for cause to be chosen by the local peace and order council from among the respected members of the community known for their probity and integrity, one (1) of whom must be a woman and another a member of the Bar, or, in the absence thereof, a college graduate, or the principal of the central elementary school in the locality.”

SECTION 68. The last paragraph of Section 43 (b)(3) of Republic Act No. 6975 shall be amended to read as follows:

“The Chairman of the PLEB shall be elected from among its members. The term of office of the members of the PLEB shall be for a period of three (3) years from assumption of office. Such member shall hold office until his successor shall have been chosen and qualified.”

SECTION 69. *Compensation and Benefits*. — Paragraph c, Section 43 of Republic Act No. 6975 shall be amended to read as follows:

“(c) Compensation. — Membership in the PLEB is a civic duty. However, PLEB members shall be paid per diem and shall be provided with life insurance coverage as may be determined by the city or municipal council from city or municipal funds. The DILG shall provide for the per diem and insurance coverage of PLEB members in certain low income municipalities.”

SECTION 70. *Budget Allocation.* — The annual budget of the Local Government Units (LGU) shall include an item and the corresponding appropriation for the maintenance and operation of their local PLEBs.

The Secretary shall submit a report to Congress and the President within fifteen (15) days from the effectivity of this Act on the number of PLEBs already organized as well as the LGUs still without PLEBs. Municipalities or cities without a PLEB or with an insufficient number of organized PLEBs shall have thirty (30) more days to organize their respective PLEBs. After such period, the DILG and the Department of Budget and Management shall withhold the release of the LGU’s share in the national taxes in cities and municipalities still without PLEB(s).

SECTION 71. *Request for Preventive Suspension.* — The PLEB may ask any authorized superior to impose preventive suspension against a subordinate police officer who is the subject of a complaint lasting up to a period as may be allowed under the law. A request for preventive suspension shall not be denied by the superior officer in the following cases:

- a) when the respondent refuses to heed the PLEB’s summons or subpoena;
- b) when the PNP personnel has been charged with offenses involving bodily harm or grave threats,
- c) when the respondent is in a position to tamper with the evidence; and
- d) when the respondent is in a position to unduly influence the witnesses.

Any superior who fails to act on any request for suspension without valid grounds shall be held administratively liable for serious neglect of duty.

## TITLE X TRANSITORY PROVISIONS

SECTION 72. *Transition.* — The provisions on the reorganization and the civilianization of the PNP and the devolution of police capabilities to the local police forces shall be effected within three (3) years after the effectivity of this Act.

**TITLE XI**  
**FINAL PROVISIONS**

SECTION 73. *Rules and Regulations.* — Unless otherwise provided in this Act, the Commission in coordination with the Philippine National Police and the Department of the Interior and Local Government, shall promulgate rules and regulations for the effective implementation of this Act. Such rules and regulations shall take effect upon their publication in three (3) newspapers of general circulation.

SECTION 74. *Appropriations.* — The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 75. *Repealing Clause.* — All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be.

SECTION 76. *Separability Clause.* — In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

SECTION 77. *Effectivity Clause.* — This Act shall take effect after its complete publication in at least three (3) newspapers of general circulation.

Approved: February 25, 1998

[REPUBLIC ACT NO. 8745]

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY ONE, NINETEEN HUNDRED NINETY NINE, AND FOR OTHER PURPOSES

“Sec. 28. *Programs/Projects Related to Gender and Development (GAD)* – The National Economic and Development Authority (NEDA) and the Department of Budget and Management (DBM), in consultation with the National Commission on the Role of Filipino Women (NCRFW), shall formulate a set of guidelines for the implementation of programs/projects related to GAD.

In consultation with the NCRFW, all departments, offices, agencies, state universities and colleges, government owned and controlled corporations and other instrumentalities, shall formulate a GAD plan, designed to address gender issues, in accordance with R.A. 7192 and the Philippine Plan for Gender-Responsive Development (PPGD), 1995-2025. The cost of implementation of the GAD plan shall be at least five percent (5%) of the agency's total 1999 budget appropriation.

All concerned government entities shall submit their GAD plan to the NCRFW for review. They shall likewise submit annual reports to Congress, the DBM and the NCRFW, indicating the accomplishments and amounts utilized to implement GAD-related programs/projects/activities.

Approved: December 30, 1998

[REPUBLIC ACT NO. 8760]

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY ONE, TWO THOUSAND, AND FOR OTHER PURPOSES

“Sec. 27. *Programs/Projects Related to Gender and Development (GAD)*. – In consultation with the National Commission on the Role of Filipino Women (NCRFW), all departments including their attached agencies, offices, bureaus, agencies, state universities and colleges, government-owned and controlled corporations and other instrumentalities, shall formulate a GAD Plan, designed to empower women and address gender issues, in accordance with R.A. No. 7192 and the Philippine Plan for Gender-Responsive Development (PPGD), 1995-2025. The cost of implementation of the GAD Plan shall be at least five percent (5%) of the agency’s total FY 2000 budget appropriations.

All concerned government entities shall submit their GAD Plan to the NCRFW for review. They shall likewise submit annual reports to Congress, the Department of Budget and Management (DBM) and the NCRFW, indicating the accomplishments and amounts utilized to implement programs/projects/activities addressing gender issues and women empowerment. The evaluation of agencies’ utilization of the GAD budget shall be performance-based.

In addition to Joint Circular 99-4 issued by the National Economic and Development Authority (NEDA), the DBM and NCRFW, additional sets of guidelines, as deemed necessary, shall be formulated, for the implementation of GAD-related programs/projects/activities.”

Approved: February 16, 2000

***E**xecutive Orders are administrative acts of the President of the Philippines concerning matters of public importance or disposing of issues of general concern.*

*Presidential directives are orders by the President to specific government officials instructing them what actions to take.*

*Proclamations, on the other hand, are formal declarations of public acts, transactions or other significant dates the people need to be aware of.*

*CSC Memo Circulars are instructions from the Civil Service Commission to heads of departments, bureaus and agencies of the national and local governments including government-owned and controlled corporations as well the state colleges and universities.*



**IX**

*Executive Orders*  
*Presidential Directives*  
*Proclamations*  
*CSC Memo Circulars*



# *Executive Orders*

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 56**

**AUTHORIZING THE MINISTRY OF SOCIAL SERVICES AND  
DEVELOPMENT TO TAKE PROTECTIVE CUSTODY OF CHILD  
PROSTITUTES AND SEXUALLY EXPLOITED CHILDREN, AND FOR OTHER  
PURPOSES**

**WHEREAS**, for those who fall prey to prostitution and other forms of sexual exploitation due to their fragile age, immediate protection must be accorded by the government to arrest their moral decline and lead them back to the path of morality;

**WHEREAS**, in pursuance of its responsibility over the welfare of the youth, the Ministry of Social Services and Development must be given more powers to implement effectively the government's commitment against child prostitution and exploitation;

**NOW, THEREFORE, I, CORAZON C. AQUINO**, President of the Philippines, do hereby order:

**SECTION 1.** Notwithstanding any provision of law to the contrary, any minor who is apprehended or taken into custody by any peace officer or by the duly authorized officers of the Ministry of Social Services and Development for engaging in prostitution or other illicit conduct punished under existing laws shall, immediately from such apprehension, be delivered by the arresting officer to the Ministry of Social Services and Development or to its duly authorized office or agency within a particular territorial jurisdiction for protective custody.

The Ministry of Social Services and Development shall be responsible for the appearance of the minor under its protective custody in court or any administrative agency whenever required.

For the purpose of this Executive Order, a minor shall refer to any person below sixteen (16) years of age.

**SEC. 2.** The Ministry of Social Services and Development shall provide suitable programs for the full rehabilitation of the minors under its custody which shall, among others, include the appreciation of proper moral values, psychological or psychiatric treatment, education in the probable physical ailment or disease which they may contract or the dangers of unwanted pregnancy, and appropriate training for work skills to prepare them for a decent living.



**SEC. 3.** The custody of persons, other than the apprehended minor shall be in accordance with the ordinary criminal procedure as prescribed by the Rules of Court and other laws.

**SEC. 4.** The Ministry of Social Services and Development shall notify the mayors of the municipalities and cities of the business establishments, clubs, or houses, used or allowed to be used for prostitution of minors, and petition for the immediate forfeiture of their business licenses and closure of their business establishments.

**SEC. 5.** The sum of Three Million (P3,000,000.00) Pesos is hereby appropriated out of any available funds in the National Treasury not otherwise appropriated, to defray the expenses of the Ministry of Social Services and Development in the implementation of this Executive Order. Thereafter, such sums as may be necessary for this purpose shall be included in the annual General Appropriations Act.

**SEC. 6.** The Ministry of Social Services and Development is hereby authorized to call upon any ministry, bureau, office, agency or instrumentality of the government for assistance in the implementation of this Executive Order.

**SEC. 7.** The Ministry of Social Services and Development shall, in coordination with the Ministry of Justice, promulgate the necessary rules and regulations to implement this Executive Order.

**SEC. 8.** All laws, orders, issuances and rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

**SEC. 9.** This Executive Order shall take effect immediately.

Done in the City of Manila, this 6th day of November, in the year of Our Lord, nineteen hundred and eighty-six.

(Sgd.) CORAZON C. AQUINO  
President of the Philippines

By the President:

(Sgd.) JOKER P. ARROYO  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 208**

**FURTHER DEFINING THE COMPOSITION, POWERS AND FUNCTIONS OF  
THE NATIONAL COMMISSION ON THE ROLE OF FILIPINO WOMEN**

WHEREAS, Sec. 14 of Art. XIII of the Philippine Constitution provides for the protection of women by providing such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation;

WHEREAS, Presidential Decree No. 633 dated 7 January 1975 created the National Commission on the Role of Filipino Women, to ensure the full integration of women for economic, social and cultural development at the national, regional and international levels and to ensure further the equality between men and women;

WHEREAS, Executive Order No. 348 dated 17 February 1989 approved and adopted the Philippine Development Plan for Women for 1989-1992, as prepared by the National Commission on the Role of Filipino Women, in coordination with the National Economic and Development Authority; and tasked the said agencies to monitor the implementation of the Plan;

WHEREAS, with the completion of the Philippine Development Plan for Women in 1992, there is a need to strengthen the mandate of the National Commission on the Role of Filipino Women, pursuant to Republic Act 7192 or the Women in Development and Nation Building Act, which tasks the Commission to provide assistance in ensuring the formulation and nationwide implementation of gender-responsive government policies, programs and projects; and,

WHEREAS, Section 20, Book III of Executive Order No. 292 (Revised Administrative Code), and Section 60 of the General Provisions of R.A. No. 7663 empower the President to direct changes in the organization and key positions in any department, bureau, or agency in the Executive Branch.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the further definition of the composition, powers and functions of the National Commission on the Role of Filipino Women.

SECTION 1. *Composition of the Commission.* The National Commission on the Role of Filipino Women, hereinafter referred to as the "Commission", shall be composed of twenty one (21) members, as follows:

- 1.1 A Chairperson who shall be appointed by the President;
- 1.2 Ten (10) representatives from the Government, who are heads of the following Departments: Labor and Employment (DOLE); National Economic Development Authority (NEDA); Social Welfare and Development (DSWD); Agriculture (DA); Education, Culture and Sports (DECS); Health (DOH); Foreign Affairs (DFA); Interior and Local Government (DILG); Trade and Industry (DTI); and Budget and Management (DBM); and
- 1.3 Ten (10) members from the non-governmental organizations representing the following: Labor; Business and Industry; Science and Health; Education or Academe; Urban Poor; Indigenous Peoples; Peasants and Fisherfolks; Elderly and Disabled; Media and Arts; Youth; and, a representative of the National Council of Women in the Philippines.

SEC. 2. *Status of the Commission.* The Commission shall have the same status as that of a government agency attached to the Office of the President.

SEC. 3. *Nature of the Commission.* The Commission shall be the primary policy-making and coordinating body of all women development programs and institutions in the Philippines: Provided, That in case of women development programs of various line departments, the same shall be formulated and implemented by the respective Departments with the assistance of the Commission within the framework of the Philippine development plans for women that will be adopted thereafter.

SEC. 4. *Objectives of the Commission.* The objectives of the Commission are:

- 4.1 To promote women's empowerment through the policies and programs for women's effective participation and as full and equal partners of men in the social, economic and political development as well as in nation building; and,
- 4.2 To enable Government agencies to effectively address gender concerns in development processes from planning, programming, budgeting, implementation, monitoring and evaluation in the national and local levels.

