



DE LA SALLE UNIVERSITY
TAÑADA-DIOKNO COLLEGE OF LAW
DLSU LAW CLINIC

**Primer on the
Magna Carta of
Women (R.A. 9710)
and other related
laws on Women**



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PURPOSE OF THE PRIMER

In the State Policies enumerated in the 1987 Constitution, the State recognized the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

In accordance to this policy, the Congress drafted bills to promote women empowerment and to ensure access to equal opportunities.

Consequently, **Republic Act No. 9710**, also known as the Magna Carta of Women, was enacted. It recognizes 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. [R.A. 9710, Sec. 2]

Human rights, regardless if it is women's, children's, or any other special group, are **universal, inherent, inalienable, and indivisible**.

Universal. Human rights are universal because all persons are entitled to human rights.

No one 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. [R.A. 9710, Sec. 3]

Inherent. Human rights are inherent to the dignity of every human being whether they relate to civil, cultural, economic, political, or social issues. [R.A. 9710, Sec. 3]

Human rights are inherent because all persons are born with human rights. There should be no process to be followed or actions done to acquire these rights.

Inalienable. Human rights are inalienable because these rights should not be taken away, except in specific situations and according to due process.

Indivisible. Human rights are indivisible because one set of rights cannot be enjoyed fully without the other.

The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others. [R.A. 9710, Sec. 3]

To illustrate these characteristics of human rights, the Magna Carta of Women provided a comprehensive list of rights and several state agencies that shall be charged to protect and fulfill these rights.

This Primer aims to provide readers a comprehensive guide to: (1) the rights enumerated by the Magna Carta, (2) the laws related to these rights, as well as (3) the state measures in recognizing and enforcing these rights.

Ultimately, this Primer intends to serve as an instrument to help women know that their plights are not left unheard and that the State has ways to help them.

PROVISIONS ON WOMEN'S RIGHTS

The 1987 Constitution of the Philippines

Article II, Section 14

The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

Article VI, Section 5, par. (2)

The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, **one-half of the seats allocated to party-list representatives shall be filled**, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, **women**, youth, and such other sectors as may be provided by law, except the religious sector.

Article XIII, Section 11

The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.

Article XIII, Section 14

The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

Magna Carta for Women

Republic Act No. 9710, Section 8

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.

Republic Act No. 9710, Section 34

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

Republic Act No. 9710, Section 35

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.

MAGNA CARTA FOR WOMEN (RA 9710)

Purpose of the Law

The Magna Carta of Women aims to eliminate all forms of discrimination against women through policies that recognize, protect, and promote women's rights. [R.A. 9710, Sec. 2]

The law aims to empower women by bridging the gap caused by gender-based distinctions that restrict women's participation in social, economic, political, and cultural development of the Philippines. This is in line with the provision of the Universal Declaration of Human Rights that all human beings are free and equal in dignity and rights. [R.A. 9710, Sec. 3]

Duties of the State

1. To implement necessary mechanisms to enforce these rights and adopt 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; [R.A. 9710, Sec. 2]
2. To ensure the full integration of women's concerns in the mainstream of development, by providing ample opportunities for the enhancement and development of their skills for productive employment; [R.A. 9710, Sec. 2, par. 5]
3. To be answerable for the observance and implementation of human rights in accordance with international law and our

Constitution; [R.A. 9710, Sec. 3, par. 6]

4. To implement measures promoting the coherent and integrated implementation and enforcement of this Act and stop discrimination against and advance the rights of women; [R.A. 9710, Sec. 5, par. 3]
5. The State shall be up to date 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. [R.A. 9710, Sec. 5, par. 4]

Definition of Terms

1. Discrimination Against Women

- any gender-based distinction, exclusion, or restriction which impairs or nullifies women's recognition, enjoyment, or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. [R.A. 9710, Sec. 4, par. b]

2. Substantive Equality

- the full and equal enjoyment of rights and freedoms under this Act. It encompasses de jure (in law) and de facto (in fact) equality and also equality in outcomes. [R.A. 9710, Sec. 4, par. e]

3. Gender Equality

- 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. [R.A. 9710, Sec. 4, par. f]

4. Gender Equity

- the policies, instruments, programs, services, and actions that address the disadvantaged position of women in society by providing preferential treatment and affirmative action. [R.A. 9710, Sec. 4, par. g]

5. Gender Mainstreaming

- the strategy for making women's and 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.
- 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. [R.A. 9710, Sec. 4, par. i]

RIGHTS AND EMPOWERMENT

When people can exercise their human rights, they can stand up for themselves and for each other, they are empowered to shape the decisions that impact their lives. Human rights stand for equality, for participatory and inclusive societies that dismantle the structures of discrimination which drive poverty and inequality.¹

Protection From Violence and Discrimination

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. [R.A. 9710, Sec. 9(a)]

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. [R.A. 9710, Sec. 9(c)]

Anti-Bullying Act (RA 10627)

This law extends protection to elementary and secondary students against repeated acts of bullying committed by fellow students by mandating schools and learning centers to adopt policies addressing the same.

Q1: What are acts that amount to Bullying?

It refers to any severe or repeated use by one or more students of:

- a written, verbal or electronic expression,
- a physical act or gesture; or
- any combination thereof. [R.A. 10627, Sec. 2]

Bullying is directed to another student that has the effect of:

- actually causing or placing such student in reasonable fear of physical or emotional harm or damage to his property;
- creating a hostile environment at school for the other student;
- infringing on the rights of the other student at school; or
- materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to, the following:
 - Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the

¹ Office of the High Commissioner for Human Rights

- use of available objects as weapons;
- Any act that causes damage to a victim's psyche and/or emotional well-being;
- Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body; and
- Cyber-bullying or any bullying done through the use of technology or any electronic means. [R.A. 10627, Sec. 2]

- 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;
- 2) 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;
- 3) Stalking, which more particularly refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination of the two 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; and
- 4) Touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body. [R.A. 11313, Section 11]

Safe Spaces Act (RA 11313)

This law 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. Hence, the Safe Spaces Act was enacted to penalize acts that amount to gender-based sexual harassment.

Q2: What are the acts penalized under the Safe Spaces Act?

