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## REPUBLIC ACT NO. 11313 – SAFE SPACES ACT

**Section 1. Short Title.** – This Act shall be known as the “**Safe Spaces Act**”.

**Sec. 2. Declaration of Policies.** – It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions.

**Sec. 3. Definition of Terms.** —As used in this Act;

(a) *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;

(b) *Employee* refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: Provided, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;

(c) *Employer* refers to a person who exercises control over an employee: Provided, That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;

(d) *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;

(e) *Gender-based online sexual harassment* refers to an on the conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;

(f) *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender;

(g) *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and

(h) *Stalking* refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

## **ARTICLE I**

### **GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT**

**Sec . 4.** *Gender-Based Streets and Public Spaces Sexual Harassment.* – The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

**Sec. 5. Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public.** – Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender -based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against gender -based public spaces sexual harassment, including the anti- sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in flagrante delicto and are required to immediately coordinate with local authorities.

**Sec. 6. Gender-Based Sexual Harassment in Public Utility Vehicles.** – In addition to the penalties in this Act, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

**Sec. 7. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors.** – In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the “Juvenile Justice and Welfare Act of 2006”.

**Sec. 8. Duties of Local Government Units (LGUs).** — local government units (LGUs) shall bear primary responsibility in enforcing the provisions under Article I of this Act. LGUs shall have the following duties:

- (a) Pass an ordinance which shall localize the applicability of this Act within sixty (60) days of its effectivity;
- (b) Disseminate or post in conspicuous places a copy of this Act and the corresponding ordinance;
- (c) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;
- (d) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Act;

(e) Create an anti-sexual harassment hotline; and

(f) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act.

**Sec. 9. Role of the DILG.** – The DILG shall ensure the full implementation of this Act by:

(a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of this Act and the corresponding ordinance;

(b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing this Act; and

(c) Providing capacity-building and training activities to build the capability of local government officials to implement this Act in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

**Sec. 10. Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces.** – The Metro Manila Development Authority (MMDA), the local units of the Philippine National Police (PNP) for other provinces, and the Women and Children’s Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce the law: Provided, That they have undergone prior Gender Sensitivity Training (GST). The PCW, DILG and Department of Information and Communications Technology (DICT) shall be the national bodies responsible for overseeing the implementation of this Act and formulating policies that will ensure the strict implementation of this Act.

For gender-based streets and public spaces sexual harassment, the MMDA and the local units of the PNP for the provinces shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in flagrante delicto. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed. The ASHE unit together with the Women’s and Children’s Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under this Act for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG shall also ensure that all local government bodies expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangay and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The DILG, the DSWD in coordination with the Department of Health (DOH) and the PCW shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

**Sec. 11. Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces.** – The following acts are unlawful and shall be penalized as follows:

(a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one’s appearance, relentless requests for one’s personal details such as name, contact and social media details or destination, the use of words, gestures or actions that

ridicule on the basis of sex gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety –

(1) The first offense shall be punished by a fine of One thousand pesos (P1,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by arresto menor (6 to 10 days) or a fine of Three thousand pesos (P3,000.00)

(3) The third offense shall be punished by arresto menor (11 to 30 days) and a fine of Ten thousand pesos (P10,000.00).

(b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions –

(1) The first offense shall be punished by a fine of Ten thousand pesos (P10,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by arresto menor (11 to 30 days) or a fine of Fifteen thousand pesos (P15,000.00);

(3) The third offense shall be punished by arresto mayor (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (P20,000.00).

(c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (a) and (b) –

(1) The first offense shall be punished by arresto menor (11 to 30 days) or a fine of Thirty thousand pesos (P30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by arresto mayor (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (P50,000.00);

(3) The third offense shall be punished by arresto mayor in its maximum period or a fine of One hundred thousand pesos (P 100,000.00)

## **ARTICLE II**

### **GENDER-BASED ONLINE SEXUAL HARASSMENT**

**Sec. 12. *Gender-Based Online Sexual Harassment.*** – Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim’s privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim’s photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

**Sec. 13. *Implementing Bodies for Gender-Based Online Sexual Harassment.*** —For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNPACG) as the National Operational Support Unit of the PNP is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

**Sec. 14. *Penalties for Gender-Based Online Sexual Harassment.*** – The penalty of prison correccional in its medium period or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: Provided, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

### **ARTICLE III**

#### **QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT**

**Sec. 15.** *Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment.* – The penalty next higher in degree will be applied in the following cases:

- (a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- (b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- (c) If the offended party is diagnosed with a mental problem tending to impair consent;
- (d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and
- (e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

### **ARTICLE IV**

#### **GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE**

**Sec. 16.** *Gender-Based Sexual Harassment in the Workplace.* – The crime of gender-based sexual harassment in the workplace includes the following:

- (a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- (b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;
- (c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: Provided, That the crime of gender-based sexual harassment may

also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and

(d) Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

**Sec. 17. Duties of Employers.** – Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

(a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the workplace;

(b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;

(c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall;

(1) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;

(2) Designate a woman as its head and not less than half of its members should be women;

(3) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;

(4) Investigate and decide on the complaints within ten days or less upon receipt thereof;

(5) Observe due process;

(6) Protect the complainant from retaliation; and

(7) Guarantee confidentiality to the greatest extent possible

(d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall;

(1) Expressly reiterate the prohibition on gender-based sexual harassment;

(2) Describe the procedures of the internal mechanism created under Section 17(c) of this Act; and

(3) Set administrative penalties.

**Sec. 18. Duties of Employees and Co-Workers** – Employees and co-workers shall have the duty to:



- (a) Refrain from committing acts of gender-based sexual harassment;
- (b) Discourage the conduct of gender-based sexual harassment in the workplace;
- (c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and
- (d) Report acts of gender-based sexual harassment witnessed in the workplace.

**Sec. 19. Liability of Employers.** – In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

- (a) Non-implementation of their duties under Section 17 of this Act, as provided in the penal provisions: or
- (b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifteen thousand pesos (P 15,000.00).

**Sec. 20. Routine Inspection.** – The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Act.

## **ARTICLE V**

### **GENDER-BASED SEXUAL HARASSMENT IN EDUCATION AND TRAINING INSTITUTIONS**

**Sec.21. Gender Based Sexual Harassment in Educational and Training Institutions.** —All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Act, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender - based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of

gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

**Sec. 22. Duties of School Heads.** – School heads shall have the following duties:

- (a) Disseminate or post a copy of this Act in a conspicuous place in the educational institution;
- (b) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns;
- (c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:
  - (1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
  - (2) Designate a woman as its head and not less than half of its members should be women;
  - (3) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;
  - (4) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
  - (5) Investigate and decide on complaints within ten (10) days or less upon receipt thereof;
  - (6) Observe due process;
  - (7) Protect the complainant from retaliation; and
  - (8) Guarantee confidentiality to the greatest extent possible
- (d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:
  - (1) Expressly reiterate the prohibition on gender-based sexual harassment;
  - (2) Prescribe the procedures of the internal mechanism created under this Act; and

(3) Set administrative penalties.

**Sec. 23. *Liability of School Heads.*** —In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

(a) Non-implementation of their duties under Section 22 of this Act, as provided in the penal provisions; or

(b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifteen thousand pesos (P15,000.00).

**Sec. 24. *Liability of Students.*** — Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

**Sec. 25. *Routine Inspection.*** — The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Act.

## **ARTICLE VI COMMON PROVISIONS**

**Sec. 26. *Confidentiality.*** — At any stage of the investigation, prosecution and trial of an offense under this Act, the rights of the victim and the accused who is a minor shall be recognized.

**Sec. 27. *Restraining Order.*** — Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

**Sec. 28. *Remedies and Psychological Counselling.*** — A victim of gender- based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counselling services with the aid of the LGU and the DSWD, in coordination

with the DOH and the PCW. Any fees to be charged in the course of a victim's availment of such remedies or psychological counselling services shall be borne by the perpetrator.

**Sec. 29. *Administrative Sanctions.*** —Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

**Sec. 30. *Imposition of Heavier Penalties.*** — Nothing in this Act shall prevent LGUs from coming up with ordinances that impose heavier penalties for the acts specified herein.

**Sec. 31. *Exemptions.*** —Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

## **ARTICLE VII FINAL PROVISIONS**

**Sec. 32. *PNP Women and Children's Desks.*** — The women and children's desks now existing in all police stations shall act on and attend to all complaints covered under this Act. They shall coordinate with ASHE officers on the street, security guards in privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Act.

**Sec. 33. *Educational Modules and Awareness Campaigns.*** — The PCW shall take the lead in a national campaign for the awareness of the law. The PCW shall work hand-in-hand with the DILG and duly accredited women's groups to ensure all LGUs participate in a sustained information campaign and the DICT to ensure an online campaign that reaches a wide audience of Filipino internet-users. Campaign materials may include posters condemning different forms of gender-based sexual harassment, informing the public of penalties for committing gender-based sexual harassment, and infographics of hotline numbers of authorities.

All schools shall educate students from the elementary to tertiary level about the provisions of this Act and how they can report cases of gender-based streets, public spaces and online sexual harassment committed against them. School courses shall include age -appropriate educational modules against gender-based streets, public spaces and online sexual harassment which shall be developed by the DepEd, the CHED, the TESDA and the PCW.

**Sec. 34. *Safety Audits.*** — LGUs are required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Act within their jurisdiction . Such audits shall be multisectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

**Sec. 35. *Appropriations.*** — Such amounts as may be necessary for the implementation of this Act shall be indicated under the annual General Appropriations Act (GAA). National and local government agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. In addition, LGUs may also use their mandatory twenty percent

(20%) allocation of their annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”.

**Sec. 36. Prescriptive Period.** – Any action arising from the violation of any of the provisions of this Act shall prescribe as follows:

- (a) Offenses committed under Section 11(a) of this Act shall prescribe in one (1) year;
- (b) Offenses committed under Section 11(b) of this Act shall prescribe in three (3) years;
- (c) Offenses committed under Section 11(c) of this Act shall prescribe in ten (10) years;
- (d) Offenses committed under Section 12 of this Act shall be imprescriptible; and
- (e) Offenses committed under Sections 16 and 21 of this Act shall prescribe in five (5) years.

**Sec. 37. Joint Congressional Oversight Committee.** – There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act and to review the implementing rules and regulations promulgated. The Committee shall be composed of five (5) Senators and five Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Senate Committee on Women, Children, Family Relations and Gender Equality and the House Committee on Women and Gender Equality.

**Sec. 38. Implementing Rules and Regulations (IRR).** – Within ninety (90) days from the effectivity of this Act, the PCW as the lead agency, in coordination with the DILG, the DSWD, the PNP, the Commission on Human Rights (CHR), the DOH, the DOLE, the DepEd, the CHED, the DICT, the TESDA, the MMDA, the LTO, and at least three (3) women’s organizations active on the issues of gender-based violence, shall formulate the implementing rules and regulations (IRR) of this Act.

**Sec. 39. Separability Clause.** —If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

**Sec. 40. Repealing Clause.** – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

**Sec. 41. Effectivity.** – This Act shall take effect fifteen days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

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**AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES**

**SECTION 1. Short Title.**— This Act shall be known as the “**Anti-Violence Against Women and Their Children Act of 2004.**”

**SECTION 2. Declaration of Policy.**— It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security.

Towards this end, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, the convention on the Elimination of all forms of discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party.

**SECTION 3. Definition of Terms.**— As used in this Act:

(a) “**Violence against women and their children**” refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

A. “**Physical Violence**” refers to acts that include bodily or physical harm;

B. “**Sexual violence**” refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:

a) Rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim’s body, forcing her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;

b) Acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;

c) Prostituting the woman or child.

C. “**Psychological violence**” refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and marital infidelity.

It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

**D. “Economic abuse”** refers to acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:

1. Withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;

2. Deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;

3. Destroying household property;

4. Controlling the victims’ own money or properties or solely controlling the conjugal money or properties.

**(b) “Battery”** refers to an act of inflicting physical harm upon the woman or her child resulting to the physical and psychological or emotional distress.

**(c) “Battered Woman Syndrome”** refers to a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse.

**(d) “Stalking”** refers to an intentional act committed by a person who, knowingly and without lawful justification follows the woman or her child or places the woman or her child under surveillance directly or indirectly or a combination thereof.

**(e) “Dating relationship”** refers to a situation wherein the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing basis during the course of the relationship. A casual acquaintance or ordinary socialization between two individuals in a business or social context is not a dating relationship.

**(f) “Sexual relations”** refers to a single sexual act which may or may not result in the bearing of a common child.

**(g) “Safe place or shelter”** refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other agency or voluntary organization accredited by the DSWD for the purposes of this Act or any other suitable place the resident of which is willing temporarily to receive the victim.

**(h) “Children”** refers to those below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. As used in this Act, it includes the biological children of the victim and other children under her care.

**SECTION 4. Construction.-** This Act shall be liberally construed to promote the protection and safety of victims of violence against women and their children.

**SECTION 5. Acts of Violence Against Women and Their Children.-** The crime of violence against women and their children is committed through any of the following acts:

(a) Causing physical harm to the woman or her child;  
(b) Threatening to cause the woman or her child physical harm;  
(c) Attempting to cause the woman or her child physical harm;  
(d) Placing the woman or her child in fear of imminent physical harm;  
(e) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:

(1) Threatening to deprive or actually depriving the woman or her child of custody to her/his family;

(2) Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;

(3) Depriving or threatening to deprive the woman or her child of a legal right; and

(4) Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties.

(f) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;

(g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;

(h) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not be limited to, the following acts:

(1) Stalking or following the woman or her child in public or private places;

(2) Peering in the window or lingering outside the residence of the woman or her child;

(3) Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;



(4) Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and

(5) Engaging in any form of harassment or violence.

(i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or access to the woman's child/children.

**SECTION 6. Penalties.**— The crime of violence against women and their children, under Sec. 5 hereof shall be punished according to the following rules:

(a) Acts falling under Sec. 5(a) constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code;

If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of prison mayor; those constituting less serious physical injuries shall be punished by prison correccional; and those constituting slight physical injuries shall be punished by arresto mayor;

Acts falling under Sec. 5 (b) shall be punished by imprisonment of two degrees lower than the prescribed penalty for the consummated crime as specified in the preceding paragraph but shall in no case be lower than arresto mayor;

(b) Acts falling under Sec. 5(c) and 5(d) shall be punished by arresto mayor;

(c) Acts falling under Sec. 5(e) shall be punished by prison correccional;

(d) Acts falling under Sec. 5(f) shall be punished by arresto mayor;

(e) Acts falling under Sec. 5(g) shall be punished by prison mayor;

(f) Acts falling under Sec. 5(h) and Sec. 5(i) shall be punished by prison mayor.

If the acts are committed while the woman or child is pregnant or committed in the presence of her child, the penalty to be applied shall be the maximum period of penalty prescribed in the Sec.

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than three hundred thousand pesos (300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

**SECTION 7. Venue.**— The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of violence against women and their children under this law. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional Trial Court where the crime or any of its elements was committed at the option of the compliant.

**SECTION 8. Protection Orders.**— A protection order is an order issued under this act for the purpose of preventing further acts of violence against a woman or her child specified in Sec. 5 of

this Act and granting other necessary relief. The relief granted under a protection order serve the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the barangay protection order (BPO), temporary protection order (TPO) and permanent protection order (PPO). The protection orders that may be issued under this Act shall include any, some or all of the following reliefs:

(a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Sec. 5 of this Act;

(b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;

(c) Removal and exclusion of the respondent from the residence of the petitioner, regardless of ownership of the residence, either temporarily for the purpose of protecting the petitioner, or permanently where no property rights are violated, and if respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent has gathered his things and escort respondent from the residence;

(d) Directing the respondent to stay away from petitioner and designated family or household member at a distance specified by the court, and to stay away from the residence, school, place of employment, or any specified place frequented by the petitioner and any designated family or household member;

(e) Directing lawful possession and use by petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

(f) Granting a temporary or permanent custody of a child/children to the petitioner;

(g) Directing the respondent to provide support to the woman and/or her child if entitled to legal support. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by the respondent's employer for the same to be automatically remitted directly to the woman. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court;

(h) Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same to the court for appropriate disposition by the court, including revocation of license and disqualification to apply for any license to use or possess a firearm. If the offender is a law enforcement agent, the court shall order the offender to surrender his firearm and shall direct the appropriate authority to investigate on the offender and take appropriate action on matter;

(i) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income;

(j) Directing the DSWD or any appropriate agency to provide petitioner may need; and

(k) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member, provided petitioner and any designated family or household member consents to such relief.

Any of the reliefs provided under this Sec. shall be granted even in the absence of a decree of legal separation or annulment or declaration of absolute 'ity of marriage.

The issuance of a BPO or the pendency of an application for BPO shall not preclude a petitioner from applying for, or the court from granting a TPO or PPO.

**SECTION 9. Who may file Petition for Protection Orders.** – A petition for protection order may be filed by any of the following:

(a) The offended party;

(b) Parents or guardians of the offended party;

(c) Ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;

(d) Officers or social workers of the DSWD or social workers of local government units (LGUs);

(e) Police officers, preferably those in charge of women and children's desks;

(f) Punong Barangay or Barangay Kagawad;

(g) Lawyer, counselor, therapist or healthcare provider of the petitioner;

(h) At least two (2) concerned responsible citizens of the city or municipality where the violence against women and their children occurred and who has personal knowledge of the offense committed.

**SECTION 10. Where to Apply for a Protection Order.** – Applications for BPOs shall follow the rules on venue under Sec. 409 of the Local Government Code of 1991 and its implementing rules and regulations. An application for a TPO or PPO may be filed in the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court with territorial jurisdiction over the place of residence of the petitioner: Provided, however, That if a family court exists in the place of residence of the petitioner, the application shall be filed with that court.

**SECTION 11. How to Apply for a Protection Order.** – The application for a protection order must be in writing, signed and verified under oath by the applicant. It may be filed as an independent action or as incidental relief in any civil or criminal case the subject matter or issues thereof partakes of a violence as described in this Act. A standard protection order application form, written in English with translation to the major local languages, shall be made available to facilitate applications for protections order, and shall contain, among other, the following information:

(a) names and addresses of petitioner and respondent;

(b) description of relationships between petitioner and respondent;

(c) a statement of the circumstances of the abuse;

- (d) description of the reliefs requested by petitioner as specified in Sec. 8 herein;
- (e) request for counsel and reasons for such;
- (f) request for waiver of application fees until hearing; and
- (g) an attestation that there is no pending application for a protection order in another court.

If the applicant is not the victim, the application must be accompanied by an affidavit of the applicant attesting to (a) the circumstances of the abuse suffered by the victim and (b) the circumstances of consent given by the victim for the filing of the application. When disclosure of the address of the victim will pose danger to her life, it shall be so stated in the application. In such a case, the applicant shall attest that the victim is residing in the municipality or city over which court has territorial jurisdiction, and shall provide a mailing address for purpose of service processing.

An application for protection order filed with a court shall be considered an application for both a TPO and PPO.

Barangay officials and court personnel shall assist applicants in the preparation of the application. Law enforcement agents shall also extend assistance in the application for protection orders in cases brought to their attention.

**SECTION 12. Enforceability of Protection Orders.** – All TPOs and PPOs issued under this Act shall be enforceable anywhere in the Philippines and a violation thereof shall be punishable with a fine ranging from Five Thousand Pesos (P5,000.00) to Fifty Thousand Pesos (P50,000.00) and/or imprisonment of six (6) months.

**SECTION 13. Legal Representation of Petitioners for Protection Order.** – If the woman or her child requests in the applications for a protection order for the appointment of counsel because of lack of economic means to hire a counsel de parte, the court shall immediately direct the Public Attorney's Office (PAO) to represent the petitioner in the hearing on the application. If the PAO determines that the applicant can afford to hire the services of a counsel de parte, it shall facilitate the legal representation of the petitioner by a counsel de parte. The lack of access to family or conjugal resources by the applicant, such as when the same are controlled by the perpetrator, shall qualify the petitioner to legal representation by the PAO.

However, a private counsel offering free legal service is not barred from representing the petitioner.