SEC. 5. *Functions of the Commission.* The functions of the Commission is hereby re-focused as follows:

- 5.1 Institute the gender responsiveness of national development plans and coordinate the preparation, assessment and updating of the National Plan for Women, ensure its implementation and monitor the performance of government agencies in the implementation of the Plan at all levels;
- 5.2 Undertake continuing advocacy to promote women economic, social and political empowerment and provide technical assistance in the setting-up and strengthening of mechanisms on gender mainstreaming; and
- 5.3 Ensure that the gains achieved by Filipino women due to Philippine culture and tradition shall be preserved and enhanced in the process of modernization.

SEC. 6. *Effectivity.* This Executive Order shall take effect immediately.

Done in the City of Manila, this 10th day of October in the year of Our Lord, nineteen hundred and ninety four.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) TEOFISTO T. GUINGONA, JR.  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 231**

**CREATING THE PRESIDENTIAL FACT-FINDING AND POLICY ADVISORY  
COMMISSION ON THE PROTECTION OF OVERSEAS FILIPINOS**

WHEREAS, recent events have evoked the nation's serious concern for and recognition of overseas Filipinos;

WHEREAS, it is the policy of the Philippine government to be firmly committed to the protection of overseas Filipinos;

WHEREAS, certain claims and assertions as well as accusations have been made against some officials of the Philippine Government in connection with its efforts to protect overseas Filipinos;

WHEREAS, there is a need to determine with utmost certainty the circumstances surrounding recent events involving the policies and actions of government in relation to the protection of overseas Filipinos; and

WHEREAS, much can be learned from instances in which such policies and actions of government have succeeded and from those which did not lead to the desired results.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *The Presidential Commission.* — There is hereby created a Presidential Fact-Finding and Policy Advisory Commission on the Protection of Overseas Filipinos, hereinafter referred to as the Commission. The Commission shall immediately begin its work once it is constituted and shall accomplish its objectives within three (3) months thereof, after which, unless otherwise ordered by the President, the Commission shall be dissolved.

Section 2. *Composition.* — The Commission shall be composed of a Chairman and six (6) members to be appointed by the President, as follows:

2.1. A retired justice of the Supreme Court as Chairman;

- 2.2 Two (2) members to represent overseas contract workers and organized labor, respectively;
- 2.3 One (1) member to represent employers;
- 2.4 One (1) member to represent the Department of Social Welfare and Development;
- 2.5 One (1) member to represent the National Commission on the Role of Filipino Women; and
- 2.6 One (1) member to represent the public-at-large.

SECTION 3. *Objectives.* — The Commission shall have the following objectives:

- 3.1 Determine particular and general facts and circumstances involving the policies and actions of the Philippine Government and its agents or officials in relation to the protection of overseas Filipinos, particularly cases involving the criminal conviction of overseas Filipinos, including the case of Mrs. Flor Contemplacion; and
- 3.2 Make recommendations with a view to improving the protection afforded by the Philippine Government to overseas Filipinos, consonant with international conventions and standards.

Section 4. *Mandate.* — The Commission, taking into consideration its objectives, shall have the following mandate:

- 4.1 Inquire into, examine and probe individual cases involving the protection of overseas Filipinos;
- 4.2 Seek the views and opinions of and coordinate with the different sectors of Philippine society, including people's organizations, cooperatives, media, and other non-government organizations;
- 4.3 Identify instances which may require the filing of administrative and other charges against Philippine Government officials and private individuals, and recommend the filing of such criminal or administrative charges as the case may be;
- 4.4 Formulate recommendations, to include legislative measures, for the improvement of the protection of overseas Filipinos by the Philippine Government; and
- 4.5 Submit a report on the Mrs. Flor Contemplacion case to the President within fifteen (15) days from the constitution of the Commission.

Section 5. *Powers and Functions.* — The Commission, in view of its objectives and in the discharge of its mandate, is hereby empowered to:

- 5.1 Call on any department, instrumentality or agency of the government for assistance and cooperation;
- 5.2 In accordance with existing laws, regulations and procedures, issue compulsory processes to private individuals, groups or organizations as well as government officials;
- 5.3 Through appropriate diplomatic channels and with due regard to diplomatic considerations, request for the cooperation of foreign governments; and
- 5.4 Promulgate its own administrative and procedural rules and regulations to govern its actions and operations.

Section 6. *Secretariat.* — The Commission shall be assisted by a Secretariat that shall provide administrative and office support to the Commission to be composed of persons appointed by the Chairman.

Section 7. *Technical Panel.* — There is hereby constituted a Technical Panel composed of recognized and responsible experts to be appointed by the Chairman in the fields of law, labor, social welfare, and other relevant fields to provide technical assistance and advice to the Commission. In order to provide an effective line of communication and coordination with the appropriate departments, agencies and instrumentalities of the Philippine Government, officials from the Department of Foreign Affairs, Labor and Employment, Justice, Social Welfare and Development, Health, the Overseas Workers Welfare Administration and the Philippine Overseas Employment Administration may be invited to serve as members of the Technical Panel.

Section 8. *Office.* — In coordination with agencies of the Philippine Government, including government-owned or controlled corporation, the Commission shall be provided with appropriate office space.

Section 9. *Funding.* — Without prejudice to the provision of additional funds, the initial amount of Five Million Pesos (₱5,000,000) from the President's Contingent Fund is hereby provided for the operations of the Commission.

Section 10. *Effectivity.* — This Executive Order shall take effect immediately.

DONE in the City of Manila, this 20th day of March in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) LEONARDO A. QUISUMBING  
Senior Deputy Executive Secretary



**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 268**

**AMENDING EXECUTIVE ORDER NO. 208 (S. 1995) ENTITLED "FURTHER  
DEFINING THE COMPOSITION, POWERS AND FUNCTIONS OF THE  
NATIONAL COMMISSION ON THE ROLE OF FILIPINO WOMEN"**

Section 1. Section 1 of the Executive Order No. 208 (s. 1995) is hereby amended to read as follows:

"SECTION 1. *Composition of the Commission.* Consistent with P.D. No. 633, and until otherwise directed by the President, the National Commission on the Role of Filipino Women, hereinafter referred to as the "Commission", shall be composed of the following members:

"1.1 A Chairperson who shall be appointed by the President.

"1.2 The Secretaries of the following Departments who shall sit in the Commission as *ex-officio* members: Labor and Employment (DOLE); National Economic Development Authority (NEDA); Social Welfare and Development (DSWD); Agriculture (DA); Education, Culture and Sports (DECS); Health (DOH); Foreign Affairs (DFA); Interior and Local Government (DILG); Trade and Industry (DTI); and Budget and Management (DBM);

The Secretaries mentioned are authorized to designate an Undersecretary to represent them.

"1.3 Twelve (12) private sector representatives: eleven (11) of whom shall be selected from the following sectors - (a) Labor; (b) Business and Industry; (c) Science and Health; (d) Education or Academe; (e) Urban Poor; (f) Indigenous Peoples; (g) Peasants and Fisherfolks; (h) Elderly and Disabled; (i) Media and Arts; (j) Culture, (k) Youth; and one (1) representative of the National Council of Women in the Philippines.

The incumbent members of the Commission, however, shall continue in office unless replaced or removed from office by the President."

Section 2. Two (2) new sections between Sections 5 and 6 of Executive Order No. 208 are hereby inserted as follows:

“SEC. 6. *New Staffing Pattern.* — The Commission is hereby authorized to review, and with the approval of the Department of Budget and Management, revise its staffing pattern to effectively and efficiently undertake and accomplish its functions.

“SEC. 7. *Funding.* — The initial funding requirements for the implementation of this Order shall be charged against the current appropriations of the Commission. The Department of Budget and Management is directed to coordinate and assist the Commission in identifying and determining the appropriate sources and amounts of the funds to cover deficiencies in the Commission’s requirements. Thereafter, funding requirements of the Commission shall be incorporated in the General Appropriations Act.”

Section 3. Section 6 of Executive Order No. 208 is redenominated as Section 8.

Done in the City of Manila, this 4th day of August in the year of Our Lord, Nineteen Hundred and Ninety Five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 273**

**APPROVING AND ADOPTING THE PHILIPPINE PLAN FOR GENDER-  
RESPONSIVE DEVELOPMENT, 1995 TO 2025**

WHEREAS, pursuant to Section 14, Article II of the Constitution that provides "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men," Executive Order No. 348, series of 1989, approving and adopting the "Philippine Development Plan for Women (PDPW) for 1989-1992" was promulgated;

WHEREAS, the passage of Republic Act No. 7192 otherwise known as the "Women in Development and Nation-Building Act" on February 12, 1992 and the expiration of the PDPW time frame in the same year, calls for a successor plan that shall address and provide direction for mainstreaming gender concerns in development;

WHEREAS, the National Plan for Women shall serve as the main vehicle for implementing in the Philippines the action commitments during the Fourth World Conference on Women in Beijing, China;

WHEREAS, through the concerted efforts of various government agencies and non-governmental organizations, a plan has been formulated for the purpose;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby approve and adopt the "Philippine Plan for Gender-Responsive Development, 1995-2025," hereinafter referred to as the Plan, and order that:

1. All government agencies, departments, bureaus, offices, and instrumentalities, including government-owned and -controlled corporations, at the national, sub-national and local levels, are directed:

1.1 To take appropriate steps to ensure the full implementation of the policies/strategies and programs/projects outlined in the Plan;

1.2 To institutionalize Gender and Development (GAD) efforts in government by incorporating GAD concerns, as spelled out in the Plan, in their planning, programming and budgeting processes, but more specifically to:

1.2.1 Include/incorporate GAD concerns in the:

- a) formulation, assessment and updating of their annual agency plans;
- b) formulation, assessment and updating of their inputs to the medium/long-term development plans; and
- c) preparation of their inputs to sectoral performance assessment reports, public investment plans and other similar documents.

1.2.2 Incorporate and reflect GAD concerns in their:

- a) agency performance commitment contracts indicating key result areas for GAD as well as in their annual performance report to the President; and
- b) annual agency budget proposals and work and financial plans.

2. The National Commission on the Role of Filipino Women (NCRFW), in coordination with the National Economic and Development Authority (NEDA), shall:

- 2.1 Monitor the implementation of the Plan by various government agencies; and
- 2.2 Conduct the periodic assessment and updating of the Plan every six years or upon every change in national leadership.

In pursuance of the foregoing, the NCRFW may call upon the assistance of any government agency or instrumentality, including government-owned and -controlled corporations as well as existing inter-agency structures, as may be necessary. Non-governmental organizations and private entities are urged to assist and support in the implementation, monitoring, assessment and updating of the Plan.

3. The NCRFW is hereby authorized, in consultation with the President and concerned government agencies, to issue orders, circulars or guidelines, as may be necessary, for the implementation, coordination, monitoring, assessment and updating of the Plan, as well as in the implementation of the provisions of this Executive Order. For these purposes, the NCRFW may constitute appropriate inter-agency committees.

4. In view of the Plan's long-term goal of fully integrating GAD concerns into the whole development process, the mainstreaming of GAD in various government agencies shall be the responsibility of the heads of concerned agencies and their respective offices, with the assistance of their Women in Development (WID)/GAD Focal Points, if any, to ensure institutionalization thereof.

5. The initial amount necessary for the implementation of the Plan shall be charged against the appropriations of government agencies authorized to be set aside for the purpose under Republic Act No. 7845, including those sources from bilateral/multilateral agencies/organizations or those from the official development assistance (ODA) pursuant to Republic Act No. 7192. Thereafter, budgetary requirements for the succeeding years shall be incorporated in General Appropriations Bills to be submitted to Congress.

6. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 8th day of September, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) LEONARDO A. QUISUMBING  
Senior Deputy Executive Secretary  
Officer-in-Charge, OES

**MALACAÑANG  
MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

**EXECUTIVE ORDER NO. 275**

**CREATING A COMMITTEE FOR THE SPECIAL PROTECTION OF  
CHILDREN FROM ALL FORMS OF NEGLECT, ABUSE, CRUELTY,  
EXPLOITATION, DISCRIMINATION AND OTHER CONDITIONS  
PREJUDICIAL TO THEIR DEVELOPMENT.**

**WHEREAS**, the Constitution provides that the natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the government;

**WHEREAS**, the Senate shall defend the right of children to assistance, including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty and discrimination, and other conditions prejudicial to their development;

**WHEREAS**, there is a need to consolidate in one body the assessment, monitoring and implementation of the aforecited policy on a continuing basis;

**NOW, THEREFORE, I , FIDEL V. RAMOS**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

**SECTION 1.** There is hereby created a Special Committee for Children to be composed of:

1. The Secretary of Justice - Chairman
2. The Secretary of Social Welfare and Development -Co-Chairman
3. The Chairman of the Commission on Human Rights - Member
4. Commissioner of the Bureau of Immigration -Member

A representative with a rank not lower than undersecretary from the following:

5. Department of Labor and Employment - Member
6. Department of Tourism - Member
7. Department of the Interior and Local Government- Member
8. Department of Foreign Affairs - Member
9. Three representatives of private organizations to be nominated by the said groups and appointed by the President - Member

**SEC. 2.** The Committee shall exercise the following functions and duties:

- a. To report to the President actions taken to address specific issues on child abuse and exploitation brought to the Committee's attention.
- b. To direct the agencies to immediately respond to the problems brought to their attention and to report to the Committee on action taken.
- c. To perform such other functions and duties as may be necessary to meet the objectives of the Committee.