The Safe Spaces Act penalizes the following acts:

- 1) Cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on

Q3: How is the crime of gender-based streets and public spaces sexual harassment committed?

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 remark. This includes any of the unlawful acts enumerated above 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:

- 1) Buildings;
- 2) Schools;
- 3) Churches,
- 4) Restaurants,
- 5) Malls;
- 6) Public washrooms;
- 7) Bars;
- 8) Internet shops;
- 9) Public markets;
- 10) Transportation terminals; or
- 11) Public utility vehicles. [R.A. 11313, Section 4]

Q4: Can gender-based sexual harassment also be committed online?

Yes. Gender-based online sexual harassment includes acts that use information and communications technology in:

- 1) 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 messaging;

- 2) Uploading and sharing without consent of the victim, any form of media that contains photos, voice, or video with sexual content;
- 3) Any unauthorized recording and sharing of any of the victim's photos, videos, or any information online;
- 4) Impersonating identities of victims online or posting lies about victims to harm their reputation; or
- 5) Filing false abuse reports to online platforms to silence victims. [R.A. 11313, Section 12]

Q5: What are the instances that will qualify the crime of gender-based streets and public spaces and online sexual harassment?

A higher penalty shall be imposed when:

- 1) The act takes place in a PUV, which includes app-based transport network vehicle services, and the perpetrator is the driver of the vehicle and the offended party is a passenger;
- 2) The offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- 3) The offended party is diagnosed with a mental problem tending to impair consent;
- 4) The perpetrator is a member of the uniformed services, such as the PNP and AFP, and the act was perpetrated while he or she was in uniform; and

- 5) The act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee. [R.A. 11313, Section 15]

Q6: Can gender-based sexual harassment be also committed in the workplace?

Yes. The Safe Spaces Act identifies a different set of unlawful acts when gender-based sexual harassment is committed in the workplace. This includes the following:

- 1) Unwelcome sexual advances, requests or demand for sexual favors that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- 2) Conduct of sexual nature affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient; and
- 3) Conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.

In the above circumstances, the crime of gender-based sexual harassment may be committed:

- 1) Between peers;
- 2) To a superior officer by a subordinate;
- 3) To a teacher by a student; or
- 4) To a trainer by a trainee.

Further, the law criminalizes the above-mentioned acts whether done verbally, physically or through the use of technology such as text messaging or

email or through any other forms of information and communication systems. [R.A. 11313, Section 16]

Anti-Sexual Harassment Act (RA 7877)

Anti-Sexual Harassment Act of 1995 (Republic Act 7877) – This law declares the illegality of any acts involving unwelcome sexual advances, or requests for sexual favors in exchange for any favor in the workplace.

Q7: What is sexual harassment?

Sexual harassment is an imposition of misplaced “superiority” which is enough to dampen an employee’s spirit and her capacity for advancement. It affected her sense of judgment; it changed her life. [Domingo vs. Rayala, G.R. No. 155831, 18 February 2008]

Q8: Who may commit sexual harassment?

It may be committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, 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. [R.A. 7877, Sec. 3]

Therefore, a rank-and-file employee cannot commit sexual harassment against a manager. Should this happen, then the proper remedy for the victim

here would be to file a criminal charge or to settle things in some administrative manner.

Q9: When is work-related sexual harassment committed?

When a superior demands, requests, or otherwise requires any sexual favor from a subordinate in a work environment, regardless of whether the demand is accepted.

There are three requisites:

1. The sexual favor is made as a condition for some favor like hiring or continued employment or promotion;
2. that the refusal to grant the sexual favor will result in discrimination, denial or reduction of employment opportunities and the impairment of the employee's rights or privileges; or
3. that the demand for sexual favor results in an intimidating, hostile, or offensive environment for the employee. [R.A. 7877, Sec. 3]

Q10: Must the demand for sexual favor be direct?

No. In the case of Domingo vs. Rayala, the act of holding and squeezing the victim's shoulders, running his finger across her neck, and tickling her ear, having inappropriate conversations with her, giving her money allegedly for her expenses with the promise of future privileges, all of which clearly constitute an unspoken request for a sexual favor. Therefore it need not be direct but can be implied from the acts of the offender. [Domingo vs. Rayala, G.R. No. 155831, 18 February 2008]

Violence Against Women and Children Act (RA 9262)

The State acknowledges the plight of women against violence suffered from their romantic partners and recognizes the need to protect the former and their children. This law was passed to address this prevalent circumstance to uphold the fundamental freedoms guaranteed under the Constitution and international conventions.

Q11: What is referred to as Violence Against Women (VAW)?

It is any act of gender-based violence that results or is likely to result in physical, sexual or psychological harm or suffering to women including threats or such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life. Gender-based violence is any violence inflicted on women because of their sex.

Q12: What are the acts prohibited under the R.A. 9262?

1. Causing Physical Harm to the woman or her child;
2. Threatening to cause the woman or her child physical harm;
3. Attempting to cause the woman or her child physical harm;
4. Placing the woman or her child in fear of imminent physical harm;
5. Compelling the woman or her child to engage in an act wherein the woman or her child has no right to object;
6. Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
7. 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;

8. 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.
9. 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 denial of access to the woman's child/children.

Q13: What are examples of acts of compelling the woman or her child to engage in an act wherein the woman or her child has the right to object?

1. Threatening to deprive or actually depriving the woman or her child of custody or access to her/his family;
2. Depriving or threatening to deprive the woman or her children of financial support legally due to 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;
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.

Q14: What are examples of acts engaging in a conduct that alarms or causes substantial emotional or psychological distress to the woman or her child?

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.

Q15: What is Battered Women Syndrome (BWS)?

It is a scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse. [R.A. 9262, Sec. 3]

It is also a defense that may be used by victim-survivors of abuse to be exempt from any criminal or civil liability arising from retaliation against their partner even though justifying circumstances of self-defense under the Revised Penal Code are absent. [R.A. 9262, Sec. 26]

In the case of *People v. Genosa*, the Supreme Court mentioned that BWS is characterized by “cycle of violence” which has three phases:

1. Tension-building phase – during this phase, minor battering occurs.

2. Acute-battering incident – during this phase, there is brutality and destructiveness where the woman has no control.

3. Tranquil Period – during this period, batterer may show a tender and nurturing behavior towards his partner. The couple experience profound relief.

