

LAWS ON WOMEN

An Annotated List
Volume I



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NATIONAL COMMISSION ON THE ROLE OF FILIPINO WOMEN

LAWS ON WOMEN

An Annotated List Volume I

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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

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335-1 copy 1 (07-99-a) / 95
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Message

As 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.

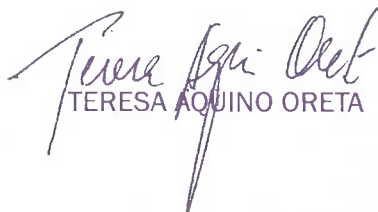
This book, which covers laws enacted from 1900 to the present, studies the gender dimension and provides us a gender analysis of about 14,958 statutes.

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

The 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 Commissioner and former Executive Director Teresita S. Castillo, who closely supervised the completion of this work.


DR. AMELOU BENITEZ-REYES

Introduction

Historical studies on the role and status of Filipino women prior to colonial rule, showed that they enjoyed a significant position in the family and community. They held positions of power as chief of barangay or served as priestesses, and were allowed to engage in business and hold properties.

Unlike her Asian sisters, the Filipino woman had never been forced to hide herself behind veils, to have bound feet, or walk several paces behind her male companion. The arrival of the Spaniards and the introduction of their Civil Code institutionalized the inequality between the sexes by the imposition of various restraints on women's behavior. She was subjected to her father, brother or husband's power not only with respect to property matters but also as to what actions she could take. The stereotyped role assigned to women as daughter, sister, wife and mother was the basis for legal measures placing them in a position subordinate to men.

The American rule from 1898 to 1946, introduced the principles of the English common law and influenced public law. They introduced a paternalistic attitude by considering women as special targets of protective legislation. The original Philippine Constitution with its Bill of Rights, provision for judicial review, and its tripartite organization of government, was drawn from the American model. The Japanese occupation of 1941-1944, paved the way towards liberalizing divorce. Early domination of the southern portions of the country by the followers of Mohammad has resulted in a continued observance of Islamic law. A codification of these Muslim laws was undertaken in 1973. Hence, Philippine law has become an unusual blend of local custom and the legal worlds of the civil law, common law, canon law, and Muslim law.

An examination of Philippine laws on the status of women reveals that substantive gains have been achieved in freeing women from discriminatory laws.

The 1935 and 1973 Constitutions guaranteed women's right to vote, hold public office, to form associations not contrary to law, to express oral or written views on public issues, to peaceably assemble and to petition the government for redress of grievances. Existing legislation exists to assure protection of these rights.

One of the turning points in the fight for women's equality started after the United Nations (UN) proclamation of the observance of an International Women's Year in 1975. On the same year, President Ferdinand E. Marcos issued Presidential Decree No. 633 creating a special commission, responsible for pursuing the objective of achieving for men and women equality before the law.

The Presidential Decree emphasized the need for "full integration of women for economic, social, and cultural development at national, regional, and international levels" to ensure further equality between men and women. The Commission is charged with the duty to see that the "gains which the Filipino preserved and enhanced in the process of modernization."

The creation of a national machinery for women in the Philippines was one of the Decade's most significant achievements for it generated a lot of interest in women's issues and focused the attention on women concerns. The ratification of the UN Convention on the Elimination of All Forms of Discrimination Against Women by the Philippines in 1981, legally bound itself as have other State Parties to take positive measures for eliminating all forms of sex discrimination whether in law or in fact.

The Philippine legislatures has come a long way in upholding the rights of women. Recent breakthroughs in the areas of economic, criminal and civil law are included in this compilation of laws. Among them are Republic Act No. 6725, an Act strengthening the prohibition of discrimination against women with respect to terms and conditions of employment which was authored by Senator Leticia Ramos-Shahani. Considered as a landmark legislation, RA 7192, also known as Women in Development and Nation Building Act, provides the legal guarantee for equal rights and opportunity of women in the specified area. This particular law was authored by Senator Santanina T. Rasul and Raul S. Roco. Republic Act No. 7877, also known as the Anti-Sexual Harassment Act of 1995, protects the dignity of women by declaring sexual harassment as unlawful in the employment, education or training environment. The Anti-Rape Law of 1997 was a victory for women who are often victims of violence and sexual abuse. This act expanded the definition of the crime of rape, reclassifying the same as a crime against persons which is punishable by death.

The Philippine Congress has also made significant moves in protecting the rights of women and children. Both houses have created committees on Women and Family to help address the concerns of both women and children. Presently, pressing issues such as the Anti-Trafficking Law is being addressed in the Senate spearheaded by Senator Teresa Aquino-Oreta, who is also the chairperson of the Senate Committee on Women and Family.

This compilation had its beginning when the NCRFW requested Prof. Myrna S. Feliciano whose subsequent work viewed the status of women in a historical-legal perspective, to undertake a research project on "A Gender Analysis of Philippine Laws" which was given by the Senate through the efforts of Senators Leticia Shahani and Santanina Rasul in 1989. The study covered the laws enacted from 1900 to 1989 wherein a total of 14,958 statutes were examined in order to determine whether some laws were discriminatory to women. The framework of analysis was examination of the statutes "on its face" or scrutinizing them for their use of gender terms as well as to determine whether there was discrimination "on their effect and their implementation." The analysis led to changes, instituted by lady senators and representatives themselves and the advocacy of women's groups together with the NCRFW to amend the discriminatory statutes.

The compilation is classified according to the following broad topics: I. Economic/Employment; II. Marriage/Family; III. Political Rights; IV. Health and Social Welfare; V. Education; VI. Criminal Laws; VII. Girl Child; VIII. General Purpose; IX. Executive Orders, Presidential Memos/Directives, Proclamations, and Civil Service Commission Memorandum Circulars.

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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Over 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"

Signed: June 14, 1941

This Act grants maternity leave of 60 days to married women who are temporarily or permanently appointed in the service of the government or any of its instrumentalities. The leave is subject to a set of conditions namely length of service in the government, as well as the status of employment, as to regular or permanent.

This Act also includes avoiding assignment of strenuous and fatiguing work to married, pregnant women. Any savings or fund in salaries will be spent in paying the substitute officer or employee who will take the place of those who are granted maternity leave.

Although the law provides for benefits to pregnant women, still it discriminates against unmarried pregnant women who have rights whether or not to get married, to have children with or without the benefit of marriage.

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"

Signed: March 13, 1973

This presidential decree affords 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. These include maternity leave benefits as well as health and safety of women employees.

Presidential Decree No. 442

"A DECREE INSTITUTING A LABOR CODE, THEREBY REVISING AND CONSOLIDATING LABOR AND SOCIAL LAWS TO AFFORD PROTECTION TO LABOR, PROMOTE EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT AND INSURE INDUSTRIAL PEACE BASED ON SOCIAL JUSTICE."

Also known as: "Labor Code of the Philippines"

Signed: May 1, 1974

This law has been extensively amended over the years to reflect the changing needs of the times.

- (a) **Nightwork prohibition** - This provision discriminates against women because it limits the time when women may engage in lawful employment. It does not address the real problem of security for women working at night.