**SEC. 3.** The Council for the Welfare of Children shall act as the Secretariat of the Committee.

**SEC. 4.** The initial amount of ₱10,000,000.00 is hereby authorized to be released from the Presidential Social Fund.

**SEC. 5.** This Executive Order shall take effect immediately.

Done in the City of Manila, this 14th day of September, in the year of Our Lord, Nineteen Hundred and Ninety-Five.

(Sgd.) FIDEL V. RAMOS  
President of the Philippines

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 329**

**DESIGNATING THE NATIONAL COUNCIL OF WOMEN OF THE  
PHILIPPINES (NCWP) AS ONE OF THE LEAD MONITORING ARM OF NON-  
GOVERNMENTAL ORGANIZATIONS (NGOS) FOR THE EFFECTIVE  
IMPLEMENTATION OF THE GLOBAL PLATFORM FOR ACTION AND THE  
PHILIPPINE PLAN FOR GENDER-RESPONSIVE DEVELOPMENT IN THE  
NGO AND PRIVATE SECTOR**

WHEREAS, Section 23, Article II of the Constitution provides that the state shall encourage non-governmental, community-based or sectoral organizations that promote the welfare of the nation;

WHEREAS, the government is committed to women's advancement and to gender equality in all aspects and at all levels, as enshrined in the Philippine Plan for Gender-responsive Development (PPGD) and in conjunction with the Global Platform for Action of the Beijing UN Conference on Women;

WHEREAS, the executive branch, through the National Commission on the Role of Filipino Women (NCRFW), spearheaded the formulation of the national agenda for the protection of women's rights, improvement of their social and economic conditions, promotion of their participation in political decision making and the coordination and monitoring of the implementation of the government's policy on gender and development that are primarily undertaken by the Focal Points;

WHEREAS, to realize these commitments, the NCRFW and the Women Focal Points in the different governmental departments and bureaus have been mandated to implement the policy of mainstreaming gender and development agenda through various policy actions and executive programs;

WHEREAS, the government recognizes the vital roles that women non-governmental organizations (NGOs) play in achieving complementation of commitments for higher impact to women nationwide and across sectors and affirms its partnership with NGOs in ensuring that the national agenda for women's advancement is implemented and accomplished;



WHEREAS, the National Council of Women of the Philippines (NCWP), now in its 50th year in operation as an umbrella women's organizations of 151 national networks and 3,081 councils, continues to play its role as a constant and dynamic NGO partner of the government in the forefront of national development programs for women's empowerment;

WHEREAS, the NCWP, since its founding by Francisca Tirona-Benitez, has been implementing gender-focused policy action agenda and programs/projects in its crusade to raise the status of Filipino women, protect their rights and welfare and enhance their roles and capacities as vital change agents in nation-building and development;

WHEREAS, the NCWP, with the continuing professional and technical assistance of the Philippine Women's University - Development Institute for Women in Asia-Pacific (PWU-DIWA), is further committed to promote leadership education of women for nation-building and foster increased awareness and participation among women in achieving the goals of the Philippine Centennial Celebration;

WHEREAS, the NCWP has recently crafted a blueprint of action agenda on 31 issue-based areas of concern in order to complement the effective implementation of the Global Platform for Action on Women and the Philippine Plan for Gender-responsive Development among the NGOs at the national and local levels, in close collaboration with the NCRFW and the Focal Points in government, as well as other major non-governmental women's networks and the private sector;

WHEREAS, a corresponding non-governmental mechanism and system-wide structures are necessary to coordinate, mobilize, and monitor the wide participation among women organizations, educational institutions and the private sector in implementing gender education and development.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The affirmation of partnership among the NCRFW/Women's Focal Points and other women's networks with the National Council of Women of the Philippines (NCWP) as one of the lead implementing and monitoring arm of NGOs for non-governmental gender and development process and initiatives nationwide, is hereby approved.

SEC. 2. The NCWP shall be one of the lead NGO in mobilizing wider participation among interested women's networks and organizations, consolidating and promoting the issues of women in the country, working in partnership with the government in the implementation of the Beijing Platform for Action and the Philippine Plan for Gender-responsive Development nationwide; and subsequently in monitoring their effective implementation at all levels and across sectors. The NCWP shall be assisted by the PWU-DIWA as secretariat and technical arm in providing professional services, training and continuing education for women and work in partnership with

concerned women's networks and organizations, such as the Congressional Spouses Foundation, Incorporated and the Philippine Centennial Commission-Women Sector.

SEC. 3. In line with the framework and objectives set for achieving the foregoing development agenda, there shall be a monitoring system established using gender-sensitive indicators and guidelines to be defined in consultation with NCRFW and other interested and concerned women's networks and organizations.

SEC. 4. This Executive Order shall take effect immediately.

DONE, in the City of Manila, this 7th day of May in the year of Our Lord, Nineteen Hundred and Ninety Six.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 340**

**DIRECTING NATIONAL GOVERNMENT AGENCIES AND  
GOVERNMENT-OWNED AND -CONTROLLED CORPORATIONS TO  
PROVIDE DAY CARE SERVICES FOR THEIR EMPLOYEES' CHILDREN  
UNDER FIVE YEARS OF AGE**

**WHEREAS**, Section 12, Article II of the Constitution provides that the State recognizes the sanctity of the family as a basic autonomous social institution and shall support the natural and primary right and duty of parents in the rearing of the youth for civic efficiency and development of moral character;

**WHEREAS**, in July 1990, the Philippines ratified the Convention on the Rights of the Child, Article 18 (2) and (3) of which provides that State Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, ensure the development of institutions, facilities and services for the care of children and take appropriate measures to ensure that children of working parents have the right to benefit from the child care services and facilities for which they are eligible;

**WHEREAS**, Section 31, Chapter 5, Subtitle A, Title 1, Book V of Executive Order 292, otherwise known as the Administrative Code of 1987, requires that provisions for employees welfare be established in each government entity to be integrated into the agency's career and personnel development plan;

**WHEREAS**, the provision of child care services will not only be beneficial to the children and their mothers but also to government with the eventual improved performance and minimal absenteeism of employees due to problems related to child care.

**NOW, THEREFORE, I, FIDEL VALDEZ RAMOS**, President of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct the following:

**SECTION 1. *Day Care Services and Their Coverage.***- All National Government Agencies and Government-Owned and -Controlled Corporations shall provide day care services to children of their employees under five years of age. These services shall be provided either within their office facilities or in the areas accessible and/or acceptable to the parents. Such services shall accommodate children, aged 5 years and below, of employees with no competent household help.

**SEC. 2. Objectives of the Services.-** To ensure that the employee's children shall enjoy the following opportunities and benefits:

1. Proper care and nutrition to become physically fit;
2. Development of social, mental, intellectual skills;
3. Spiritual, socio-cultural and nationalistic values as well as the development of strong positive attitudes towards God, the family, the environment and the society in general; *and*
4. Substitute parenting and protection from all forms of neglect, abuse and exploitation while the parent is at work.

**SEC. 3. Lead Agency.-** In view of the agency's expertise in the establishment of day care service, the Department of Social Welfare and Development is hereby tasked to:

1. Formulate the implementing guidelines for this Executive Order;
2. Disseminate the guidelines to all government offices concerned within one (1) month from approval of this Order;
3. Provide technical assistance in collaboration with relevant government and non-government agencies through training, assessment and monitoring visits; *and*
4. License and accredit the services, facilities and day care workers.

**SEC. 4. Source of Funding.-** National Government Agencies and Government-Owned and -Controlled Corporations (GOCCs) shall charge their expenses for the provision and maintenance of day care centers, including manpower requirements and materials, to the Gender and Development (GAD) funds from their Employees' Suggestions and Incentives Awards System (ESIAS) funds for human resource development. These offices may mobilize the resources on non-government, private and international agencies in the development of materials, improvement of facilities and enrichment of the curriculum in coordination with the Department of Social Welfare and Development.

**SEC. 5. Effectivity.** This Executive Order shall take effect immediately.

**DONE** in the City of Manila, this 5th day of February in the year of Our Lord, Nineteen Hundred and Ninety Seven.

(Sgd.) FIDEL V. RAMOS  
*President of the Philippines*

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 348**

**APPROVING AND ADOPTING THE PHILIPPINE DEVELOPMENT PLAN  
FOR WOMEN FOR 1989 TO 1992**

WHEREAS, Article II, Section 14, of the 1987 Constitution provides that "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men;"

WHEREAS, the Philippine Development Plan for Women for 1989 to 1992 was formulated through the efforts of various government agencies and non-governmental organizations;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby approve and adopt the "Philippine Development Plan for Women for 1989 to 1992," hereinafter referred to as the Plan, and order that:

1. All government departments, bureaus, offices, agencies and instrumentalities, including government-owned or controlled corporations, are enjoined to take appropriate steps to ensure the full implementation of the programs and projects outlined in the Plan.

2. The National Commission on the Role of Filipino Women (NCRFW) in coordination with the National Economic and Development Authority (NEDA), shall monitor the implementation of the plan by various government agencies. It shall likewise monitor the plan's periodic assessment and updating and, for this purpose, the NCRFW may call upon the assistance of any department, bureau, office, agency, or instrumentality of the government, including government-owned or controlled corporations. Non-governmental organizations and private entities are urged to assist in the monitoring of the implementation, assessment and updating of the Plan.

3. An appropriate focal point for women's concerns or any other similar mechanism shall be constituted in each department, bureau, office, agency, or instrumentality of the government, including government-owned or controlled corporations, to ensure the implementation and monitoring of implementation, review and updating of programs and projects identified for each sector.

4. The NCRFW is hereby authorized, upon consultation with the President, to issue orders, circulars or guidelines as may be necessary in the implementation, coordination and monitoring of the Plan, as well as in its assessment and updating. For these purposes, the NCRFW may constitute the appropriate inter-agency committees.

5. The initial amount necessary to implement the Plan for Calendar Year 1989 shall be charged against the appropriate funds of the government agencies concerned and from any available lump sum fund under Republic Act No. 6688 as may be determined by the Department of Budget and Management. Appropriations for succeeding years shall be incorporated in the budget proposals for Congressional action.

6. This Executive Order shall take effect immediately.

Done in the City of Manila, this 17th day of February in the year of Our Lord, nineteen hundred and eighty-nine.

(Sgd.) CORAZON C. AQUINO

By the President:

(Sgd.) CATALINO MACARAIG, JR.  
Executive Secretary

**MALACAÑANG  
MANILA**

**NCRFW Memorandum Order No. 89-1**

To : All Government Departments, Agencies, Instrumentalities Including  
Government-Owned and Controlled Corporations

From : The National Commission on the Role of Filipino Women

Subject: **Implementing Guidelines for the Philippine Development Plan for  
Women (PDPW)**

WHEREAS, Executive Order No. 348 (EO 348) issued by the Office of President on February 17, 1989 approved and adopted the Philippine Development Plan for Women (PDPW) for 1989 to 1992;

WHEREAS, EO 348 also directed the creation of focal points for women's concerns in each department to ensure the implementation and monitoring of implementation, review and updating of programs and projects identified in each sector of the Plan;

WHEREAS, EO 348 authorized the National Commission on the Role of Filipino Women (NCRFW) upon consultation with the President, to issue memoranda, circulars, or other orders as may be considered necessary in the coordination and monitoring of the PDPW's implementation as well as in its assessment and updating;

NOW, THEREFORE, pursuant to Executive Order No. 348, the following guidelines for the implementation of the Philippine Development Plan for Women for 1989 to 1992 are hereby issued:

1. **Creation of Focal Points or Other Institutional Mechanisms for Women's Concerns**

Focal points for women's concerns or other similar mechanisms shall be created in each department, bureau, office; agency, or instrumentality of the government, including government-owned or controlled corporations to ensure the PDPW's implementation, monitoring, review and updating in each agency. Recognizing that a careful study on the nature of such focal points or mechanisms is necessary, interim focal points shall be created and these shall be modified based on lessons, insights and experiences gained during their initial operation.

Names and positions of designated members of each focal point shall be communicated to the NCRFW within the month after receipt of this Memorandum.