**SECTION 14. Barangay Protection Orders (BPOs); Who May Issue and How.** – Barangay Protection Orders (BPOs) refer to the protection order issued by the Punong Barangay ordering the perpetrator to desist from committing acts under Sec. 5 (a) and (b) of this Act. A Punong Barangay who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after ex parte determination of the basis of the application. If the Punong Barangay is unavailable to act on the application for a BPO, the application shall be acted upon by any available Barangay Kagawad. If the BPO is issued by a Barangay Kagawad the order must be accompanied by an attestation by the Barangay Kagawad that the Punong Barangay was unavailable at the time for the issuance of the BPO. BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an ex parte BPO, the Punong Barangay or Barangay Kagawad shall personally serve a copy of the same on the respondent, or direct any barangay official to effect personal service.

The parties may be accompanied by a non-lawyer advocate in any proceeding before the Punong Barangay.

**SECTION 15. Temporary Protection Orders.** – Temporary Protection Orders (TPOs) refers to the protection order issued by the court on the date of filing of the application after ex parte determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in this Act and shall be effective for thirty (30) days. The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.

**SECTION 16. Permanent Protection Orders.** – Permanent Protection Order (PPO) refers to protection order issued by the court after notice and hearing.

Respondents non-appearance despite proper notice, or his lack of a lawyer, or the non-availability of his lawyer shall not be a ground for rescheduling or postponing the hearing on the merits of the issuance of a PPO. If the respondents appears without counsel on the date of the hearing on the PPO, the court shall appoint a lawyer for the respondent and immediately proceed with the hearing. In case the respondent fails to appear despite proper notice, the court shall allow ex parte presentation of the evidence by the applicant and render judgment on the basis of the evidence presented. The court shall allow the introduction of any history of abusive conduct of a respondent even if the same was not directed against the applicant or the person for whom the applicant is made.

The court shall, to the extent possible, conduct the hearing on the merits of the issuance of a PPO in one (1) day. Where the court is unable to conduct the hearing within one (1) day and the TPO issued is due to expire, the court shall continuously extend or renew the TPO for a period of thirty (30) days at each particular time until final judgment is issued. The extended or renewed TPO may be modified by the court as may be necessary or applicable to address the needs of the applicant.

The court may grant any, some or all of the reliefs specified in Sec. 8 hereof in a PPO. A PPO shall be effective until revoked by a court upon application of the person in whose favor the order was issued. The court shall ensure immediate personal service of the PPO on respondent.

The court shall not deny the issuance of protection order on the basis of the lapse of time between the act of violence and the filing of the application.

Regardless of the conviction or acquittal of the respondent, the Court must determine whether or not the PPO shall become final. Even in a dismissal, a PPO shall be granted as long as there is no clear showing that the act from which the order might arise did not exist.

**SECTION 17. Notice of Sanction in Protection Orders.** – The following statement must be printed in bold-faced type or in capital letters on the protection order issued by the Punong Barangay or court:

“VIOLATION OF THIS ORDER IS PUNISHABLE BY LAW.”

**SECTION 18. Mandatory Period For Acting on Applications For Protection Orders** – Failure to act on an application for a protection order within the reglementary period specified in the previous Sec. without justifiable cause shall render the official or judge administratively liable.

**SECTION 19. Legal Separation Cases.** – In cases of legal separation, where violence as specified in this Act is alleged, Article 58 of the Family Code shall not apply. The court shall proceed on the main case and other incidents of the case as soon as possible. The hearing on any application for a protection order filed by the petitioner must be conducted within the mandatory period specified in this Act.

**SECTION 20. Priority of Application for a Protection Order.** – Ex parte and adversarial hearings to determine the basis of applications for a protection order under this Act shall have priority over all other proceedings. Barangay officials and the courts shall schedule and conduct hearings on applications for a protection order under this Act above all other business and, if necessary, suspend other proceedings in order to hear applications for a protection order.

**SECTION 21. Violation of Protection Orders.** – A complaint for a violation of a BPO issued under this Act must be filed directly with any municipal trial court, metropolitan trial court, or municipal circuit trial court that has territorial jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be punishable by imprisonment of thirty (30) days without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

A judgement of violation of a BPO ma be appealed according to the Rules of Court. During trial and upon judgment, the trial court may motu proprio issue a protection order as it deems necessary without need of an application.

Violation of any provision of a TPO or PPO issued under this Act shall constitute contempt of court punishable under Rule 71 of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

**SECTION 22. Applicability of Protection Orders to Criminal Cases.** – The foregoing provisions on protection orders shall be applicable in impliedly instituted with the criminal actions involving violence against women and their children.

**SECTION 23. Bond to Keep the Peace.** – The Court may order any person against whom a protection order is issued to give a bond to keep the peace, to present two sufficient sureties who shall undertake that such person will not commit the violence sought to be prevented.

Should the respondent fail to give the bond as required, he shall be detained for a period which shall in no case exceed six (6) months, if he shall have been prosecuted for acts punishable under Sec. 5(a) to 5(f) and not exceeding thirty (30) days, if for acts punishable under Sec. 5(g) to 5(i).

The protection orders referred to in this Sec. are the TPOs and the PPOs issued only by the courts.

**SECTION 24. Prescriptive Period.** – Acts falling under Sec.s 5(a) to 5(f) shall prescribe in twenty (20) years. Acts falling under Sec.s 5(g) to 5(i) shall prescribe in ten (10) years.

**SECTION 25. Public Crime.** – Violence against women and their children shall be considered a public offense which may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

**SECTION 26. Battered Woman Syndrome as a Defense.** – Victim-survivors who are found by the courts to be suffering from battered woman syndrome do not incur any criminal and civil liability notwithstanding the absence of any of the elements for justifying circumstances of self-defense under the Revised Penal Code.

In the determination of the state of mind of the woman who was suffering from battered woman syndrome at the time of the commission of the crime, the courts shall be assisted by expert psychiatrists/ psychologists.

**SECTION 27. Prohibited Defense.** – Being under the influence of alcohol, any illicit drug, or any other mind-altering substance shall not be a defense under this Act.

**SECTION 28. Custody of children.** – The woman victim of violence shall be entitled to the custody and support of her child/children. Children below seven (7) years old older but with mental or physical disabilities shall automatically be given to the mother, with right to support, unless the court finds compelling reasons to order otherwise.

A victim who is suffering from battered woman syndrome shall not be disqualified from having custody of her children. In no case shall custody of minor children be given to the perpetrator of a woman who is suffering from Battered woman syndrome.

**SECTION 29. Duties of Prosecutors/Court Personnel.** – Prosecutors and court personnel should observe the following duties when dealing with victims under this Act:

- a) communicate with the victim in a language understood by the woman or her child; and
- b) inform the victim of her/his rights including legal remedies available and procedure, and privileges for indigent litigants.

**SECTION 30. Duties of Barangay Officials and Law Enforcers.** – Barangay officials and law enforcers shall have the following duties:

- (a) respond immediately to a call for help or request for assistance or protection of the victim by entering the necessary whether or not a protection order has been issued and ensure the safety of the victim/s;
- (b) confiscate any deadly weapon in the possession of the perpetrator or within plain view;
- (c) transport or escort the victim/s to a safe place of their choice or to a clinic or hospital;
- (d) assist the victim in removing personal belongs from the house;
- (e) assist the barangay officials and other government officers and employees who respond to a call for help;

(f) ensure the enforcement of the Protection Orders issued by the Punong Barangay or the courts;

(g) arrest the suspected perpetrator without a warrant when any of the acts of violence defined by this Act is occurring, or when he/she has personal knowledge that any act of abuse has just been committed, and there is imminent danger to the life or limb of the victim as defined in this Act; and

(h) immediately report the call for assessment or assistance of the DSWD, social Welfare Department of LGUs or accredited non-government organizations (NGOs).

Any barangay official or law enforcer who fails to report the incident shall be liable for a fine not exceeding Ten Thousand Pesos (P10,000.00) or whenever applicable criminal, civil or administrative liability.

**SECTION 31. Healthcare Provider Response to Abuse** – Any healthcare provider, including, but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects abuse or has been informed by the victim of violence shall:

(a) properly document any of the victim's physical, emotional or psychological injuries;

(b) properly record any of victim's suspicions, observations and circumstances of the examination or visit;

(c) automatically provide the victim free of charge a medical certificate concerning the examination or visit;

(d) safeguard the records and make them available to the victim upon request at actual cost; and

(e) provide the victim immediate and adequate notice of rights and remedies provided under this Act, and services available to them.

**SECTION 32. Duties of Other Government Agencies and LGUs** – Other government agencies and LGUs shall establish programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, causes, incidence and consequences of such violence particularly towards educating the public on its social impacts.

It shall be the duty of the concerned government agencies and LGU's to ensure the sustained education and training of their officers and personnel on the prevention of violence against women and their children under the Act.

**SECTION 33. Prohibited Acts.** – A Punong Barangay, Barangay Kagawad or the court hearing an application for a protection order shall not order, direct, force or in any way unduly influence the applicant for a protection order to compromise or abandon any of the reliefs sought in the application for protection under this Act. Sec. 7 of the Family Courts Act of 1997 and Sec.s 410, 411, 412 and 413 of the Local Government Code of 1991 shall not apply in proceedings where relief is sought under this Act.

Failure to comply with this Sec. shall render the official or judge administratively liable.



**SECTION 34. Persons Intervening Exempt from Liability.** – In every case of violence against women and their children as herein defined, any person, private individual or police authority or barangay official who, acting in accordance with law, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of the victim, shall not be liable for any criminal, civil or administrative liability resulting therefrom.

**SECTION 35. Rights of Victims.** – In addition to their rights under existing laws, victims of violence against women and their children shall have the following rights:

- (a) to be treated with respect and dignity;
- (b) to avail of legal assistance from the PAO of the Department of Justice (DOJ) or any public legal assistance office;
- (c) To be entitled to support services from the DSWD and LGUs’
- (d) To be entitled to all legal remedies and support as provided for under the Family Code; and
- (e) To be informed of their rights and the services available to them including their right to apply for a protection order.

**SECTION 36. Damages.** – Any victim of violence under this Act shall be entitled to actual, compensatory, moral and exemplary damages.

**SECTION 37. Hold Departure Order.** – The court shall expedite the process of issuance of a hold departure order in cases prosecuted under this Act.

**SECTION 38. Exemption from Payment of Docket Fee and Other Expenses.** – If the victim is an indigent or there is an immediate necessity due to imminent danger or threat of danger to act on an application for a protection order, the court shall accept the application without payment of the filing fee and other fees and of transcript of stenographic notes.

**SECTION 39. Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC).** –In pursuance of the abovementioned policy, there is hereby established an Inter-Agency Council on Violence Against Women and their children, hereinafter known as the Council, which shall be composed of the following agencies:

- (a) Department of Social Welfare and Development (DSWD);
- (b) National Commission on the Role of Filipino Women (NCRFW);
- (c) Civil Service Commission (CSC);
- (d) Commission on Human rights (CHR)
- (e) Council for the Welfare of Children (CWC);
- (f) Department of Justice (DOJ);
- (g) Department of the Interior and Local Government (DILG);
- (h) Philippine National Police (PNP);
- (i) Department of Health (DOH);
- (j) Department of Education (DepEd);

(k) Department of Labor and Employment (DOLE); and  
(l) National Bureau of Investigation (NBI).

These agencies are tasked to formulate programs and projects to eliminate VAW based on their mandates as well as develop capability programs for their employees to become more sensitive to the needs of their clients. The Council will also serve as the monitoring body as regards to VAW initiatives.

The Council members may designate their duly authorized representative who shall have a rank not lower than an assistant secretary or its equivalent. These representatives shall attend Council meetings in their behalf, and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.

**SECTION 40. Mandatory Programs and Services for Victims.** – The DSWD, and LGU's shall provide the victims temporary shelters, provide counseling, psycho-social services and /or, recovery, rehabilitation programs and livelihood assistance.

The DOH shall provide medical assistance to victims.

**SECTION 41. Counseling and Treatment of Offenders.** – The DSWD shall provide rehabilitative counseling and treatment to perpetrators towards learning constructive ways of coping with anger and emotional outbursts and reforming their ways. When necessary, the offender shall be ordered by the Court to submit to psychiatric treatment or confinement.

**SECTION 42. Training of Persons Involved in Responding to Violence Against Women and their Children Cases.** – All agencies involved in responding to violence against women and their children cases shall be required to undergo education and training to acquaint them with:

- a. the nature, extent and causes of violence against women and their children;
- b. the legal rights of, and remedies available to, victims of violence against women and their children;
- c. the services and facilities available to victims or survivors;
- d. the legal duties imposed on police officers to make arrest and to offer protection and assistance; and
- e. techniques for handling incidents of violence against women and their children that minimize the likelihood of injury to the officer and promote the safety of the victim or survivor.

The PNP, in coordination with LGU's shall establish an education and training program for police officers and barangay officials to enable them to properly handle cases of violence against women and their children.

**SECTION 43. Entitled to Leave.** – Victims under this Act shall be entitled to take a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labor Code and Civil

Service Rules and Regulations, extendible when the necessity arises as specified in the protection order.

Any employer who shall prejudice the right of the person under this Sec. shall be penalized in accordance with the provisions of the Labor Code and Civil Service Rules and Regulations. Likewise, an employer who shall prejudice any person for assisting a co-employee who is a victim under this Act shall likewise be liable for discrimination.

**SECTION 44. Confidentiality.** – All records pertaining to cases of violence against women and their children including those in the barangay shall be confidential and all public officers and employees and public or private clinics to hospitals shall respect the right to privacy of the victim. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member, without the latter's consent, shall be liable to the contempt power of the court.

Any person who violates this provision shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (P500,000.00).

**SECTION 45. Funding** – The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act (GAA).

The Gender and Development (GAD) Budget of the mandated agencies and LGU's shall be used to implement services for victim of violence against women and their children.

**SECTION 46. Implementing Rules and Regulations.** – Within six (6) months from the approval of this Act, the DOJ, the NCRFW, the DSWD, the DILG, the DOH, and the PNP, and three (3) representatives from NGOs to be identified by the NCRFW, shall promulgate the Implementing Rules and Regulations (IRR) of this Act.

**SECTION 47. Suppletory Application** – For purposes of this Act, the Revised Penal Code and other applicable laws, shall have suppletory application.

**SECTION 48. Separability Clause.** – If any Sec. or provision of this Act is held unconstitutional or invalid, the other Sec.s or provisions shall not be affected.

**SECTION 50. Repealing Clause** – All laws, Presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 51. Effectivity** – This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.

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

SECTION 2. Declaration of Policy. — Recognizing that the economic, political, and sociocultural realities affect women’s current condition, the State affirms the role of women in nation building and ensures the substantive equality of women and men. It shall promote empowerment of women and pursue equal opportunities for women and men and ensure equal access to resources and to development results and outcome. Further, the State realizes that equality of men and women entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality. To realize this, the State shall endeavor to develop plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, social, and cultural life of women and men.

The State condemns discrimination against women in all its forms and pursues by all appropriate means and without delay the policy of eliminating discrimination against women in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international instruments consistent with Philippine law. The State shall accord women the rights, protection, and opportunities available to every member of society.

The State affirms women’s rights as human rights and shall intensify its efforts to fulfill its duties under international and domestic law to recognize, respect, protect, fulfill, and promote all human rights and fundamental freedoms of women, especially marginalized women, in the economic, social, political, cultural, and other fields without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education, and status.

The State shall provide the necessary mechanisms to enforce women’s rights and adopt and undertake all legal measures necessary to foster and promote the equal opportunity for women to participate in and contribute to the development of the political, economic, social, and cultural realms.

The State, in ensuring the full integration of women’s concerns in the mainstream of development, shall provide ample opportunities to enhance and develop their skills, acquire productive employment and contribute to their families and communities to the fullest of their capabilities.

In pursuance of this policy, the State reaffirms the right of women in all sectors to participate in policy formulation, planning, organization, implementation, management, monitoring, and evaluation of all programs, projects, and services. It shall support policies, researches, technology, and training programs and other support services such as financing, production, and marketing to encourage active participation of women in national development.

SECTION 3. Principles of Human Rights of Women. — Human rights are universal and inalienable. All people in the world are entitled to them. The universality of human rights is encompassed in the words of Article 1 of the Universal Declaration of Human Rights, which states that all human beings are free and equal in dignity and rights.

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

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

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

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

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

## **CHAPTER II**

### **Definition of Terms**

SECTION 4. Definitions. — For purposes of this Act, the following terms shall mean:

(a) “Women Empowerment” refers to the provision, availability, and accessibility of opportunities, services, and observance of human rights which enable women to actively participate and contribute to the political, economic, social, and cultural development of the nation as well as those which shall provide them equal access to ownership, management, and control of production, and of material and informational resources and benefits in the family, community, and society.

(b) “Discrimination Against Women” refers to any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.

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

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

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

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

(d) “Marginalized” refers to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to land and other resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure, and the justice system.

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

(1) “Small Farmers and Rural Workers” refers to those who are engaged directly or indirectly in small farms and forest areas, workers in commercial farms and plantations, whether paid or unpaid, regular or season-bound. These shall include, but are not limited to, (a) small farmers who own or are still amortizing for lands that is not more than three (3) hectares, tenants, leaseholders, and stewards; and (b) rural workers who are either wage earners, self-employed, unpaid family workers directly and personally engaged in agriculture, small-scale mining, handicrafts, and other related farm and off-farm activities;

(2) “Fisherfolk” refers to those directly or indirectly engaged in taking, culturing, or processing fishery or aquatic resources. These include, but are not to be limited to, women engaged in fishing in municipal waters, coastal and marine areas, women workers in commercial fishing and aquaculture, vendors and processors of fish and coastal products, and subsistence producers such as shell-gatherers, managers, and producers of mangrove resources, and other related producers;

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

(4) “Workers in the Formal Economy” refers to those who are employed by any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivisions, and instrumentalities, all government-owned and -controlled corporations and institutions, as well as nonprofit private institutions or organizations;

(5) “Workers in the Informal Economy” refers to self-employed, occasionally or personally hired, subcontracted, paid and unpaid family workers in household incorporated and unincorporated enterprises, including home workers, micro-entrepreneurs and producers, and operators of sari-sari stores and all other categories who suffer from violation of workers’ rights;

(6) “Migrant Workers” refers to Filipinos who are to be engaged, are engaged, or have been engaged in a remunerated activity in a State of which they are not legal residents, whether documented or undocumented;

(7) “Indigenous Peoples” refers to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and culture, become historically differentiated from the majority of Filipinos. They shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural, and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains as defined under Section 3 (h), Chapter II of Republic Act No. 8371, otherwise known as “The Indigenous Peoples Rights Act of 1997” (IPRA of 1997);

(8) “Moro” refers to native peoples who have historically inhabited Mindanao, Palawan, and Sulu, and who are largely of the Islamic faith;

(9) “Children” refers to those who are below eighteen (18) years of age or over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;

(10) “Senior Citizens” refers to those sixty (60) years of age and above;

(11) “Persons with Disabilities” refers to those who are suffering from restriction or different abilities, as a result of a mental, physical, or sensory impairment to perform an activity in the manner or within the range considered normal for a human being; and

(12) “Solo Parents” refers to those who fall under the category of a solo parent defined under Republic Act No. 8972, otherwise known as the “Solo Parents Welfare Act of 2000”.

(e) “Substantive Equality” refers to the full and equal enjoyment of rights and freedoms contemplated under this Act. It encompasses de jure and de facto equality and also equality in outcomes.

(f) “Gender Equality” refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.

(g) “Gender Equity” refers to the policies, instruments, programs, services, and actions that address the disadvantaged position of women in society by providing preferential treatment and affirmative action. Such temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of unequal or separate standards. These measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

(h) “Gender and Development (GAD)” refers to the development perspective and process that are participatory and empowering, equitable, sustainable, free from violence, respectful of

human rights, supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices; seeks to transform society's social, economic and political structures and questions the validity of the gender roles they ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance; and stresses the need of women to organize themselves and participate in political processes to strengthen their legal rights.

(i) "Gender Mainstreaming" refers to the strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated. It is the process of assessing the implications for women and men of any planned action, including legislation, policies, or programs in all areas and at all levels.

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

(k) "Violence Against Women" refers to any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life. It shall be understood to encompass, but not limited to, the following:

(1) Physical, sexual, psychological, and economic violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;

(2) Physical, sexual, and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment, and intimidation at work, in educational institutions and elsewhere, trafficking in women, and prostitution; and

(3) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs.

It also includes acts of violence against women as defined in Republic Acts No. 9208 and 9262.

(l) "Women in the Military" refers to women employed in the military, both in the major and technical services, who are performing combat and/or noncombat functions, providing security to the State, and protecting the people from various forms of threat. It also includes women trainees in all military training institutions.