- (b) **Facilities for women** - The Secretary of Labor has yet to promulgate rules implementing this provision, but it provides that adequate facilities must be made available for women workers, such as seats, separate toilet and lavatories for women, dressing room, and nursery. It also provides that the Secretary of Labor shall issue standards for the minimum age and retirement in special occupations such as flight attendants.
- (c) **Maternity leave** - Provides maternity leave benefits for pregnant woman, not necessarily married in order to avail of the benefit. It addresses only the need of the mother to rest after giving birth but not the need to have the father with her during the same period to assist her. These provisions apply only to the private sector. Further, maternity leave shall be paid by the employer only for the first four deliveries by a woman employee.
- (d) **Family Planning** - It only provides that family planning services be provided to employees of establishments who are by law required to maintain a clinic or infirmary.
- (e) **Discrimination** - It provides that employer shall not discriminate against women in the work place with respect to terms and conditions of employment on account of her sex. Whoever discriminates against a woman incurs criminal liability under the Labor Code but it does not preclude the filing of separate action for damages or money claims.
- (f) **Stipulation against marriage** - The right to get married is an internationally recognized right of any individual. It, therefore, is unlawful to discriminate against married employees or to require that a woman remain unmarried. It discriminates against women because of their biological function of bearing children.
- (g) **Prohibited Acts** - Provides for acts that employer must refrain from doing because these acts are discriminatory on account of women's mothering function.
- (h) **Classification of certain women workers** - Provides that women who are not formally employed in night clubs, cocktail lounges, massage clinic, bar or similar establishments and, therefore, do not receive benefits due to regular employees shall be considered employed for purposes of labor and social legislation if they are suffered to work, with or without compensation.
- (i) **Employment of Househelpers** - Provides for compensation of domestic helpers including drivers and prohibits assignment of househelps to non-household work. It also states that they be given opportunity for at least elementary education for those below 18 years of age and that they be treated in a just and humane manner. This provision is beneficial for women since househelpers are usually women. This was amended by Republic Act No. 7655 (see discussion below).
- (j) **Employment of Homeworkers** - Provides for the general welfare and protection of homeworkers and field personnel and the industries employing them. See Department Order No. 5 (1990) which provides the rules regarding contracting and subcontracting of goods and articles to homeworkers. However, since this is only an administrative order and not a law, its provisions are seldom followed.



Presidential Decree No. 1202

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

Signed: September 27, 1977

This presidential decree further amends Republic Act No. 1611 otherwise known as the Social Security Law by adding a new section, to wit:

- Section 14 which stipulates terms and conditions in applying and claiming for maternity leave benefits
- Section 18 which stipulates terms and conditions for additional contributions for maternity benefits

Unlike the GSIS Law, this benefit is available to pregnant female employees as long as they meet the qualifications stated therein.

Presidential Decree No. 1636

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

Signed: September 7, 1979

This presidential decree further amends Republic Act No. 1611 otherwise known as the Social Security Law by:

- amending Section 14 which stipulates terms and conditions in applying and claiming for maternity leave benefits
- combining Section 18 and Section 18-A of the said Act to stipulate terms and conditions for additional contributions for an employee’s contribution.

Presidential Decree No. 1855

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

Signed: December 26, 1982

This presidential decree amends section four of the charter of the Philippine Veterans Bank which pertains to the determination of the term “veteran or veterans”.

This has relation to Filipino women because widows and orphans or compulsory heirs are included in the term “veteran”.



Presidential Decree No. 1906

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

Signed: February 29, 1983

This presidential decree amends the charter of the Philippine Veterans Bank and renames it the Philippine Military and Veterans Bank. It defines the following terms: “veteran or veterans”, “military personnel” and “retirees and prisoners”. This has relation to Filipino women because widows and orphans or compulsory heirs will benefit from the shares of stock of the veterans.

Republic Act No. 679

“AN ACT TO REGULATE THE EMPLOYMENT OF WOMEN AND CHILDREN, TO PROVIDE PENALTIES FOR VIOLATION HEREOF, AND FOR OTHER PURPOSES”

Signed: April 15, 1952

This law lays down rules regarding the employment of children and the employment of women. Although the Implementing Rules of the Labor Code repealed this law, it can be argued that this is still in effect because an administrative enactment cannot repeal a national legislation.

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

Signed: June 16, 1956

This Act extends maternity leave benefits to female government employees who have rendered less than two years of continuous service, as well as to temporary employees whose civil service exam results are released after the employee filed for a leave.

Republic Act No. 2714

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

Signed: June 18, 1960

This Act establishes in the Dept. of Labor a bureau to be known as Women and Minors Bureau. This Bureau is responsible for enforcing women and child labor laws, formulating standards and policies which promote working conditions and advancement, make recommendations in policy-making relating to women and children and for serving as a clearinghouse for all information relating to all working women and children. This is a recognition of the unique needs of women and children in the labor force.

**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

Enacted without executive approval: June 19, 1960

Grants the same rights and privileges to retired and enlisted officers of the Philippine Constabulary and their widows and minor children similar to those granted the Armed Forces of the Philippines.

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)

Signed: June 19, 1971

This is an Act that further amends Republic Act No. 679, as amended by Republic Act No. 1131. Section 7 of the same Act is further amended to include terms and conditions on prohibition from performing work:

- which requires always standing or which involves the lifting of heavy objects
- between ten o'clock at night and ten o'clock in the morning of the following day (in any industrial undertaking or branch thereof)
- between twelve o'clock midnight and seven o'clock in the morning of the following day (in any commercial or industrial undertaking or branch thereof, other than agricultural)
- at night without giving her a period of rest of not less than nine consecutive hours (in any agricultural undertaking)
- without granting her a rest period of eleven consecutive hours of work between two working periods (in any shop, factory, commercial or industrial establishment)

In addition to these, the amendment also includes discrimination on women in employment.

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"

Signed: June 10, 1988

It guarantees and assures to all qualified women members of the agricultural labor force (Section 40) equal rights to land ownership, equal share on farm produce and representation in advisory or appropriate decision-making bodies to qualified women.

**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”

Signed: May 12, 1989

It strengthens the prohibition of discrimination against women in employment, promotion and training opportunities. Under DOLE Implementing Rules dated 16 January 1990, work of equal value refers to “activities, jobs, tasks, duties or services, workers or employees are required or called upon to perform and which are identical or substantially identical. Payment of a lower compensation or benefits to a female employee does not constitute a failure to comply with this Section if the difference between the rates of pay is based on length of service or seniority, on location or geographical area of employment, or any factor than sex and factors on which the difference is based would normally justify such difference in rates of pay.

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”

Signed: March 30, 1992

This Act increased maternity benefits of women workers in the private sector from the 45-day to 60-day benefit equivalent which equalizes those benefits given in the public sector.

Guidelines: Social Security System Circular No. 15-V

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”

Signed: August 19, 1993

It increases the minimum wage of domestic househelpers and makes social security available to them. This is beneficial to women because most househelpers are women. Househelpers can now be members of the Social Security System and avail of its benefits.



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”

Also known as: “The Portability Law”

Signed: May 1, 1994

Under this law, members of the GSIS who can not qualify for benefits due to insufficient length of service in the government and who also contributed to the SSS may become eligible for proportionate pension benefits from the GSIS and the SSS by totalizing the lengths of their government service and SSS contribution payment period to determine the eligibility to pension benefits.

Republic Act No. 7882

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

Signed: February 20, 1995

This provides assistance to women, particularly those who own small businesses and those who have proven themselves to have good track records in their respective businesses in order to fully harness the talents and skills of our female labor force.

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”

Also known as: Migrant Workers and Overseas Filipinos Act of 1995

Signed: June 7, 1995

This law was enacted to uphold the dignity of Filipino citizens whether in country or overseas in general, and Filipino migrant workers in particular by affording full protection to labor, local and overseas, organized and unorganized and provide adequate and timely social, economic and legal services to Filipino migrant workers. In recognition of women’s role in nation-building, the law provides that the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers.

Although the law provides that Filipinos shall be deployed in countries where the rights of Filipino migrant workers are protected, in reality it is quite difficult. Many migrant workers, most of them women, have suffered and languished in jails overseas because of lack of support from the government.