1.1 Each focal point for women's concerns shall have the following functions:

1.1.1 Review, vis-a-vis the PDPW, the agency's current policies, programs, projects and strategies as to their impact on women

Each focal point shall take the lead and coordinate the conduct of a detailed review and evaluation of the agency's current policies and strategies relative to the identified priority needs/concerns of its women employees as well as those of the women within its area of sectoral responsibility, and as to their impact on women, including the extent of women's participation either as workers or beneficiaries of existing programs and projects of the agency. This review shall also identify problem areas, issues and gaps aside from those already identified in relevant chapter/s of the PDPW. Taking into consideration the primacy of needs being addressed and the number of women involved or benefitted, priority programs shall be identified which may either be programs that need to be continued or expanded as they positively improve the situation of women, or those in need of reformulation to make them more sensitive and responsive to women's particular situation and needs.

Schedule for implementation of priority programs shall be identified for each year to facilitate annual monitoring of progress and plan updating.

Per EO 348, amounts needed to implement programs for 1989 shall come from the appropriate funds of the government agencies concerned and from any available lump sum fund under Republic Act No. 6688 as may be determined by the Department of Budget and Management. Needed appropriations for women's programs for the succeeding years shall be integrated in the agency budget proposals for Congressional action beginning 1990.

Selected priority programme/project proposals may be submitted not later than May 15, 1989 to the NCRFW for possible inclusion in the country program for women. The formulation of this country program for submission to multilateral and bilateral donors for financial assistance is one mechanism by which agencies can implement the PDPW programs starting in 1989. NCRFW is coordinating the formulation of the country program and is prepared to provide technical assistance to agencies in the formulation of said proposals.

1.1.2 Prepare a comprehensive gender consciousness raising program for the agency and coordinate its implementation with the NCRFW.



1.1.3 Coordinate the PDPW's implementation, monitoring, review and updating in the agency and consult and coordinate with NCRFW for these purposes.

1.1.4 Serve as an advisory body to the highest official of the agency on matters concerning women.

## 1.2 Requirements of Effective Focal Points

Depending on the particular needs of an agency, a focal point may be constituted as a committee, a technical working group, a task force, a women's desk or a similar body with two or more members. Agencies with existing bureau or unit dealing with women's concerns may consider said unit as possible focal point. The designated focal point should meet the following requirements for it to function effectively:

1.2.1 It is vested with the appropriate mandate defining its powers and responsibilities issued by the highest authority of the agency and which is made known to all personnel at all levels of the bureaucracy.

1.2.2 It is provided with the administrative, technical and budgetary support necessary in the performance of its functions as stated in item #1 of this Memorandum.

1.2.3 It is directly responsible to the highest official in the agency on the progress of its work.

1.2.4 Being the agency's focal point for women's concerns, it addresses women's concerns in all the areas of the agency's jurisdiction, including its women employees; and coordinates the policy and programme responses agency-wide and in the regions.

1.2.5 It consults and coordinates with the concerned non-governmental organizations and the private sector on women's sectoral concerns.

All duly designated members of each focal point shall undergo gender consciousness training with the NCRFW.

## 2. The Role of the NCRFW in the PDPW Implementation

As provided by EO 348, the NCRFW shall, in consultation with the National Economic and Development Authority (NEDA) monitor the implementation of the PDPW by various government agencies and shall coordinate its periodic assessment and updating. In addition, the NCRFW shall perform the following functions in support of the focal points and the agencies' implementation of the PDPW:

- 2.1 Conduct gender consciousness seminars and trainings for agency officials and staff region-wide.
- 2.2 Provide technical assistance to agencies on matters affecting women, such as the development of appropriate statistical indicators, program formulation and provision of updated information on the women's situation. The NCRFW may also assist agencies in the sourcing of funds for women's programs.
- 2.3 The NCRFW shall likewise provide all necessary guidelines to facilitate the work of the focal points in the various agencies.

3. All focal points shall be convened by the NCRFW to develop a networking mechanism for the plan's implementation, monitoring, evaluation and updating.

4. The NCRFW shall, from time to time, issue other guidelines as may be necessary to ensure the effective implementation of the plan.

5. This Memorandum Order shall take effect immediately.

Signed this 21st of April, 1989.

By Authority of the Board of Commissioners

NATIONAL COMMISSION ON THE ROLE OF FILIPINO WOMEN

(Sgd.) MS. REMEDIOS I. RIKKEN  
Executive Director

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 368**

**AMENDING EXECUTIVE ORDER 356 DATED 12 AUGUST 1996 WHICH PROVIDES FOR THE IMPLEMENTING GUIDELINES ON THE INSTITUTIONAL ARRANGEMENTS TO FASTTRACK SRA LOCALIZATION, TO INCLUDE THE NATIONAL COUNCIL ON THE ROLE OF THE FILIPINO WOMEN IN THE MEMBERSHIP OF THE SOCIAL REFORM COUNCIL**

WHEREAS, Executive Order 356 dated 12 August 1996 provides for the expanded membership of the Social Reform Council and implementing guidelines on the institutional arrangements to fasttrack SRA Localization;

WHEREAS, there is a need to mainstream gender concerns in all SRA flagship programs as affirmed during the National Anti-Poverty Summit held last 19-20 March 1996;

WHEREAS, the President instructed the Social Reform Council to monitor the implementation of the commitment of the Philippine Government in the United Nations Fourth World Conference on Women relative to the Beijing Platform of Action;

WHEREAS, Executive Order No. 208 dated 10 October 1994, as amended by Executive Order No. 268 dated 04 August 1995, strengthened and reconstituted the National Commission on the Role of Filipino Women to be the primary policy making and coordinating body of all women development programs and institutions;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Executive Order No. 356 to include the National Council on the Role of Filipino Women in the membership of the Social Reform Council.

This Executive Order shall take effect immediately.

DONE, in the city of Manila, this 5th day of September in the Year of Our Lord Nineteen Hundred and Ninety Six.

(Sgd.) FIDEL V. RAMOS

By the President

(Sgd.) RUBEN D. TORRES  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 443**

**PROVIDING FOR THE ADOPTION OF THE COMPREHENSIVE AND  
INTEGRATED DELIVERY OF SOCIAL SERVICES AS THE NATIONAL  
DELIVERY MECHANISM FOR THE MINIMUM BASIC NEEDS (MBN)  
APPROACH**

WHEREAS, the Comprehensive and Integrated Delivery of Social Services (CIDSS) is one of the nine flagship programs under the Social Reform Agenda, specifically aimed at empowering the disadvantaged communities to access services that will address their minimum basic needs;

WHEREAS, Administrative Order No. 194, Series of 1995 (otherwise known as the SRA Convergence Policy), clearly indicates the roles and responsibilities of all SRA major stakeholders, either as primary responsible entity or as support agency, in the delivery of services that respond to Minimum Basic Needs (MBN) indicators;

WHEREAS, the CIDSS has been implemented in 825 barangays of 275 municipalities and covering 49 provinces which resulted in the reduction of the unmet minimum basic needs by an average of fifty-seven percent (57%) within a span of two years. Likewise, it afforded the following major lessons on poverty alleviation program, validating the effectiveness and viability of the CIDSS approach:

- a. Poverty alleviation program requires a thorough social preparation of the community to ensure accelerated, effective and sustained access to basic services, some of which can be eventually managed or provided by the community;
- b. CIDSS, as a nationally-coordinated flagship program, complements local anti-poverty initiatives especially in 5<sup>th</sup> and 6<sup>th</sup> class municipalities that are usually low in resources, absorptive capacity and technical capabilities, requiring a transition mechanism prior to assuming full responsibility for anti-poverty programs;
- c. The MBN Approach is a valuable tool for focused targeting, convergence of services and evaluation of the attainment of a better quality of life for poor households and communities;

- d. Operationalizing convergence at the community level necessitates a focal agency for the installation of the MBN Approach with a network mechanism at all levels to coordinate poverty mapping; social preparation of the community; agency participation/matching of needs and programs/services for focused-targeting; and the conduct of continuing community mobilization for self-management of poverty alleviation program; and
- e. Full implementation of the MBN Approach requires a balance of entrepreneurship and social responsibility.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the adoption of the Comprehensive and Integrated Delivery of Social Services (CIDSS) as the national machinery mechanism for the Minimum Basic Needs (MBN) Approach.

*SECTION 1. Department of Social Welfare and Development as Lead Agency.* – The Department of Social Welfare and Development being the CIDSS Flagship Champion under the SRA, is directed to undertake appropriate steps to implement and/or further strengthen the CIDSS in all 5<sup>th</sup> and 6<sup>th</sup> class municipalities, as well as urban poor communities, as first priority, and in disadvantaged communities in 3<sup>rd</sup> and 4<sup>th</sup> class municipalities, as second priority. Selection of barangays within the aforementioned municipalities or urban areas shall give priority to SRA convergence areas as defined under Administrative Order 194.

CIDSS implementation shall include, among others, the following activities:

- a. Undertake orientation-consultation, MBN survey, poverty mapping and other preparatory activities with the Presidential Commission to Fight Poverty, local government units and other Convergence Lead Agencies to ensure the eventual adoption and implementation of CIDSS in their respective areas by phases;
- b. Include resource requirements for nationwide adoption of the CIDSS in its succeeding budget proposals;
- c. Interface with existing local development councils and SRA technical working groups at all levels to ensure convergence of services for effective CIDSS implementation and full transfer of program, including its funds, to the local government units within five (5) years; and
- d. Prepare necessary operational system with CIDSS partner agencies.

*SEC. 2. Partner Agencies.* – The Department of Social Welfare and Development (DSWD), Department of Health (DOH), Department of Education, Culture and Sports (DECS), Department of the Interior and Local Government (DILG) and the Presidential Commission to Fight Poverty (PCFP), as CIDSS major partner agencies, are hereby

directed to determine their specific program inputs to CIDSS; designate focal teams at all levels who shall coordinate with DSWD; issue agency directives; and allocate funds for these purposes.

SEC. 3. *Implementation of CIDSS.* – All local government units of 5<sup>th</sup> and 6<sup>th</sup> class municipalities; urban poor communities as well as 3<sup>rd</sup> and 4<sup>th</sup> class municipalities are hereby directed to adopt and implement the CIDSS in coordination with the DSWD; issue local ordinance to this effect; allocate local government counterpart funds; and designate community-based implementor.

SEC. 4. *Implementing Rules and Regulations.* – The DSWD, in consultation with the partner agencies and representatives of the League of Municipalities of the Philippines, the League of Cities of the Philippines, League of Provinces and Liga ng mga Barangay, is tasked to prepare the implementing rules and regulations of this Executive Order within thirty (30) days after its signing.

SEC. 5. *Effectivity.* – This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the Republic of the Philippines to be affixed to this Order.

DONE in the City of Manila, this 24<sup>th</sup> day of September in the year of Our Lord, Nineteen Hundred and Ninety-Seven.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary



# *Proclamations*

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 46**

**REAFFIRMING THE COMMITMENT TO THE UNIVERSAL CHILD AND  
MOTHER IMMUNIZATION GOAL BY LAUNCHING THE POLIO  
ERADICATION PROJECT**

**WHEREAS**, in 1988, the World Health Assembly adopted the goal of global eradication of poliomyelitis by the year 2000;

**WHEREAS**, in 26 July 1990, the Philippines became the 31st country to ratify the United Nations Convention on the Rights of the Child (CRC);

**WHEREAS**, in September 1990, heads of state and other world leaders, including the Philippines met the World Summit for Children resulting to the World Declaration on the Survival, Protection, and Development of Children and Plan of Action for implementing the World Declaration;

**WHEREAS**, this Declaration contained goals which include the global goal for the eradication of poliomyelitis by the year 2000;

**WHEREAS**, the Western Pacific Region of the World Health Organization (WHO) where the Philippines is a member country is committed to the eradication of poliomyelitis by the year 1995;

**WHEREAS**, the Philippines as a founding member of the United Nations reaffirms its commitment to the objectives of the World Health Organization particularly the goal of eradicating poliomyelitis and sustaining Universal Child and Mother Immunization (UCMI);

**WHEREAS**, in 1989 the Philippines attained the goal of Universal Child Immunization (UCI) and reaffirmed its commitment to child survival by sustaining this high immunization coverage of 86% Fully Immunized Child (FIC) nationwide in 1991.

**NOW, THEREFORE, I, FIDEL VALDEZ RAMOS**, President of the Philippines, by virtue of the powers vested in me by law, do hereby reaffirm the commitment of the Philippines to the Universal Child and Mother Immunization (UCMI) goal by launching the Philippine Poliomyelitis Eradication Project to achieve the goal of sustained UCMI and the ultimate eradication of the wild poliovirus from the Philippine environment by 1995.