To be classified as a battered woman, the couple must go through the battering cycle at least twice. [People v. Genosa, G.R. No. 135981, 15 January 2004]

Q16: How should the courts determine if a woman is suffering from BWS?

The courts shall be assisted by expert psychiatrists or psychologists in determining the state of mind of the woman allegedly suffering from BWS at the commission of the crime.

Q17: Is a woman suffering from Battered Woman Syndrome disqualified from having custody of her children?

No. Any woman suffering from BWS shall not be disqualified from having custody of her children. Moreover, the custody of the minor child shall never be given to the perpetrator of a women suffering from BWS. [R.A. No. 9262, Sec. 28]

Anti-Photo and Video Voyeurism Law (RA 9995)

The Anti-Photo and Video Voyeurism Act of 2009 is in line with the State's policy to protect and value the dignity and privacy of every human person, guaranteeing full respect for human rights.

Q18: What are the acts prohibited under R.A. 9995?

The following acts are prohibited and considered unlawful:

1. The recording of videos and taking of photos involving sexual acts, the male and female genitalia, and of the female breast without the consent of the persons involved and under circumstances in which the person/s has/have a reasonable expectation of privacy;
2. The copying, reproduction, or causing to copy or reproduce, such photo or video or recording of sexual acts or any similar activity with or without consideration;
3. The selling or distributing, or causing to sell or distribute, such photo or video recording of sexual acts, whether it be the original copy or reproduction thereof; or
4. The publishing, or broadcasting, or causing to be published or broadcasted, whether in print or broadcast media, or show or exhibit, the photo or video coverage or recordings of such sexual act or any similar activity through VCD/DVD, internet, cellular phones, and other similar means or device. [R.A. 9995, Sec. 4]

It shall be noted that the prohibition under 2, 3, and 4 is applicable notwithstanding that consent to record or take photo or video coverage of the same was given by such person/s.

Anti-Rape Law (RA 8353)

The Anti-Rape Law was passed for two purposes. First, it was adopted to reclassify the crime of rape from a private crime to a crime against persons to enable anyone who has knowledge of the crime to file a case in the victim's behalf, and second, it was enacted to expand the definition of the crime of rape by including sexual assault.

Q19: What is rape?

Rape is the crime committed when a person performs sexual acts on another person without consent. The sexual acts may be in the form of sexual intercourse, also called carnal knowledge, or sexual assault.

Q20: What is sexual assault?

There is sexual assault when:

1. a man inserts penis into another person's mouth or anal orifice; or
2. a person inserts any instrument or object into the genital or anal orifice of another.

Q21: Can anyone commit rape?

Yes. Men can commit rape against another man or a woman. The same applies to women.

However, rape by sexual intercourse only occurs between a man and a woman. [People v. Borneo, G.R. No. 91734, 30 March 1993]

Q22: When is there no consent?

There is no consent when the sexual act is committed under any of the following circumstances:

1. through force, threat, or intimidation;
2. when the offended party is deprived of reason or unconscious;
3. by means of fraudulent machination or grave abuse of authority;
4. when the offended party is under thirteen (13) years of age or is demented, even though none of the circumstances mentioned above be present.
5. when the offended party is thirteen (13) to sixteen (16) years of age, even though none of the circumstances mentioned above be present, unless:
 - a. the person having carnal knowledge of another person sixteen (16) years of age is not more than three (3) years; and
 - b. the sexual act in question is proven to be consensual, non-abusive, and non-exploitative. [Revised Penal Code, Article 266-A, as amended]

Any physical overt act resisting against the act of rape in any degree from the offended party, or the fact that the offended part is incapable of giving valid consent may be accepted as evidence of lack of consent. [Revised Penal Code, Article 266-D]

Q23: When is a person deprived of reason?

A person deprived of reason has mental abnormalities that affect his or her reasoning and perception of reality and, therefore, his or her capacity to resist, make decisions, and give consent.

[People v. Quintos, G.R. No. 199402, 12 November 2014]

Q24: When is a person demented?

A person is demented when he or she suffers from the mental condition dementia. Dementia refers to the deterioration or loss of mental functions such as memory, learning, speaking, and social condition, which impairs one's independence in everyday activities. [People v. Quintos, G.R. No. 199402, 12 November 2014]

Q25: When is a sexual act non-abusive and non-exploitive?

Non-abusive shall mean the absence of undue influence, intimidation, fraudulent machinations, coercion, threat, physical, sexual, psychological, or mental injury or maltreatment, either with intention or through neglect, during the conduct of sexual activities with the child victim.

Non-exploitative shall mean there is no actual or attempted act or acts of unfairly taking advantage of the child's position of vulnerability, differential power, or trust during the conduct of sexual activities. [R.A. 11648, Sec. 1]

Q26: What happens if the offended party gets pregnant?

The offender must:

1. acknowledge the offspring, unless the law should prevent him from doing so; and
2. support the offspring.

Q27: Is there any protection for rape victims during the case trial?

Yes, the “Maria Clara” doctrine, also known as the “Woman’s Honor” doctrine, is the Court’s belief that:

“... women, especially Filipinos, would not admit that they have been abused unless abuse had actually happened. This is due to the belief that the offended party would not have positively stated that intercourse took place unless it did actually take place.” [People vs. Taño, et al., G.R. No. L-11991, 31 October 1960]

Q28: Can another spouse be a victim of rape by his/own spouse?

Yes. Husbands do not have property rights over their wives' bodies. Sexual intercourse, albeit within the realm of marriage, if not consensual, is rape. This is the clear State policy expressly legislated in Section 266-A of the Revised Penal Code (RPC), as amended by Republic Act (R.A.) No. 8353 or the Anti-Rape Law of 1997. Clearly, it is now acknowledged that rape, as a form of sexual violence, exists within marriage. A man who penetrates her wife without her consent or against her will commits sexual violence upon her, and the Philippines, as a State Party to the CEDAW and its accompanying Declaration, defines and penalizes the act as rape under R.A. No. 8353. [People vs. Jumawan, G.R. No. 187495, 21 April 2014]

Q29: What is Date Rape Drug?