The Act created the Migrant Workers and Other Overseas Filipinos Resource Center to be established in areas where there are large concentrations of Filipinos. The services it provides include, counselling and legal services, welfare assistance, promotion of programs to promote social integration, registration scheme for undocumented workers, gender sensitive programs and monitoring of situations.

Grant of pre-departure loan and family assistance loan to migrant workers was included in order to discourage illegal recruitment. A Legal Assistance Fund was also created to be used for the provision of legal services to migrant workers and overseas Filipinos in distress.

This Act authorizes the granting of small loans to women for the purchase of necessary tools or equipment for the businesses of their choice and provides free technical training under the National Manpower and Youth Council (NMYC), now TESDA.

Republic Act No. 8187

“AN ACT GRANTING PATERNITY LEAVE OF SEVEN (7) DAYS WITH FULLPAY TO ALL MARRIED 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”

Also known as: Paternity Leave Act of 1996

Signed: June 11, 1996

This Act allows every married male employee in the private and public sectors not to work for seven days but continues to earn his compensation on the condition that his legitimate 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.

The period of seven days is too short a time to assist a wife and newborn child. Besides, the law grants the benefit to married employees only. It somehow discriminates against unmarried fathers and mothers, without impediment to marry each other, because their choice not to be married would result to not being able to avail of this benefit.

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

Signed: May 6, 1997

Republic Act 6977 was enacted in recognition of the potential of small and medium enterprises to generate employment and economic growth and to promote its growth and development. It espouses the principle of having minimal set of rules, simple procedures and requirements, minimum regulation to encourage entrepreneurial spirit.



This law amended RA 6977. It increased the required value of the total assets of small and medium enterprises. Among those eligible for government assistance are business activities within the major sectors of the economy. Programs of financing corporation shall be exclusively targeted to medium, small and micro-sized enterprises. This law will benefit women who may now undertake business activities and get structural, financial and technical support from this law.

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”

Also known as: “The Government Service Insurance System Act of 1997”

Signed: May 30, 1997

PD No. 1146 was amended to expand and increase the coverage and benefits of members of GSIS or those working in the public sector in response to the changing and increased needs of the members. It also introduced institutional reforms to have more flexibility in order for the GSIS to perform its mission of providing social security protection more effectively. Women as members of the GSIS will also benefit from these increased coverage and benefits.

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”

Also known as: “Social Reform and Poverty Alleviation Act”

Signed: December 11, 1997

This law was enacted in order to alleviate poverty by empowering Filipino families to meet their needs by actively pursuing asset reform and redistribution of economic resources and institutionalizing the Social Reform Agenda (SRA). It created the National Anti-Poverty Commission (NAPC) which shall serve as coordinating and advisory body. A representative from the women sector shall be a member of the NAPC. A People’s Development Trust Fund was also created for the use of registered microfinance organizations and local government units in programs implementing the SRA. Since women constitute half of the country’s population, the social reform and poverty alleviation programs will therefore redound to their benefit.



II

Marriage/ Family

The 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”

Signed: June 22, 1963

The Act specifies what information need to be recorded with the civil registrar, such as births, deaths, marriages, annulment of marriages, legitimations, adoptions, naturalization and changes of name. It provides also for the terms and regulations for registration and certification to be followed by every local civil register.

Executive Order No. 209

“THE FAMILY CODE OF THE PHILIPPINES”

Signed: July 6, 1987

Pervasive changes and development necessitated revision of the Civil Code with regard marriage and family relations. The Family Code was enacted to meet these changes. It governs the following: marriage, annulment of marriage, declaration of nullity of marriage, legal separation, property relations between spouses, rights and obligations of husband and wife, paternity and filiation, adoption, support, and parental authority.

Husbands and wives are given the same rights and obligations. However, it still provides that in case of conflict as to the fixing of the family domicile, parental authority over the person and property of their children, the husband’s decision shall prevail. The wife may seek recourse from the courts which is tedious, expensive and an impractical process.

The Family Code has removed the distinction between different illegitimate children, there are now only legitimate and illegitimate children. Also, illegitimate children are to be in the custody of the mother and follows the mother’s surname. All questions relating to the welfare of children are to be resolved by keeping in mind the best interest of the child.

Presidential Decree No. 1043

“AN ACT AUTHORIZING FEMALE MILITARY MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES TO MARRY UPON COMPLETION OF THREE YEARS ACTIVE SERVICE”

Signed: March 22, 1984

This Act amends Section 1 of RA 3835 by providing that unless the female officers or enlisted woman has completed at least three years of service with the Armed Forces of the Philippines, she can still be automatically separated from service. The above provision would still have to be tested against specific constitutional policies and the provisions of RA 6725.



Presidential Decree No. 1083

“A DECREE TO ORDAIN AND PROMULGATE A CODE RECOGNIZING THE SYSTEM OF FILIPINO MUSLIIM LAWS, CODIFYING MUSLIM PERSONAL LAWS, AND PROVIDING FOR ITS ADMINISTRATION AND FOR OTHER PURPOSES

Signed: February 4, 1977

This decree recognizes the system of Filipino Muslim laws and is a codification of Muslim personal laws. It also provides for its administration and for other purposes. These Muslim laws are about the following: capacity to contract marriage, authority to solemnize marriage, place of solemnization, specification of dower, payment of dower, prohibition due to fosterage (tahrim-birrada`a), by a husband, by widow, by divorce, marriage after three talag, rights and obligations of husbands and wives, ante-nuptial property, exclusive property of each spouse, rights to sue and be sued, definition and forms, divorce by talag, divorce by ila, divorce by zihar, divorce by lián, divorce by khul`, divorce by faskh, faskhon the ground of unusual cruelty, effects of irrevocable talag or faskh, effects of other kinds of divorce, idda defined, period of idda, children of subsequent marriage, pregnancy after dissolution of marriage, rights of legitimate child, acknowledgement of a child by the father, adoption, support for wife and infant, effects upon property of children, extinguishment of parental authority, care and custody, guardian for marriage (wali), guardian of minor's property, registration of revocation of divorce, succession from acknowledging person, succession by a legitimate child, succession between divorced persons, succession by absentee, order of succession, bequest by operation of law, share of surviving husband, share of surviving wife, share of surviving mother, share of surviving paternal grandfather, share of surviving grandmother, share of surviving daughter, share of son's daughter, share of full sister, share of consanguine sister, divorce by talag and tafwid, subsequent marriages, and marriage before expiration of `idda.

Republic Act No. 386

“AN ACT TO ORDAIN AND INSTITUTE THE CIVIL CODE OF THE PHILIPPINES”

Also known as: “The Civil Code of the Philippines”

Signed: December 4, 1929

The provisions of this Code on marriage and family relations had been superseded by the Family Code. However, the provisions on the use of surnames were not repealed. It provides therein (Art. 370) that married women 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.” This means that a married woman does not automatically lose the right to use her maiden surname by virtue of her marriage. Because of the use of the word may, the law in effect gives the woman an option. This implies, although not stated categorically, that she may also opt not to use her husband's surname nor append her husband's surname on her maiden surname.



This has been a problem for women who choose not to change their surname or append their husband's surname. In almost all transactions, business establishments and government offices assume that a married woman must use the husband's surname and as a result they unilaterally drop the maiden name. Even in addressing a married woman, she is referred to as the Mrs. of her husband.

The provisions of the Civil Code governing marriage and family relations had been repealed by the Family Code. However, the provisions on persons, property, obligations and contracts remain in force and in effect.

The rule on donations provides that donations between persons guilty of adultery and concubinage are void. In succession laws, those below 18 years of age cannot make a will. Married women can make a will and dispose of her properties without need for the consent of her husband. It provides also for grounds for disinheritance of children and spouse.

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"

Signed: June 22, 1963

Section 1 of this law is discriminatory because it provides that any commissioned officer or enlisted woman who contracts marriage while in the active service shall be automatically separated from the service.