(m) "Social Protection" refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of all women, especially the marginalized by promoting and protecting livelihood and employment, protecting against hazards



and sudden loss of income, and improving people's capacity to manage risk. Its components are labor market programs, social insurance, social welfare, and social safety nets.

## **CHAPTER III**

### **Duties Related to the Human Rights of Women**

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

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

- (a) Refrain from discriminating against women and violating their rights;
- (b) Protect women against discrimination and from violation of their rights by private corporations, entities, and individuals; and
- (c) Promote and fulfill the rights of women in all spheres, including their rights to substantive equality and non-discrimination.

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

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

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

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

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

## **CHAPTER IV**

### **Rights and Empowerment**

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

SECTION 9. Protection from Violence. — The State shall ensure that all women shall be protected from all forms of violence as provided for in existing laws. Agencies of government shall give priority to the defense and protection of women against gender-based offenses and help women attain justice and healing.

Towards this end, measures to prosecute and reform offenders shall likewise be pursued. (a) Within the next five (5) years, there shall be an incremental increase in the recruitment and training of women in the police force, forensics and medico-legal, legal services, and social work services availed of by women who are victims of gender-related offenses until fifty percent (50%) of the personnel thereof shall be women.

(b) Women shall have the right to protection and security in situations of armed conflict and militarization. Towards this end, they shall be protected from all forms of gender-based violence, particularly rape and other forms of sexual abuse, and all forms of violence in situations of armed conflict. The State shall observe international standards for the protection of civilian population in circumstances of emergency and armed conflict. It shall not force women, especially indigenous peoples, to abandon their lands, territories, and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

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

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

SECTION 10. Women Affected by Disasters, Calamities, and Other Crisis Situations. — Women have the right to protection and security in times of disasters, calamities, and other crisis situations especially in all phases of relief, recovery, rehabilitation, and construction efforts. The State shall provide for immediate humanitarian assistance, allocation of resources, and early resettlement, if necessary. It shall also address the particular needs of women from a gender perspective to ensure their full protection from sexual exploitation and other sexual and gender-based violence committed against them. Responses to disaster situations shall include the provision of services, such as psychosocial support, livelihood support, education, psychological health, and comprehensive health services, including protection during pregnancy.

SECTION 11. Participation and Representation. — The State shall undertake temporary special measures to accelerate the participation and equitable representation of women in all spheres of society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development.

The State shall institute the following affirmative action mechanisms so that women can participate meaningfully in the formulation, implementation, and evaluation of policies, plans, and programs for national, regional, and local development:

(a) Empowerment within the Civil Service. — Within the next five (5) years, the number of women in third (3rd) level positions in government shall be incrementally increased to achieve a fifty-fifty (50-50) gender balance;

(b) Development Councils and Planning Bodies. — To ensure the participation of women in all levels of development planning and program implementation, at least forty percent (40%) of membership of all development councils from the regional, provincial, city, municipal and barangay levels shall be composed of women;

(c) Other Policy and Decision-Making Bodies. — Women's groups shall also be represented in international, national, and local special and decision-making bodies;

(d) International Bodies. — The State shall take all appropriate measures to ensure the opportunity of women, on equal terms with men and without any discrimination, to represent their governments at the international level and to participate in the work of international organizations;

(e) Integration of Women in Political Parties. — The State shall provide incentives to political parties with women's agenda. It shall likewise encourage the integration of women in their leadership hierarchy, internal policy-making structures, appointive, and electoral nominating processes; and

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

SECTION 12. Equal Treatment Before the Law. — The State shall take steps to review and, when necessary, amend and/or repeal existing laws that are discriminatory to women within three (3) years from the effectivity of this Act.

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

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

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

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

For this purpose, all sports-related organizations shall create guidelines that will establish and integrate affirmative action as a strategy and gender equality as a framework in planning and implementing their policies, budgets, programs, and activities relating to the participation of women and girls in sports.

The State will also provide material and nonmaterial incentives to local government units, media organizations, and the private sector for promoting, training, and preparing women and girls for participation in competitive and noncompetitive sports, especially in local and international events, including, but not limited to, the Palarong Pambansa, Southeast Asian Games, Asian Games, and the Olympics.

No sports event or tournament will offer or award a different sports prize, with respect to its amount or value, to women and men winners in the same sports category: Provided, That the said tournament, contest, race, match, event, or game is open to both sexes: Provided, further, That the sports event or tournament is divided into male or female divisions.

The State shall also ensure the safety and well-being of all women and girls participating in sports, especially, but not limited to, trainees, reserve members, members, coaches, and mentors of national sports teams, whether in studying, training, or performance phases, by providing them comprehensive health and medical insurance coverage, as well as integrated medical, nutritional, and healthcare services.

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

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

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

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

**SECTION 16. Nondiscriminatory and Nonderogatory Portrayal of Women in Media and Film.** — The State shall formulate policies and programs for the advancement of women in collaboration with government and nongovernment media-related organizations. It shall likewise endeavor to raise the consciousness of the general public in recognizing the dignity of women and the role and

contribution of women in the family, community, and the society through the strategic use of mass media.

For this purpose, the State shall ensure allocation of space, airtime, and resources, strengthen programming, production, and image-making that appropriately present women's needs, issues, and concerns in all forms of media, communication, information dissemination, and advertising.

The State, in cooperation with all schools of journalism, information, and communication, as well as the national media federations and associations, shall require all media organizations and corporations to integrate into their human resource development components regular training on gender equality and gender-based discrimination, create and use gender equality guidelines in all aspects of management, training, production, information, dissemination, communication, and programming; and convene a gender equality committee that will promote gender mainstreaming as a framework and affirmative action as a strategy, and monitor and evaluate the implementation of gender equality guidelines.

SECTION 17. Women's Right to Health. — (a) Comprehensive Health Services. — The State shall, at all times, provide for a comprehensive, culture-sensitive, and gender-responsive health services and programs covering all stages of a woman's life cycle and which addresses the major causes of women's mortality and morbidity: Provided, That in the provision for comprehensive health services, due respect shall be accorded to women's religious convictions, the rights of the spouses to found a family in accordance with their religious convictions, and the demands of responsible parenthood, and the right of women to protection from hazardous drugs, devices, interventions, and substances.

Access to the following services shall be ensured:

- (1) Maternal care to include pre- and post-natal services to address pregnancy and infant health and nutrition;
- (2) Promotion of breastfeeding;
- (3) Responsible, ethical, legal, safe, and effective methods of family planning;
- (4) Family and State collaboration in youth sexuality education and health services without prejudice to the primary right and duty of parents to educate their children;
- (5) Prevention and management of reproductive tract infections, including sexually transmitted diseases, HIV, and AIDS;
- (6) Prevention and management of reproductive tract cancers like breast and cervical cancers, and other gynecological conditions and disorders;
- (7) Prevention of abortion and management of pregnancy-related complications;
- (8) In cases of violence against women and children, women and children victims and survivors shall be provided with comprehensive health services that include psychosocial, therapeutic, medical, and legal interventions and assistance towards healing, recovery, and empowerment;

- (9) Prevention and management of infertility and sexual dysfunction pursuant to ethical norms and medical standards;
- (10) Care of the elderly women beyond their child-bearing years; and
- (11) Management, treatment, and intervention of mental health problems of women and girls.

In addition, healthy lifestyle activities are encouraged and promoted through programs and projects as strategies in the prevention of diseases.

(b) Comprehensive Health Information and Education. — The State shall provide women in all sectors with appropriate, timely, complete, and accurate information and education on all the above-stated aspects of women's health in government education and training programs, with due regard to the following:

- (1) The natural and primary right and duty of parents in the rearing of the youth and the development of moral character and the right of children to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of character;
- (2) The formation of a person's sexuality that affirms human dignity; and
- (3) Ethical, legal, safe, and effective family planning methods including fertility awareness.

SECTION 18. Special Leave Benefits for Women. — A woman employee having rendered continuous aggregate employment service of at least six (6) months for the last twelve (12) months shall be entitled to a special leave benefit of two (2) months with full pay based on her gross monthly compensation following surgery caused by gynecological disorders.

SECTION 19. Equal Rights in All Matters Relating to Marriage and Family Relations. — The State shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and shall ensure:

- (a) the same rights to enter into and leave marriages or common law relationships referred to under the Family Code without prejudice to personal or religious beliefs;
- (b) the same rights to choose freely a spouse and to enter into marriage only with their free and full consent. The betrothal and the marriage of a child shall have no legal effect;
- (c) the joint decision on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (d) the same personal rights between spouses or common law spouses including the right to choose freely a profession and an occupation;
- (e) the same rights for both spouses or common law spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property;

(f) the same rights to properties and resources, whether titled or not, and inheritance, whether formal or customary; and

(g) women shall have equal rights with men to acquire, change, or retain their nationality. The State shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. Various statutes of other countries concerning dual citizenship that may be enjoyed equally by women and men shall likewise be considered.

Customary laws shall be respected: Provided, however, that they do not discriminate against women.

## **CHAPTER V**

### **Rights and Empowerment of Marginalized Sectors**

Women in marginalized sectors are hereby guaranteed all civil, political, social, and economic rights recognized, promoted, and protected under existing laws including, but not limited to, the Indigenous Peoples Rights Act, the Urban Development and Housing Act, the Comprehensive Agrarian Reform Law, the Fisheries Code, the Labor Code, the Migrant Workers Act, the Solo Parents Welfare Act, and the Social Reform and Poverty Alleviation Act.

**SECTION 20. Food Security and Productive Resources.** — The State recognizes the contribution of women to food production and shall ensure its sustainability and sufficiency with the active participation of women. Towards this end, the State shall guarantee, at all times, the availability in the market of safe and health-giving food to satisfy the dietary needs of the population, giving particular attention to the specific needs of poor girl-children and marginalized women, especially pregnant and lactating mothers and their young children. To further address this, the State shall ensure:

(a) **Right to Food.** — The State shall guarantee the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals, the physical and economic accessibility for everyone to adequate food that is culturally acceptable and free from unsafe substances and culturally accepted, and the accurate and substantial information to the availability of food, including the right to full, accurate, and truthful information about safe and health-giving foods and how to produce and have regular and easy access to them;

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

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

- (2) Equal treatment shall be given to women and men beneficiaries of the agrarian reform program, wherein the vested right of a woman agrarian reform beneficiary is defined by a woman's relationship to tillage, i.e., her direct and indirect contribution to the development of the land;
- (3) Customary rights of women to the land, including access to and control of the fruits and benefits, shall be recognized in circumstances where private ownership is not possible, such as ancestral domain claims;
- (4) Information and assistance in claiming rights to the land shall be made available to women at all times;
- (5) Equal rights to women to the enjoyment, use, and management of land, water, and other natural resources within their communities or ancestral domains;
- (6) Equal access to the use and management of fisheries and aquatic resources, and all the rights and benefits accruing to stakeholders in the fishing industry;
- (7) Equal status shall be given to women and men in the issuance of stewardship or lease agreements and other fishery rights that may be granted for the use and management of coastal and aquatic resources. In the same manner, women's organizations shall be given equal treatment as with other marginalized fishers organizations in the issuance of stewardship or lease agreements or other fishery rights for the use and management of such coastal and aquatic resources which may include providing support to women-engaged coastal resources;
- (8) There shall be no discrimination against women in the deputization of fish wardens;
- (9) Women-friendly and sustainable agriculture technology shall be designed based on accessibility and viability in consultation with women's organizations;
- (10) Access to small farmer-based and controlled seeds production and distribution shall be ensured and protected;
- (11) Indigenous practices of women in seed storage and cultivation shall be recognized, encouraged, and protected;
- (12) Equal rights shall be given to women to be members of farmers' organizations to ensure wider access to and control of the means of production;
- (13) Provide opportunities for empowering women fishers to be involved in the control and management, not only of the catch and production of aquamarine resources but also, to engage in entrepreneurial activities which will add value to production and marketing ventures; and
- (14) Provide economic opportunities for the indigenous women, particularly access to market for their produce.

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



SECTION 21. Right to Housing. — The State shall develop housing programs for women that are localized, simple, accessible, with potable water, and electricity, secure, with viable employment opportunities and affordable amortization. In this regard, the State shall consult women and involve them in community planning and development, especially in matters pertaining to land use, zoning, and relocation.

SECTION 22. Right to Decent Work. — The State shall progressively realize and ensure decent work standards for women that involve the creation of jobs of acceptable quality in conditions of freedom, equity, security, and human dignity.

(a) Decent work involves opportunities for work that are productive and fairly remunerative as family living wage, security in the workplace, and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize, participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men.

(b) The State shall further ensure:

(1) Support services and gears to protect them from occupational and health hazards taking into account women's maternal functions;

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

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

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

(c) In recognition of the temporary nature of overseas work, the State shall exert all efforts to address the causes of out-migration by developing local employment and other economic opportunities for women and by introducing measures to curb violence and forced and involuntary displacement of local women. The State shall ensure the protection and promotion of the rights and welfare of migrant women regardless of their work status, and protect them against discrimination in wages, conditions of work, and employment opportunities in host countries.

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

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

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

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

SECTION 24. Right to Education and Training. — The State shall ensure the following:

- (a) Women migrant workers have the opportunity to undergo skills training, if they so desire, before taking on a foreign job, and possible retraining upon return to the country;
- (b) Gender-sensitive training and seminars; and
- (c) Equal opportunities in scholarships based on merit and fitness, especially to those interested in research and development aimed towards women-friendly farm technology.

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

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

SECTION 27. Social Protection. —

- (a) The Social Security System (SSS) and the Philippine Health Insurance Corporation (PhilHealth) shall support indigenous and community-based social protection schemes.
- (b) The State shall institute policies and programs that seek to reduce the poverty and vulnerability to risks and enhance the social status and rights of the marginalized women by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risks.
- (c) The State shall endeavor to reduce and eventually eliminate transfer costs of remittances from abroad through appropriate bilateral and multilateral agreements. It shall likewise provide access to investment opportunities for remittances in line with national development efforts.
- (d) The State shall establish a health insurance program for senior citizens and indigents.
- (e) The State shall support women with disabilities on a community-based social protection scheme.

SECTION 28. Recognition and Preservation of Cultural Identity and Integrity. — The State shall recognize and respect the rights of Moro and indigenous women to practice, promote, protect, and preserve their own culture, traditions, and institutions and to consider these rights in the formulation and implementation of national policies and programs. To this end, the State shall adopt measures in consultation with the sectors concerned to protect their rights to their indigenous knowledge

systems and practices, traditional livelihood, and other manifestations of their cultures and ways of life: Provided, That these cultural systems and practices are not discriminatory to women.

SECTION 29. Peace and Development. — The peace process shall be pursued with the following considerations:

- (a) Increase the number of women participating in discussions and decision-making in the peace process, including membership in peace panels recognizing women's role in conflict-prevention and peace-making and in indigenous system of conflict resolution;
- (b) Ensure the development and inclusion of women's welfare and concerns in the peace agenda in the overall peace strategy and women's participation in the planning, implementation, monitoring, and evaluation of rehabilitation and rebuilding of conflict-affected areas;
- (c) The institution of measures to ensure the protection of civilians in conflict-affected communities with special consideration for the specific needs of women and girls;
- (d) Include the peace perspective in the education curriculum and other educational undertakings; and
- (e) The recognition and support for women's role in conflict-prevention, management, resolution and peacemaking, and in indigenous systems of conflict resolution.

SECTION 30. Women in Especially Difficult Circumstances. — For purposes of this Act, "Women in Especially Difficult Circumstances" (WEDC) shall refer to victims and survivors of sexual and physical abuse, illegal recruitment, prostitution, trafficking, armed conflict, women in detention, victims and survivors of rape and incest, and such other related circumstances which have incapacitated them functionally. Local government units are therefore mandated to deliver the necessary services and interventions to WEDC under their respective jurisdictions.

SECTION 31. Services and Interventions. — WEDC shall be provided with services and interventions as necessary such as, but not limited to, the following:

- (a) Temporary and protective custody;
- (b) Medical and dental services;
- (c) Psychological evaluation;
- (d) Counseling;
- (e) Psychiatric evaluation;
- (f) Legal services;
- (g) Productivity skills capability building;
- (h) Livelihood assistance;

- (i) Job placement;
- (j) Financial assistance; and
- (k) Transportation assistance.

SECTION 32. Protection of Girl-Children. — (a) The State shall pursue measures to eliminate all forms of discrimination against girl-children in education, health and nutrition, and skills development.

- (b) Girl-children shall be protected from all forms of abuse and exploitation.
- (c) Equal access of Moro and indigenous girl-children in the Madaris, schools of living culture and traditions, and the regular schools shall be ensured.
- (d) Gender-sensitive curriculum, including legal literacy, books, and curriculum in the Madaris and schools of living culture and traditions shall be developed.
- (e) Sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadan, choice of clothing (including the wearing of hijab), and availability of halal food shall be ensured.

SECTION 33. Protection of Senior Citizens. — The State shall protect women senior citizens from neglect, abandonment, domestic violence, abuse, exploitation, and discrimination. Towards this end, the State shall ensure special protective mechanisms and support services against violence, sexual abuse, exploitation, and discrimination of older women.

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

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

## **CHAPTER VI**

### **Institutional Mechanisms**

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

All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, local government units, and other government instrumentalities shall adopt gender mainstreaming as a strategy to promote women's human rights

and eliminate gender discrimination in their systems, structures, policies, programs, processes, and procedures which shall include, but not limited to, the following:

(a) Planning, budgeting, monitoring and evaluation for GAD. GAD programs addressing gender issues and concerns shall be designed and implemented based on the mandate of government agencies and local government units, Republic Act No. 7192, gender equality agenda of the government and other GAD-related legislation, policies, and commitments. The development of GAD programs shall proceed from the conduct of a gender audit of the agency or the local government unit and a gender analysis of its policies, programs, services and the situation of its clientele; the generation and review of sex-disaggregated data; and consultation with gender/women's rights advocates and agency/women clientele. The cost of implementing GAD programs shall be the agency's or the local government unit's GAD budget which shall be at least five percent (5%) of the agency's or the local government unit's total budget appropriations.

Pursuant to Republic Act No. 7192, otherwise known as the Women in Development and Nation Building Act, which allocates five percent (5%) to thirty percent (30%) of overseas development assistance to GAD, government agencies receiving official development assistance should ensure the allocation and proper utilization of such funds to gender-responsive programs that complement the government GAD funds and annually report accomplishments thereof to the National Economic and Development Authority (NEDA) and the Philippine Commission on Women (PCW).

The utilization and outcome of the GAD budget shall be annually monitored and evaluated in terms of its success in influencing the gender-responsive implementation of agency programs funded by the remaining ninety-five percent (95%) budget.

The Commission on Audit (COA) shall conduct an annual audit on the use of the GAD budget for the purpose of determining its judicious use and the efficiency, and effectiveness of interventions in addressing gender issues towards the realization of the objectives of the country's commitments, plans, and policies on women empowerment, gender equality, and GAD.

Local government units are also encouraged to develop and pass a GAD Code based on the gender issues and concerns in their respective localities based on consultation with their women constituents and the women's empowerment and gender equality agenda of the government. The GAD Code shall also serve as basis for identifying programs, activities, and projects on GAD.

Where needed, temporary gender equity measures shall be provided for in the plans of all departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, local government units, and other government instrumentalities.

To move towards a more sustainable, gender-responsive, and performance-based planning and budgeting, gender issues and concerns shall be integrated in, among others, the following plans:

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

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

(3) Local plans and agenda such as executive-legislative agenda, comprehensive development plan (CDP), comprehensive land use plan (CLUP), provincial development and physical framework plan (PDPFP), and annual investment plan.

(b) Creation and/or Strengthening of the GAD Focal Points (GFP). All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, local government units, and other government instrumentalities shall establish or strengthen their GAD Focal Point System or similar GAD mechanism to catalyze and accelerate gender mainstreaming within the agency or local government unit.

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

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

(c) Generation and Maintenance of GAD Database. All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and -controlled corporations, local government units, and other government instrumentalities shall develop and maintain a GAD database containing gender statistics and sex-disaggregated data that have been systematically gathered, regularly updated, and subjected to gender analysis for planning, programming, and policy formulation.

**SECTION 37. Gender Focal Point Officer in Philippine Embassies and Consulates.** — An officer duly trained on GAD shall be designated as the gender focal point in the consular section of Philippine embassies or consulates. Said officer shall be primarily responsible in handling gender concerns of women migrant workers. Attached agencies shall cooperate in strengthening the Philippine foreign posts' programs for the delivery of services to women migrant workers.