Date rape drug is a drug which facilitates rape by causing temporary inhibition or memory loss. Alcohol is often used for this. Drugs or alcohol can make a person confuse with what is happening, less able

to defend themselves against unwanted sexual contact, or unable to remember what happened. [US Office on Women's Health, Date Rape Drugs (2019)]

The Supreme Court had a chance to rule on date rape drug with rape cases. This Court finds that Caga did have sexual intercourse with "AAA" when she was asleep and still under the influence of alcohol. The case thus falls under the second paragraph of rape: "when the offended party is deprived of reason or is otherwise unconscious." It is altogether immaterial that the prosecution's evidence failed to establish the presence of physical force, threat, or intimidation because, as the evidence at bar shows, Caga raped an unconscious and extremely intoxicated woman - a fact that was duly alleged in the Information and duly established by the prosecution's evidence during the trial. In the case at bench, physical force, threat or intimidation is not necessary, for the simple reason that an unconscious and extremely intoxicated woman cannot freely and voluntarily give her consent to engaging in sexual intercourse. [People vs. Caga, G.R. No. 206878, 22 August 2016]

Rape Victim Assistance and Protection Act of 1998 (RA 8505)

The Rape Victim Assistance and Protection Act of 1998 provides procedures for the assistance and protection of rape victims in the litigation of their cases. It coordinated various government agencies and non-government organizations to work together for the establishment and operation of a rape crisis center in every province and city.

Q30: What kinds of assistance does the rape crisis centers extend?

Rape crisis centers shall extend the following assistance to rape victims:

- 1) To provide rape victims with psychological counselling, medical and health service, including their medico-legal examination;
- 2) To secure free legal assistance or service, when necessary, for rape victims;
- 3) To assist rape victims in the investigation to hasten the arrest of offenders and the filing of cases in court;
- 4) To ensure the privacy and safety of rape victims;
- 5) To provide psychological counselling and medical services whenever necessary for the family of rape victims;
- 6) To develop and undertake a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers, and barangay officials on human rights and responsibilities; gender sensitivity and legal management of rape cases; and
- 7) To adopt and implement programs for the recovery of rape victims. [R.A. 8505, Section 3]

Q31: Where are rape crisis centers located?

Rape crisis centers are located in government hospitals or health clinics, or in any suitable place in every province and city. [R.A. 8505, Section 3]

Q32: What is a Women’s Desk?

The Women’s Desk in every police precinct is specifically established to accommodate complaints of women rape victims. R.A. 8505 requires that the police officer and examining physician must be of the same gender as the offended party. For this purpose, female police officers shall be provided in women’s desks, and they shall have the primary duty 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 prosecutors. [R.A. 8505, Section 4]

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. [R.A. 9710, Sec. 9(d)]

Q33: What are duties of the police officer upon receipt of a complaint for rape?

It shall be the duty of the police officer to:

- 1) Immediately refer the case to the prosecutor for inquest/investigation if the accused is detained. If the accused is not detained, then procedures under the rules of court shall be followed;
- 2) Arrange for counselling and medical services for the offended party; and
- 3) Immediately make a report on the action taken. [R.A. 8505, Section 4]

Q34: Shall the identity of women rape victims be protected?

The right to privacy of the rape victim and the accused shall be recognized at all state of the investigation, prosecution, and trial of the complaint for rape. This may entail a closed-door investigation, prosecution, or trial whenever necessary, and the name and personal circumstances of the rape victim 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. [R.A. 8505, Section 5]

Q35: What is a rape shield?

A rape shield means that in prosecutions for rape, the victim’s past sexual conduct, opinion on the matter or of his/her reputation shall not be admitted as evidence. The court may only do so if it finds that such evidence is material and relevant to the case. [R.A. 8505, Section 6]

Anti-Trafficking Law (RA 10364)

The Anti-Trafficking in Persons Act of 2003 was enacted to provide mechanisms for the protection of trafficked persons, especially women and children. Additionally, it institutes policies aimed at eliminating human trafficking and providing punishment therefor.

Q36: What is trafficking in persons?

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.” [RA 10364, Sec. 3(a)]

Q37: What are the elements of Trafficking in Persons?

There are three (3) elements:

- **Acts:** involves 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;
- **Means:** committed by use of threat, force, or other forms of coercion, abduction, fraud, deception, abuse of power or position, taking advantage of the vulnerability of the person, or the giving or receiving payments or benefits to achieve the consent of the person having control over another person; and
- **Purpose:** done for the purpose of exploitation or the prostitution of others, or other forms of sexual exploitation, forced labor or services, slavery, involuntary servitude, or the removal or sale of organs.

Note: Each of these elements must be present and linked to each other; the act/s must be achieved by one of the means and both must be linked to achieving the exploitative purpose. If any one of the 3 elements is lacking, the situation may not involve trafficking in persons except if it involves the trafficking of a child.

Q38: What are the acts punishable under the Anti-Trafficking in Persons Law, as amended?

The following acts are punishable:

- A. Acts of Trafficking in Persons:** includes all acts committed by any natural or juridical person wherein all the three (3) elements are present. Some examples are:
 - To recruit, transport, transfer; harbor, provide, 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, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage
 - 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
 - To maintain or hire a person to engage in prostitution or pornography
 - To adopt or facilitate the adoption of persons for the

purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage [RA 10364, Sec. 4]

B. Acts that promote Trafficking in Persons: includes all acts that encourage or facilitate trafficking, such as:

- To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons
- To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons
- To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in person
- To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings

of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies

- To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery (RA 10364, Sec. 8)

C. Use of trafficked persons: buying or engaging the services of a trafficked person for prostitution [RA 10364, Sec. 13]

D. Qualified Trafficking in Persons: the act of trafficking is considered qualified when:

- The trafficked person is a child
- There is adoption under RA 8043 (Inter-Country Adoption Act) and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage
- The crime is committed by a syndicate or is large scale
- The offender is a spouse, ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person
- The offense is committed by a public official or employee
- The trafficked person is recruited to engage in

prostitution with any member of the military or law enforcement agencies

- The offender is a member of the military or law enforcement agencies
- The trafficked person died, became insane, suffered mutilation or got infected with HIV/AIDS
- The offender commits one or more acts of TIP over a period of sixty (60) or more days
- The offender directs or through another manages the trafficking victim the offender directs or through another manages the trafficking victim [RA 10364, Sec. 9]

E. 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 trafficking in persons [RA 10364, Sec. 5]

Q39: Who may file a case?