To achieve this, I hereby order the Department of Health (DOH) to be the lead agency in overseeing this project. As such, the DOH will formulate the guidelines to assure success of this project. And the DOH may call on other government organizations and non-government agencies, including industries, for any assistance it will need.

I, therefore, call on all government and non-government agencies and every Filipino citizen, here and abroad, to join hands in making the Philippines "polio-free" by 1995.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affix seal of the Republic of the Philippines.

**DONE** in the City of Manila, this 16th day of September, in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) **FIDEL V. RAMOS**  
*President of the Philippines*

By the President:

(Sgd) **DIONISIO C. DELA SERNA**  
*Sr. Deputy Executive Secretary*

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 74**

**DECLARING THE 17TH DAY OF OCTOBER OF EVERY YEAR AS  
NATIONAL CHILDREN'S DAY**

**WHEREAS**, the Filipino people should celebrate and recognize the Filipino children as the most valuable asset of the nation;

**WHEREAS**, the Constitution provides: "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."

**WHEREAS**, in 1954, the United Nation's General assembly, passed a resolution formally establishing Universal Children's Day, which has been observed for the past 30 years in 149 countries;

**WHEREAS**, the Filipino children should be made to feel that the adult sector of society care for their well-being;

**WHEREAS**, the designation of a day to commemorate the Filipino children will emphasize to the Filipino nation the importance of the role of the child within the family and within society;

**NOW, THEREFORE, I, FIDEL V. RAMOS**, President of the Philippines, by virtue of the powers vested in me by law, do hereby declare the 17th day of October of every year as National Children's Day.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

**DONE** in the City of Manila this 16th of October, in the year of Our Lord, nineteen hundred and ninety two.

(Sgd.) **FIDEL V. RAMOS**  
*President of the Philippines*

By the President:  
(Sgd.) **EDELMIRO A. AMANTE, SR.**  
*Executive Secretary*

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 267**

**DECLARING THE MONTH OF OCTOBER OF EVERY YEAR AS NATIONAL  
CHILDREN'S MONTH**

**WHEREAS**, the Filipino people should celebrate and recognize the Filipino children as the most valuable asset of the nation;

**WHEREAS**, Section 13, Article II of the Constitution provides that "the State recognizes the vital role of the youth in the nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs," and

**WHEREAS**, the designation of a month to commemorate the Filipino children will emphasize the importance of the role of the child within the Filipino family and within Philippine society.

**NOW, THEREFORE, I, FIDEL V. RAMOS**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby declare the month of October of every year as National Children's Month.

This supersedes Proclamation No. 74 dated 16 October 1992 declaring the 17th day of October of every year as National Children's Day.

**DONE** in the City of Manila, this 30th day of September in the year of Our Lord, nineteen hundred and ninety-three.

(Sgd.) **FIDEL V. RAMOS**  
*President of the Philippines*

By the President:

(Sgd.) **TEOFISTO A. GUINGONA**  
*Executive Secretary*

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 731**

**DECLARING THE SECOND WEEK OF FEBRUARY OF EVERY YEAR AS  
"NATIONAL AWARENESS WEEK FOR THE PREVENTION OF CHILD  
SEXUAL ABUSE AND EXPLOITATION"**

WHEREAS, Article I, Section 2, of RA 7610 declares that "The State shall provide special protection to children from all forms of abuse, neglect, cruelty, exploitation, and discrimination and other conditions prejudicial to their development";

WHEREAS, child sexual abuse is a social reality in the country and constitutes one of the profound violations of the rights of children;

WHEREAS, child sexual abuse is the most underreported form of abuse due to its highly sensitive nature;

WHEREAS, there is a need to raise the awareness of the public on the extent and magnitude of the problem, as well as the adverse consequences on the personality of the child, his/her family, and the society at large;

WHEREAS, the occurrence of the problem of child sexual abuse can be prevented with a deliberate and systematic information, education and communication activity;

WHEREAS, an informed citizenry will be motivated to report any case of child sexual abuse in order that programs and services can be made available and accessible to the victim and his/her family;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby declare the second week of February of every year as "National Awareness Week for the Prevention of Child Sexual Abuse and Exploitation".

For this purpose, I call on all sectors and organizations, especially the Department of Social Welfare and Development, Department of Education, Culture and Sports, Department of Health, Philippine National Police, Department of Interior and Local Government, Department of Labor and Employment, Philippine Information Agency, Department of Transportation and Communications, Council for the Welfare of Children, and other national agencies of government, as well as local government units, the Barangay Council for the Protection of Children to join hands with the private sector,

non-government organizations, child and youth organizations, people's organizations, media, women and business corporations to:

1. promote awareness on the problem of child sexual abuse and exploitation;
2. participate in the nationwide campaign to prevent child sexual abuse and exploitation;
3. instill in the general public respect for laws and ordinances related to the welfare of children, and surveillance and report of suspected cases to DSWD or law enforcement agencies;
4. integrate in school curriculum topics on child abuse and exploitation; and
5. provide orientation to all sectors on RA 7610 and other laws and on the problem of child abuse and exploitation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila, this 5<sup>th</sup> day of February in the year of Our Lord, Nineteen Hundred and Ninety-Six.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 759**

**DECLARING THE FOURTH WEEK OF MARCH 1996 AS "PROTECTION AND GENDER-FAIR TREATMENT OF THE GIRL CHILD WEEK"**

WHEREAS, every Girl Child who is below 18 years of age should be provided with equal opportunities and adequate protection to prepare her for her role in community development.

WHEREAS, there is considerable cause for concern in the increasing number of girls subjected to economic exploitation, prostitution, sexual assault and abuse;

WHEREAS, issues confronting female children like teenage pregnancy and HIV/AIDS should be specifically addressed;

WHEREAS, some regional and cultural beliefs and practices put the girl child in seemingly disadvantaged situations where they do not have access to education, health care and other opportunities for self-advancement;

WHEREAS, to determine the extent of these problems, the Government has to set a firm age and gender desegregated data based on key social and economic indicators where gaps can be identified, evaluated, and addressed at both family and societal levels;

WHEREAS, the Declaration of the World Summit for Children in 1990 and Convention on the Elimination of all Forms of Discrimination against Women in 1981 endorsed the right of the girl child to health, education, and employment, as well as protection against all forms of abuse and exploitation;

WHEREAS, issues of equality and opportunities for the girl child were given priority at the 1995 World Social Summit in Copenhagen and in the Beijing Declaration;

WHEREAS, this proclamation reaffirms the Philippines' commitment to all these global initiatives and reiterates plans and projects embodied in the 1995-2025 Philippine Plan for Gender-Responsive Development;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby declare the fourth week of March 1996, and every year thereafter, as "Protection and Gender-Fair Treatment of the Girl Child Week" under the auspices of the Council for the Welfare of Children (CWC).

SECTION 1. *Mandate of Department of Social Welfare and Development.* -- The Department of Social Welfare and Development, as the lead agency, through the CWC, is mandated to:

- a. Review current programs and plans for female children, most especially those with less access to education, health, employment and other opportunities;
- b. Develop concrete action plans to correct and improve the status of Filipina children and ensure their fullest and total protection;
- c. Propose the rectification of laws that discriminate against female children and the enactment of more gender-fair legislation;
- d. Work for the adoption of procedures that will mitigate the burden of a court proceeding where the victim is a girl child; and
- e. Promote and develop information campaigns including awareness-raising themes and messages that shall ensure equal opportunities for the girl child.

SEC. 2. *Plan of Action.* -- The CWC is designated to formulate an initial Plan of Action for 1996-2000, provide guidelines and technical assistance in relation to this celebration and undertake the dissemination of this proclamation.

Progress and accomplishment of all these initiatives shall be reported to the President and the Filipino people.

SEC. 3. *Assistance from Other Agencies.* -- All departments, offices or agencies of the government, including but not limited to the Department of Interior and Local Government, Department of Labor and Employment and the Philippine National Police are hereby ordered to assist and coordinate with the DSWD and the CWC in the realization of the objectives, as defined in this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 6th day of March in the year of Our Lord, Nineteen Hundred and Ninety-Six.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 847**

**DECLARING THE FOURTH SUNDAY OF SEPTEMBER AS FAMILY  
THANKSGIVING DAY**

WHEREAS, Presidential Proclamation No. 60 declares every last week of September as Family Week to focus on the importance of strengthening and promoting unity, solidarity and stability of the Filipino family as the basic unit of Filipino society and for whose well-being all national development efforts are directed;

WHEREAS, a National Steering Committee was created through Executive Order No. 241 naming the Secretary of Social Welfare and Development as Chairman, to plan and implement programs and activities to ensure wider and active participation of the private and public sectors in the nationwide observance of Family Week;

WHEREAS, there is a need to set aside a special day for the family to get together as an occasion for thanksgiving and forging family unity and cohesiveness;

WHEREAS, traditionally, a Sunday is always considered a special family get-together day in Filipino households;

NOW, THEREFORE, I FIDEL V. RAMOS, President of the Republic of Philippines, by virtue of the powers vested in me by law, do hereby declare every fourth Sunday of September of every year as Family Thanksgiving Day.

The National Steering Committee for the Family Week celebration shall lead in the nationwide observance of Family Thanksgiving Day. The heads of all Departments, agencies, government-owned and controlled corporations and other government instrumentalities are hereby directed to support the Committee in ensuring active participation of everyone in this event.

I enjoin all churches, religious communities, civic organizations, the business community, non-government organizations and all Filipino families nationwide to observe this Family Thanksgiving Day.

All national and local publications, televisions and radio stations are enjoined to help generate awareness and public support for activities in promoting the observance of Family Thanksgiving Day.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila, this 12<sup>th</sup> day of August in the year of Our Lord, Nineteen Hundred and Ninety-Six.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 855**

**PROCLAIMING THE ADOPTION AND IMPLEMENTATION OF THE  
PHILIPPINE PROGRAM OF ACTION FOR CHILDREN IN THE 1990s**

**WHEREAS**, The World Summit for Children held on 30 September at the UN Headquarters in New York adopted the World Declaration on Survival, Protection and Development of Children in the 1990s;

**WHEREAS**, The Philippines is a signatory to the World Declaration on the Survival, Protection and Development of Children in the 1990s in support of the Convention on the Rights of the Child which was adopted by the UN General Assembly on 20 November 1989 with the force of international law by 2 September 1990;

**WHEREAS**, The Philippines is committed to prepare a National Plan for Children, 1991-2000, which will serve as the basis for the government's report on the progress of implementation to the United Nations before September 1992, two years after the entry into force of the Treaty for the Philippines, and every five years thereafter;

**WHEREAS**, The Philippine Program of Action for Children in the 1990s is a continuation of the National Plan for Children (1990-1992) and is consistent with among others, The Medium Term Philippine Development Plan, the Education for All, Philippine Plan of Action (1991-2000), the Philippine Food and Nutrition Plan, the Water Supply, Sewerage and Sanitation Master Plan (1988-2000) and Health for All by the Year 2000;

**WHEREAS**, The Program of Action for Children has been reviewed and approved by the Council for the Welfare of Children Board and the Social Development Committee, both Technical Board and Cabinet Level;

**NOW, THEREFORE, I, CORAZON C. AQUINO**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby proclaim the adoption and implementation of the Philippine Plan of Action for Children in the 1990s entitled: "The Filipino Children: 2000 and Beyond."

I hereby call upon the Council for the Welfare of Children to undertake the operationalization of the coordinative task through its National as well as the Regional, Provincial/City, Municipal, and Barangay mechanisms through the integration of the plan in the overall plan of the local government units as appropriate.

I hereby direct the following agencies to support and/or implement programs, projects and activities for the survival, protection and development of children in the 1990s in active collaboration with the local government units:

- a. Department of Social Welfare and Development;
- b. Department of Education, Culture and Sports;
- c. Department of Health;
- d. Department of Labor and Employment;
- e. Department of Agriculture;
- f. Department of Justice;
- g. Department of the Interior and Local Government;
- h. National Economic and Development Authority;
- i. National Nutrition Council;
- j. Non-Government Organizations (licensed and accredited by the government agency-members of the Council for the Welfare of Children as provided by law).