**SECTION 38. National Commission on the Role of Filipino Women (NCRFW).** — The National Commission on the Role of Filipino Women (NCRFW) shall be renamed as the Philippine Commission on Women (PCW), the primary policy-making and coordinating body of the women and gender equality concerns under the Office of the President. The PCW shall be the overall monitoring body and oversight to ensure the implementation of this Act. In doing so, the PCW may direct any government agency and instrumentality, as may be necessary, to report on the implementation of this Act and for them to immediately respond to the problems brought to their attention in relation to this Act. The PCW shall also lead in ensuring that government agencies are capacitated on the effective implementation of this Act. The chairperson shall likewise report to the President in Cabinet meetings on the implementation of this Act.

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

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

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

- (a) Monitor with the PCW and other state agencies, among others, in developing indicators and guidelines to comply with their duties related to the human rights of women, including their right to nondiscrimination guaranteed under this Act;
- (b) Designate one (1) commissioner and/or its Women's Human Rights Center to be primarily responsible for formulating and implementing programs and activities related to the promotion and protection of the human rights of women, including the investigations and complaints of discrimination and violations of their rights brought under this Act and related laws and regulations;
- (c) Establish guidelines and mechanisms, among others, that will facilitate access of women to legal remedies under this Act and related laws, and enhance the protection and promotion of the rights of women, especially marginalized women;
- (d) Assist in the filing of cases against individuals, agencies, institutions, or establishments that violate the provisions of this Act; and
- (e) Recommend to the President of the Philippines or the Civil Service Commission any possible administrative action based on noncompliance or failure to implement the provisions of this Act.

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

SECTION 41. Penalties. — Upon finding of the CHR that a department, agency, or instrumentality of government, government-owned and -controlled corporation, or local government unit has violated any provision of this Act and its implementing rules and regulations, the sanctions under administrative law, civil service, or other appropriate laws shall be recommended to the Civil Service Commission and/or the Department of the Interior and Local Government. The person directly responsible for the violation as well as the head of the agency or local chief executive shall be held liable under this Act.

If the violation is committed by a private entity or individual, the person directly responsible for the violation shall be liable to pay damages.

Filing a complaint under this Act shall not preclude the offended party from pursuing other remedies available under the law and to invoke any of the provisions of existing laws especially those recently enacted laws protecting women and children, including the Women in Development and Nation Building Act (Republic Act No. 7192), the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610), the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877), the Anti-Rape Law of 1997 (Republic Act No. 8353), the Rape Victim Assistance and Protection Act of 1998 (Republic Act No. 8505), the Anti-Trafficking in Persons

Act of 2003 (Republic Act No. 9208) and the Anti-Violence Against Women and Their Children Act of 2004 (Republic Act No. 9262). If violence has been proven to be perpetrated by agents of the State including, but not limited to, extrajudicial killings, enforced disappearances, torture, and internal displacements, such shall be considered aggravating offenses with corresponding penalties depending on the severity of the offenses.

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

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

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

SECTION 44. Implementing Rules and Regulations. — As the lead agency, the PCW shall, in coordination with the Commission on Human Rights and all concerned government departments and agencies including, as observers, both Houses of Congress through the Committee on Youth, Women and Family Relations (Senate) and the Committee on Women and Gender Equality (House of Representatives) and with the participation of representatives from nongovernment organizations (NGOs) and civil society groups with proven track record of involvement and promotion of the rights and welfare of Filipino women and girls identified by the PCW, formulate the implementing rules and regulations (IRR) of this Act within one hundred eighty (180) days after its effectivity.

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

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

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

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**Section 1. Short Title.** - This Act shall be known and cited as the "**105-Day Expanded Maternity Leave Law**".

**Section 2. Declaration of Policy.** — It is the declared policy of the State under Article XIII, Section 14 of the 1987 Constitution to protect and promote the rights and welfare of working women, taking into account their maternal functions, and to provide an enabling environment in which their full potential can be achieved.

Article II, State Policies, Section 12 of the 1987 Constitution provides that the State recognizes the sanctity of family life and shall protect and strengthen the family as the basic autonomous social institution and that it shall equally protect the life of the mother and the life of the unborn from conception. Moreover, Sections 17 and 22 of Republic Act No. 9710, otherwise known as "The Magna Carta of Women", provides for women's rights to health and decent work.

To achieve these, and in recognition of women's maternal function as a social responsibility, the State shall institutionalize a mechanism to expand the maternity leave period of women workers. This will provide them with ample transition time to regain health and overall wellness as well as to assume maternal roles before resuming paid work. This Act is consistent with local and international legal instruments that protect and promote the rights of women.

**Section 3. Grant of Maternity Leave.**— All covered female workers in government and the private sector, including those in the informal economy, regardless of civil status or the legitimacy of her child, shall be granted one hundred five (105) days maternity leave with full pay and an option to extend for an additional thirty (30) days without pay: *Provided*, That in case the worker qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the worker shall be granted an additional fifteen (15) days maternity leave with full pay.

Enjoyment of maternity leave cannot be deferred but should be availed of either before or after the actual period of delivery in a continuous and uninterrupted manner, not exceeding one hundred five (105) days, as the case may be.

Maternity leave shall be granted to female workers in every instance of pregnancy, miscarriage or emergency termination of pregnancy, regardless of frequency: *Provided*, That for cases of miscarriage or emergency termination of pregnancy, sixty (60) days maternity leave with full pay shall be granted.

**Section 4. Maternity Leave for Female Workers in the Public Sector.**— Any pregnant female worker in the government service, regardless of employment status, in National Government Agencies (NGAs), Local Government Units (LGUs), Government-Owned or -Controlled Corporations (GOCCs), or State Universities and Colleges (SUCs), shall be granted a maternity leave of one hundred five (105) days with full pay regardless if the delivery was normal or caesarian: *Provided*, That, in case the employee qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the employee shall be paid an additional maternity benefit of fifteen (15) days. An additional maternity leave of thirty (30) days, without pay, can be availed of, at the option of the female worker: *Provided, further*, That, the head of the agency shall be given due notice, in writing, at least forty-five (45) days before the end of her maternity leave: *Provided, finally*, That no prior notice shall be necessary in the event of a medical emergency but subsequent notice shall be given to the head of the agency.

Maternity leave of sixty (60) days, with full pay, shall be granted for miscarriage or emergency termination of pregnancy.

**Section 5. Maternity Leave for Female Workers in the Private Sector.**— Any pregnant female worker in the private sector shall be granted a maternity leave of one hundred five (105) days with full pay, regardless of whether she gave birth via caesarian section or natural delivery, while maternity leave of sixty (60) days with full pay shall be granted for miscarriage or emergency termination of pregnancy.

(a) A female Social Security System (SSS) member who has paid at least three (3) monthly contributions in the twelve (12)-month period immediately preceding the semester of her childbirth, miscarriage, or emergency termination of pregnancy shall be paid her daily maternity benefit which shall be computed based on her average monthly salary credit for one hundred five (105) days, regardless of whether she gave birth via caesarian section or natural delivery, subject to the following conditions:

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

(2) That the full payment shall be advanced by the employer within thirty (30) days from the filing of the maternity leave application;

(3) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided under Republic Act No. 1161, as amended, for the same period for which daily maternity benefits have been received;

(4) That the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the female worker by the employer upon receipt of satisfactory and legal proof of such payment; and

(5) That if a female worker should give birth or suffer a miscarriage or emergency termination of pregnancy without the required contributions having been remitted for her by her employer to the SSS, or without the latter having been previously notified by the employer of the time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said female member would otherwise have been entitled to.

In case the employee qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the employee shall be paid an additional maternity benefit of fifteen (15) days.

(b) An additional maternity leave of thirty (30) days, without pay, can be availed of, at the option of the female worker: *Provided*, That the employer shall be given due notice, in writing, at least forty-five (45) days before the end of her maternity leave: *Provided, further*, That no prior notice shall be necessary in the event of a medical emergency but subsequent notice shall be given to the head of the agency.

(c) Workers availing of the maternity leave period and benefits must receive their full pay. Employers from the private sector shall be responsible for payment of the salary differential between the actual cash benefits received from the SSS by the covered female workers and their average weekly or regular wages, for the entire duration of the maternity leave, with the following exceptions, subject to the guidelines to be issued by the Department of Labor and Employment (DOLE):

- (1) Those operating distressed establishments;
- (2) Those retail/service establishments and other enterprises employing not more than ten (10) workers;
- (3) Those considered as micro-business enterprises and engaged in the production, processing, or manufacturing of products or commodities including agro-processing, trading, and services, whose total assets are not more than Three million pesos (₱3,000,000.00); and
- (4) Those who are already providing similar or more than the benefits herein provided.

*Provided*, That said exemptions shall be subject to an annual submission of a justification by the employer claiming exemption for the approval of the DOLE.

**Section 6.** *Allocation of Maternity Leave Credits.*— Any female worker entitled to maternity leave benefits as provided for herein may, at her option, allocate up to seven (7) days of said benefits to the child's father, whether or not the same is married to the female worker: *Provided*, That in the death, absence, or incapacity of the former, the benefit may be allocated to an alternate caregiver who may be a relative within the fourth degree of consanguinity or the current partner of the female worker sharing the same household, upon the election of the mother taking into account the best interests of the child: *Provided, further*, That written notice thereof is provided to the employers of the female worker and alternate caregiver: *Provided, furthermore*, That this benefit is over and above that which is provided under Republic Act No. 8187, or the "Paternity Leave Act of 1996": *Provided, finally*, That in the event the beneficiary female worker dies or is permanently incapacitated, the balance of her maternity leave benefits shall accrue to the father of the child or to a qualified caregiver as provided above.

**Section 7.** *Maternity Leave for Women Regardless of Civil Status.*— All female workers in the government and female members of the SSS, regardless of their civil status, shall be granted maternity leave, with full pay, upon compliance with the preceding section.

**Section 8.** *Maternity Leave With Pay in Case of Childbirth, Miscarriage, or Emergency Termination of Pregnancy After the Termination of an Employee's Service.*— Maternity leave with full pay shall be granted even if the childbirth, miscarriage, or emergency termination of pregnancy occurs not more than fifteen (15) calendar days after the termination of an employee's service, as her right thereto has already accrued: *Provided*, That such period is not applicable when the employment of the pregnant woman worker has been terminated without just cause, in which case the employer will pay her the full amount equivalent to her salary for one hundred five (105) days for childbirth and sixty (60) days for miscarriage or emergency termination of pregnancy based

on her full pay, in addition to the other applicable daily cash maternity benefits that she should have received had her employment not been illegally terminated.

**Section 9. *Maternity Leave Credits.***— The maternity leave can be credited as combinations of prenatal and postnatal leave as long as it does not exceed one hundred five (105) days and provided that compulsory postnatal leave shall not be less than sixty (60) days.

**Section 10. *Maternity Leave Benefits for Women in the Informal Economy and Voluntary Contributors to the SSS.***— Maternity benefits shall cover all married and unmarried women, including female workers in the informal economy.

Female workers in the informal economy are entitled to maternity leave benefits if they have remitted to the SSS at least three (3) monthly contributions in the twelve (12)-month period immediately preceding the semester of her childbirth, miscarriage, or emergency termination of pregnancy.

**Section 11. *Maternity Benefits for Female Workers Who are Non-Members of the SSS.***— Female workers who are neither voluntary nor regular members of the SSS shall be governed by the Philippine Health Insurance Corporation (PhilHealth) Circular No. 022-2014 or the "Social Health Insurance Coverage and Benefits for Women About to Give Birth".

**Section 12. *Maternity Leave of a Female Worker With Pending Administrative Case.*** — The maternity leave benefits granted under this Act shall be enjoyed by a female worker in the government service and in the private sector even if she has a pending administrative case.

**Section 13. *Maternity Leave for Female National Athletes.***— In the event a national athlete becomes pregnant, she will be referred to the team physician or an accredited physician of the Philippine Sports Commission (PSC) or an obstetrician-gynecologist to determine her fitness to continue training. She will be allowed to participate in all team-related activities, unless the physician advises that participation is not medically safe or should be limited. Upon medical advice, she shall go on maternity leave until cleared to return to training. She shall continue receiving her allowance and be entitled to the same benefits while on maternity leave prior to childbirth and up to six (6) months after, unless she can resume sooner as advised by her physician, in which case, she will be entitled to the allowance and benefits she had prior to pregnancy: *Provided*, That a female national athlete employed in the public sector shall not receive double compensation or benefits.

**Section 14. *Non-Diminution of Benefits.*** - Nothing in this Act shall be construed as to diminish existing maternity benefits currently enjoyed whether or not these are granted under collective bargaining agreements (CBA) or present laws, if the same are more beneficial to the female worker. Any other working arrangement which the female worker shall agree to, during the additional maternity leave period, shall be allowed: *Provided*, That this shall be consented to in writing by the female worker and shall primarily uphold her maternal functions and the requirements of postnatal care.

**Section 15. *Security of Tenure.*** - Those who avail of the benefits of this Act, whether in the government service or private sector, shall be assured of security of tenure. As such, the exercise of this option by them shall not be used as basis for demotion in employment or termination. The transfer to a parallel position or reassignment from one organizational unit to another in the same

agency or private enterprise shall be allowed: *Provided*, That it shall not involve a reduction in rank, status, salary, or otherwise amount to constructive dismissal.

**Section 16. *Non-Discrimination.*** - No employer whether in the public or private sector shall discriminate against the employment of women in order to avoid the benefits provided for in this Act.

**Section 17. *Periodic Review.*** - The Civil Service Commission (CSC), the DOLE, the SSS, and the Gender Ombud of the Commission on Human Rights (CHR), in consultation with trade unions, labor organizations, and employers' representatives shall within one (1) month after the effectivity of this Act conduct a review of the maternity leave benefits of female workers in the government service and the private sector, respectively. Thereafter, they shall include maternity leave benefits in their valuation report conducted every four (4) years for the SSS and the DOLE and every three (3) years for the CSC, or more frequently as may be necessary, with the end in view of meeting the needs of pregnant women and newly-born infants, and improving their welfare.

**Section 18. *Penalties.*** - Whoever fails or refuses to comply with the provisions of this Act shall be punished by a fine of not less than Twenty thousand pesos (₱20,000.00) nor more than Two hundred thousand pesos (₱200,000.00), and imprisonment of not less than six (6) years and one (1) day nor more than twelve (12) years or both. If the act or omission penalized by this Act shall be committed by an association, partnership, corporation, or any other institution, its managing head, directors, or partners shall be liable to the penalties provided in this Act for the offense.

Failure on the part of any association, partnership, corporation, or private enterprise to comply with the provisions of this Act shall be a ground for non-renewal of business permits.

**Section 19. *Implementing Rules and Regulations.*** - The CSC, the DOLE, and the SSS shall issue the necessary rules and regulations for the effective implementation of this Act within sixty (60) days from the effectivity of the same.

**Section 20. *Separability Clause.*** - If any provision of this Act is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

**Section 21. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

**Section 22. *Effectivity.*** - This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation.

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## **REPUBLIC ACT NO. 10028 – EXPANDED BREASTFEEDING PROGRAM**

**Section 1. *Short Title.*** – This Act shall be known as the “*Expanded Breastfeeding Promotion Act of 2009*”.

**Section 2.** Section 2 of Republic Act No. 7600 is hereby amended to read as follows:

**Sec. 2. Declaration of Policy.** – The State adopts rooming-in as a national policy to encourage, protect and support the practice of breastfeeding. It shall create an environment where basic physical, emotional, and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding.

“The State shall likewise protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation. This is consistent with international treaties and conventions to which the Philippines is a signatory such as the Convention on the Elimination of Discrimination Against Women (CEDAW), which emphasizes provision of necessary supporting social services to enable parents to combine family obligations with work responsibilities; the Beijing Platform for Action and Strategic Objective, which promotes harmonization of work and family responsibilities for women and men; and the Convention on the Rights of the Child, which recognizes a child’s inherent right to life and the State’s obligations to ensure the child’s survival and development.

“Breastfeeding has distinct advantages which benefit the infant and the mother, including the hospital and the country that adopt its practice. It is the first preventive health measure that can be given to the child at birth. It also enhances mother-infant relationship. Furthermore, the practice of breastfeeding could save the country valuable foreign exchange that may otherwise be used for milk importation.

“Breastmilk is the best food since it contains essential nutrients completely suitable for the infant’s needs. It is also nature’s first immunization, enabling the infant to fight potential serious infection. It contains growth factors that enhance the maturation of an infant’s organ systems.

“Towards this end, the State shall promote and encourage breastfeeding and provide the specific measures that would present opportunities for mothers to continue expressing their milk and/or breastfeeding their infant or young child.

**Section 3.** Section 3 of Republic Act No. 7600 is hereby amended to read as follows:

“**Sec. 3. Definition of Terms.** – For purposes of this Act, the following definitions are adopted:

“a) *Age of gestation* – the length of time the fetus is inside the mother’s womb.

“b) *Bottlefeeding* – the method of feeding an infant using a bottle with artificial nipples, the contents of which can be any type of fluid.

“c) *Breastfeeding* – the method of feeding an infant directly from the human breast.

“d) *Breastmilk* – the human milk from a mother.

“e) *Breastmilk substitute* – any food being marketed or otherwise represented as partial or total replacement of breastmilk whether or not suitable for that purpose.

“f) *Donor milk* – the human milk from a non-biological mother.

“g) *Expressed breastmilk* – the human milk which has been extracted from the breast by hand or by breast pump. It can be fed to an infant using a dropper, a nasogastric tube, a cup and spoon, or a bottle.

“h) *Expressing milk* – the act of extracting human milk from the breast by hand or by pump into a container.

“i) *Formula feeding* – the feeding of a newborn with infant formula usually by bottle feeding. It is also called artificial feeding.

“j) *Health institutions* – are hospitals, health infirmaries, health centers, lying-in centers, or puericulture centers with obstetrical and pediatric services.

“k) *Health personnel* – are professionals and workers who manage and/or administer the entire operations of health institutions and/or who are involved in providing maternal and child health services.

“l) *Health workers* – all persons who are engaged in health and health-related work, and all persons employed in all hospitals, sanitarium, health infirmaries, health centers, rural health units, barangay health stations, clinics and other health-related establishments, whether government or private, and shall include medical, allied health professional, administrative and support personnel employed regardless of their employment status.

“m) *Infant* – a child within zero (0) to twelve (12) months of age.

“n) *Infant formula* – the breastmilk substitute formulated industrially in accordance with applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of infants up to six (6) months of age, and adopted to their physiological characteristics.

“o) *Lactation management* – the general care of a mother-infant nursing couple during the mother’s prenatal, immediate postpartum and postnatal periods. It deals with educating and providing knowledge and information to pregnant and lactating mothers on the advantages of breastfeeding, the risks associated with breastmilk substitutes and milk products not suitable as breastmilk substitutes such as, but not limited to, condensed milk and evaporated milk, the monitoring of breastfeeding mothers by health workers and breastfeeding peer counselors for service patients to ensure compliance with the Department of Health, World Health Organization (WHO) and the United Nations Children’s Fund (UNICEF) on the implementation of breastfeeding policies, the physiology of lactation, the establishment and maintenance of lactation, the proper care of the breasts and nipples, and such other matters that would contribute to successful breastfeeding.

“p) *Lactation stations* – private, clean, sanitary, and well-ventilated rooms or areas in the workplace or public places where nursing mothers can wash up, breastfeed or express their milk comfortably and store this afterward.

“q) *Low birth weight infant* – a newborn weighing less than two thousand five hundred (2,500) grams at birth.

“r) *Nursing employee* – any female worker, regardless of employment status, who is breastfeeding her infant and/or young child.

“s) *Mother’s milk* – the breastmilk from the newborn’s own mother.

“t) *Non-health facilities, establishment or institution* – public places and working places, as defined in subparagraphs (u) and (y), respectively.

“u) *Public place* – enclosed or confined areas such as schools, public transportation terminals, shopping malls, and the like.

“v) *Rooming-in* – the practice of placing the newborn in the same room as the mother right after delivery up to discharge to facilitate mother-infant bonding and to initiate breastfeeding. The infant may either share the mother’s bed or be placed in a crib beside the mother.

“w) *Seriously ill mothers* – are those who are: with severe infections; in shock, in severe cardiac or respiratory distress; or dying; or those with other conditions that may be determined by the attending physician as serious.