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 [RA 10364, Sec. 11]

Q40: Is there a prescriptive period in trafficking cases?

Yes. Trafficking cases shall prescribe in ten (10) years. However, trafficking cases committed by a syndicate or on a large scale or against a child, shall prescribe in twenty (20) years. [RA 10364, Sec. 14]

Q41: Are there programs that address trafficking in persons?

Yes. The Government is mandated to establish and implement preventive, protective, and rehabilitative programs for victims of trafficking. The following are agencies tasked to implement such programs:

- Department of Foreign Affairs (DFA)
- Department of Social Welfare and Development (DSWD)
- Department of Labor and Employment (DOLE)
- Department of Justice (DOL)
- Philippine Commission on Women (PCW)
- Philippine Overseas Employment Administration (POEA)
- Philippine National Police (PNP)
- Bureau of Immigration [RA 10364, Sec. 15]

Q42: Is legal protection available to victims of trafficking?

Yes. Trafficked persons are recognized as victims under the law. As such, they will not be penalized for any unlawful act they committed as a direct result of, or as an incident or in relation to, being trafficked. [RA 10364, Sec. 17]

Q43: What are the penalties?

Here is a summary table of the penalties:

Acts of Trafficking	20 years imprisonment and a fine of Php 1M to 2M
Attempted Trafficking	15 years imprisonment and a fine of Php 500,000.00 to 1M
Qualified Trafficking	Life imprisonment and a fine of Php 2M to 5M
Use of Trafficked Person	<i>Prision correccional</i> or 6 months and 1 day to 6 years and a fine of Php 50,000.00 to Php 100,000.00
Trafficking involves sexual intercourse or lascivious conduct with a child	<i>Reclusion temporal</i> in its medium period to <i>reclusion perpetua</i> and a fine of Php 500,000.00 to 1M
Trafficking involves carnal knowledge of or sexual intercourse of a male/female victim, and involves the use of force or intimidation to a victim deprived of reason, or a victim under 12 years of age	<i>Reclusion perpetua</i> or 20 years and 1 day to 40 years, and a fine of Php 1M to 5M

Anti-Child Marriage Law (RA 11596)

The Anti-Child Marriage Law is in line with Section 13, Article II of the Philippine Constitution which provides that the State recognizes the vital role of the youth in nation-building and promotes and protects their physical, moral,

spiritual, intellectual, and social well-being. [Sec. 1, R.A. 11596]

The law also recognizes the role of women in nation-building. As such, it aims to protect and promote their empowerment through the abolition of the unequal structures and practices that perpetuate discrimination and inequality. Accordingly, the law has specifically involved the participation of Women, Girls, Youth Organizations, and Civil Society Organizations in every step and stage of decision-making processes. [Sec. 9, R.A. 11596]

Through this law, the State has now abolished all traditional and cultural practices and structures that perpetuate discrimination, abuse, inequality, and exploitation of children. Thus, child marriage is considered as a practice constituting child abuse since it debases, degrades, and demeans the intrinsic worth and dignity of children.

Q44: Who is considered a child under R.A. 11596?

Any person under eighteen (18) years of age, or any person eighteen (18) or over but is unable to fully care for and protect oneself from abuse, neglect, cruelty, exploitation or discrimination due to a physical or mental disability of condition. [Sec. 3(a), R.A. 11596]

Q45: What is child marriage?

It is any marriage entered into where one or both parties are children as defined under this law, and solemnized in civil or church proceedings, or in any recognized traditional, cultural or customary manner. This includes and informal union or cohabitation outside of wedlock between

an adult and a child, or between children.
[Sec. 3(b), R.A. 11596]

Q46: What is prohibited under the law?

The following are declared unlawful and prohibited acts:

1. Facilitation of Child Marriage – wherein one causes, fixes, facilitates, or arranges a child marriage. [Sec. 4(a), R.A. 11596]
2. Solemnization of Child Marriage – wherein any person performs or officiates a child marriage. [Sec. 4(b), R.A. 11596]
3. Cohabitation of an Adult with a Child Outside Wedlock – wherein an adult partner cohabits with a child outside wedlock [Sec. 4(c), R.A. 11596]

Note: The abovementioned acts are deemed public crimes and can thus be initiated by any concerned individual. [Sec. 5, R.A. 11596]

Q47: What is the legal effect of a child marriage?

It is void ab initio, and the action or defense for the declaration of its absolute nullity is imprescriptible. [Sec. 6, R.A. 11596]

Revised Penal Code (Act No. 3815, As Amended)

Abuses against Chastity (Article 245)

Q48: When do abuses against chastity occur?

Abuses against chastity occur when a public officer solicits or makes immoral or indecent advances to a woman in the following circumstances:

1. to a woman interested in matters;
 - a. pending before the public officer; or
 - b. with respect to which he is required to submit a report to or consult with a superior officer
2. to a woman under his custody.
3. to a woman who is the wife, daughter, sister or relative within the same degree by affinity of any person in his custody.

Concubinage (Article 334)

Q49: When is there concubinage?

There is concubinage when a husband:

1. keeps a mistress in the conjugal dwelling; or
2. has sexual intercourse, under scandalous circumstances, with a woman who is not his wife; or
3. cohabit with her in any other place.

Q50: Can concubinage be committed by women?

No, concubinage can only be committed by men.

Q51: Who are punishable in the commission of concubinage?

Both the husband and the concubine are punishable.

Acts of Lasciviousness **(Articles 336 and 339)**

Q52: What are acts of lasciviousness?

Lascivious conduct is the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, or the introduction of any object into the genitalia, anus or mouth, of any person, whether of the same or opposite sex, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genitals or pubic area of a person. [Section 2(h) of the Implementing Rules and Regulations (IRR) of RA 7610]

Q53: When is a person liable for lascivious conduct?