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"

Signed: December 13, 1989

This law brought changes to the Family Code with regard emancipation. It provides that emancipation, which has the effect of terminating parental authority over the person and property of child, shall take place upon reaching the age of majority which is at 18 years old. An emancipated person is qualified and responsible for all acts of civil life.

**Republic Act No. 8043**

"AN ACT ESTABLISHING THE RULES TO GOVERN INTER-COUNTRY ADOPTION OF FILIPINO CHILDREN, AND FOR OTHER PURPOSES"

Also known as: "The Inter-Country Adoption Act of 1995"

Signed: June 7, 1995

In order to provide neglected and abandoned children with a family, inter-country adoption shall be allowed when the same shall prove beneficial to the child's best interest and shall serve and protect the child's fundamental rights. To carry this out, an Inter-Country Adoption Board was created. It is the policy of this law to resort only to inter-country adoption when all possibilities for adoption of a child under the Family Code has been exhausted.

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"

Signed: February 23, 1998

Under the Family Code, an action or defense for the declaration of nullity of marriage based on psychological incapacity shall prescribe in ten years from the passage of said Code. However, this law changed that rule, such action or defense, therefore, shall no longer prescribe.

Republic Act No. 8552

"AN ACT ESTABLISHING THE RULES AND POLICIES ON THE DOMESTIC ADOPTION OF FILIPINO CHILDREN AND FOR OTHER PURPOSES"

Also known as: "Domestic Adoption Act of 1998"

Signed: February 25, 1998

Through this enactment, the State would like to provide alternative protection and assistance through foster care or adoption to neglected, orphaned or abandoned children.

Republic Act No. 8972

"AN ACT PROVIDING FOR BENEFITS AND PRIVILEGES TO SOLO PARENTS AND THEIR CHILDREN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES"

Also known as: "Solo Parents' Welfare Act of 2000."

Signed: November 7, 2000

This Act aims to develop a comprehensive program of social development and welfare 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 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.



III

Political

The 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”

Signed: December 7, 1933

This law, recognizing women’s right to vote lapsed without having been signed by the President of the Commonwealth of the Philippines.

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

Signed: June 17, 1939

This Act provides for who are qualified to be naturalized and the procedure to effect naturalization. Non-Filipino women with Filipino husbands who do not possess any of the disqualifications for naturalization are deemed citizens of the Philippines.

Commonwealth Act No. 613

“AN ACT TO CONTROL AND REGULATE THE IMMIGRATION OF ALIENS INTO THE PHILIPPINES”

Also known as: “The Philippine Immigration Act of 1940”

Signed: August 26, 1940

Under this law, a wife or husband or the unmarried child under 21 years of age of a Philippine citizen if accompanying or following such citizen is considered an immigrant. A woman who was a former Philippine citizen but who lost her citizenship because of marriage to an alien or by reason of the loss of citizenship by the husband is also considered an immigrant.

One of the grounds for the deportation of an alien is when he 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. The law abhors such an act because such an alien does no good but instead bring harm to Filipino women who have been reported to have been trafficked and taken to prostitution houses all over the world.



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”

Signed: June 7, 1941

Electing to be a Filipino citizen is by executing a signed and sworn to statement, together with an oath of allegiance to the Constitution and government of the Philippines and filed with the nearest civil registry.

Republic Act No. 180

“THE REVISED ELECTION CODE”

Signed: June 21, 1947

Section 98 provides that men and women who are Filipino citizens, 21 years of age and above, able to read and write and a resident of the Philippines for one year and six months in the municipality may vote at any election.

Republic Act No. 7160

“AN ACT PROVIDING FOR A LOCAL GOVERNMENT CODE OF 1991”

Also known as: Local Government Code (LGC)

Amended: 1991

The Local Government Code has been amended to provide representatives for women in all of the 1,600 local legislative assemblies (Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang Bayan and Sangguniang Barangay) nationwide. This is consistent with the 1987 Constitution recognizing women’s vital role in nation-building.

Republic Act No. 7941

“AN ACT PROVIDING FOR THE ELECTION OF PARTY-LIST REPRESENTATIVES THROUGH THE PARTY-LIST SYSTEM, AND APPROPRIATING FUNDS THEREFOR”

Also known as: “Party-List System Act”

Signed: March 3, 1995

The 1987 Constitution provides that there shall be party-list representatives and the women sector is to be allocated a seat therein (Art. VI, Sec. 5 [2]). Before the enactment of Republic Act No. 7941, the sectoral representative for women was appointed by the President. This law now provides for the election of party-list representatives through the party-list system including the women sector.



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”

Signed: October 23, 1995

This Act provides repatriation to:

- Filipino women who have lost their citizenship by marriage to aliens, and
- Natural-born Filipinos who have lost their citizenship on account of political or economic necessity provided that he/she is not opposed to organized government, not teaching or defending violence, and of good moral and mental standing.



IV

The 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.

Health and Social Welfare

**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”

Signed: October 20, 1986

This law aims to contribute to the safe and adequate nutrition for infants by the protection and promotion of breast-feeding and by ensuring the proper handling of breastmilk substitutes and supplement on the basis of adequate information and through appropriate marketing and distribution.

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”

Also known as: “Generics Act of 1988”

Signed: September 13, 1988

It protects medicine users, a majority of whom are women, from exorbitant cost of medicines by giving them a choice to choose from different brands of medicine. It also adopts a new population policy that goes beyond fertility reduction to include family formation, women’s status, intensified campaign against AIDs, including its integration in the school curriculum.

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”

Also known as: Barangay-Level Total Development and Protection of Children Act

Signed: November 23, 1990

R.A. 6972 establishes day care centers for children six years and below in every barangay for the monitoring and registration of births, completion of immunization, growth and nutritional monitoring and to care for children of working mothers. This will free women for other activities such as taking a job or going back to school. The day care centers shall also be sanctuary for abused, neglected or exploited children and shall serve as referral and support system for pregnant mothers.

Guidelines:

Department Circular No. 06, Series of 1991 - “Implementing Guidelines for Republic Act 6972”
Administrative Order No. 241, Series of 1993 - “Guidelines in the Establishment Day Care Centers in Government and Private/Industrial Offices”



Republic Act No. 7305

“THE MAGNA CARTA OF PUBLIC HEALTH WORKERS”

Signed: March 26, 1992

The law was enacted to promote and improve the social and economic well-being of health workers by according to them additional benefits to public health workers, majority of whom are women. These additional benefits are hazard allowance, subsistence allowance, longevity pay, laundry allowance and remote assistance allowance. It also allows public health worker couples to be employed or assigned in the same municipality, thereby ensuring that married female public health workers would not have to choose between family and career.

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”

Also known as: The Rooming-in and Breastfeeding Act of 1992

Signed: 1992

To create an environment where basic physical, emotional, and psychological needs of mothers and infants immediately after birth, rooming-in and breastfeeding is encouraged by this law. Health institutions are to provide facilities for rooming-in and breastfeeding and expenses they incur in this regard shall be deductible expenses for income tax purposes. The Secretary of Health shall impose sanctions in case of violation of this law.

Republic Act No. 7688

“AN ACT GIVING REPRESENTATION TO WOMEN IN THE SOCIAL SECURITY COMMISSION, AMENDING FOR THE PURPOSE SECTION 3(A) OF REPUBLIC ACT NO. 1161, AS AMENDED”

Signed: March 03, 1994

This gives representation to women in the Social Security Commission.

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”

Also known as: The National Health Insurance Act of 1995

Signed: February 14, 1995

The NHI Law establishes the Philippine Health Insurance Corporation (PhilHealth) and also aims to improve the implementation and coverage of the old Medicare program by including the self-employed and the poor who cannot otherwise avail of health insurance. This law sets priority for the needs of the underprivileged, sick, elderly, disabled, women, and children.