“x) *Wet-nursing* – the feeding of a newborn from another mother’s breast when his/her own mother cannot breastfeed.

“y) *Workplace* – work premises, whether private enterprises or government agencies, including their subdivisions, instrumentalities and government-owned and -controlled corporations.

“z) *Young child* – a child from the age of twelve (12) months and one (1) day up to thirty-six (36) months.

**Section 4.** Section 4 of Republic Act No. 7600 is hereby amended to read as follows:

**Sec. 4. *Applicability.*** – The provisions in this Chapter shall apply to all private enterprises as well as government agencies, including their subdivisions and instrumentalities, and government-owned and -controlled corporations.

Upon application to, and determination by, the Secretary of the Department of Labor and Employment for the private sector, and the Chairperson of the Civil Service Commission for the public sector, all health and non-health facilities, establishments and institutions may be exempted for a renewable period of two (2) years from Section 6 of this Act where the establishment of lactation stations is not feasible or necessary due to the peculiar circumstances of the workplace or public place taking into consideration, among others, number of women employees, physical size of the establishment, and the average number of women who visit.

All health and non-health facilities, establishments or institutions which are exempted in complying with the provisions of this Act but nevertheless opted to comply are entitled to the benefits herein stated: *Provided*, That they give their employees the privilege of using the same.

**Section 5.** Section 10 of Republic Act No. 7600 is hereby amended to read as follows:



**Sec. 10. Provision of Facilities for Breastmilk Collection and Storage for Health Institutions.** – The health institution adopting rooming-in and breastfeeding shall provide equipment, facilities, and supplies for breastmilk collection, storage and utilization, the standards of which shall be defined by the Department of Health. Health institutions are likewise encouraged to set up milk banks for storage of breastmilk donated by mothers and which have undergone pasteurization. The stored breastmilk will primarily be given to children in the neonatal intensive care unit whose own mothers are seriously ill.

**Section 6.** A new Section 11, under a new Chapter, is added to read as follows:

**CHAPTER  
Lactation Stations**

**III**

**Sec. 11. Establishment of Lactation Stations.** – It is hereby mandated that all health and non-health facilities, establishments or institutions shall establish lactation stations. The lactation stations shall be adequately provided with the necessary equipment and facilities, such as: lavatory for hand-washing, unless there is an easily-accessible lavatory nearby; refrigeration or appropriate cooling facilities for storing expressed breastmilk; electrical outlets for breast pumps; a small table; comfortable seats; and other items, the standards of which shall be defined by the Department of Health. The lactation station shall not be located in the toilet.

In addition, all health and non-health facilities, establishments or institutions shall take strict measures to prevent any direct or indirect form of promotion, marketing, and/or sales of infant formula and/or breastmilk substitutes within the lactation stations, or in any event or circumstances which may be conducive to the same.

Apart from the said minimum requirements, all health and non-health facilities, establishments or institutions may provide other suitable facilities or services within the lactation station, all of which, upon due substantiation, shall be considered eligible for purposes of Section 14 of this Act.

**Section 7.** A new Section 12 is hereby added to read as follows:

**Sec. 12. Lactation Periods.** – Nursing employees shall be granted break intervals in addition to the regular time-off for meals to breastfeed or express milk. These intervals, which shall include the time it takes an employee to get to and from the workplace lactation station, shall be counted as compensable hours worked. The Department of Labor and Employment (DOLE) may adjust the same: *Provided*, That such intervals shall not be less than a total of forty (40) minutes for every eight (8)-hour working period.

**Section 8.** Section 11, which shall be under the renumbered Chapter IV of Republic Act No. 7600, is hereby amended to read as follows:

**“CHAPTER  
“INFORMATION, EDUCATION AND RE-EDUCATION DRIVE”**

**IV”**

**“SEC. 13. Continuing Education, Re-education and Training of Health Workers and Health Institutions.** – The Department of Health with the assistance of other government agencies, professional and nongovernmental organizations shall conduct continuing information, education,

re-education, and training programs for physicians, nurses, midwives, nutritionist-dietitians, community health workers and traditional birth attendants (TBAs) and other health worker on current and updated lactation management.

Information materials shall be given to all health workers involved in maternal and infant care health institutions.”

**Section 9.** Section 12 Information Dissemination and Educational Programs of Pregnant Women and Women of Reproductive Age. – During the prenatal, perinatal and postnatal consultations and/or confinements of the mothers or pregnant women in a health institution and the health worker to immediately and continuously teach, train and support the women on current and updated lactation management and infant care, through participatory strategies such as organization of mothers’ clubs and breastfeeding support groups and to distribute written information materials on such matters free of charge.

“The Department of Health is hereby mandated to develop and provide breastfeeding programs for working mothers whose employees are encouraged to avail of it as part of their human resource development programs.

“To equip women of reproductive age with accurate information on maternal nutrition and proper nourishment in preparation for successful and sustainable breastfeeding, the Department of Health is likewise mandated to produce and make available relevant information and programs which should be disseminated to all city, municipal and barangay health centers.

“Employers are also highly encouraged to develop breastfeeding or lactation support programs which main functions are to assess the needs of lactating employees with adequate information regarding lactation management in the form of brochures, pamphlets and other educational materials.”

**Section 10.** A new Section 15 is hereby added to read as follows:

“SEC. 15. *Integration of Breastfeeding Education in the Curricula.* – To encourage and promote breastfeeding, the Department of Education, the Commission on higher Education. And the Technical Education, and the Technical Education and Skills Development Authority shall integrate in the relevant subjects in the elementary, high school and college levels, especially in the medical and education, the importance, benefits, methods or techniques of breastfeeding, and change of societal attitudes towards breastfeeding.”

**Section 11.** A new Section 16 is hereby added to read as follows:

“SEC. 16. *Breastfeeding Awareness Month.* – To raise awareness on the importance of and to further promote breastfeeding, the month of August in each and every year throughout the Philippines shall be known as “Breastfeeding Awareness Month.”

**Section 12.** A new Section 17. Is hereby added to read as follows:

“SEC. 17. Public Education and Awareness Program. – To ensure the meaningful observance of breastfeeding month as herein declared, a comprehensive national public education and awareness program shall be undertaken in order to achieve the following objectives:

“a) To protect, promote and support breastfeeding in the Philippines as the normal, natural and preferred method of feeding infants and young children;

“b) To guarantee the rightful place of breastfeeding in society as a time honored tradition and nurturing value as well as a national health policy that must be enforced;

“c) To provide information about the benefits and superiority of breastfeeding and the high risks and costs of bottlefeeding;

“d) To generate awareness on, and full enforcement of, national and international laws, codes, policies and programs on the promotion and protection of safe and adequate nutrition for infants and young children by promoting and protecting breastfeeding and regulating the marketing of certain foods and feeding bottles, teats and pacifiers; and

“e) To instill recognition and support and ensure access to comprehensive, current and culturally appropriate lactation care and services for all women, children and families, including support for breastfeeding mothers in the work force.

“The Department of Health shall lead in the implementation of the comprehensive national public education and awareness program on breastfeeding through a collaborative interagency and multi-sectoral effort at all levels.”

**Section 13.** A new Section 18, which shall be under the renumbered Chapter V of Republic Act No. 7600, is hereby added to read as follows:

**CHAPTER**  
**Miscellaneous Provisions**

**V**

“**Sec. 18.** *Department of Health Certification.* – Any health and non-health facility, establishment or institution satisfying the requirements of Sections 6 and 7 herein relative to a proper lactation station may apply with the local Department of Health office for a ‘working mother-baby friendly’ certification. The Department of Health shall promulgate guidelines to determine eligibility for such certification, which shall include an annual Department of Health inspection to confirm the continued compliance with its standards.

“The Department of Health shall maintain a list of ‘mother-baby-friendly’ establishments, which it shall make available to the public.”

**Section 14.** Section 13 of Republic Act No. 7600 is hereby renumbered and amended to read as follows:

“Sec. 19. Incentives. – The expenses incurred by a private health and non-health facility, establishment or institution, in complying with the provisions of this Act, shall be deductible expenses for income tax purposes up to twice the actual amount incurred: *Provided*, That the deduction shall

apply for the taxable period when the expenses were incurred: *Provided, further,* That all health and non-health facilities, establishments and institutions shall comply with the provisions of this Act within six (6) months after its approval: *Provided, finally,* That such facilities, establishments or institutions shall secure a “Working Mother-Baby-Friendly Certificate” from the Department of Health to be filed with the Bureau of Internal Revenue, before they can avail of the incentive.

“Government facilities, establishments or institutions shall receive an additional appropriation equivalent to the savings they may derive as a result of complying with the provisions of this Act. The additional appropriation shall be included in their budget for the next fiscal year.”

**Section 15.** A new Section 20 shall be added to read as follows:

“Sec. 20. Implementing Agency. – The Department of Health shall be principally responsible for the implementation and enforcement of the provisions of this Act.”

**Section 16.** Section 14 of Republic Act No. 7600 is hereby renumbered and amended to read as follows:

“**Sec. 21. Sanctions.** – Any private non-health facility, establishment and institution which unjustifiably refuses or fails to comply with Sections 6 and 7 of this Act shall be imposed a fine of not less than Fifty thousand pesos (Php50,000.00) but not more than Two hundred thousand pesos (Php200,000.00) on the first offense.

“On the second offense, a fine of not less than Two hundred thousand pesos (Php200,000.00) but not more than Five hundred thousand pesos (Php500,000.00).

“On the third offense, a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) and the cancellation or revocation of the business permits or licenses to operate.

“In all cases, the fine imposed should take into consideration, among others, number of women employees, physical size of the establishment, and the average number of women who visit.

“In addition, the Secretary of Health is hereby empowered to impose sanctions on health institution for the violation of this Act and the rules issued thereunder. Such sanctions may be in the form of reprimand or censure and in case of repeated willful violations, suspension of the permit to operate of the erring health institution.

“Heads, officials and employees of government health and non-health facilities, establishments and institutions who violate this Act shall further be subject to the following administrative penalties:

“First offense – Reprimand;

“Second offense – Suspension for one (1) to thirty (30) days; and

“Third offense – Dismissal.

“This shall be without prejudice to other liabilities applicable under civil service law and rules.”

**Section 17. Funding.** – Government agencies, including their subdivisions and instrumentalities, shall use their respective budget for gender and development or their budgets for repairs, maintenance and materials acquisition to comply with Section 6 hereof.

**Section 18. Rules and Regulations.** – The Department of Health, as the lead agency, in coordination with the Department of Labor and Employment, the Department of Trade and Industry, the Department of Justice, the Department of Social Welfare and Development, the Department of Education, the Department of the Interior and Local Government, the Civil Service Commission, the Commission on Higher Education, the technical Education and Skills Development Authority and professional and nongovernmental organizations concerned, shall issue within one hundred and twenty (120) days upon its effectivity the rules and regulations necessary to carry out the provisions of this Act.

**Section 19. Separability Clause.** – If any clause, sentence, paragraph or part of this Act shall be declared to be invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

**Section 20. Repealing Clause.** – All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are not consistent with this Act are hereby repealed, amended or modified accordingly.

**Section 21. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

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## **REPUBLIC ACT NO. 10151 - EMPLOYMENT OF NIGHT WORKERS**

SECTION 1. Article 130 of the Labor Code is hereby repealed.

SEC. 2. Article 131 of the Labor Code is hereby repealed.

SEC. 3. The subsequent articles in Book Three, Title III, Chapter I to Chapter IV of Presidential Decree No. 442 are hereby renumbered accordingly.

SEC. 4. A new chapter is hereby inserted after Book Three, Title III of Presidential Decree No. 442, to read as follows:

“Chapter V

“Employment of Night Workers

“Art. 154. Coverage.— This chapter shall apply to all persons, who shall be employed or permitted or suffered to work at night, except those employed in agriculture, stock raising, fishing, maritime transport and inland navigation, during a period of not less than seven (7) consecutive hours,

including the interval from midnight to five o'clock in the morning, to be determined by the Secretary of Labor and Employment, after consulting the workers' representatives/labor organizations and employers.

"'Night worker' means any employed person whose work requires performance of a substantial number of hours of night work which exceeds a specified limit. This limit shall be fixed by the Secretary of Labor after consulting the workers' representatives/labor organizations and employers."

"Art. 155. *Health Assessment*, – At their request, workers shall have the right to undergo a health assessment without charge and to receive advice on how to reduce or avoid health problems associated with their work:

"(a) Before taking up an assignment as a night worker;

"(b) At regular intervals during such an assignment; and

"(c) If they experience health problems during such an assignment which are not caused by factors other than the performance of night work.

"With the exception of a finding of unfitness for night work, the findings of such assessments shall not be transmitted to others without the workers' consent and shall not be used to their detriment."

"Art. 156. *Mandatory Facilities*.— Suitable first-aid facilities shall be made available for workers performing night work, including arrangements where such workers, where necessary, can be taken immediately to a place for appropriate treatment. The employers are likewise required to provide safe and healthful working conditions and adequate or reasonable facilities such as sleeping or resting quarters in the establishment and transportation from the work premises to the nearest point of their residence subject to exceptions and guidelines to be provided by the DOLE."

"Art. 157. *Transfer*.— Night workers who are certified as unfit for night work, due to health reasons, shall be transferred, whenever practicable, to a similar job for which they are fit to work.

"If such transfer to a similar job is not practicable, these workers shall be granted the same benefits as other workers who are unable to work, or to secure employment during such period.

"A night worker certified as temporarily unfit for night work shall be given the same protection against dismissal or notice of dismissal as other workers who are prevented from working for reasons of health."

"Art. 158. *Women Night Workers*.— Measures shall be taken to ensure that an alternative to night work is available to women workers who would otherwise be called upon to perform such work:

"(a) Before and after childbirth, for a period of at least sixteen (16) weeks, which shall be divided between the time before and after childbirth;

"(b) For additional periods, in respect of which a medical certificate is produced stating that said additional periods are necessary for the health of the mother or child:

“(1) During pregnancy;

“(2) During a specified time beyond the period, after childbirth is fixed pursuant to subparagraph (a) above, the length of which shall be determined by the DOLE after consulting the labor organizations and employers.

“During the periods referred to in this article:

“(i) A woman worker shall not be dismissed or given notice of dismissal, except for just or authorised causes provided for in this Code that are not connected with pregnancy, childbirth and childcare responsibilities.

“(ii) A woman worker shall not lose the benefits regarding her status, seniority, and access to promotion which may attach to her regular night work position.

‘Pregnant women and nursing mothers may be allowed to work at night only if a competent physician, other than the company physician, shall certify their fitness to render night work, and specify, in the case of pregnant employees, the period of the pregnancy that they can safely work.

“The measures referred to in this article may include transfer to day work where this is possible, the provision of social security benefits or an extension of maternity leave.

“The provisions of this article shall not have the effect of reducing the protection and benefits connected with maternity leave under existing laws.”

“Art. 159. *Compensation*.— The compensation for night workers in the form of working time, pay or similar benefits shall recognize the exceptional nature of night work.”

“Art. 160. *Social Services*.—Appropriate social services shall be provided for night workers and, where necessary, for workers performing night work.”

“Art. 161. *Night Work Schedules*.— Before introducing work schedules requiring the services of night workers, the employer shall consult the workers’ representatives/labor

organizations concerned on the details of such schedules and the forms of organization of night work that are best adapted to the establishment and its personnel, as well as on the occupational health measures and social services which are required. In establishments employing night workers, consultation shall take place regularly.”

SEC. 5. The subsequent articles starting from Book Four, Title I, Chapter I of Presidential Decree No. 442 are hereby renumbered accordingly.

SEC. 6. *Application*.— The measures referred to in this chapter shall be applied not later than six (6) months from the effectivity of this Act.

SEC. 7. *Guidelines*.— The DOLE shall promulgate appropriate regulations in addition to existing ones to ensure protection, safety and welfare of night workers.

SEC. 8. *Penalties.*— Any violation of this Act, and the rules and regulations issued pursuant hereof shall be punished with a fine of not less than Thirty thousand pesos (P30,000.00) nor more than Fifty thousand pesos (P50,000.00) or imprisonment of not less than six (6) months, or both, at the discretion of the court. If the offense is committed by a corporation, trust, firm, partnership or association, or other entity, the penalty shall be imposed upon the guilty officer or officers of such corporation, trust, firm, partnership or association, or entity.

SEC. 9. *Separability Clause.*— If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

SEC. 10. *Repealing Clause.*— All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof, which are inconsistent with this Act, are hereby modified and repealed.

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

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## **REPUBLIC ACT NO. 6725 – PROHIBITION ON DISCRIMINATION AGAINST WOMEN**

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

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

“The following are acts of discrimination:

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

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

“Criminal liability for the willful commission of any unlawful act as provided in this article or any violation of the rules and regulations issued pursuant to Section 2 hereof shall be penalized as provided in Articles 288 and 289 of this Code: *Provided*, That the institution of any criminal action under this provision shall not bar the aggrieved employee from filing an entirely separate and distinct action for money claims, which may include claims for damages and other affirmative reliefs. The actions hereby authorized shall proceed independently of each other.”



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

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

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## **REPUBLIC ACT NO. 7882 – PROVIDING ASSISTANCE TO WOMEN IN MICRO AND COTTAGE BUSINESS**

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

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

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

**Sec. 4. Business Learner.** — Any woman who shall have been certified, after appropriate training by the Technical Education and Skills Development Authority (TESDA), or any government or government-accredited training institution as eligible to operate a micro and cottage business with a maximum capitalization of Twenty-five thousand pesos (P25,000) shall likewise be eligible in obtaining a loan under the same conditions as provided in the preceding Section: Provided, That no loan for the operation of a retail store shall be granted: Provided, further, That the loan shall be limited to the purchase of the basic equipment, tools and materials: Provided, furthermore, That such basic equipment and tools shall be subject to chattel mortgage in favor of the government financing institution concerned.

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

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

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

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

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

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

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

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

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

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## **REPUBLIC ACT NO. 7877 – ANTI-SEXUAL HARASSMENT ACT**

SECTION 1. Title. – This Act shall be known as the “**Anti-Sexual Harassment Act of 1995.**”

SECTION 2. Declaration of Policy. – The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

SECTION 3. Work, Education or Training -Related, Sexual Harassment Defined. – Work, education or training-related sexual harassment is committed by an employer, employee,

manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

(1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

(2) The above acts would impair the employee's rights or privileges under existing labor laws; or

(3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

(b) In an education or training environment, sexual harassment is committed:

(1) Against one who is under the care, custody or supervision of the offender;

(2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;

(3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or

(4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

**SECTION 4. Duty of the Employer or Head of Office in a Work-related, Education or Training Environment.** – It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

(a) Promulgate appropriate rules and regulations in consultation with and jointly approved

by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

(b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainers, and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainers, instructors, professors or coaches and students or trainees, as the case may be.

The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

**SECTION 5. Liability of the Employer, Head of Office, Educational or Training Institution.** – The employer or head of office, educational or training institution shall be solidarily liable for damages arising from the acts of sexual harassment committed in the employment, education or training environment if the employer or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken.

**SECTION 6. Independent Action for Damages.** – Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

**SECTION 7. Penalties.** – Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos

(P20,000), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.

SECTION 8. Separability Clause. – If any portion or provision of this Act is declared void or unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 9. Repealing Clause. – All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 10. Effectivity Clause.- This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

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## **REPUBLIC ACT NO. 8353 – ANTI-RAPE LAW**

**Section 1. Short Title.** - This Act shall be known as ***"The Anti-Rape Law of 1997."***

**Section 2. Rape as a Crime Against Persons.** - The crime of rape shall hereafter be classified as a Crime Against Persons under Title Eight of Act No. 3815, as amended, otherwise known as the Revised Penal Code. Accordingly, there shall be incorporated into Title Eight of the same Code a new chapter to be known as Chapter Three on Rape, to read as follows:

### **"Chapter Three "Rape**

**"Article 266-A. Rape: When And How Committed.** - Rape is committed:

**"1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:**

"a) Through force, threat, or intimidation;

"b) When the offended party is deprived of reason or otherwise unconscious;

"c) By means of fraudulent machination or grave abuse of authority; and

"d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

"2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

"Article 266-B. *Penalty.* - Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

"Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.

"When by reason or on the occasion of the rape, the victim has become insane, the penalty shall become reclusion perpetua to death.

"When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion perpetua to death.