A person is liable for lascivious conduct under the Revised Penal Code when he does such acts in the following circumstances:

1. through force, threat, or intimidation;
2. when the offended party is deprived of reason or unconscious;
3. by means of fraudulent machination or grave abuse of authority;
4. when the offended party is under thirteen (13) years of age or is demented, even though none of the circumstances mentioned above be present.
5. when the offended party is thirteen (13) to sixteen (16) years of age, even though none of the circumstances mentioned above be present, unless:

- a) the person having carnal knowledge of another person sixteen (16) years of age is not more than three (3) years; and
- b) the sexual act in question is proven to be consensual, non-abusive, and non-exploitative. (Article 266-A, as amended, as cited in Article 336)

Q54: Can a person be liable for acts of lasciviousness, even if the offended party gave consent?

Yes, a person can be held liable for acts of lasciviousness, despite consent, if the offended party is a woman over twelve (12) and under eighteen (18) years of age and such acts were done:

1. through means of deceit; or
2. by any of the following:
 - a) a person in public authority;
 - b) priest;
 - c) home-servant;
 - d) domestic;
 - e) guardian;
 - f) teacher; or
 - g) any person who was entrusted with the education or custody of the woman seduced.

Seduction (Articles 337 and 339)

Q55: When is there seduction?

Seduction happens when the offender has sexual intercourse with a woman sixteen (16) and over but under eighteen (18) years of age.

Q56: How is simple seduction different from qualified seduction?

In simple seduction, the woman may or may not be a virgin, and there was deceit so that the offender may have sexual intercourse with the woman.

In qualified seduction, the woman must be a virgin, and the offender be:

1. A person in public authority;
2. Priest;
3. Home-servant;
4. Domestic;
5. Guardian;
6. Teacher; or
7. Any person who was entrusted with the education or custody of the woman seduced.

Abduction (Articles 342 and 343)

Q57: What is abduction?

The taking of a woman against her will with lewd designs.

Q58: Can someone be held liable for abduction even if there was consent?

Yes, if the woman abducted was:

1. a virgin; and
2. over twelve (12) and under eighteen (18) years of age.

Q59: What happens if the offended party gets pregnant?

The offender must:

1. acknowledge the offspring, unless the law should prevent him from doing so; and

2. support the offspring.

Anti-Mail Order Spouse Act (RA 10906)

The Anti-Mail Order Spouse Act is the State's acknowledgment of existing unlawful practices, businesses and schemes which results in the exploitation of Filipinos by offering them for marriage to unscrupulous foreign nationals thus exposing them to abuse, prostitution and violent situations. This law offers protection to the victims of mail-order spouse schemes and provides penalties to its perpetrators.

Q60: What acts are punishable under the Anti-Mail Order Spouse Act of 2015?

1. To carry on a business transaction for the purpose of matching Filipino women to foreign nationals either on a mail order basis or a personal introduction.
2. To advertise. Publish, print, or distribute any brochure. Flier or propaganda to promote the prohibited acts.
3. Soliciting or enlisting in any manner or introducing any Filipino woman to become a member of any association whose objective is to match women for marriage to foreign nationals.
4. The use of postal services or websites on the internet to promote prohibited acts. [R.A. 10906, Sec. 3]

Services and Interventions for Women in Especially Difficult Circumstances

Q61: What are women in especially difficult circumstances?

The term “Women in Especially Difficult Circumstances” (WEDC) refers 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. [R.A. 9710, Sec. 30]

Q62: The Magna Carta for Women mandates the local government units to deliver the necessary services and interventions to WEDC. What are these services and interventions?

The 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. [R.A. 9710, Sec. 31]

Women in Situations of Armed Conflict

Women shall have the right to protection and security in situations of armed conflict and militarization.

- Women 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.
- The State 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. [R.A. 9710, Sec. 9(b)]

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 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. [R.A. 9710, Sec. 10]

Equal Access and Treatment

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. [R.A. 9710, Sec.11]

The State shall also ensure the participation of **grassroots women** leaders in decision and policy-making bodies in their respective sectors. [R.A. 9710, Sec. 25]

Q63: What are some affirmative action mechanisms that ensure meaningful participation from women in the national, regional, and local development?

- The number of women in third (3rd) level positions in government shall be incrementally increased to achieve a fifty-fifty (50-50) gender balance;
- 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;

- Women's groups shall also be represented in international, national, and local special and decision-making bodies;
- 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 shall be installed;
- Incentives shall be provided to political parties with women's agenda;
- Incentives shall be provided to encourage the integration of women in their leadership hierarchy, internal policy-making structures, appointive, and electoral nominating processes; and
- Measures shall be placed to encourage women leadership in the private sector in the form of incentives. [R.A. 9710, Sec.11]

Right to Information

Access to information regarding policies on women, including programs, projects, and funding outlays that affect them, shall be ensured. [R.A. 9710, Sec. 26]

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. [R.A. 9710, Sec. 12]

LGUs shall review existing ordinances and policies, repeal or amend them accordingly.

Equal Access to Education, Scholarships, and Training

The State shall ensure that gender stereotypes and images in educational materials and curricula are adequately and appropriately revised.

Q64: How can women be given equal access in education, scholarship, and training?

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.

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

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. [R.A. 9710, Sec. 13]

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.

Q65: How can the State encourage participation of women in Sports?

- Train more female coaches for girls and women's teams; [R.A. 9710, Sec. 14, par. 1]
- Conduct activities such as sports clinics and seminars for potential female leaders, coaches and teachers at least once year; [R.A. 9710, Sec. 14, par. 1]
- Provide equal incentives and awards for both men and women for any competition; [R.A. 9710, Sec. 14, par. 1]
- Provide sufficient funds and equal opportunities for women athletes and coaches. [R.A. 9710, Sec. 14, par. 1]

Q66: How can the State provide for more opportunities for women in Sports?

- Develop, establish, and strengthen programs for competitive and noncompetitive sports; [R.A. 9710, Sec. 14, par. 1]
- Eliminate gender-role stereotyping; [R.A. 9710, Sec. 14, par. 1]
- Provide equal benefits of development for all persons regardless of sex, gender identity,

and other similar factors; [R.A. 9710, Sec. 14, par. 1]

- Ensure the safety and well-being of all women and girls participating in sports, 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; [R.A. 9710, Sec. 14, par. 5]

Q67: How can the State strengthen programs for the participation of women in Sports?