**IN WITNESS THEREFORE**, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

**DONE** in the City of Manila, this 31st day of January in the year of Our Lord, nineteen hundred and ninety-two.

(Sgd.) **CORAZON C. AQUINO**  
*President of the Philippines*

By the President:

(Sgd.) **FRANKLIN M. DRILON**  
*Executive Secretary*

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 976**

**DECLARING THE PERIOD JANUARY TO DECEMBER 1997 AS THE ANTI-MIGRANT TRAFFICKING YEAR**

WHEREAS, overseas employment continues to be an alternative source of income for over four million overseas Filipino workers;

WHEREAS, in pursuit of overseas work, jobseekers continue to be victimized by illegal traffickers whose victims include women and children;

WHEREAS, all the agencies of government and all sectors of society need concerted and collective action in order to eradicate illegal trafficking of migrants;

NOW, THEREFORE, I FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby declare the period January 1 to December 30, 1997 as the Anti-Migrant Trafficking Year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila, this 25<sup>th</sup> day of February in the year of Our Lord, Nineteen Hundred and Ninety-Seven.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary

**MALACAÑANG  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 1105**

**DECLARING OCTOBER 15, 1997, AND OF EVERY YEAR THEREAFTER, AS  
“NATIONAL RURAL WOMEN’S DAY”**

WHEREAS, as a result of the 4<sup>th</sup> UN World Conference on Women in Beijing in 1995, the International Federation of Agricultural Producers (IFAP), the Women’s World Summit Foundation (WWSF) and the Associated Country Women of the World (ACWW) designated October 15 as “World Rural Women’s Day” to highlight the largely unrecognized contribution of rural women, the world over, to food security and to the development of the rural areas;

WHEREAS, the “World Rural Women’s Day” was celebrated for the first time in October 15, 1996;

WHEREAS, the Philippines recognizes the role and tremendous contribution of rural women to our country’s economic development and food security;

WHEREAS, there is necessity to set aside a period during which concerted national efforts for the recognition of the role that rural women play in the vitality of the economy may be highlighted;

NOW, THEREFORE, I FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby proclaim October 15, 1997, and of every year thereafter, as “National Rural Women’s Day”.

The National Council on the Role of Filipino Women is tasked to undertake programs and activities to ensure the successful observance thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila, this 10<sup>th</sup> of October, in the year of Our Lord, Nineteen Hundred and Ninety-Seven.

(Sgd.) FIDEL V. RAMOS

By the President:

(Sgd.) RUBEN D. TORRES  
Executive Secretary



# *Presidential Directives*

**MALACAÑANG**  
**Manila**

**MEMORANDUM FROM THE PRESIDENT**

FOR : General Raul Imperial  
Chief, Philippine National Police

Executive Director Remedios Rikken  
National Commission on the Role of Filipino Women

SUBJECT : **ESTABLISHMENT OF WOMEN'S DESK IN PRIORITY AREAS**

DATE : 8 MARCH 1993

In line with the thrust of the government to provide women with greater protection from law enforcement agencies, the Philippine National Police (PNP), and the National Commission on the Role of Filipino Women (NCRFW) are hereby directed to identify priority areas where women's desks in police stations may be established, for immediate operationalization.

Submit a status report on this activity on or before 31 March 1993.

For compliance.

**MALACAÑANG**  
**Manila**

**MEMORANDUM FROM THE PRESIDENT**

**FOR : All Livelihood Implementing Agencies**

**SUBJECT : ENHANCING ACCESS OF SMALL AND MEDIUM SCALE  
WOMEN ENTREPRENEURS TO LIVELIHOOD PROGRAMS**

**DATE : 8 MARCH 1993**

In line with the thrust of the government to further enhance the provision of livelihood to small and medium scale women entrepreneurs, all the government agencies implementing livelihood programs, are hereby directed to formulate and adopt innovative measures, specifically to assist women entrepreneurs.

Submit a status report on this activity on or before 31 March 1993.

For compliance.



**MALACAÑANG**  
**Manila**

**MEMORANDUM FROM THE PRESIDENT**

FOR : SECRETARY NIEVES CONFESOR  
Department of Labor and Employment

SUBJECT : **PROTECTION OF WOMEN OVERSEAS CONTRACT  
WORKERS**

DATE : 8 MARCH 1993

In line with the thrust of the government to protect our Overseas Contract Workers (OCWs), particularly women workers, the Department of Labor and Employment (DOLE) is hereby directed to prioritize the assignment of women attaches to countries where majority of Filipino OCWs are women.

Submit a status report on this activity on or before 31 March 1993.

For compliance.

**MALACAÑANG**  
**Manila**

**MEMORANDUM FROM THE PRESIDENT**

**FOR : GOVERNOR BREN Z. GUIAO**  
**Director-General, KABISIG PEOPLE'S MOVEMENT**

**SUBJECT : CURBING VIOLENCE IN MEDIA**

**DATE : 8 MARCH 1993**

In line with the thrust of the government to promote decent and wholesome entertainment in media, the KABISIG People's Movement is hereby directed to coordinate with the various signatories to the Moral Recovery Program to renew their pledge to the Program and to undertake measures to curb excessive violence in film.

Submit a status report on this activity on or before 31 March 1993.

For compliance.

**MALACAÑANG**  
**Manila**

MEMORANDUM FROM THE PRESIDENT

TO : SECRETARY RAFAEL ALUNAN  
Department of Interior and Local Government  
  
Chairman Diogenes Osabel  
Presidential Commission for the Urban Poor

SUBJECT : **IMPLEMENTATION OF THE DEPRESSED AREA  
ELECTRIFICATION PROGRAM (DAEP)**

DATE : 8 MARCH 1993

In line with the thrust of the government to facilitate the immediate implementation of the Depressed Area Electrification Program (DAEP), the Department of Interior and Local Government (DILG) and the Presidential Commission for the Urban Poor (PCUP) are hereby directed to assist the Quezon City Council in negotiating with the people in Payatas, Quezon City, for the early implementation of the Road Network Plan that will allow Meralco to implement the DAEP in the area.

Submit a status report on this activity on or before 31 March 1993.

For compliance.

**MALACAÑANG**  
**Manila**

**MEMORANDUM FROM THE PRESIDENT**

TO : SECRETARY JUAN M. FLAVIER  
Department of Health

SUBJECT : **PROVISION OF HEALTH SERVICES TO URBAN POOR**

DATE : 8 MARCH 1993

In line with the thrust of the government to promote a health citizenry, the Department of Health (DOH) is hereby directed to look into the basic health requirements of and ensure proper intervention for the urban poor.

Submit a status report of this activity on or before 31 March 1993.

For compliance.

**MALACAÑANG**  
**Manila**

**MEMORANDUM FROM THE PRESIDENT**

**TO : SECRETARY ERNESTO GARILAO**  
**Department of Agrarian Reform**

**SUBJECT : LAND ACQUISITION UNDER THE COMPREHENSIVE**  
**AGRARIAN REFORM PROGRAM**

**DATE : 8 MARCH 1993**

In line with the thrust of the government to effectively implement the Comprehensive Agrarian Reform Program (CARP) specifically in land acquisition and land distribution, the Department of Agrarian Reform (DAR) is hereby directed to extend possible assistance to the KABAPA National Council in Lubao, Pampanga, regarding the issue on land disputes/land grabbing.

Submit a status report on this activity on or before 31 March 1993.

For compliance.

**MALACAÑANG**  
**Manila**

MEMORANDUM FROM THE PRESIDENT

TO : SECRETARY ANGEL C. ALCALA  
Department of Environment and Natural Resources

SUBJECT : **ENHANCEMENT OF WOMEN'S PARTICIPATION IN ENVIRONMENTAL MANAGEMENT AND ECOLOGY PROGRAMS AND PROJECTS OF GOVERNMENT**

DATE : 07 MAR 1994

You are hereby directed to work closely with the National Commission on the Role of Filipino Women (NCRFW) to determine how the following can be integrated/implemented in your agency's regular programs and projects:

1. Policy Recommendations of the NCRFW to enhance women's participation in environment and natural resources management;
2. Gender Framework for Conservation and Resource Management focusing on the freshwater lake ecosystem;
3. Guidebook/Checklist for Planning, Review and Evaluation of Natural Resources Conservation and Management Programs/Projects; and
4. Case Study on San Pablo Freshwater Lakes.

Submit a status report on the matter to my office, thru the Executive Secretary, copy furnished the Head, Presidential Management Staff, not later than 8 April 1994, and every month thereafter, as may be deemed necessary.

For compliance.

**MALACAÑANG**  
**Manila**

MEMORANDUM FROM THE PRESIDENT

TO : SECRETARY CORAZON ALMA DE LEON  
Department of Social Welfare and Development

SUBJECT : **GENDER-RESPONSIVE POLICIES AND PROGRAMS ON  
FAMILY**

DATE : 07 MAR 1994

You are hereby directed to work closely with the National Commission on the Role of Filipino Women (NCRFW) to determine how the NCRFW framework on "Gender-Responsive Policies and Programs on Family" can be integrated into your agency's regular programs, taking into consideration your comments on the matter.

Submit a status report on the matter to my Office, thru the Executive Secretary, copy furnished the Head, Presidential Management Staff, not later than 8 April 1994, and every month thereafter, as may be deemed necessary.

For compliance.

**MALACAÑANG**  
**Manila**

**MEMORANDUM FROM THE PRESIDENT**

**TO :** UNDERSECRETARY HONESTO ISLETA  
Philippine Information Agency

**SUBJECT :** **ENHANCEMENT OF THE IMAGE OF WOMEN IN MEDIA**

**DATE :** 07 MARCH 1994

You are hereby directed to look into the audio-visual training module developed by the National Commission on the Role of Filipino Women (NCRFW), and with the NCRFW's assistance, prepare a PIA action plan to enhance women's image in media and to ensure the adoption of the said module for gender consciousness raising by other government agencies.

Submit a status report on the matter to my Office, thru the Executive Secretary, copy furnished the Head, Presidential Management Staff, not later than 8 April 1994, and every month thereafter, as may be deemed necessary.

For compliance.



**MALACAÑANG**  
**Manila**

MEMORANDUM FROM THE PRESIDENT

TO : ALL CONCERNED AGENCIES

SUBJECT : **IMPLEMENTATION OF R.A. 7192 OR THE WOMEN IN  
DEVELOPMENT AND NATION-BUILDING ACT**

DATE : MAR 15 1994

You are directed to undertake a review of your respective budgets for the year 1994 and to submit proposals for gender training and data base to the Department of Budget and Management (DBM), copy furnished the National Commission on the Role of Filipino Women (NCRFW), not later than 15 May 1994. Indicate also such proposals for fiscal year 1995.

The DBM and the NCRFW shall integrate/consolidate the agencies' proposals and shall recommend the appropriate budgetary alignments of the agencies to my Office, through the Executive Secretary and copy furnished the Head, Presidential Management Staff, not later than 30 June 1994.

For compliance.

**MALACAÑANG**  
**Manila**

MEMORANDUM FROM THE PRESIDENT

TO : SECRETARY NIEVES CONFESOR  
Department of Labor and Employment

SUBJECT : **POSSIBLE REPRESENTATION OF THE NCRFW IN THE 81ST  
SESSION OF THE INTERNATIONAL LABOR  
ORGANIZATION**

DATE : 19 MAY 1994

You are hereby directed to undertake representation with the appropriate organization for the representation of the National Commission on the Role of Filipino Women (NCRFW) in the 81st Session on the International Labor Organization in Geneva, Switzerland.

You are further directed to submit a status on the above activity to my Office, through the Executive Secretary and copy furnished the NCRFW, not later than 19 June 1994.

For compliance.

**MALACAÑANG  
MANILA**

**MEMORANDUM FROM THE PRESIDENT**

TO : SECRETARY SALVADOR ENRIQUEZ  
Department of Budget and Management

SUBJECT : **PREPARATION AND FINALIZATION OF THE GUIDELINES  
TO INCLUDE WOMEN'S BUDGET NEEDS IN THE 1996  
BUDGET CALL**

DATE : MAY 19 1994

This is to express my appreciation for the department's continuing collaboration with and assistance being extended to the National Commission on the Role of Filipino Women (NCRFW) to determine concrete guidelines on women's budget needs in the 1996 budget call. The completion of the guidelines shall ensure the provision of resources for gender training and data base for women.

In this regard, you are also hereby directed to complete the said guidelines for submission to my Office, through the Office of the Executive Secretary and copy furnished the NCRFW not later than 6 June 1994.

For compliance.

**MALACAÑANG**  
**Manila**

MEMORANDUM FROM THE PRESIDENT

TO: CHAIRMEN  
Cabinet Clusters

SUBJECT: **INVITATION OF NCRFW AS OBSERVERS IN CABINET  
CLUSTER MEETINGS**

DATE: 19 MAY 1994

The Cabinet Cluster C (Human Resource Development Cluster) is hereby directed to invite a representative from the National Commission on the Role of Filipino Women (NCRFW) as observer in its regular meetings.

The other Cabinet Cluster Chairmen are encouraged to invite the NCRFW on meetings where women and related concerns are to be discussed.

For compliance.