"When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

"The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

"1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

"2) When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;

"3) When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;

"4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;

"5) When the victim is a child below seven (7) years old;

"6) When the offender knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is transmitted to the victim;

"7) When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;

"8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;

"9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and

"10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

"Rape under paragraph 2 of the next preceding article shall be punished by prison mayor.

"Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be prison mayor to reclusion temporal.

"When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be reclusion temporal.

"When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion temporal to reclusion perpetua.

"When by reason or on the occasion of the rape, homicide is committed, the penalty shall be reclusion perpetua.

"Reclusion temporal shall be imposed if the rape is committed with any of the ten aggravating/ qualifying circumstances mentioned in this article.

"Article 266-C. *Effect of Pardon.* - The subsequent valid marriage between the offended party shall extinguish the criminal action or the penalty imposed.

"In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: Provided, That the crime shall not be extinguished or the penalty shall not be abated if the marriage is void *ab initio*.

"Article 266-D. *Presumptions.* - Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her/him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266-A."

**Section 3. Separability Clause.** - If any part, Sec., or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

**Section 4. Repealing Clause.** - Article 336 of Act No. 3815, as amended, and all laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

**Section 5. Effectivity.** - This Act shall take effect fifteen (15) days after completion of its publication in two (2) newspapers of general circulation.

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## **REPUBLIC ACT NO. 8505 – RAPE VICTIM ASSISTANCE AND PROTECTION ACT**

**Section 1. Title.** - This Act shall be known as the "**Rape Victim Assistance and Protection Act of 1998.**"

**Section 2. Declaration of Policy.** - It is hereby declared the policy of the State to provide necessary assistance and protection for rape victims. Towards this end, the government shall coordinate its various agencies and non-government organizations to work hand in hand for the establishment and operation of a rape crisis center in every province and city that shall assist and protect rape victims in the litigation of their cases and their recovery.

**Section 3. Rape Crisis Center.** - The Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of the Interior and Local Government (DILG), the Department of Justice (DOJ), and a lead non-government organization (NGO) with proven track record or experience in handling sexual abuse cases, shall establish in every province and city a rape crisis center located in a government hospital or health clinic or in any other suitable place for the purpose of:

- (a) Providing rape victims with psychological counselling, medical and health services, including their medico-legal examination;
- (b) Securing free legal assistance or service, when necessary, for rape victims;
- (c) Assisting rape victims in the investigation to hasten the arrest of offenders and the filing of cases in court;
- (d) Ensuring the privacy and safety of rape victims;
- (e) Providing psychological counselling and medical services whenever necessary for the family of rape victims;
- (f) Developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers, and barangay officials on



human rights and responsibilities; gender sensitivity and legal management of rape cases; and

(g) Adopting and implementing programs for the recovery of rape victims.

The DSWD shall be the lead agency in the establishment and operation of the Rape Crisis Center.

**Section 4. Duty of the Police Officer.** - Upon receipt by the police of the complaint for rape, it shall be the duty of the police officer to:

(a) Immediately refer the case to the prosecutor for inquest/investigation if the accused is detained; otherwise, the rules of court shall apply;

(b) Arrange for counselling and medical services for the offended party; and

(c) Immediately make a report on the action taken.

It shall be the duty of the police officer or the examining physician, who must be of the same gender as the offended party, to ensure that only persons expressly authorized by the offended party shall be allowed inside the room where the investigation or medical or physical examination is being conducted.

For this purpose, a women's desk must be established in every police precinct throughout the country to provide a police woman to conduct investigation of complaints of women rape victims. In the same manner, the preliminary investigation proper or inquest of women rape victims must be assigned to female prosecutor or prosecutors after the police shall have endorsed all the pertinent papers thereof to the same office.

**Section 5. Protective Measures.** - At any stage of the investigation, prosecution and trial of a complaint for rape, the police officer, the prosecutor, the court and its officers, as well as the parties to the complaint shall recognize the right to privacy of the offended party and the accused. Towards this end, the police officer, prosecutor, or the court to whom the complaint has been referred may, whenever necessary to ensure fair and impartial proceedings, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial and that the name and personal circumstances of the offended party and/or the accused, or any other information tending to establish their identities, and such circumstances or information on the complaint shall not be disclosed to the public.

The investigating officer or prosecutor shall inform the parties that the proceedings can be conducted in a language or dialect known or familiar to them.

**Section 6. Rape Shield.** - In prosecutions for rape, evidence of complainant's past sexual conduct, opinion thereof or of his/her reputation shall not be admitted unless, and only to the extent that the court finds, that such evidence is material and relevant to the case.

**Section 7. Appropriations.** - For the establishment and operation of the rape crisis centers during the first year of implementation of this Act, the amount of One hundred twenty million pesos (P120,000,000.00) shall be charged against the Organizational Adjustment Fund, as follows:

Sixty million pesos (P60,000,000.00) for the DSWD; and Twenty million pesos (P20,000,000.00) each for the DOH, DILG, and DOJ, respectively. Thereafter, the necessary amount for the rape crisis centers shall be included in the budgetary allocations for the agencies concerned in the annual General Appropriations Act.

**Section 8. *Implementing Rules and Regulations.*** - Within ninety (90) days upon the approval of this Act, all concerned agencies shall formulate rules and regulations as may be necessary for the proper implementation thereof.

**Section 9. *Separability Clause.*** - If any part, section or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

**Section 10. *Repealing Clause.*** - All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

**Section 11. *Effectivity.*** - This Act shall take effect fifteen (15) days after completion of its publication in at least two (2) newspapers of general circulation.

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## **REPUBLIC ACT NO. 6949 – NATIONAL WOMEN'S DAY**

**Section 1.** The eighth day of March of every year is hereby declared as a working special holiday to be known as **National Women's Day**.

**Sec. 2.** To ensure meaningful observance of the holiday as herein declared, all heads of government agencies and instrumentalities, including government-owned and controlled corporations as well as local government units, and employers in the private sector shall encourage and afford sufficient time and opportunities for their employees to engage and participate in any activity conducted within the premises of their respective offices or establishments to celebrate National Women's Day.

**Sec. 3.** This Act shall take effect two (2) days following its publication in at least two (2) national newspapers of general circulation.

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## **REPUBLIC ACT NO. 10398 – NATIONAL CONSCIOUSNESS DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN AND CHILDREN**

An Act Declaring November Twenty-Five Of Every Year As “National Consciousness Day For The Elimination Of Violence Against Women And Children

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

SECTION 1. In recognition of the need to establish a comprehensive and structured campaign for national consciousness on anti-violence against women, November 25 of every year is hereby declared as the “National Consciousness Day for the Elimination of Violence Against Women and Children”.

SEC. 2. The following activities shall be undertaken in observance of this occasion:

(a) Heads of government agencies and instrumentalities, government-owned and -controlled corporations, local government units and employers in the private sector shall, together with their employees, organize, engage or participate in activities designed to raise public awareness on the problem of violence, and the elimination of all forms of violence, against women and children.

(b) The Philippine Information Agency shall be mandated to allocate a minimum of one (1) hour airtime for programs exclusively raising public awareness on the problem of violence against women and children and the elimination of all forms of violence against women and children. Relative thereto, all television and radio networks nationwide are encouraged to allocate airtime for the said programs.

(c) Publishers of local newspapers and magazines are encouraged to highlight the problem of violence, and the elimination of all forms of violence, against women and children.

(d) The Department of Education, the Commission on Higher Education and the Technical Education and Skills Development Authority, in coordination with the Philippine Commission on Women (PCW) and the Department of Social Welfare and Development, women nongovernmental organizations (NGOs) and other NGOs and people’s organizations advocating for women’s and children’s human rights, shall lead public and private school communities at all levels in organizing consciousness-raising activities on the problem of violence, and the elimination of all forms of violence, against women and children.

SEC. 3. The National Statistics Office, the Philippine National Police, the Department of Social Welfare and Development, the Department of Labor and Employment, the Department of Foreign

Affairs and all Philippine embassies and consulates shall, in coordination with the PCW, undertake the data gathering and systematization of a database on all forms of violence against women and children, including Filipino women and children working and/or residing abroad. These agencies shall consolidate their findings and make a report to the public on the statistics and status of violence against women and children every November 25 of each year.

SEC. 4. The PCW and the Inter-Agency Council Against Trafficking (IACAT), constituted under Section 20 of Republic Act No. 9208 or the "Anti-Trafficking in Persons Act of 2003" and the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC), constituted under Section 39 of Republic Act No. 9262 or the "Anti-Violence Against Women and Their Children Act of 2004", shall coordinate, monitor and evaluate the activities outlined in the annual eighteen (18)-day campaign at the national level.

At the regional level, the Regional Inter-Agency Committee on Anti-Trafficking-Violence Against Women and Their Children (RIACAT-VAWC) shall likewise coordinate, monitor and evaluate said activities for the annual campaign at the provincial, city, municipal and barangay levels. They shall also make an annual report of their findings to be reported to the public every November 25..

The PCW, the IACAT and the IAC-VAWC shall likewise coordinate and tap the expertise of other government agencies and institutions like the Movie and Television Review and Classification Board (MTRCB) and the Overseas Workers Welfare Administration (OWWA), as well as other private sector organizations in the implementation of activities for the eighteen (18)-day campaign.

SEC. 5. Funds for the implementation of the aforesaid activities, programs and projects shall be taken out of the five percent (5%) Gender and Development budget allocated to all government agencies and local government units, as mandated by Section 36 of Republic Act No. 9710 or "The Magna Carta of Women".

SEC. 6. If, for any reason, any section or provision of this Act is held to be unconstitutional or invalid, the validity of other sections herein shall not be affected thereby.

SEC. 7. This Act shall take effect fifteen (15) days following its publication in two (2) national newspapers of general circulation.

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## **REPUBLIC ACT NO. 10364 – EXPANDED ANTI-TRAFFICKING IN PERSONS ACT**

SECTION 1. *Short Title.* – This Act shall be known as the “Expanded Anti-Trafficking in Persons Act of 2012”.

SEC. 2. Section 2 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 2. *Declaration of Policy.* – It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society.

“It shall be a State policy to recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Elimination of All Forms of Discrimination Against Women, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.”

SEC. 3. Section 3 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 3. *Definition of Terms.* – As used in this Act:

“(a) *Trafficking in Persons* – refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

“The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.

“(b) *Child* – refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

“(c) *Prostitution* – refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

“(d) *Forced Labor* – refers to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of, force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception including any work or service extracted from any person under the menace of penalty.

“(e) *Slavery* – refers to the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

“(f) *Involuntary Servitude* – refers to a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of the legal process.

“(g) *Sex Tourism* – refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.

“(h) *Sexual Exploitation* – refers to participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of the person, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in this Act.

“(i) *Debt Bondage* – refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.

“(j) *Pornography* – refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

“(k) *Council* – shall mean the Inter-Agency Council Against Trafficking created under Section 20 of this Act.”

SEC. 4. Section 4 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 4. *Acts of Trafficking in Persons.* – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

“(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation;

“(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

“(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;

“(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

“(e) To maintain or hire a person to engage in prostitution or pornography;

“(f) To adopt persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

“(g) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

“(h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;

“(i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child to engage in armed activities in the Philippines or abroad;

“(j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide or receive a person by means defined in Section 3 of this Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either:

“(1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or

“(2) To abuse or threaten the use of law or the legal processes; and

“(k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of baring and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:

“(1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict;

“(2) The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;

“(3) The use, procuring or offering of a child for the production and trafficking of drugs; and

“(4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals; and

“(l) To organize or direct other persons to commit the offenses defined as acts of trafficking under this Act.”

SEC. 5. A new Section 4-A is hereby inserted in Republic Act No. 9208, to read as follows:

“SEC. 4-A. *Attempted Trafficking in Persons.* – Where there are acts to initiate the commission of a trafficking offense but the offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of trafficking in persons. As such, an attempt to commit any of the offenses enumerated in Section 4 of this Act shall constitute attempted trafficking in persons.

“In cases where the victim is a child, any of the following acts shall also be deemed as attempted trafficking in persons:

“(a) Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development, or a written permit or justification from the child’s parent or legal guardian;

“(b) Executing, for a consideration, an affidavit of consent or a written consent for adoption;

“(c) Recruiting a woman to bear a child for the purpose of selling the child;

“(d) Simulating a birth for the purpose of selling the child; and

“(e) Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, daycare centers, refugee or evacuation centers, and low-income families, for the purpose of selling the child.”

SEC. 6. A new Section 4-B is hereby inserted in Republic Act No. 9208, to read as follows:



“SEC. 4-B. *Accomplice Liability.* – Whoever knowingly aids, abets, cooperates in the execution of the offense by previous or simultaneous acts defined in this Act shall be punished in accordance with the provisions of Section 10(c) of this Act.”

SEC. 7. A new Section 4-C is hereby inserted in Republic Act No. 9208, to read as follows:

“SEC. 4-C. *Accessories.* – Whoever has the knowledge of the commission of the crime, and without having participated therein, either as principal or as accomplices, take part in its commission in any of the following manners:

“(a) By profiting themselves or assisting the offender to profit by the effects of the crime;

“(b) By concealing or destroying the body of the crime or effects or instruments thereof, in order to prevent its discovery;

“(c) By harboring, concealing or assisting in the escape of the principal of the crime, provided the accessory acts with abuse of his or her public functions or is known to be habitually guilty of some other crime.

“Acts defined in this provision shall be punished in accordance with the provision of Section 10(d) as stated thereto.”

SEC. 8. Section 5 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 5. *Acts that Promote Trafficking in Persons.* – The following acts which promote or facilitate trafficking in persons, shall be unlawful:

“(a) xxx

“(b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers, overseas employment certificates or other certificates of any government agency which issues these certificates, decals and such other markers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

“(c) xxx

“(d) xxx

“(e) xxx

“(f) xxx

“(g) xxx

“(h) To tamper with, destroy, or cause the destruction of evidence, or to influence or attempt to influence witnesses, in an investigation or prosecution of a case under this Act;

“(i) To destroy, conceal, remove, confiscate or possess, or attempt to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other travel, immigration or working permit or document, or any other actual or purported government identification, of any person in order to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person’s liberty to move or travel in order to maintain the labor or services of that person; or

“(j) To utilize his or her office to impede the investigation, prosecution or execution of lawful orders in a case under this Act.”

SEC. 9. Section 6 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 6. *Qualified Trafficking in Persons.* – Violations of Section 4 of this Act shall be considered as qualified trafficking:

“x x x

“(d) When the offender is a spouse, an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;

“x x x

“(f) When the offender is a member of the military or law enforcement agencies;

“(g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS);

“(h) When the offender commits one or more violations of Section 4 over a period of sixty (60) or more days, whether those days are continuous or not; and

“(i) When the offender directs or through another manages the trafficking victim in carrying out the exploitative purpose of trafficking.”

SEC. 10. Section 7 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 7. *Confidentiality.* – At any stage of the investigation, rescue, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners, as well as parties to the case, shall protect the right to privacy of the trafficked person. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or any other information tending to establish the identity of the trafficked person and his or her family shall not be disclosed to the public.

“It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of

the movie industry, or any person utilizing tri-media facilities or electronic information technology to cause publicity of the name, personal circumstances, or any information tending to establish the identity of the trafficked person except when the trafficked person in a written statement duly notarized knowingly, voluntarily and willingly waives said confidentiality.

“Law enforcement officers, prosecutors, judges, court personnel, social workers and medical practitioners shall be trained on the importance of maintaining confidentiality as a means to protect the right to privacy of victims and to encourage victims to file complaints.”

SEC. 11. Section 8 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 8. *Initiation and Prosecution of Cases.* –

“(a) *Initiation of Investigation.* – Law enforcement agencies are mandated to immediately initiate investigation and counter-trafficking-intelligence gathering upon receipt of statements or affidavit from victims of trafficking, migrant workers, or their families who are in possession of knowledge or information about trafficking in persons cases.

“(b) *Prosecution of Cases.* – Any person who has personal knowledge of the commission of any offense under this Act, such as the trafficked person, the parents, spouse, siblings, children or legal guardian may file a complaint for trafficking.

“(c) *Affidavit of Desistance.* – Cases involving trafficking in persons should not be dismissed based on the affidavit of desistance executed by the victims or their parents or legal guardians. Public and private prosecutors are directed to oppose and manifest objections to motions for dismissal.

“Any act involving the means provided in this Act or any attempt thereof for the purpose of securing an Affidavit of Desistance from the complainant shall be punishable under this Act.”

SEC. 12. Section 10 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 10. *Penalties and Sanctions.* – The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

“(a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);

“(b) Any person found guilty of committing any of the acts enumerated in Section 4-A of this Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

“(c) Any person found guilty of Section 4-B of this Act shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

“In every case, conviction shall cause and carry the automatic revocation of the license or registration of the recruitment agency involved in trafficking. The license of a recruitment agency which trafficked a child shall be automatically revoked.

“(d) Any person found, guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

“(e) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

“(f) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

“(g) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;

“(h) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;

“(i) If the offender is a foreigner, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country;

“(j) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His or her retirement and other benefits shall likewise be forfeited; and

“(k) Conviction, by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.”

SEC. 13. Section 11 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 11. *Use of Trafficked Persons.* – Any person who buys or engages the services of a trafficked person for prostitution shall be penalized with the following: *Provided, That* the Probation Law (Presidential Decree No. 968) shall not apply:

“(a) *Prision Correccional* in its maximum period to *prision mayor* or six (6) years to twelve (12) years imprisonment and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00): *Provided, however,* That the following acts shall be exempted thereto:

“(1) If an offense under paragraph (a) involves sexual intercourse or lascivious conduct with a child, the penalty shall be *reclusion temporal* in its medium period to *reclusion perpetua* or seventeen (17) years to forty (40) years imprisonment and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

“(2) If an offense under paragraph (a) involves carnal knowledge of, or sexual intercourse with, a male or female trafficking victim and also involves the use of force or intimidation, to a victim deprived of reason or to an unconscious victim, or a victim under twelve (12) years of age, instead of the penalty prescribed in the subparagraph above the penalty shall be a fine of not less than One million pesos (P1,000,000.00) but not more than Five million pesos (P5,000,000.00) and imprisonment of *reclusion perpetua* or forty (40) years imprisonment with no possibility of parole; except that if a person violating paragraph (a) of this section knows the person that provided prostitution services is in fact a victim of trafficking, the offender shall not be likewise penalized under this section but under Section 10 as a person violating Section 4; and if in committing such an offense, the offender also knows a qualifying circumstance for trafficking, the offender shall be penalized under Section 10 for qualified trafficking. If in violating this section the offender also violates Section 4, the offender shall be penalized under Section 10 and, if applicable, for qualified trafficking instead of under this section;

“(b) *Deportation.* – If a foreigner commits any offense described by paragraph (1) or (2) of this section or violates any pertinent provision of this Act as an accomplice or accessory to, or by attempting any such offense, he or she shall be immediately deported after serving his or her sentence and be barred permanently from entering the country; and

“(c) *Public Official.* – If the offender is a public official, he or she shall be dismissed from service and shall suffer perpetual absolute disqualification to hold public, office, in addition to any imprisonment or fine received pursuant to any other provision of this Act.”

SEC. 14. Section 12 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 12. *Prescriptive Period.* – Trafficking cases under this Act shall prescribe in ten (10) years: *Provided, however,* That trafficking cases committed by a syndicate or in a large scale as defined under Section 6, or against a child, shall prescribe in twenty (20) years.

“The prescriptive period shall commence to run from the day on which the trafficked person is delivered or released from the conditions of bondage, or in the case of a child victim, from the day the child reaches the age of majority, and shall be interrupted by the filing of the complaint or information and shall commence to run again when the proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused.”

SEC. 15. Section 16 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 16. *Programs that Address Trafficking in Persons.* – The government shall establish and implement preventive, protective and rehabilitative programs for trafficked persons. For this purpose, the following agencies are hereby mandated to implement the following programs:

“(a) Department of Foreign Affairs (DFA) – shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs. It shall provide Filipino victims of trafficking overseas with free legal assistance and counsel to pursue legal action against his or her traffickers, represent his or her interests in any criminal investigation or prosecution, and assist in the application for social benefits and/or regular immigration status as may be allowed or provided for by the host country. The DFA shall repatriate trafficked Filipinos with the consent of the victims.

“The DFA shall take necessary measures for the efficient implementation of the Electronic Passporting System to protect the integrity of Philippine passports, visas and other travel documents to reduce the incidence of trafficking through the use of fraudulent identification documents.