- Impose a mandate upon all sports-related organizations to 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; [R.A. 9710, Sec. 14, par. 2]
- Provide material and nonmaterial incentives to local government units, media organizations, and the private sector for promoting, training, and preparing women and girls for competitive and noncompetitive sports. [R.A. 9710, Sec. 14, par. 3]

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. [R.A. 9710, Sec. 14]

Women in the Military

Q68: How can the State protect women in the military?

- Pursue appropriate measures to eliminate discrimination of women in the military, police, and other similar services by;
- Revising or abolishing 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;
- Providing them with 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. [R.A. 9710, Sec. 15, par. 1]

Q69: How can the State ensure gender equality in the military?

- By providing women 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. [R.A. 9710, Sec. 15, par. 2]

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. [R.A. 9710, Sec. 15, par. 3]

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 non-government 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.

Q70: How can the State protect women in media?

- By formulating policies and programs for the advancement of women in collaboration with government and nongovernment media-related organizations;
- Promote awareness 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; [R.A. 9710, Sec. 16, par. 1]
- 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. [R.A. 9710, Sec. 16, par. 2]

Q71: How can the State promote gender inequality in media?

Cooperate 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. [R.A. 9710, Sec. 16, par. 3]

Women's Right to Health

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:

- Maternal care to include pre- and post-natal services to address

- pregnancy and infant health and nutrition;
- Promotion of breastfeeding;
- Responsible, ethical, legal, safe, and effective methods of family planning;
- 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;
- Prevention and management of reproductive tract infections, including sexually transmitted diseases, HIV, and AIDS;
- Prevention and management of reproductive tract cancers like breast and cervical cancers, and other gynecological conditions and disorders;
- Prevention of abortion and management of pregnancy-related complications;
- 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;
- Prevention and management of infertility and sexual dysfunction pursuant to ethical norms and medical standards;
- Care of the elderly women beyond their child-bearing years; and
- 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. [R.A. 9710, Sec. 17]

ratio of professional-to-patient as targeted by the DOH.

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:

- 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;
- The formation of a person's sexuality that affirms human dignity; and
- Ethical, legal, safe, and effective family planning methods including fertility awareness. [R.A. 9710, Sec. 17]

Responsible Parenthood & Reproductive Health Act of 2012 (RA 10354)

Services under this law include the following:

Hiring of Skilled Health Professionals

The LGUs shall hire skilled health professionals for maternal health and skilled birth attendance to achieve the

Health Care Facilities

Hospitals and facilities shall be established and upgraded by the LGUs. These facilities shall have adequate qualified personnel, equipment, and supplies to provide emergency obstetric and newborn care.

Access to Family Planning

Public health facilities shall provide family planning methods including medical consultations and procedures as well as supplies for couples having fertility issues who desire to have children.

Family planning services shall also be accessible to paying patients in private health facilities with the option to grant free care to indigents.

Information and access to family planning services shall be open to any person except minors without written consent from their parents or guardians.

Minors who are already parents or have had miscarriages shall also have information and access to family planning services without the need of consent of the parents or guardians.

Philhealth Benefits for Serious and Life-Threatening Reproductive Health Conditions

Maximum Philhealth benefits shall be provided to people who suffer serious health conditions such as HIV, AIDS, breast and reproductive tract cancers, obstetric complications, and menopausal and post-menopausal related conditions.

Reproductive Health Education

Adolescents shall have access to reproductive health education which shall be taught by trained teachers. The program may include the provision of knowledge and skills in self-protection against discrimination, sexual abuse, violence against women and children, teen pregnancy, and women's rights and children's rights.

Pro Bono Services for Indigent Women

Healthcare service providers are encouraged to provide at least 48 hours annually of reproductive health services free of charge to indigent and low-income patients, especially pregnant adolescents.

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. [R.A. 9710, Sec. 18]

SSS/PhilHealth Benefits

The Social Security System (SSS) and the Philippine Health Insurance Corporation (PhilHealth) shall support indigenous and community-based social protection schemes.

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.

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.

The State shall establish a health insurance program for senior citizens and indigents.

The State shall support women with disabilities on a community-based social protection scheme. [R.A. 9710, Sec. 27]

Maternity Leave

Q72: How long is a special leave for women and are they paid while on such leave?

Yes. For two (2) months with full pay from her employer based on her gross monthly compensation following surgery caused by gynecological disorders, provided that she has rendered continuous aggregate employment service of at least six (6) months for the last 12 months. This two-month leave is in addition to leave privileges under existing laws. [D.O. 112-11, Sec. 1(a), 11 March 2011]

Q73: What are included as gynecological disorders?

Disorders that would require surgical procedures of female reproductive organs such as the vagina, cervix, uterus, fallopian tubes, ovaries, breast, adnexa and pelvic floor. It includes hysterectomy, ovariectomy, and mastectomy. [D.O. 112-11, Sec. 1 (b), 11 March 2011]

Q74: What are the requirements to be entitled to special leave?

1. She has rendered six (6) months of continuous aggregate employment service within twelve (12) months prior to the surgery;
2. She has filed an application for special leave in accordance with Section 3; and
3. She has undergone surgery due to gynecological disorders as certified by a competent physician. [D.O. 112-11, Sec. 2, 11 March 2011]

Q75: When should the application be filed?

1. Within a reasonable time before the surgery
 2. Within a time period provided by company regulations and by the Collective Bargaining Agreement [D.O. 112-11, Sec. 3, 11 March 2011]
- Prior application is not required in emergency cases
 - Prior application for leave shall not be necessary in cases requiring emergency surgical procedure provided:
 - Employer shall be informed verbally or in written form within a reasonable period of time

- Further, after surgery, the employee after the surgery or the recuperating period shall file her application.

Q76: Who are eligible?

To qualify for the grant of maternity leave benefit, the female worker must meet the following requirements:

- a. She must have at least three (3) monthly contributions in the twelve-month period immediately preceding the semester of childbirth, miscarriage, or emergency termination of pregnancy.

In determining the female member's entitlement to the benefit, the SSS shall consider only those contributions paid prior to the semester of contingency; and

- b. She 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 [Implementing Rules and Regulations of R.A. 11210 or the 105-Day Expanded Maternity Leave Law, Sec. 1 Rule VI].