Republic Act No. 7883

“AN ACT GRANTING BENEFITS AND INCENTIVES TO ACCREDITED BARANGAY HEALTH WORKERS AND FOR OTHER PURPOSES”

Also known as: “Barangay Health Workers’ Benefits and Incentives Act of 1995”

Signed: February 20, 1995

This Act espouses the Primary Health Care Approach towards health empowerment. Incentives shall, therefore, be provided to communities and they shall act as frontliners in the Primary Health Care Approach.

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”

Also known as: “National Dairy Development Act of 1995”

Signed: February 20, 1995

This Act was promulgated to enhance children and pregnant and nursing mothers’ nutritional intake through the promotion of locally produced milk and milk produce. It also encourages 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.

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”

Also known as: “Youth in Nation-Building Act”

Signed: June 07, 1995

The law established the National Comprehensive and Coordinated Program on Youth Development in recognition of the role of the youth in nation-building. In line with this, the National Youth Commission was created as a body tasked to plan, oversee and implement a national integrated youth plan, a component of which is the development of the Medium-Term Philippine Youth Development Plan, a companion to the national development plan.



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”

Signed: August 25, 1997

This law declares unlawful the act of hospitals and medical clinics in requesting, soliciting, demanding or accepting any deposit or any form of advance payment as a prerequisite for the treatment of a patient in such hospital or to refuse to administer medical treatment and support as dictated by good practice of medicine to prevent death or permanent disability. This law is beneficial to women and their families, especially those from the depressed areas, because when faced with medical emergency situations they need not worry about giving deposit with the hospital before they can be treated, such practice is now a crime.

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”

Also known as: “Health Research and Development Act”

Signed: February 13, 1998

The NIH shall serve as the coordinating body of existing research institutes in UP Manila and such other institutes and health research programs which may be subsequently created. It aims to promote science and technology research and development in the field of health as well as ensure that the results of the health research and development activities are used to improve the health of both men and women. The public and other health institutions shall have access to the research findings, facilities and other resources of the institutes.

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 PROGRAM, ESTABLISHING A COMPREHENSIVE HIV/AIDS MONITORING SYSTEM, STRENGTHENING THE PHILIPPINE NATIONAL AIDS COUNCIL, AND FOR OTHER PURPOSES”

Also known as: “Philippine AIDS Prevention and Control Act of 1998”

Signed: February 13, 1998

This law was enacted to promote public awareness about HIV/AIDS. There shall be HIV/AIDS education in schools, in the workplace, for Filipinos going abroad, for communities and for tourists and transients.



This law is a recognition by the state of the rights of every person suspected or known to be infected by HIV/AIDS. It declared unlawful compulsory HIV testing, recognized the right to privacy of individuals with HIV, discrimination against them was declared inimical to the individual and national interest. Furthermore, it assured the provision of basic health and social services for individuals with HIV as well as promotion of safety and universal precaution in practices and procedures that carry the risk of HIV transmission. It laid out requirements on the donation of blood, tissue or organ and guidelines on surgical and similar procedures.

It penalized the act of giving misleading information on HIV/AIDS prevention and control, the act of using unsafe practices and procedures, and the act of violating medical confidentiality.

This law made a commitment that the state shall positively address and seek to eradicate conditions that aggravate the spread of said infection, including but not limited to, poverty, gender inequality, prostitution, marginalization, drug abuse and ignorance.

This law will help women and men, especially those who are prostituted, to be aware of the dangers of HIV/AIDS and help them undertake precautionary measures to protect themselves from contracting said disease.

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

Also known as: “Rape Victim Assistance and Protection Act of 1998”

Signed: February 13, 1998

A rape crisis center shall be established in every province and city to provide counseling, free legal assistance, ensure the privacy and safety of rape survivors, and to develop and undertake 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. In recognition of the offended party’s right to privacy, the law also provides for protective measures for the rape survivor such as: (1) the police officer or the examining physician must be of the same gender as the offended party; (2) only persons authorized by the offended party shall be allowed the examination room; (3) closed-door investigation, prosecution or trial; and (4) the name and personal circumstances of the offended party and/or the accused shall not be disclosed to the public.



V

Education

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.



Republic Act No. 6655

“AN ACT ESTABLISHING AND PROVIDING FOR A FREE PUBLIC SECONDARY EDUCATION”

Also known as: Free Public Secondary Education Act of 1988

Signed: May 26, 1988

This Act promotes quality education by providing secondary school education for both girls and boys who meet the standards and qualifications. It provides for free tuition fee and other school fees except fees related to membership in the school community.

Republic Act No. 6728

“AN ACT PROVIDING ASSISTANCE TO STUDENTS AND TEACHERS”

Signed: June 10, 1989

This law provides for government assistance to financially-disadvantaged students and teachers in private primary and secondary education, in the form of tuition fee supplements, textbook assistance fund, scholarships and loans.

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”

Also known as: “Citizen Armed Force or Armed Forces of the Philippines Reservist Act”

Signed: June 27, 1991

In compliance with the constitutional policy of equality before the law of men and women, Article X of this law provides that women shall have the right and duty to serve in the Armed Forces of the Philippines. The standards shall apply to both women and men except for essential adjustments because of physiological differences between them.

Republic Act No. 7165

“AN ACT CREATING THE LITERACY COORDINATING COUNCIL”

Signed: November 21, 1991

This law establishes a Literacy Coordinating Council under DECS to eradicate illiteracy in the country through policies and programs in non-formal, informal and indigenous learning system as well as self-learning, independent and out-of-school study. This will ultimately redound to disadvantaged women who are unable to obtain a basic education or dropped out of school.



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 EMPLOYEES, 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 OTHE RPURPOSES”

Signed: March 30, 1992

The law provides for summer employment for poor students who are 15-25 years of age. Employers are encouraged to employ these students by providing that sixty percent of the salary shall be paid by the employer while the 40% shall be paid by the government in the form of voucher which shall be applicable in the payment of tuition fees and books in any educational institution.

Republic Act No. 7796

“AN ACT CREATING THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY, PROVIDING FOR ITS POWERS, STRUCTURE AND FOR OTHER PURPOSES”

Also known as : Technical Education and Skills Development Act of 1994 or the “TESDA Act of 1994”

Signed: August 23, 1994

This Act provides technical education and skills development opportunities to the development of high-quality Filipino middle-level manpower with the active participation of the private enterprises (e.g. those in the production, manufacturing, processing, repacking or assembly of goods). The TESDA Board shall have one woman representative from the employer/industry organization, one from the labor sector, and one from the national associations of private technical-vocational education and training institutions.

Guidelines:

Rules and Regulations Implementing the TESDA Act of 1994

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”

Also known as: Philippine Teachers Professionalization Act of 1994

Signed: December 16, 1994

In order to ensure a responsible and literate citizenry, this law was enacted to regulate the licensure examination and professionalization of the teaching profession.



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

“AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS”

Also known as: “The Revised Penal Code”

Signed: December 8, 1930

Article 11(2) - Justifying Circumstance: A crime committed in self-defense is considered as a justifying circumstance meaning no criminal liability is incurred. Battered women who kill their husbands or partners are said to be suffering from the battered wife syndrome (BWS) and under the jurisprudence abroad, the killing can be argued as justified because the woman at that time was suffering from BWS and that she merely acted in self-defense.

Article 13 (5) - Mitigating Circumstance: When a crime is committed in the immediate vindication of a grave offense committed against the one committing the penalty, his or her spouse, ascendants or descendants, brothers or sisters or relatives within the same degree, criminal liability is mitigated or reduced.