“In coordination with the Department of Labor and Employment, it shall provide free temporary shelters and other services to Filipino victims of trafficking overseas through the migrant workers and other overseas Filipinos resource centers established overseas under Republic Act No. 8042, as amended.

“(b) Department of Social Welfare and Development (DSWD) – shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community. It shall establish free temporary shelters, for the protection and housing of trafficked persons to provide the following basic services to trafficked persons:

“(1) Temporary housing and food facilities;

“(2) Psychological support and counseling;

“(3) 24-hour call center for crisis calls and technology-based counseling and referral system;

“(4) Coordination with local law enforcement entities; and

“(5) Coordination with the Department of Justice, among others.

“The DSWD must conduct information campaigns in communities and schools teaching parents and families that receiving consideration in exchange for adoption is punishable under the law. Furthermore, information campaigns must be conducted with the police that they must not induce poor women to give their children up for adoption in exchange for consideration.

“(c) Department of Labor and Employment (DOLE) – shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas.

It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.

“(d) Department of Justice (DOJ) – shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups.

“(e) Philippine Commission on Women (PCW) – shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women’s issues.

“(f) Bureau of Immigration (BI) – shall strictly administer and enforce immigration and alien administration laws. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement as provided for in this Act.

“(g) Philippine National Police (PNP) and National Bureau of Investigation (NBI) – shall be the primary law enforcement agencies to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. They shall closely coordinate with each other and with other law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. They shall also establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations.

“(h) Philippine Overseas Employment Administration (POEA) and Overseas Workers and Welfare Administration (OWWA) – POEA shall implement Pre-Employment Orientation Seminars (PEOS) while Pre-Departure Orientation Seminars (PDOS) shall be conducted by the OWWA. It shall likewise formulate a system of providing free legal assistance to trafficked persons, in coordination with the DFA.

“The POEA shall create a blacklist of recruitment agencies, illegal recruiters and persons facing administrative, civil and criminal complaints for trafficking filed in the receiving country and/or in the Philippines and those agencies, illegal recruiters and persons involved in cases of trafficking who have been rescued by the DFA and DOLE in the receiving country or in the Philippines even if no formal administrative, civil or criminal complaints have been filed: *Provided*, That the rescued victims shall execute an affidavit attesting to the acts violative of the anti-trafficking law. This blacklist shall be posted in conspicuous places in concerned government agencies and shall be updated bi-monthly.

“The blacklist shall likewise be posted by the POEA in the shared government information system, which is mandated to be established under Republic Act No. 8042, as amended.

“The POEA and OWWA shall accredit NGOs and other service providers to conduct PEOS and PDOS, respectively. The PEOS and PDOS should include the discussion and distribution of the blacklist.

“The license or registration of a recruitment agency that has been blacklisted may be suspended by the POEA upon a review of the complaints filed against said agency.

“(i) Department of the Interior and Local Government (DILG) – shall institute a systematic information and prevention campaign in coordination with pertinent agencies of government as provided for in this Act. It shall provide training programs to local government units, in coordination with the Council, in ensuring wide understanding and application of this Act at the local level.

“(j) Commission on Filipinos Overseas – shall conduct pre-departure counseling services for Filipinos in intermarriages. It shall develop a system for accreditation of NGOs that may be mobilized for purposes of conducting pre-departure counseling services for Filipinos in intermarriages. As such, it shall ensure that the counselors contemplated under this Act shall have the minimum qualifications and training of guidance counselors as provided for by law.

“It shall likewise assist in the conduct of information campaigns against trafficking in coordination with local government units, the Philippine Information Agency, and NGOs.

“(k) Local government units (LGUs) – shall monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act and ensure effective prosecution of such cases. They shall also undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces in coordination with the DILG, Philippine Information Agency (PIA), Commission on Filipinos Overseas (CFO), NGOs and other concerned agencies. They shall encourage and support community-based initiatives which address the trafficking in persons.

“In implementing this Act, the agencies concerned may seek and enlist the assistance of NGOs, people’s organizations (POs), civic organizations and other volunteer groups.”

SEC. 16. A new Section 16-A is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 16-A. *Anti-Trafficking in Persons Database.* – An anti-trafficking in persons central database shall be established by the Inter-Agency Council Against Trafficking created under Section 20 of this Act. The Council shall submit a report to the President of the Philippines and to Congress, on or before January 15 of every year, with respect to the preceding year’s programs and data on trafficking-related cases.

“All government agencies tasked under the law to undertake programs and render assistance to address trafficking in persons shall develop their respective monitoring and data collection systems, and databases, for purposes of ensuring efficient collection and storage of data on cases of trafficking in persons handled by their respective offices. Such data shall be submitted to the Council for integration in a central database system.

“For this purpose, the Council is hereby tasked to ensure the harmonization and standardization of databases, including minimum data requirements, definitions, reporting formats, data collection systems, and data verification systems. Such databases shall have, at the minimum, the following information:



“(a) The number of cases of trafficking in persons, sorted according to status of cases, including the number of cases being investigated, submitted for prosecution, dropped, and filed and/or pending before the courts and the number of convictions and acquittals;

“(b) The profile/information on each case;

“(c) The number of victims of trafficking in persons referred to the agency by destination countries/areas and by area of origin; and

“(d) Disaggregated data on trafficking victims and the accused/defendants.”

SEC. 17. Section 17 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 17. *Legal Protection to Trafficked Persons.* – Trafficked persons shall be recognized as victims of the act or acts of trafficking and as such, shall not be penalized for unlawful acts committed as a direct result of, or as an incident or in relation to, being trafficked based on the acts of trafficking enumerated in this Act or in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of a trafficked person to the intended exploitation set forth in this Act shall be irrelevant.

“Victims of trafficking for purposes of prostitution as defined under Section 4 of this Act are not covered by Article 202 of the Revised Penal Code and as such, shall not be prosecuted, fined, or otherwise penalized under the said law.”

SEC. 18. A new Section 17-A is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 17-A. *Temporary Custody of Trafficked Victims.* – The rescue of victims should be done as much as possible with the assistance of the DSWD or an accredited NGO that services trafficked victims. A law enforcement officer, on a reasonable suspicion that a person is a victim of any offense defined under this Act including attempted trafficking, shall immediately place that person in the temporary custody of the local social welfare and development office, or any accredited or licensed shelter institution devoted to protecting trafficked persons after the rescue.”

SEC. 19. A new Section 17-B is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 17-B. *Irrelevance of Past Sexual Behavior, Opinion Thereof or Reputation of Victims and of Consent of Victims in Cases of Deception, Coercion and Other Prohibited Means.* – The past sexual behavior or the sexual predisposition of a trafficked person shall be considered inadmissible in evidence for the purpose of proving consent of the victim to engage in sexual behavior, or to prove the predisposition, sexual or otherwise, of a trafficked person. Furthermore, the consent of a victim of trafficking to the intended exploitation shall be irrelevant where any of the means set forth in Section 3(a) of this Act has been used.”

SEC. 20. A new Section 17-C is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 17-C. *Immunity from Suit, Prohibited Acts and Injunctive Remedies.* – No action or suit shall be brought, instituted or maintained in any court or tribunal or before any other authority against any: (a) law enforcement officer; (b) social worker; or (c) person acting in compliance with a lawful order

from any of the above, for lawful acts done or statements made during an authorized rescue operation, recovery or rehabilitation/intervention, or an investigation or prosecution of an anti-trafficking case: *Provided*, That such acts shall have been made in good faith.

“The prosecution of retaliatory suits against victims of trafficking shall be held in abeyance pending final resolution and decision of criminal complaint for trafficking.

“It shall be prohibited for the DFA, the DOLE, and the POEA officials, law enforcement officers, prosecutors and judges to urge complainants to abandon their criminal, civil and administrative complaints for trafficking.

“The remedies of injunction and attachment of properties of the traffickers, illegal recruiters and persons involved in trafficking may be issued *motu proprio* by judges.”

SEC. 21. Section 20 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 20. *Inter-Agency Council Against Trafficking*. – There is hereby established an Inter-Agency Council Against Trafficking, to be composed of the Secretary of the Department of Justice as Chairperson and the Secretary of the Department of Social Welfare and Development as Co-Chairperson and shall have the following as members:

“(a) Secretary, Department of Foreign Affairs;

“(b) Secretary, Department of Labor and Employment;

“(c) Secretary, Department of the Interior and Local Government;

“(d) Administrator, Philippine Overseas Employment Administration;

“(e) Commissioner, Bureau of Immigration;

“(f) Chief, Philippine National Police;

“(g) Chairperson, Philippine Commission on Women;

“(h) Chairperson, Commission on Filipinos Overseas;

“(i) Executive Director, Philippine Center for Transnational Crimes; and

“(j) Three (3) representatives from NGOs, who shall include one (1) representative each from among the sectors representing women, overseas Filipinos, and children, with a proven record of involvement in the prevention and suppression of trafficking in persons. These representatives shall be nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years.

“The members of the Council may designate their permanent representatives who shall have a rank not lower than an assistant secretary or its equivalent to meetings, and shall receive emoluments as

may be determined by the Council in accordance with existing budget and accounting rules and regulations.”

SEC. 22. Section 22 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 22. *Secretariat to the Council.* – The Department of Justice shall establish the necessary Secretariat for the Council.

“The secretariat shall provide support for the functions and projects of the Council. The secretariat shall be headed by an executive director, who shall be appointed by the Secretary of the DOJ upon the recommendation of the Council. The executive director must have adequate knowledge on, training and experience in the phenomenon of and issues involved in trafficking in persons and in the field of law, law enforcement, social work, criminology, or psychology.

“The executive director shall be under the supervision of the Inter-Agency Council Against Trafficking through its Chairperson and Co-Chairperson, and shall perform the following functions:

“(a) Act as secretary of the Council and administrative officer of its secretariat;

“(b) Advise and assist the Chairperson in formulating and implementing the objectives, policies, plans and programs of the Council, including those involving mobilization of government offices represented in the Council as well as other relevant government offices, task forces, and mechanisms;

“(c) Serve as principal assistant to the Chairperson in the overall supervision of council administrative business;

“(d) Oversee all council operational activities;

“(e) Ensure an effective and efficient performance of council functions and prompt implementation of council objectives, policies, plans and programs;

“(f) Propose effective allocations of resources for implementing council objectives, policies, plans and programs;

“(g) Submit periodic reports to the Council on the progress of council objectives, policies, plans and programs;

“(h) Prepare annual reports of all council activities; and

“(i) Perform other duties as the Council may assign.”

SEC. 23. A new Section 26-A is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 26-A. *Extra-Territorial Jurisdiction.* – The State shall exercise jurisdiction over any act defined and penalized under this Act, even if committed outside the Philippines and whether or not such act or acts constitute an offense at the place of commission, the crime being a continuing offense, having

been commenced in the Philippines and other elements having been committed in another country, if the suspect or accused:

“(a) Is a Filipino citizen; or

“(b) Is a permanent resident of the Philippines; or

“(c) Has committed the act against a citizen of the Philippines.

“No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the Philippines, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Secretary of Justice.

“The government may surrender or extradite persons accused of trafficking in the Philippines to the appropriate international court if any, or to another State pursuant to the applicable extradition laws and treaties.”

SEC. 24. Section 28 of Republic Act No. 9208 is hereby amended, to read as follows:

“SEC. 28. *Funding.* – The amount necessary to implement the provisions of this Act shall be charged against the current year’s appropriations of the Inter-Agency Council Against Trafficking under the budget of the DOJ and the appropriations of the other concerned departments. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.”

SEC. 25. A new Section 28-A is hereby inserted into Republic Act No. 9208, to read as follows:

“SEC. 28-A. *Additional Funds for the Council.* – The amount collected from every penalty, fine or asset derived from any violation of this Act shall be earmarked as additional funds for the use of the Council. The fund may be augmented by grants, donations and endowment from various sources, domestic or foreign, for purposes related to their functions, subject to the existing accepted rules and regulations of the Commission on Audit.”

SEC. 26. Section 32 of Republic Act No. 9208 of the Repealing Clause is hereby amended to read as follows:

“SEC. 32. *Repealing Clause.* – Article 202 of the Revised Penal Code, as amended, and all laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly: *Provided,* That this Act shall not in any way amend or repeal the provisions of Republic Act No. 7610, otherwise known as the ‘Special Protection of Child Against Child Abuse, Exploitation and Discrimination Act.’”

SEC. 27. Section 33 of Republic Act No. 9208 is hereby amended to read as follows:

“SEC. 33. *Effectivity.* – This Act shall take effect fifteen (15) days following its complete publication in at least two (2) newspapers of general circulation.”

## **REPUBLIC ACT NO. 7192 – WOMEN IN DEVELOPMENT AND NATION BUILDING ACT**

**Section 1. Title.** — This Act shall be cited as the “**Women in Development and Nation Building Act.**”

**Sec. 2. Declaration of Policy.** — The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men. The State shall provided women rights and opportunities equal to that of men.

To attain the foregoing policy:

(1) A substantial portion of official development assistance funds received from foreign governments and multilateral agencies and organizations shall be set aside and utilized by the agencies concerned to support programs and activities for women;

(2) All government departments shall ensure that women benefit equally and participate directly in the development programs and projects of said department, specifically those funded under official foreign development assistance, to ensure the full participation and involvement of women in the development process; and

(3) All government departments and agencies shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein.

**Sec. 3. Responsible Agency.** — The National Economic and Development Authority (NEDA) shall primarily be responsible for ensuring the participation of women as recipients in foreign aid, grants and loans. It shall determine and recommend the amount to be allocated for the development activity involving women.

**Sec. 4. Mandate.** — The NEDA, with the assistance of the National Commission on the Role of Filipino Women, shall ensure that the different government departments, including its agencies and instrumentalities which, directly or indirectly, affect the participation of women in national development and their integration therein:

(1) Formulate and prioritize rural or countryside development programs or projects, provide income and employment opportunities to women in the rural areas and thus, prevent their heavy migration from rural to urban or foreign countries;

(2) Include an assessment of the extent to which their programs and/or projects integrate women in the development process and of the impact of said programs or projects on women, including their implications in enhancing the self-reliance of women in improving their income;

(3) Ensure the active participation of women and women’s organizations in the development programs and/or projects including their involvement in the planning, design, implementation, management, monitoring and evaluation thereof;

(4) Collect sex-disaggregated data and include such data in its program/project paper, proposal or strategy;

(5) Ensure that programs and/or projects are designed so that the percentage of women who receive assistance is approximately proportionate to either their traditional participation in the targeted activities or their proportion of the population, whichever is higher. Otherwise, the following should be stated in the program/project paper, proposal or strategy;

(a) The obstacle in achieving the goal;

(b) The steps being taken to overcome those obstacles; and

(c) To the extent that steps are not being taken to overcome those obstacles, why they are not being taken.

(6) Assist women in activities that are of critical significance to their self-reliance and development.

**Sec. 5. Equality in Capacity to Act.** — Women of legal age, regardless of civil status, shall have the capacity to act and enter into contracts which shall in every respect be equal to that of men under similar circumstances.

In all contractual situations where married men have the capacity to act, married women shall have equal rights.

To this end:

(1) Women shall have the capacity to borrow and obtain loans and execute security and credit arrangement under the same conditions as men;

(2) Women shall have equal access to all government and private sector programs granting agricultural credit, loans and non-material resources and shall enjoy equal treatment in agrarian reform and land resettlement programs;

(3) Women shall have equal rights to act as incorporators and enter into insurance contracts; and

(4) Married women shall have rights equal to those of married men in applying for passport, secure visas and other travel documents, without need to secure the consent of their spouses.

In all other similar contractual relations, women shall enjoy equal rights and shall have the capacity to act which shall in every respect be equal to those of men under similar circumstances.

**Sec. 6. Equal Membership in Clubs.** — Women shall enjoy equal access to membership in all social, civic and recreational clubs, committees, associations and similar other organizations devoted to public purpose. They shall be entitled to the same rights and privileges accorded to their spouses if they belong to the same organization.

**Sec. 7. Admission to Military Schools.** — Any provision of the law to the contrary notwithstanding, consistent with the needs of the services, women shall be accorded equal opportunities for appointment, admission, training, graduation and commissioning in all military or similar schools of the Armed Forces of the Philippines and the Philippine National Police not later than the fourth academic year following the approval of this Act in accordance with the standards required for men except for those minimum essential adjustments required by physiological differences between sexes.

**Sec. 8. Voluntary Pag-IBIG, GSIS and SSS Coverage.** — Married persons who devote full time to managing the household and family affairs shall, upon the working spouse's consent, be entitled to voluntary Pag-IBIG (Pagtutulungan — Ikaw, Bangko, Industriya at Gobyerno), Government Service Insurance System (GSIS) or Social Security System (SSS) coverage to the extent of one-half (1/2) of the salary and compensation of the working spouse. The contributions due thereon shall be deducted from the salary of the working spouse.

The GSIS or the SSS, as the case may be, shall issue rules and regulations necessary to effectively implement the provisions of this section.

**Sec. 9. Implementing Rules.** — The NEDA, in consultation with the different government agencies concerned, shall issue rules and regulations as may be necessary for the effective implementation of Sections 2, 3 and 4, of this Act within six (6) months from its effectivity.

**Sec. 10. Compliance Report.** — Within six (6) months from the effectivity of this Act and every six (6) months thereafter, all government departments, including its agencies and instrumentalities, shall submit a report to Congress on their compliance with this Act.

**Sec. 11. Separability Clause.** — If for any reason any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Sec. 12. Repealing Clause.** — The provisions of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, as amended, and of Executive Order No. 209, otherwise known as the Family Code of the Philippines, and all laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof, inconsistent herewith are hereby repealed.

**Sec. 13. Effectivity Clause.** — The rights of women and all the provisions of this Act shall take effect immediately upon its publication in the Official Gazette or in two (2) newspapers of general circulation.

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**EXECUTIVE ORDER NO. 275 – COMMITTEE ON SPECIAL PROTECTION OF CHILDREN FROM ALL FORMS OF NEGLECT, ABUSE, CRUELTY, EXPLOITATION, DISCRIMINATION**

WHEREAS, the Constitution provides that the natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the government;

WHEREAS, the State shall defend the right of children to assistance, including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation and discrimination, and other conditions prejudicial to their development;

WHEREAS, there is a need to consolidate in one body the assessment, monitoring and implementation of the aforementioned policy on a continuing basis;

NOW, THEREFORE, I, FIDEL V. RAMOS President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

**SECTION 1.** There is hereby created a Special Committee for Children to be composed of:

1. The Secretary of Justice — Chairman
2. The Secretary of Social Welfare and Development — Co-Chairman
3. The Chairman of the Commission on Human Rights — Member
4. Commissioner of the Bureau of Immigration — Member  
A representative with a rank not lower than undersecretary from the following:
5. Department of Labor and Employment — Member
6. Department of Tourism — Member
7. Department of the Interior and Local Government — Member
8. Department of Foreign Affairs — Member
9. Three representatives of private organizations to be nominated by said groups and appointed by the President — Member

**SECTION 2.** The Committee shall exercise the following functions and duties:

- a. To report to the President acts taken to address specific issues on child abuse and exploitation brought to the Committee's attention.
- b. To direct other agencies to immediately respond to the problems brought to their attention and to report to the Committee on action taken.
- c. To perform such other functions and duties as may be necessary to meet the objectives of the Committee.



**SECTION 3.** The Council for the Welfare of Children shall act as the Secretariat of the Committee.

**SECTION 4.** The initial amount of P10,000,000.00 is hereby authorized to be released from the Presidential Social Fund.

**SECTION 5.** This Executive Order shall take effect immediately.

DONE in the City of Manila, this 14th day of September, in the year of Our Lord, nineteen hundred and ninety-five.

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## **EXECUTIVE ORDER NO. 340 – DAY CARE SERVICES**

**SECTION 1. Day Care Services and Their Coverage.** — All National Government Agencies and Government-Owned and-Controlled Corporations shall provide day care services to children of their employees under five years ago. These services shall be provided either within their office facilities or in the areas accessible and/or acceptable to the parents. Such services shall accommodate children, aged 5 years and below, of employees with no competent household help.

**SECTION 2. Objectives of the Services.** — To ensure that the employee’s children shall enjoy the following opportunities and benefits:

1. Proper care and nutrition to become physically fit;
2. Development of social, mental, intellectual skills;
3. Spiritual, socio-cultural and nationalistic values as well as the development of strong positive attitudes towards God, the family, the environment and the society in general; and
4. Substitute parenting and protection from all forms of neglect, abuse and exploitation while the parent is at work.