**MALACAÑANG**  
**Manila**

**MEMORANDUM FROM THE PRESIDENT**

TO : SECRETARY NIEVES CONFESOR  
Department of Labor and Employment

SUBJECT : **DESIGNATION AS ADDITIONAL NCRFW CHAMPION TO  
THE CABINET**

DATE : 10 OCTOBER 1994

You are hereby designated as official champion of the National Commission on the Role of Filipino Women (NCRFW) to the Cabinet, effective immediately.

As such, you shall ensure that NCRFW's concerns are articulated and given due considerations in the discussion of policies and other measures during Cabinet meetings.

For compliance.

**MALACAÑANG**  
**Manila**

**MEMORANDUM FROM THE PRESIDENT**

**TO : EXECUTIVE SECRETARY TEOFISTO T. GUINGONA, JR.**

**SUBJECT : WOMEN NOMINEES TO THE COMMISSION ON HUMAN RIGHTS**

**DATE : 10 OCT 1994**

You are hereby directed to consider women nominees for at least one (1) position in the Board of the Commission on Human Rights.

Submit your recommendation on the matter to my Office not later than 10 November 1994.

For compliance.

**MALACAÑANG  
MANILA**

MEMORANDUM FROM THE PRESIDENT

TO : SECRETARY ERNESTO GARILAO  
LEAD CONVENOR, SOCIAL REFORM AGENDA

SUBJECT : **EXPANDING THE SOCIAL REFORM AGENDA TO COVER  
THE BEIJING PLATFORM OF ACTION ON WOMEN**

DATE : 11 OCT 1995

Pursuant to the government's commitment to implement the Beijing Platform of Action (BPA) on Women which was approved during the Fourth World Conference of Women in Beijing, China, the Social Reform Council is hereby designated as the government body to monitor and ensure the implementation of the BPA.

Relative thereto, you are hereby directed to undertake the following:

1. Expand the Social Reform Agenda by including the results of the Beijing Platform of Action on Women;
2. Make arrangements with the National Commission on the Role of Filipino Women on the implementation of the post-Beijing activities, which may include:
  - 2.1 Conduct of meetings and fora to disseminate the BPA and its implications to national efforts;
  - 2.2 Communication and messengerial expenses for the distribution of the BPA;
  - 2.3 Printing and reproduction costs; and,
  - 2.4 Advertisements.

The funding for the above activities shall be formulated jointly with the Department of Budget and Management and sourced from the Contingent Fund.

Submit a status of the above activities to my Office, through the Executive Secretary, copy furnished the Head, Presidential Management Staff, not later than 31 October 1995.

For compliance.

**MALACAÑANG  
MANILA**

MEMORANDUM

**TO: ALL CONCERNED OFFICIALS OF NATIONAL GOVERNMENT AGENCIES, GOVERNMENT OWNED AND CONTROLLED CORPORATIONS AND LOCAL GOVERNMENT UNITS**

**SUBJECT: CALL TO ACTION AGAINST DOMESTIC VIOLENCE**

**DATE: 05 FEB 1997**

In line with the provisions of the 1987 Constitution (Art. IV Section 1), Section 4 of Republic Act 6713, otherwise known as the Code of Conduct and Ethical Standard for Public Officials and Employees, and the International Conventions on Human Rights and Women's Rights (Universal Declaration of Human Rights, United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the Beijing Platform for Action), the Philippine Plan for Gender Responsive Development 1995-2025, and considering the urgent and special nature of the domestic violence issue, you are hereby directed to launch and maintain a comprehensive campaign against all forms of domestic violence. The said campaign shall include, among others, the following:

1. assuming a personal advocacy against domestic violence;
2. exhibiting exemplary behavior as a government official sworn to uphold the Constitutional provisions which include protecting the family as the foundation of the nation;
3. acting as role model in promoting basic human rights of all family members;
4. ensuring that gender-sensitive mechanisms to address domestic violence are in place in respective areas of responsibility; and
5. conducting activities to help educate the public on this matter.

Your plans/activities should conform with the attached Framework on Domestic Violence.



In addition, the heads of concerned agencies, namely, DSWD, DOJ-NBI, DOH, DILG-PNP and PIA, are directed to:

1. review the gender-responsiveness of existing protocols/guidelines governing treatment of complaints on domestic violence;
2. formulate and operationalize gender responsive protocols/guidelines governing the treatment of cases or complaints on domestic violence in case the agency has none;
3. introduce interventions to respond to domestic violence cases and submit a report not later than February 14, 1997 to the Office of the President, copy furnished the National Commission on the Role of Filipino Women, detailing the specific interventions introduced; and
4. for the Philippine Information Agency to convene an intersectoral task force to assist it in the conduct of a public education campaign on the issue.

In recognition of the non-governmental organizations' role in addressing the issue of domestic violence, agencies are enjoined to coordinate and link up with the private sector, including NGOs, in the course of implementing their programs and services for the elimination of all forms of domestic violence.

All agencies are further required to henceforth include all activities related to this directive in their regular reporting under Republic Act 7192.

The NCRFW is hereby directed to coordinate and monitor compliance to this directive and submit an initial report on the matter to my Office, through the Office of the Executive Secretary and copy furnished the Head, Presidential Management Staff, not later than 4 March 1996.

For compliance.

**MALACAÑANG**  
**Manila**

MEMORANDUM FROM THE PRESIDENT

TO : Secretary, DBM (As Lead)  
Chairman, NSCB  
Chairman, NCRFW

SUBJECT : **1998 FUNDING FOR SEX-DISAGGREGATION OF  
STATISTICAL DATA AT THE PROVINCIAL LEVEL**

DATE : 04 September 1997

You are hereby directed to determine the amount and identify possible funding sources to be allocated to the NSCB in 1998 to fund sex-disaggregation of data at the provincial level to allow for the computation of gender-related development index (HDI).

Submit status report on the matter to my Office, through the Executive Secretary, copy furnished the Head, Presidential Management Staff, not later than 25 September 1997.

For compliance.



*CSC Memo Circulars*

MEMORANDUM CIRCULAR

**T O :** ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND STATE COLLEGES AND UNIVERSITIES

**SUBJECT :** POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE

Pursuant to CSC Resolution No. 94-2854 dated May 31, 1994, the Commission has adopted a Policy on Sexual Harassment in the Workplace, as follows:

**RESOLUTION NO. 94-2854**

**WHEREAS**, the State values the dignity of every human person and guarantees full respect for human rights.

**WHEREAS**, sexual harassment is recognized as a violation of human rights, morale and efficiency in the workplace, violates the merit and fitness principle in the civil service and creates a hostile environment in the workplace which adversely affect productive performance.

**WHEREAS**, Section 4 of RA 6713, provides for norms of personal conduct which every public official and employee must observe in the discharge and execution of official duties; that they shall act without discrimination against anyone, and shall at all times respect the rights of others and refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.

**WHEREAS**, Section 1, Chapter I, Title (A), Book V of the Administrative Code of 1987 and Section 4(B), RA 6713, empower the Civil Service Commission to adopt positive measures, to promote morale and efficiency, and observance of the standards of personal conduct, among others, in the civil service;

**NOW, THEREFORE**, the Commission hereby resolves to promulgate this Policy on Sexual Harassment in the Workplace.

## **POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE**

### ***Section 1. Policy Statement and Objective***

It is the policy of the state to afford protection to working women and ensure equal work opportunity for all, as well as full respect for human rights. Towards this end, the Civil Service Commission commits to provide a work environment supportive of productivity, wherein all officials and employees are treated with dignity and respect and will not tolerate any sexual harassment, whether engaged in by fellow employees, supervisors, associates or clients;

Sexual harassment by another employee or officer constitutes a ground for administrative disciplinary action under the offense of Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service or Simple Misconduct provided in Section 46(b), Chapter 6, Title I(A), Book V of the Administrative Code of 1987 and subject to penalties up to dismissal from the service.

### ***Section 2. Coverage***

This policy covers all officials and employees in government, whether in the Career or Non-Career Service, holding positions under permanent or temporary status in the national or local government, including government-owned or controlled corporations, with original charters, state colleges and universities.

This policy shall also include applicants for employment after the application has been received by the agency.

The Commission recognizes that officers and employees may be the subject of sexual harassment by clients who transact business with them. Under this circumstance, the head of agency shall take responsibility to support and assist the person subjected to such sexual harassment.

Notwithstanding the existence of this policy, every person can have the right to seek redress from the courts, even when steps are being taken under this policy.

This policy is not intended to constrain social interaction between people in government.

### ***Section 3. Definition.***

(a) Sexual harassment is one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of sexual nature, made directly, indirectly and impliedly when:

- (1) such conduct might reasonably be expected to cause insecurity, discomfort, offense or humiliation to another person or group; or
- (2) submission to such conduct is made either implicitly or explicitly a condition of employment, or any opportunity for training or grant of scholarship; or
- (3) submission to or rejection of such conduct is used as a basis for any employment decision (including, but not limited to, matters of promotion, raise in salary, job security and benefits affecting the employee); or
- (4) such conduct has the purpose or the effect of interfering with a person's work performance, or creating an intimidating, hostile or offensive work environment.

(b) For this purpose, "employment-related sexual harassment" means sexual harassment by a member or employee of the agency which occurs

- (1) in the working environment, or
- (2) anywhere else as a result of employment responsibilities or employment relationship.

It includes but is not limited to sexual harassment:

- at the office
- outside the office
- at office-related social functions
- in the course of work assignments outside the office
- at work-related conferences or training sessions
- during work-related travel
- over the telephone

#### ***Section 4. Responsibilities of Heads of Agencies***

The head of agency is responsible for:

- (1) informing officials and employees of this Policy on Sexual Harassment including their rights and responsibilities and the existence of procedures available under this policy;
- (2) investigating every formal written complaint of sexual harassment and imposing strict disciplinary measures when a complaint of employment related sexual harassment is found to have been substantiated, regardless of the position and status of the offender;

- (3) doing all in its power to provide advice, support and assistance to employees of the agency and applicants who are subjected to sexual harassment, whether one or both parties involved are employed within the same agency;
- (4) appointing advisors, and providing the training and resources for them to fulfill their responsibilities under this policy;
- (5) designating an officer of the agency who will be responsible for the investigation and hearing of complaints on sexual harassment;
- (6) strictly maintaining confidentiality in all stages of the proceedings to protect the interests of the complainant, the person complained against and any other person who may report cases of sexual harassment;
- (7) maintaining records as required by this policy.

***Section 5. Procedures in disposition of Sexual Harassment Cases***

All complaints for sexual harassment shall be investigated and disposed of in accordance with existing rules and procedures on administrative proceedings.

**WHEREFORE**, the Commission resolves as it hereby resolved to approve this Policy on Sexual Harassment.

You are hereby enjoined to adopt and implement this Policy upon its effectivity.

This Memorandum Circular takes effect fifteen days (15) after its publication in a newspaper of general circulation.

(SGD.) PATRICIA A. STO. TOMAS  
Chairperson

May 31, 1994

Republic of the Philippines  
**CIVIL SERVICE COMMISSION**

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M.C. No. 30, s. 1995

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS, OFFICES, AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS, INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS, STATE UNIVERSITIES AND COLLEGES

SUBJECT : IMPLEMENTING RULES AND REGULATIONS ON R.A. 7877, AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES.

Republic Act 7877, An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for other purposes was approved by President Fidel V. Ramos on February 14, 1995 and took effect on March 5, 1995, or fifteen (15) days after its complete publication on February 18, 1995 in two (2) national newspapers of general circulation.

In this connection, we wish to invite your attention to the provisions of Section 4 thereof which requires the Employer or Head of Office to promulgate appropriate rules and regulations in consultation with and jointly approved by the employees through their duly designated representatives, prescribing the procedures for the investigation of sexual harassment cases and the administrative sanctions therefor.

The said rules and regulations shall also include among others, guidelines on proper decorum in the workplace and the creation of a committee on decorum and investigation of cases on sexual harassment.

For your reference, we have enclosed a copy of R.A. 7877 and our own Implementing Rules and Regulations, which you may use as model. You may modify or amplify said Rules to suit your own needs.

(SGD.) CORAZON ALMA G. DE LEON  
Chairperson



MEMORANDUM CIRCULAR

T O : ALL HEADS OF DEPARTMENTS, BUREAUS AND AGENCIES OF THE NATIONAL AND LOCAL GOVERNMENTS INCLUDING GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS

SUBJECT : Attendance of Women in Government in the International Women's Day Celebration on March 8, 1996

Pursuant to Proclamation No. 227 dated March 17, 1988 providing for the yearly observance in the month of March and "Women's Role in History Month" and Proclamation No. 224 declaring March 8 as "Women's Rights and International Peace Day" to coincide with the UN International Women's Day, the Civil Service Commission hereby authorizes the 1996 International Women's Day celebration at the Quezon City Park Circle, (East Avenue Entrance) Elliptical Road, Diliman, Quezon City from 8:00 a.m. to 5:00 p.m. Transportation allowance shall be borne by their respective agencies.