Article 14 (3) - Aggravating Circumstance: The effects and penalty for the crime is aggravated by insult or in disregard of the respect due the offended party on account of his rank, age or sex.

Article 78 - It provides that male and female who are found guilty of crimes are to be imprisoned in separate institutions.

Article 80 - This article provides for the suspension of sentence of minors below 16 years old who committed offenses and their commission to the custody or care of benevolent institutions. This was, however, repealed by Presidential Decree No. 603.

Article 83 - The death sentence shall not be imposed on a woman while she is pregnant or within one year after delivery nor if the person is above seventy years of age.

Article 89 - Marriage of the offended woman and the offender in crimes against chastity shall extinguish criminal liability.

Article 201 - Penalizes obscene literature, glorification of criminals in plays, films, shows as well as those that serve no other purpose but to satisfy the market for lust, violence or pornography, offends race and religion, encourages use of drugs or those contrary to law, morals, and customs.

Article 262 - Penalizes prostitution but does not define what constitutes prostitution but only states who are prostitutes.

Article 263,265 - 266 - Depending on the gravity of the physical injuries inflicted, the crime may either be less serious or slight or serious physical injuries. Because of the absence of a law penalizing domestic violence, these provisions may be used by those who are battered by their spouses or partners. The other provisions of the RPC such as on rape, mutilation, etc. may also be used when applicable.



Article 332 - It provides that the spouse, ascendant, descendant or relatives by affinity shall be exempt from criminal liability when they commit theft, swindling, or malicious mischief. They are liable civilly.

Article 333 - Adultery - It provides that a wife shall be guilty of this crime whenever she has sexual intercourse with a man other than her husband. Every act of sexual intercourse is considered a crime.

Article 334 - Concubinage - A husband commits this offense if (a) he keeps a mistress in the conjugal dwelling, (b) shall have intercourse under scandalous circumstances with a woman not his wife, (c) or shall cohabit with her in any other place.

These two crimes are much criticized because it provides for different standards of sexual infidelity. Every act of sexual intercourse is adultery while this is not the case in committing concubinage. Also, the penalty is heavier in adultery. This is a reflection of the double standards applied between men and women in our society.

Article 337 - Qualified Seduction - Under this provision, carnal knowledge of a virgin over 12 years and under 18 years of age committed by a person in public authority, priest, domestic, guardian, teacher. This discriminates against women above 12 and under 18 years of age who may not be virgins because their not being virgins do not mean they suffer less from the offense committed against them. Virginitv should not be made a standard.

When a brother, or descendant commits this offense, the penalty next higher in degree is imposed. Considering that the offenders in this provision are people who exercise moral ascendancy over the woman and are trusted by her, a stiffer penalty should be imposed similar to rape.

Article 338 - Seduction of a woman or widow of good reputation committed by means of deceit. Good reputation should not be a consideration because it discriminates against other women. the standard is very subjective and is not an element of the crime of seduction.

Article 339 - Acts of lasciviousness with the consent of the offended party - offenders are those under qualified seduction and simple seduction. The penalty should be graver because of the element of moral ascendancy and the trust reposed upon the offender by the woman.

Article 341 - White slave trade - penalizes those who engage in the business or shall profit by prostitution or shall enlist the services of another for prostitution. Enforcement of this law has been effective. People who get arrested instead are the prostituted women not the procurers, pimps or the customers who make possible this trade.

Article 342 - The forcible abduction of a woman against her will and with lewd designs is penalized by this provision.

Article 343 - Consented Abduction - again, the standard of virginitv is used when it has no relation to offense of abduction.



Article 344 - In the crimes of adultery and concubinage, the offended party must be the one to file a complaint and must include both guilty parties. Offenses of abduction, seduction, and acts of lasciviousness shall be filed by the offended party or her parents, grandparents, or guardian.

Article 345 - Persons guilty of crimes against chastity shall indemnify the offended woman, acknowledge and support the offspring.

Article 346 - Ascendants, guardians, teachers entrusted with the custody of the woman who cooperate in the commission of the crime shall be considered principals (suffer same penalty as if he/she committed the offense).

Article 347 - Penalizes the act simulating births, substitution of one child, and the concealment or abandonment of a legitimate child with intent to cause child to lose civil status. The provision does not apply to abandoned and concealed illegitimate children. It discriminates against illegitimate children who should be entitled to the same protection as any children under the law.

Article 349 - Bigamy or the act of contracting a second or subsequent marriage is penalized by this provision.

Article 350 - Marriages contracted against the provisions of law or when consent was obtained by means of violence, intimidation or fraud is also considered a crime.

Article 351 - Premature marriages - A widow who shall marry within 301 days from date of death of the husband or before having delivered if pregnant at time of death of husband or a woman whose marriage was annulled but remarries before delivery or before 301 days after the legal separation is criminally liable. This is a violation of the right of the woman to remarry.

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”

Signed: June 13, 1990

It declared unlawful the business of matching Filipino women for marriage to foreign nationals either on mail-order basis or through personal introduction as well as through advertisement, publication, printing or distribution of brochure and fliers and through membership in clubs created for matching Filipinas to foreign nationals and through the use of the postal service.

This law only penalizes this offense with imprisonment from six years and one day to eight years and the fine is quite minimal (₱8,000 to ₱20,000). The advent of newspapers publishing prohibited materials under this law and the proliferation in the internet of mail order bride services warrant a serious re-evaluation of the effectivity of this law.



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”

Signed: March 30, 1992

The Board of Claims was created to resolve applications for claims for compensation by those unjustly accused, convicted and imprisoned but subsequently acquitted; those unjustly detained and released without being charged; victims of illegal detention; and for victims of violent crimes, including rape and offenses committed with malice which resulted in death or serious physical/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity. It also provides that proceeds from contracts relating to depiction of a crime in a movie, book, newspaper, magazine, radio or television etc. of a convict's story shall not be released to a convict until full compensation for damages suffered by or awarded to the victim is paid.

Republic Act No. 7659

“AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THE PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL LAWS, AND FOR OTHER PURPOSES”

Signed: December 13, 1993

Under this law, crimes which are heinous for being grievous, odious and hateful are punishable by death. Rape committed under several attendant circumstances is a heinous crime.

Republic Act No. 7877

“AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES”

Also known as : Anti-Sexual Harassment Act of 1995

Signed: February 14, 1995

The “Anti-Sexual Harassment Act” upholds the State policy to value the dignity of every human individual, to guarantee full respect for human rights and to uphold the dignity of students, trainees, workers, employees and those seeking employment. It declares that all forms of sexual harassment in the employment environment as well as in the education or training environment are unlawful. It provided for the duty of the employer and head of the education environment to prevent or deter commission of acts of sexual harassment and promulgate rules and administrative sanctions.

Women are subjected to various forms of sexual harassment wherever she may be but the law penalizes only acts of sexual harassment in the workplace and in the education environment. And the penalty provided is very minimal considering the gravity of the offense.



Guidelines:

Civil Service Commission MC No. 19, S. of 1994

“POLICY ON SEXUAL HARASSMENT IN THE WORKPLACE”

It provides that sexual harassment in government offices committed by an employee or officer is a ground for administrative disciplinary action and subject to penalties up to dismissal from the service. This policy covers even applicants for employment after the application has been received by the agency.

These guidelines are broader than what is provided for by RA7877 because it recognizes sexual harassment between peers as well as the presence of a hostile environment.

Civil Service Commission Resolution No. 956161

“RULES AND REGULATIONS PRESCRIBING PROCEDURES FOR THE RESOLUTION, SETTLEMENT OR PROSECUTION AND ADJUDICATION OF SEXUAL HARASSMENT CASES”

These rules apply to all officials and employees in the Civil Service Commission. It defined what are the acts of sexual harassment and who are the persons liable. It also created a Committee on Decorum and Investigation, the rules of procedure to be followed, and the prescribed penalties.