**SECTION 3. Lead Agency.** — In view of the agency’s expertise in the establishment of day care service, the Department of Social Welfare and Development is hereby tasked to:

1. Formulate the implementing guidelines for this Executive Order;
2. Disseminate the guidelines to all government offices concerned within one (1) month from approval of this Order;
3. Provide technical assistance in collaboration with relevant government and non-government

agencies through training, assessment and monitoring visits; and  
4. License and accredit the services, facilities and day care workers.

**SECTION 4. Source of Funding.** — National Government Agencies and Government-owned and -Controlled Corporations (GOCCs) shall charge their expenses for the provision and maintenance of day care centers, including manpower requirements and materials, to the Gender and Development (GAD) funds from their Employees' Suggestions and Incentives Awards System (ESIAS) funds for human resource development. These offices may mobilize the resources of non-government, private and international agencies in the development of materials, improvement of facilities and enrichment of the curriculum in coordination with the Department of Social Welfare and Development.

**SECTION 5. Effectivity.** — This Executive Order shall take effect immediately.

**DONE in the City of Manila, this 5th day of February in the year of Our Lord, Nineteen Hundred and Ninety-Seven.**

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## **EXECUTIVE ORDER NO. 368 – NATIONAL COUNCIL ON THE ROLE OF FILIPINO WOMEN**

WHEREAS, Executive Order 356 dated 12 August 1996 provides for the expanded membership of the Social Reform Council and implementing guidelines on the institutional arrangements to fasttrack SRA Localization;

WHEREAS, there is a need to mainstream gender concerns in all SRA flagship programs as affirmed during the National Anti-Poverty Summit held last 19-20 March 1996;

WHEREAS, the President instructed the Social Reform Council to monitor the implementation of the commitment of the Philippine Government in the United Nations Fourth World Conference on Women relative to the Beijing Platform of Action;

WHEREAS, Executive Order No. 208 dated 10 October 1994, as amended by Executive Order No. 268 dated 04 August 1995, strengthened and reconstituted the National Commission on the

Role of the Filipino Women to be the primary policy making and coordinating body of all women development programs and institutions;

NOW THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Executive Order No. 356 to include the National Council on the Role of Filipino Women in the membership of the Social Reform Council.

This Executive Order shall take effect immediately.

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## **EXECUTIVE ORDER NO. 51 – BREASTMILK SUBSTITUTES, SUPPLEMENT**

**SECTION 1. Title** -This Code shall be known and cited as the “**National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplement and Other Related Products.**”

**SECTION 2. Aim of the Code** -The aim of the Code is to contribute to the provision of safe and adequate nutrition for infants by the protection and promotion of breast feeding and by ensuring the proper use of breastmilk substitutes and breastmilk supplements when these are necessary, on the basis of adequate information and through appropriate marketing and distribution.

**SECTION 3. Scope of the Code** -The Code applies to the marketing, and practices related thereto, of the following products: breastmilk substitutes, including infant formula; other milk products, foods and beverages, including bottle-fed complementary foods, when marketed or otherwise represented to be suitable, with or without modification, for use as a partial or total replacement of breastmilk; feeding bottles and teats. It also applies to their quality and availability, and to information concerning their use.

**SECTION 4. Definition of Terms** -For the purposes of this Code, the following definition of terms shall govern;

(a) “Breastmilk Substitute” means any food being marketed or otherwise represented as a partial or total replacement for breastmilk, whether or not suitable for that purpose.

(b) “Complementary Food” means any food, whether manufactured or locally prepared, suitable as a complement to breastmilk or to infant formula, when either becomes insufficient to satisfy the nutritional requirements of the infant. Such food is also commonly called “weaning food” or “breastmilk supplement.”

(c) “Container” means any form of packaging of products for sale as a normal retail unit, including wrappers.

(d) “Distributor” means a person, corporation or any other entity in the public or private sector engaged in the business (whether directly or indirectly) of marketing at the wholesale or retail

level a product within the scope of this Code. A “primary distributor” is a manufacturer’s sales agent, representative, national distributor or broker .

(e) “Infant” means a person falling within the age bracket of 0-12 months.

(f) “Health care system” means governmental, non-governmental or private institutions or organizations engaged, directly or indirectly, in health care for mothers, infants and pregnant women; and nurseries or child care institutions. It also includes health workers in private practice. For the purpose of this Code, the health care system does not include pharmacies or other established sales outlets.

(g) “Health Worker” means a person working in a component of such health care system, whether professional or non-professional, including volunteer workers.

(h) “Infant Formula” means a breastmilk substitute formulated industrially in accordance with applicable Codex Alimentarius standards, to satisfy the normal nutritional requirements of infants up to between four to six months of age, and adapted to their physiological characteristics. Infant formula may also be prepared at home in which case it is described as “home-prepared.”

(i) “Label” means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to, a container of any product within the scope of this Code.

(j) “Manufacturer” means a corporation or other entity in the public or private sector engaged in the business or function (whether directly or through an agent or an entity controlled by or under contract with it) of manufacturing a product within the scope of this Code.

(k) “Marketing” means product promotion, distribution, selling, advertising, product public relations, and information services.

(l) “Marketing personnel” means any person whose functions involve the marketing of a product or products coming within the scope of this Code.

(m) “Sample” means single or small quantities of a product provided without cost .

(n) “Supplies” means quantities of a product provided for use over an extended period, free or at a low price, for social purposes, including those provided to families in need.

## **SECTION 5. Information and Education –**

(a) The government shall ensure that objective and consistent information is provided on infant feeding, for use by families and those involved in the field of infant nutrition. This responsibility shall cover the planning, provision, design and dissemination of information, and the control thereof, on infant nutrition.

(b) Informational and educational materials, whether written, audio, or visual, dealing with the feeding of infants and intended to reach pregnant women and mothers of infants, shall include clear information on all the following points: (1) the benefits and superiority of breastfeeding; (2)

maternal nutrition, and the preparation for and maintenance of breastfeeding; (3) the negative effect on breast feeding of introducing partial bottle-feeding; (4) the difficulty of reversing the decision not to breastfeed; and (5) where needed, the proper use of infant formula, whether manufactured industrially or home-prepared. When such materials contain information about the use of infant formula, they shall include the social and financial implications of its use; the health hazards of inappropriate foods or feeding methods; and, in particular, the health hazards of unnecessary or improper use of infant formula and other breastmilk substitutes. Such materials shall not use any picture or text which may idealize the use of breastmilk substitutes.

#### **SECTION 6. The General Public and Mothers –**

(a) No advertising, promotion or other marketing materials, whether written, audio or visual, for products within the scope of this Code shall be printed, published, distributed, exhibited and broadcast unless such materials are duly authorized and approved by an inter-agency committee created herein pursuant to the applicable standards provided for in this Code.

(b) Manufacturers and distributors shall not be permitted to give, directly or indirectly, samples and supplies of products within the scope of this Code or gifts of any sort to any member of the general public, including members of their families, to hospitals and other health institutions, as well as to personnel within the health care system, save as otherwise provided in this Code.

(c) There shall be no point-of-sale advertising, giving of samples or any other promotion devices to induce sales directly to the consumers at the retail level, such as special displays, discount coupons, premiums, special sales, bonus and tie-in sales for the products within the scope of this Code. This provision shall not restrict the establishment of pricing policies and practices intended to provide products at lower prices on a long-term basis.

(d) Manufacturers and distributors shall not distribute to pregnant women or mothers of infants any gifts or articles or utensils which may promote the use of breastmilk substitutes or bottle feeding. nor shall any other groups, institutions or individuals distribute such gifts, utensils or products to the general public and mothers.

(e) Marketing personnel shall be prohibited from advertising or promoting in any other manner the products covered by this Code, either directly or indirectly, to pregnant women or with mother of infants except as otherwise provided by this Code.

(f) Nothing herein contained shall prevent donations from manufacturers and distributors of products within the scope of this Code upon request by or with the approval of the Ministry of Health.

#### **SECTION 7. Health Care System –**

(a) The Ministry of Health shall take appropriate measures to encourage and promote breastfeeding. It shall provide objective and consistent information, training and advice to health workers on infant nutrition, and on their obligations under this Code.

(b) No facility of the health care system shall be used for the purpose of promoting infant formula or other products within the scope of this Code. This Code does not, however, preclude the dissemination of information to health professionals as provided in Section 8(b).

(c) Facilities of the health care system shall not be used for the display of products within the scope of this Code, or for placards or posters concerning such products.

(d) The use by the health care system of “professional service” representatives, “mothercraft nurses” or similar personnel, provided or paid for by manufacturers or distributors, shall not be permitted.

(e) In health education classes for mothers and the general public, health workers and community workers shall emphasize the hazards and risks of the improper use of breastmilk substitutes particularly infant formula. Feeding with infant formula shall be demonstrated only to mothers who may not be able to breastfeed for medical or other legitimate reasons.

### **SECTION 8. Health Workers –**

(a) Health workers shall encourage and promote breast feeding and shall make themselves familiar with objective and consistent information on maternal and infant nutrition, and with their responsibilities under this Code.

(b) Information provided by manufacturers and distributors to health professionals regarding products within the scope of this Code shall be restricted to scientific and factual matters, and such information shall not imply or create a belief that bottle-feeding is equivalent or superior to breastfeeding. It shall also include the information specified in Section 5

(c) No financial or material inducements to promote products within the scope of this Code shall be offered by manufacturers or distributors to health workers or members of their families, nor shall these be accepted by the health workers or members of their families, except as otherwise provided in Section 8(e).

(d) Samples of infant formula or other products within the scope of this Code, or of equipment or utensils for their preparation or use, shall not be provided to health workers except when necessary for the purpose of professional evaluation or research in accordance with the rules and regulations promulgated by the Ministry of Health. No health workers shall give samples of infant formula to pregnant women and mothers of infants or members of their families.

(e) Manufacturers and distributors of products within the scope of this Code may assist in the research, scholarships and continuing education, of health professionals, in accordance with the rules and regulations promulgated by the Ministry of Health.

### **SECTION 9. Persons Employed by Manufacturers and Distributors**

-Personnel employed in marketing products within the scope of this Code shall not, as part of their job responsibilities, perform educational functions in relation to pregnant women or mothers of infants.

## **SECTION 10. Containers/Labels –**

(a) Containers and/or labels shall be designed to provide the necessary information about the appropriate use of the products, and in such a way as not to discourage breastfeeding.

(b ) Each container shall have a clear, conspicuous and easily readable and understandable message in Pilipino or English printed on it, or on a label, which message can not readily become separated from it, and which shall include the following points:

- (i) the words “Important Notice” or their equivalent;
- (ii) a statement of the superiority of breastfeeding;
- (iii) a statement that the product shall be used only on the advice of a health worker as to the need for its use and the proper methods of use; and
- (iv) instructions for appropriate preparation, and a warning against the health hazards of inappropriate preparation

(c) Neither the container nor the label shall have pictures or texts which may idealize the use of infant formula. They may, however, have graphics for easy identification of the product and for illustrating methods of preparation.

(d) The term “humanized,” “maternalized” or similar terms shall not be used.

(e) Food products within the scope of this Code marketed for infant feeding, which do not meet all the requirements of an infant formula but which can be modified to do so, shall carry on the label a warning that the unmodified product should not be the sole source of nourishment of an infant.

(f) The labels of food products within the scope of this Code shall, in addition to the requirements in the preceding paragraphs, conform with the rules and regulations of the Bureau of Food and Drugs.

## **SECTION 11. Quality –**

(a) The quality of products is an essential element for the protection of the health of infants, and therefore shall be of high recognized standard.

(b ) Food products within the scope of this Code shall, when sold or otherwise distributed, meet applicable standards recommended by the Codex Alimentarius Commission and also the Codex Code of Hygienic Practice for Foods for Infants and Children.

(c) To prevent quality deterioration, adulteration or contamination of food products within the scope of this Code, distribution outlets, including the smallest sari-sari store, shall not be allowed to open cans and boxes for the purpose of retailing them by the cup, bag or in any other form.

## **SECTION 12. Implementation and Monitoring –**

(a) For purposes of Section 6(a) of this Code, an inter-agency committee composed of the following members is hereby created:

Minister of Health \_\_\_\_\_ Chairman  
Minister of Trade and Industry \_\_\_\_\_ Member  
Minister of Justice \_\_\_\_\_ Member  
Minister of Social Services and Development \_\_\_\_\_ Member

The members may designate their duly authorized representative to every meeting of the Committee.

The Committee shall have the following powers and functions:

- (1) To review and examine all advertising, promotion or other marketing materials, whether written, audio or visual, on products within the scope of this Code;
- (2) To approve or disapprove, delete objectionable portions from and prohibit the printing, publication, distribution, exhibition and broadcast of, all advertising promotion or other marketing materials, whether written, audio or visual, on products within the scope of this Code;
- (3) To prescribe the internal and operational procedure for the exercise of its powers and functions as well as the performance of its duties and responsibilities; and
- (4) To promulgate such rules and regulations as are necessary or proper for the implementation of Section 6 (a) of this Code

(b) The Ministry of Health shall be principally responsible for the implementation and enforcement of the provisions of this Code. For this purpose, the Ministry of Health shall have the following powers and function:

- (1) To promulgate such rules and regulations as are necessary or proper for the implementation of this Code and the accomplishment of its purposes and objectives.
- (2) To call the assistance of government agencies and the private sector to ensure the implementation and enforcement of, and strict compliance with, the provisions of this Code and the rules and regulations promulgated in accordance herewith.
- (3) To cause the prosecution of the violators of this Code and other pertinent laws on products covered by this Code.
- (4) To exercise such other powers and functions as may be necessary for or incidental to the attainment of the purposes and objectives of this Code.

### **SECTION 13. Sanctions –**

(a) Any person who violates the provisions of this Code or the rules and regulations issued pursuant to this Code shall, upon conviction, be punished by a penalty of two (2) months to one (1) year imprisonment or a fine of not less than One Thousand Pesos (P1,000.00) nor more than Thirty



Thousand Pesos (P30,000.00) nor more than Thirty Thousand Pesos (P30,000.00) or both. Should the offense be committed by a juridical person, the Chairman of the Board of Directors, the president, general manager, or the partners and/ or the persons directly responsible therefore, shall be penalized.

(b) Any license, permit or authority issued by any government agency to any health worker, distributor, manufacturer, or marketing firm or personnel for the practice of their professional or occupation, or for the pursuit of their business, may, upon recommendation of the Ministry of Health, be suspended or revoked in the event of repeated violations of this Code, or of the rules and regulations issued pursuant to this Code.

**SECTION 14. Repealing Clause** -All laws, orders, issuances, and rules and regulations or parts thereof inconsistent with this Executive Order are hereby repealed or modified accordingly.

**SECTION 15. Separability Clause** -The provisions of this Executive Order are hereby deemed separable. If any provision thereof be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which shall remain in full force and effect.

**SECTION 16. Effectivity** -This Executive Order shall take effect thirty (30) days following its publication in the Official Gazette.

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## **EXECUTIVE ORDER NO. 348 – PHILIPPINE DEVELOPMENT PLAN FOR WOMEN**

WHEREAS, Article II, Section 14, of the 1987 Constitution provides that “The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men;”

WHEREAS, the Philippine Development Plan for Women for 1989 to 1992 was formulated through the efforts of various government agencies and non-governmental organizations;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby approve and adopt the “Philippine Development Plan for Women for 1989 to 1992,” hereinafter referred to as the Plan, and order that:

1. All government departments, bureaus, offices, agencies and instrumentalities, including government-owned or controlled corporations, are enjoined to take appropriate steps to ensure the full implementation of the programs and projects outlined in the Plan.
2. The National Commission on the Role of Filipino Women (NCRFW), in coordination with the National Economic and Development Authority (NEDA), shall monitor the implementation of the plan by various government agencies. It shall likewise monitor the plan's periodic assessment and updating and, for this purpose, the NCRFW may call upon the assistance of any department, bureau, office, agency, or instrumentality of the government, including government-owned or controlled corporations. Non-governmental organizations and

private entities are urged to assist in the monitoring of the implementation, assessment and updating of the Plan.

3. An appropriated focal point for women's concerns or any other similar mechanism shall be constituted in each department, bureau, office, agency, or instrumentality of the government, including government-owned or controlled corporations, to ensure the implementation, review and updating of programs and projects identified for each sector.
4. The NCRFW is hereby authorized, upon consultation with the President, to issue orders, circulars or guidelines as may be necessary in the implementation, coordination and monitoring of the Plan, as well as in its assessment and updating. For these purposes, the NCRFW may constitute the appropriate inter-agency committees.
5. The initial amount necessary to implement the Plan for Calendar Year 1989 shall be charged against the appropriate funds of the government agencies concerned and from any available lump sum fund under Republic Act No. 6688 as may be determined by the Department of Budget and Management. Appropriations for succeeding years shall be incorporated in the budget proposals for Congressional action.
6. This Executive Order shall take effect immediately.

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## **EXECUTIVE ORDER NO. 273 – PHILIPPINE PLAN FOR GENDER-RESPONSIVE DEVELOPMENT**

WHEREAS, pursuant to Section 14, Article II of the Constitution that provides “The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men,” Executive Order No. 348, series of 1989, approving and adopting the “Philippine Development Plan for Women (PDPW) for 1989-1992” was promulgated;

WHEREAS, the passage of Republic Act No. 7192 otherwise known as the “Women in Development and Nation-Building Act” on February 12, 1992 and the expiration of the PDPW time frame in the same year, calls for a successor plan that shall address and provide direction for mainstreaming gender concerns in development;

WHEREAS, the National Plan for Women shall serve as the main vehicle for implementing in the Philippines the action commitments during the Fourth World Conference on Women in Beijing, China;

WHEREAS, through the concerted efforts of various government agencies and non-governmental organizations, a plan has been formulated for the purpose;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby approve and adopt the “Philippine Plan for Gender-Responsive Development, 1995-2025,” hereinafter referred to as the Plan, and order that:

1. All government agencies, departments, bureaus, offices, and instrumentalities, including government-owned and-controlled corporations, at the national, sub-national and local levels, are directed:

1.1 To take appropriate steps to ensure the full implementation of the policies/strategies and programs/projects outlined in the Plan;

1.2 To institutionalize Gender and Development (GAD) efforts in government by incorporating GAD concerns, as spelled out in the Plan; in their planning, programming and budgeting processes, but specifically to:

1.2.1 Include/incorporate GAD concerns in the:

- a) formulation, assessment and updating of their annual agency plans;
- b) formulation, assessment and updating of their inputs to the medium/long-term, development plans; and
- c) preparation of their inputs to sectoral performance assessment reports, public investment plans and other similar documents.

1.2.2 Incorporate and reflect GAD concerns in their:

- a) agency performance commitments contracts indicating key results areas for GAD as well as in their annual performance report to the President; and
- b) annual agency budget proposals and work and financial plans.

2. The National Commission on the Role of Filipino Women (NCRFW), in coordination with the National Economic and Development Authority (NEDA), shall:

2.1. Monitor the implementation of the Plan by various government agencies; and

2.2. Conduct the periodic assessment and updating of the Plan every six years or upon every change in national leadership.

In pursuance of the foregoing, the NCRFW may call upon the assistance of any government agency or instrumentality, including government-owned and-controlled corporations as well as existing inter-agency structures, as may be necessary. Non-governmental organizations and private entities are urged to assist and support in the implementation, monitoring, assessment and updating of the Plan.

3. The NCRFW is hereby authorized, in consultation with the President and concerned government agencies, to issue orders, circulars of guidelines, as may be necessary, for the implementation, coordination, monitoring, assessment and updating of the Plan, as well as in the implementation of the provisions of this Executive Order. For these purposes, the NCRFW may constitute appropriate inter-agency committees.

4. In view of the Plan's long-term goal of fully integrating GAD concerns into the whole development process, the mainstreaming of GAD in various government agencies shall be the responsibility of the heads of concerned agencies and their respective offices, with the assistance

of their Women in Development (WID)/GAD Focal Points, if any, to ensure institutionalization thereof.

5. The initial amount necessary for the implementation of the Plan shall be charged against the appropriations of government agencies authorized to be set aside for the purpose under Republic Act No. 7845, including those sources from bilateral/multilateral agencies/organizations or those from the official development assistance (ODA) pursuant to Republic Act No. 7192. Thereafter, budgetary requirements for the succeeding years shall be incorporated in General Appropriations Bills to be submitted to Congress.

6. This Executive Order shall take effect immediately.

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