With this year's theme focusing on the role that women play in poverty alleviation, the following are the objectives of the program:

- 1) to increase public awareness on the programs that government has put in place to address the problem of poverty;
- 2) to inform the public in general and women in particular on the actual amount that will be made available by the different departments in government on gender responsive projects as a result of the inclusion of Section 27 of the General Appropriations Act;
- 3) to strengthen GO/NGO participation which is one of the commitments of the Philippines in the Beijing Conference held last September.

All government agencies are likewise enjoined to celebrate the Women's Month (March) and to submit their list of activities by February 26, 1996 to the National Commission on the Role of Filipino Women (NCRFW) for consolidation and dissemination.

For more information on the matter, inquiries may be made at telephone numbers 741-50-28 and 741-50-93.

(SGD.) CORAZON ALMA G. DE LEON  
Chairperson

February 23, 1996

Republic of the Philippines  
**CIVIL SERVICE COMMISSION**

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M.C. No. 8, s. 1999

MEMORANDUM CIRCULAR

TO : ALL HEADS OF DEPARTMENTS, BUREAUS, AGENCIES AND INSTRUMENTALITIES OF THE NATIONAL GOVERNMENT, LOCAL GOVERNMENT UNITS, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND STATE UNIVERSITIES AND COLLEGES

SUBJECT : POLICY ON EQUAL REPRESENTATION OF WOMEN AND MEN IN THIRD LEVEL POSITIONS IN GOVERNMENT

Pursuant to Resolution No. 99-0694 dated 22 March 1999, the Civil Service Commission adopted the Policy on Equal Representation of Women and Men in Third Level Positions in Government.

This policy seeks to promote gender equality at all levels of positions in the civil service and ensure equal employment and development opportunities for the government's human resource.

More specifically, the Commission seeks to address inequities in gender representation in the third level positions in government with a view to increasing the number of women executives from their disproportionate share of a 1:3 ratio. The new policy will ensure the nomination of both women and men whenever a vacancy occurs in third level positions.

All heads of agencies are encouraged to adopt mechanisms which will promote equal representation of women and men in third level appointments.

The Implementing Guidelines of the Policy on Equal Representation of Women and Men in Third Level Positions is attached.

Please be guided accordingly.

(SGD.) CORAZON ALMA G. DE LEON  
Chairperson

May 31, 1994

## **IMPLEMENTING GUIDELINES OF THE POLICY ON EQUAL REPRESENTATION OF WOMEN AND MEN IN THIRD LEVEL POSITIONS IN GOVERNMENT**

The implementation of the Policy on Equal Representation of Women and Men in Third Level Positions in Government shall be governed by the following guidelines:

### **SCOPE**

This Policy shall apply to government positions classified as third level.

### **OBJECTIVES**

1. To ensure the nomination and appointment of both women and men to third level government positions;
2. To maintain a pool of qualified women and men nominees for every vacant third level positions in government; and
3. To encourage the agencies to aim for a 50-50 gender representation in third level positions, as deemed practicable.

### **GUIDELINES**

#### **1. Publication of Vacancies**

Agencies are encouraged to publish on a regular basis their vacancies in the third level. To guarantee wide information dissemination, the agencies may consider alternative means such as posting of vacancies in agency newsletters, bulletin boards and use of broadcast media.

#### **2. Search Committee**

A Search Committee shall be constituted as follows:

Chairperson: Head of Agency or his/her duly designated representative.  
If appointing authority is the President;

Deputy Head of Agency or his/her duly designated representative  
If appointing authority is the Head of Agency

Member: Third Level Official directly responsible for Human Resource Management;

Member: President of Employee's Association. If none exists, then an employee representative from the rank and file chosen by the employees themselves;

Member: Private individual representing the private and/or non-government sector with related concerns as the agency where there is a vacancy; and

Member: GAD Focal Point of the agency  
If none exists, a designated representative

The Search Committee shall be responsible for:

- a) Preparing a shortlist of qualified women and men to be recommended for appointment; and
- b) Generating and maintaining a database of women and men from the agency's internal human resource pool, qualified for nomination and appointment.

### 3. Sourcing of Nominees

Potential women candidates to vacant third level positions may be source from the Directory of Women on the Move, maintained by the National Commission on the Role of Filipino Women (NCRFW).

Other sources include the internal pool of the agency on qualified women and men nominees for third level, the listing of Career Executive Service Officers and Eligibles from the Career Executive Service Board (CESB) and the CSC database of Career Service Eligibles.

Agencies are requested to assist the NCRFW, CESB and CSC in updating/maintaining an active list of women and men candidates to third level positions nationwide through the following means:

- a) Annual submission of the names of women and men employees qualified as candidates for third level positions;
- b) Sustained implementation of capability building programs for women and men to facilitate their entry into the Career Executive Service; and,
- c) Encouragement of women and men employees to take the Career Executive Service Examinations.

#### 4. Criteria for Selection

Selection of women and men nominees shall be in accordance with the minimum qualification standards set for government personnel. The Search Committee may prescribe additional qualifying factors, as deemed relevant to the functions of the position being filled-up.

For every vacant position, there shall be both women and men nominees.

#### 5. Posting of Notices of Appointments

Name(s) of appointees to third level positions shall be posted in the Bulletins and/or newsletters of the agency. If funds permit, the name(s) of appointees shall be published in at least two major newspapers with nationwide circulation or televised via broadcast media.

The CESB is encouraged to regularly publish in its own publications statistics on appointments and promotions in the third level.

#### 6. Career Development

Agencies are encouraged to establish career development programs and opportunities which enhance the capabilities of women and men employees, subsequently increasing their chances for promotion. Gender awareness programs for men and women should also be undertaken.

These programs and opportunities shall form an integral part of the career development systems and other personnel programs of agencies.

#### 7. Monitoring Mechanisms

Agencies shall report to the CSC the following information, to be integrated in the CSC's inspection and audit reports:

- a) Total number of nominees to vacant third level positions, including data on sex classification; and
- b) Total number of filled-up positions, total number of women appointees, total number of men appointees, ratio or percentage of women to men appointees.

Relevant information on other Gender and Development (GAD) efforts of agencies are to be integrated into Reports mandated by RA 7192 (Women in Nation-Building Act).

16 March 1999

**TOPIC/SUBJECT**

**LAWS**

**A**

Access to Livelihood Projects	Pres. Memo dated 8 March 1993 (p. 725)
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Administrative Procedure	
- sexual harassment cases	RA 7877 (p. 474)
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	DOLE Adm. Order No. 68 (p. 492)
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- domestic	RA 8552 (p. 203)
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- Muslims	PD 1083 (p. 174)
Age of Majority	EO 209 (p. 116)
-	RA 6809 (p. 192)
Agrarian Reform	RA 6657 (p. 28)
Anti-Sexual Harassment Act	RA 7877 (p. 474)
Anti-Migrant Trafficking Year	Proc. 976 (1997) (p. 722)
Appropriations	
- gender and development	RA 8522 (p. 655)
Armed Conflict	
- children's rights	RA 7610 (p. 515)
Armed Forces of the Philippines	RA 7077 (p. 405)
- commissioned officer or enlisted women	RA 3835 (p. 190), PD 1043 (p. 172)

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- health workers	RA 7883 (p. 353)
Beijing Platform of Action on Women	Pres. Memo dated 11 Oct. 1995 (p. 740)
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Breastmilk	EO 51 (p. 264)
Breastfeeding	RA 7600 (p. 307)

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Child labor	RA 7610 (p. 515)
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	RA 7658 (p. 528)
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Child trafficking	RA 7610 (p. 515)
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- immunization	Proc. 46 (p. 716)
- legitimate	EO 209 (p. 116)
- Muslims	PD 1083 (p. 174)
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- protection of	EO 275 (p. 699)
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- election	CA 625 (p. 258)
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- children	RA 7610 (p. 515)
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Criminal law	
- heinous crimes	RA 7659 (p. 457)
- mail order brides	RA 6955 (p. 446)
- rape	RA 8353 (p. 495)



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- Dairy industry
- women's participation RA 7884 (p. 357)
- Death penalty RA 7659 (p. 457)
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(DAEP) Pres. Memo dated 8 March 1993 (p. 728)
- Disabled Persons RA 7277 (p. 613)
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  - sexual harassment RA 7877 (p. 474)
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- Emergency treatment RA 8344 (p. 368)
- Employers
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- Employment
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Equal rights and opportunities RA 8371 (p. 674)  
Equal share in farm produce RA 6657 (p. 28)

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RA 6809 (p. 192),  
RA 8533 (p. 202)  
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National Manpower & Youth Council  
See Technical Education and  
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National Women's Day RA 6949 (p. 585)  
National Youth Commission RA 8044 (p. 358)  
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- rules and regulations	CSC Memo Circular No. 30, s. 1995 (p. 748)

Sexual harassment	
- government	RA 7877 (p. 474), CSC Res. No. 956161 (p. 482) CSC Memo Circular No. 19, s. 1994 (p. 744) DOLE No. 68 (p. 492)
Scholarships and loans	RA 6728 (p. 396)
Small & medium scale enterprises	RA 8289 (p. 60) Pres. Memo dated 8 March 1993 (p. 725)
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- women representative	RA 7688 (p. 312)
Social Security Law	PD 1202 (p. 9), RA 1636 (p. 11) RA 7332 (p. 31) EO 443 (1997) (p. 713)
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Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act	RA 7610 (p. 515)
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- sex-disaggregation	Pres. Memo dated 4 Sept. 1997 (p. 743)
Students Christmas and summer jobs	RA 7323 (p. 409)
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- financially disadvantaged	RA 6728 (p. 396)
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- Muslim law	PD 1083 (p. 174)



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Tax reform	RA 8424 (p. 648)
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Urban poor	
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## V

Victims of violent crimes	RA 7309 (p. 449)
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## W

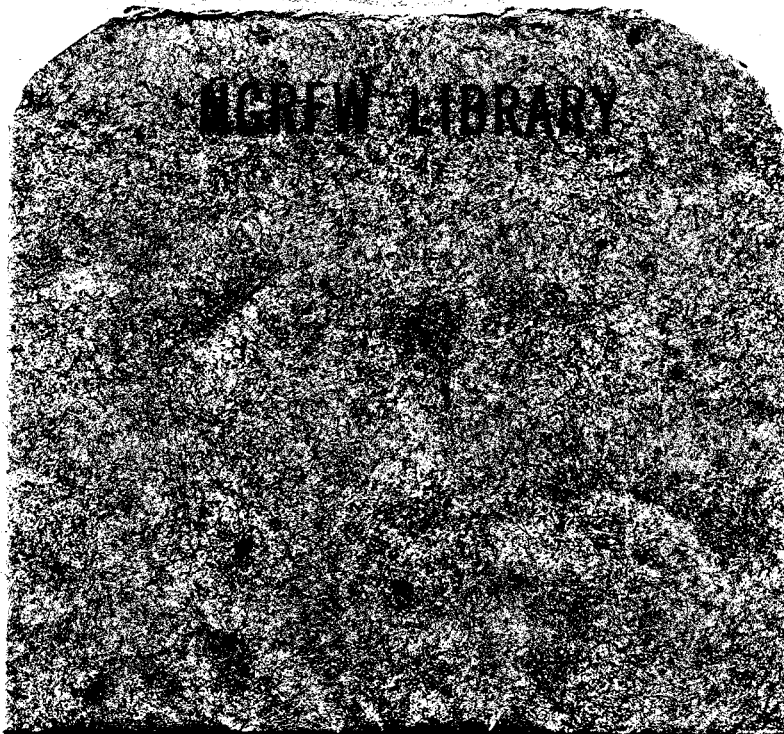
Widows and minors	
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Women in Development and Nation- Building Act	RA 7192 (p. 594)
- implementation	Pres. Memo dated 15 March 1994 (p. 734)
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Women and Minors Bureau	RA 2714 (p. 23)
Women representation	
- Social Security Commission	RA 7688 (p. 312)
- Technical Education and Skills Development Authority	RA 7796 (p. 411)
Women workers in nightclub, etc.	PD 442 (p. 4)
Women overseas workers	Pres. Memo dated 8 March 1993 (p. 726)
Women's budget preparation	Pres. Memo dated 19 May 1994 (p. 736)
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Work	
- always standing up	RA 679 (p. 15); RA 6237 (p. 26)
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Youth in Nation-Building Act	RA 8044 (p. 358)
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