Department of Labor and Employment Administrative Order No. 68

“AMENDING ADMINISTRATIVE ORDER NO. 80 - POLICY AGAINST SEXUAL HARASSMENT”

It provides that disciplinary measures shall be taken against officials and employees who subjects any fellow official or employee, applicant for employment of client to sexual harassment.

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”

Also known as: The Anti-Rape Law of 1997

Signed: September 30, 1997

The crime of rape is now a crime against persons under the Revised Penal Code. It broadened the definition of rape which may be committed by having carnal knowledge of a woman under certain circumstances or by committing acts of sexual assault. Survivors of rape and women’s groups have long clamored for such a provision because they believe that the act of inserting objects into the genital or anal orifice is equally, if not more, degrading. The law somehow recognized marital rape when it provided when the offender is the legal husband, forgiveness by the wife shall extinguish the criminal action or penalty.



VII

Girl Child

*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.

**Act No. 3815**

“AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS”

Also known as: “The Revised Penal Code”

Signed: December 8, 1930

Article 340 - Corruption of minors - penalizes the act of promoting or facilitating the corruption or prostitution of minors.

Presidential Decree No. 603

“THE CHILD AND YOUTH WELFARE CODE”

Signed: August 15, 1977

Portions of this law had been repealed by the Family Code. This law lays down the policy of the state of upholding the rights of children. Its provisions address the situation of children in the home, in education, in religion, in the community. It also addresses the needs of special categories of children including those in conflict with the law.

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”

Also known as: Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act

Signed: June 17, 1992

It is 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.

Republic Act No. 7658

“AN ACT PROHIBITING THE EMPLOYMENT OF CHILDREN BELOW 15 YEARS OF AGE IN PUBLIC AND PRIVATE UNDERTAKINGS, AMENDING FOR ITS PURPOSE SECTION 12, ARTICLE VIII OF R.A. 7610”

Signed: November 9, 1993

It amended RA 7610 and provides for the rules in employment of children below 15 years of age.

Guideline:

Department of Labor and Employment Department Order No. 18

“Rules and Regulations Implementing RA 7658”



Republic Act No. 8296

“AN ACT DECLARING EVERY SECOND SUNDAY OF DECEMBER AS THE NATIONAL CHILDREN'S BROADCASTING DAY”

Signed: June 6, 1997

Every second Sunday of December, television and radio stations nationwide are required to allocate three (3) hours airtime for children's programs.

Republic Act No. 8370

“CHILDREN'S TELEVISION ACT OF 1997”

Also known as: Children's Television Act of 1997

Signed: October 28, 1997

The state recognizes the vital role of the youth and shall therefore protect and promote their well-being by enhancing their over-all development taking into account their needs in the development of education, cultural, recreational policies and programs. It created the National Council for Children's Television the body tasked to formulate plans and policies towards high quality locally-produced children's television programming. The law requires that each broadcasting network shall allot a minimum of 15% of daily total airtime for child-friendly shows.

Republic Act No. 8980

“AN ACT PROMULGATING A COMPREHENSIVE POLICY AND A NATIONAL SYSTEM FOR EARLY CHILDHOOD CARE AND DEVELOPMENT (ECCD), PROVIDING FUNDS THEREFORE AND FOR OTHER PURPOSES”

Also known as: ECCD ACT

Signed: December 05, 2000

Early Childhood Care and Development (ECCD) System, as defined under the law, 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. It encourages the active involvement of parents and communities. The implementation of this system shall be the responsibility of the national government, local government units, non-government organizations and private organizations.

The rearing of a child is traditional role of mothers. With the enactment and implementation of this law, raising a child is no longer solely the responsibility of mothers. The community, the national and local government and other institutions are now to assist in providing for the basic holistic needs of young children.



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.



Presidential Decree No. 633

“CREATING A NATIONAL COMMISSION ON THE ROLE OF FILIPINO WOMEN”

Signed: January 7, 1975

The NCRFW was created to advise the President in formulating policies on increased contribution by women in national development, review and evaluate extent of women’s integration in all sectors of economic life and make recommendations which would guarantee the enjoyment by women and men of full equality.

1987 CONSTITUTION

It upholds equality before the law of men and women and recognizes the role of women in nation-building. The state also recognizes the sanctity of family life and shall equally protect the life of mother and life of the unborn from conception. It can be argued, therefore, that despite the anti-abortion policy of the Constitution, when the life of the mother is in danger she can opt for therapeutic abortion. The Constitution also affords protection for working women by providing them safe and healthful working conditions, taking into account their maternal functions.

Executive Order No. 292

INSTITUTING THE “ADMINISTRATIVE CODE OF 1987”

Also known as: The Administrative Code of 1987

Signed: July 25, 1987

It provides that in the Board of Parole and Probation, one of the members of this seven-member Board shall be a woman.

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”

Signed: April 10, 1990

It directs all heads of government agencies and employers in the private sector to encourage and afford sufficient time and opportunities for their employees to engage and participate in any activity to celebrate National Women’s Day.



Republic Act No. 6981

“AN ACT PROVIDING FOR A WITNESS PROTECTION SECURITY AND BENEFIT PROGRAM AND FOR OTHER PURPOSES”

Also known as: The “Witness Protection, Security and Benefit Act”

Signed: April 24, 1991

Any person who witnessed or has knowledge or information on the crime and has testified or about to testify before any judicial and quasi-judicial body, or before any investigating authority, may be admitted into the program. This will benefit women who would like to file charges and testify against their husbands or partners or against a member of the family but are afraid of retaliation.

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”

Also known as: Women in Development and Nation Building Act

Signed: December 11, 1991

This provides equal opportunities for women in all military schools of the Armed Forces and the Philippine National Police. It also provides equal rights in entering into contracts and loan agreements and in joining social and cultural clubs. Household managers can avail of social security services through their working spouses. Moreover, it ensures that a substantial portion of foreign assistance funds be allocated to support programs for women.

Guideline:

“Implementing Rules and Regulations (IRR) for Sections 2, 3, and 4 of RA 7192

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”

Also known as: The Magna Carta for Disabled Persons

Signed: March 24, 1992

The State shall give full support to the improvement of the total wellbeing of disabled persons and their integration into society. It provides for the rights and privileges of disabled persons in employment, education, health, social services, telecommunications, accessibility, political and civil rights. It prohibits discrimination against them.

**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”

Signed: April 23, 1992

It provides, among other things, that senior citizens, half of which are women, shall have 20% discount from all establishments relative to the use of transportation services, hotels, restaurants, recreation center, and purchase of medicine everywhere in the country. The private establishments may claim the cost as tax credit. Senior citizens shall also be exempt from payment of income taxes.

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”

Also known as: General Appropriations Act of 1995

Signed: December 30, 1994

This Act provides that a certain percentage of the appropriation for government agencies shall be earmarked for gender and development.

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”

Also known as: General Appropriations Act of 1996

Signed: December 29, 1995

This Act provides that a certain percentage of the appropriation for government agencies shall be earmarked for gender and development.



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”

Also known as: “General Appropriations Act of 1997”

Signed: February 12, 1997

This Act provides that a certain percentage of the appropriation for government agencies shall be earmarked for gender and development.

Republic Act 8368

“AN ACT REPEALING PRESIDENTIAL DECREE ENTITLED “PENALIZING SQUATTING AND OTHER SIMILAR ACTS”

Also known as: The “Anti-Squatting Law Repeal Act of 1997”

Signed: October 27, 1997

This law decriminalized the act of squatting. This will benefit women in the urban poor sectors. However, sanctions against professional squatters and squatting syndicates are still enforce.

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”

Also known as: Family Courts Act of 1997

Signed: October 28, 1997

Family Courts are to be established in every province and city to hear and decide cases involving children, including children in conflict with the law and matters relating to the family such as guardianship, annulment of marriage, declaration of nullity and legal separation, summary judicial proceedings under the Family Code, adoption, custody, support, constitution of the family home, cases of domestic violence against women and children.

**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”

Also known as: The Indigenous Peoples Rights Act of 1997

Signed: October 29, 1997

Section 26 contains a provision that ICC/IP women shall enjoy land rights and opportunities with men in all spheres of life. It provides for her participation in the decision-making process in all levels as well, full access to education, maternal and child care, health, nutrition, and housing services, and training facilities.

Republic Act No. 8424

THE TAX REFORM ACT OF 1997

Also known as: National Internal Revenue Code of 1997

Signed: December 11, 1997

This law was enacted to promote sustainable economic growth through the rationalization of the internal revenue tax system. Among other things, it increased the rates of individual's taxable income. It also increased the basic personal exemption as well as the additional exemption for dependents

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”

Also known as: General Appropriations Act of 1998

Signed: February 14, 1998

This Act provides that a certain percentage of the appropriation for government agencies shall be earmarked for gender and development.



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 REORGANIZED DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT, AND FOR OTHER PURPOSES”

Also known as: The “Philippine National Police Reform and Reorganization Act of 1998.”

Signed: February 25, 1998

For a female to be qualified as a member of the PNP, she must be at least one meter and fifty-seven centimeters (1.57 m) in height. It also provides for a Women’s Desk in all police stations to administer and attend to cases involving crimes against chastity, sexual harassment, abuses committed against women and children and similar offenses. Ten percent of its annual recruitment shall be reserved for women. There shall also be a gender sensitivity program to ensure equal opportunities, prevention of sexual harassment in the workplace, and prohibition of discrimination on the basis of sex.

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”

Also known as: General Appropriations Act of 1999

Signed: December 30, 1998

This Act provides that a certain percentage of the appropriation for government agencies shall be earmarked for gender and development.

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”

Also known as: General Appropriations Act of 2000

Signed: February 16, 2000

This Act provides that a certain percentage of the appropriation for government agencies shall be earmarked for gender and development.



IX

***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.

Executive Orders
Presidential Directives
Proclamations
CSC Memo Circulars



■ EXECUTIVE ORDERS

General

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”

Signed: November 6, 1986

Executive Order No. 231

“CREATING THE PRESIDENTIAL FACT-FINDING AND POLICY ADVISORY COMMISSION ON THE PROTECTION OF OVERSEAS FILIPINOS”

Signed: March 20, 1995

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”

Signed: September 14, 1995

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”

Signed: May 7, 1996

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”

Signed: February 5, 1997

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 FILIPINO WOMEN IN THE MEMBERSHIP OF THE SOCIAL REFORM COUNCIL”

Signed: September 5, 1996

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)”

Signed: September 24, 1997



NCRFW

Executive Order No. 208

“FURTHER DEFINING THE COMPOSITION, POWERS AND FUNCTIONS OF THE NATIONAL COMMISSION ON THE ROLE OF FILIPINO WOMEN”

Signed: October 10, 1994

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”

Signed: August 4, 1995

PDPW/PPGD

Executive Order No. 273

“APPROVING AND ADOPTING THE PHILIPPINE PLAN FOR GENDER-RESPONSIVE DEVELOPMENT, 1995 TO 2025”

Signed: September 8, 1995

Executive Order No. 348

“APPROVING AND ADOPTING THE PHILIPPINE DEVELOPMENT PLAN FOR WOMEN FOR 1992”

Signed: February 17, 1989

Guideline:

NCRFW Memorandum Order No. 89-1

“Implementing Guidelines for the Philippine Development Plan for Women (PDPW)”



■ PROCLAMATIONS

Proclamation No. 46

“REAFFIRMING THE COMMITMENT TO THE UNIVERSAL CHILD AND MOTHER IMMUNIZATION GOAL BY LAUNCHING THE POLIO ERADICATION PROJECT”

Signed: September 16, 1992

Proclamation No. 74

“DECLARING THE 17TH DAY OF OCTOBER OF EVERY YEAR AS NATIONAL CHILDREN’S DAY”

Signed: October 16, 1992

Proclamation No. 267

“DECLARING THE MONTH OF OCTOBER OF EVERY YEAR AS NATIONAL CHILDREN’S MONTH”

Signed: September 30, 1993

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”

Signed: February 5, 1996

Proclamation No. 759

“DECLARING THE FOURTH WEEK OF MARCH 1996 AS “PROTECTION AND GENDER-FAIR TREATMENT OF THE GIRL CHILD WEEK”

Signed: March 6, 1996

Proclamation No. 847

“DECLARING EVERY 4TH SUNDAY OF SEPTEMBER AS FAMILY THANKSGIVING DAY”

Signed: August 12, 1996

Proclamation No. 855

“PROCLAIMING THE ADOPTION AND IMPLEMENTATION OF THE PHILIPPINE PROGRAM OF ACTION FOR CHILDREN IN THE 1990s”

Signed: January 31, 1992

Proclamation No. 976

“DECLARING THE PERIOD JANUARY TO DECEMBER 1997 AS THE ANTI-MIGRANT TRAFFICKING YEAR”

Signed: February 25, 1997

Proclamation No. 1105

“DECLARING OCTOBER 15, 1997, AND OF EVERY YEAR THEREAFTER, AS “NATIONAL RURAL WOMEN’S DAY”

Signed: October 10, 1997



■ PRESIDENTIAL MEMOS/DIRECTIVES

- 8 March 1993 - Establishment of Women's Desk in Priority Areas
- 8 March 1993 - Enhancing Access of Small and Medium Scale Women Entrepreneurs to Livelihood Programs
- 8 March 1993 - Protection of Women Overseas Contract Workers
- 8 March 1993 - Curbing Violence in Media
- 8 March 1993 - Implementation of the Depressed Area Electrification Program (DAEP)
- 8 March 1993 - Provision of Health Services to Urban Poor
- 8 March 1993 - Land Acquisition Under the Comprehensive Agrarian Reform Program
- 7 March 1994 - Enhancement of Women's Participation in Environmental Management and Ecology Programs and Projects of Government
- 7 March 1994 - Gender-Responsive Policies and Programs on Family
- 7 March 1994 - Enhancement of the Image of Women in Media
- 15 March 1994 - Implementation of R.A. 7192 or the Women in Development and Nation-Building Act
- 19 May 1994 - Possible Representation of the NCRFW in the 81st Session of the International Labor Organization
- 19 May 1994 - Preparation and Finalization of the Guidelines to Include Women's Budget Needs in the 1996 Budget Call
- 19 May 1994 - Invitation of NCRFW as Observers in Cabinet Cluster Meetings
- 10 October 1994 - Designation as Additional NCRFW Champion to the Cabinet
- 10 October 1994 - Women Nominees to the Commission on Human Rights
- 11 October 1995 - Expanding the Social Reform Agenda to Cover the Beijing Platform of Action on Women
- 05 February 1997 - Call to Action Against Domestic Violence
- 04 September 1997 - 1998 Funding for Sex-Disaggregation of Statistical Data at the Provincial Level



■ **CIVIL SERVICE COMMISSION MEMORANDUM CIRCULARS**

Memorandum Circular No. 19, s. 1994
Policy on Sexual Harassment in the Workplace

Memorandum Circular No. 30, s. 1995
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

Memorandum Circular No. 03, s. 1996
Attendance of Women in Government in the International Women's Day Celebration on March 8,
1996

Memorandum Circular No. 8, s. 1999
Policy on Equal Representation of Women and Men in Third Level Positions in Government



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