Notice Requirement

The notification process for SSS-covered female workers and/or members and employers shall be governed by the following rules:

1. The female member, upon confirmation of pregnancy, shall

- immediately inform her employer of such fact and the expected date of childbirth;
2. The employer shall, in turn, notify the SSS through the prescribed manner;
 3. The above rules notwithstanding, failure of the pregnant female worker to notify the employer shall not bar her from receiving the maternity benefits, subject to guidelines to be prescribed by the SSS; and
 4. Self-employed female members, including those in the informal economy, OFWs and voluntary SSS members may give notice directly to the SSS [Implementing Rules and Regulations of R.A. 11210 or the 105-Day Expanded Maternity Leave Law, Sec. 2, Rule VI]

Q77: What Benefits are Granted?

For employees in the PUBLIC sector:

1. 105 days of paid leave to be granted to a qualified female worker for live childbirth, regardless of the mode of delivery;
 - a. Additional fifteen (15) days paid leave, if the worker is qualified as a solo parent
2. Sixty (60) days paid leave, in case of miscarriage and emergency termination of pregnancy

For employees in the PRIVATE sector:

1. 105 days of paid leave to be granted to a qualified female worker for live childbirth, regardless of the mode of delivery;

- a. Additional fifteen (15) days paid leave, if the worker is qualified as a solo parent
2. Sixty (60) days paid leave, in case of miscarriage and emergency termination of pregnancy:
 - a. Employed female workers shall receive full pay which consists of (1) SSS maternity benefit computed based on their average daily salary credit; and
 - b. salary differential to be paid by the employer, if any.

Q78: Can the leave be extended?

Yes. An option to extend for an additional thirty (30) days without pay in case of live childbirth.

Q79: Will it matter if the female worker gets pregnant frequently for the purposes of availing such benefit?

No. Maternity Leave shall be granted to a qualified female worker in every instance of pregnancy, miscarriage or emergency termination of pregnancy regardless of frequency.

Q80: Can Maternity Leave benefits be granted even after termination of employment?

Yes. 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. Such period is not applicable when the employment of the pregnant woman. [R.A. 11210, Sec. 8]

Health care services for pre-natal, delivery, postpartum and pregnancy-related conditions granted to female workers, particularly those who are neither voluntary nor regular members of the SSS, as governed by the existing rules and regulations of the Philippine Health Insurance Corporation (PhilHealth).

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:

- 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;
- 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;
- 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;
- the same personal rights between spouses or common law spouses including the right to choose freely a profession and an occupation;
- the same rights for both spouses or common law spouses in respect of the ownership, acquisition,

management, administration, enjoyment, and disposition of property;

- the same rights to properties and resources, whether titled or not, and inheritance, whether formal or customary; and
- that 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. [R.A. 9710, Sec. 19]

With respect to the founding of a family, Section 19(c) of Republic Act No. 9710, otherwise known as the “Magna Carta of Women,” provides that women shall have equal rights in all matters relating to marriage and family relations, including the “joint decision on the number and spacing of their children.” [Imbong vs. Ochoa Jr., G.R. No. 204819, 08 April 2014]

Q81: Is a premarital intimate relationship an abhorrent act?

No. The voluntary intimacy between two (2) unmarried adults, where both are not

under any impediment to marry, where no deceit exists, and which was done in complete privacy, is neither criminal nor so unprincipled as to warrant disciplinary action. [Inocente vs. St. Vincent Foundation for Children and Aging, Inc., G.R. No. 202621, 22 June 2016]

Recognition of Foreign Divorce

Q82: How does Magna Carta of Women affect the interpretation of our law on recognition of divorce?

In 2009, Congress enacted Republic Act No. 9710 or the Magna Carta of Women, which provides that the State “shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.” This necessarily includes the second paragraph of Article 26 of the Family Code. Thus, Article 26 should be interpreted to mean that it is irrelevant for courts to determine if it is the foreign spouse that procures the divorce abroad. Once a divorce decree is issued, the divorce becomes “validly obtained” and capacitates the foreign spouse to marry. The same status should be given to the Filipino spouse. [Racho vs. Tanaka, G.R. No. 199515, 25 June 2018]

Q83: May a divorce filed by a Filipina against a foreign spouse be recognized?

Yes. In the case of Republic vs. Manalo, a Filipino citizen was married to a Japanese National. The couple filed for divorce in Japan and the Filipina petitioned to have their marriage canceled. The Court held that whether the Filipino spouse initiated the foreign divorce proceeding or not, a favorable

decree dissolving the marriage bond and capacitating his or her alien spouse to remarry will have the same result, that is, the Filipino spouse will effectively be without a husband or wife. Art. 26(2) of the Family Code makes no distinction whether the valid divorce decree should be obtained by the foreign or Filipino spouse; its only concern is that a valid divorce decree be obtained. A Filipino who initiated a foreign divorce proceeding is in the same place and in like circumstance as a Filipino who is at the receiving end of an alien-initiated proceeding. In remanding the case to the trial court, the Court noted that the burden is on the Filipino to prove the pertinent Japanese law validating the divorce, as well as her former husband's capacity to remarry. [Republic vs. Manalo, G.R. No. 221209, 24 April 2018]

Divorce - Sharia Law

Q84: Can any natural born Filipino file for divorce within the Philippines?

No. Only the Muslim Filipinos may file for divorce under the Shari'a Law.

Divorce by li'an. - Where the husband accuses his wife in court of adultery, a decree of perpetual divorce may be granted by the court after due hearing and after the parties shall have performed the prescribed acts of imprecation (li'an).

Divorce by khul'. - The wife may, after having offered to return or renounce her dower or to pay any other lawful consideration for her release (khul') from the marriage bond, petition the court for divorce. The court shall, in meritorious

cases and after fixing the consideration, issue the corresponding decree.

Divorce by tafwid - If the husband has delegated (tafwid) to the wife the right to effect a talaq at the time of the celebration of the marriage or thereafter, she may repudiate the marriage and the repudiation would have the same effect as if it were pronounced by the husband himself.

For Muslim women, Article 52 under Chapter Three of the Code of Muslim Personal Laws (P.D. No. 1083) provides for divorce by faskh. The court may, upon petition of the wife, decree a divorce by faskh on any of the following grounds:

- a. Neglect or failure of the husband to provide support for the family for at least six consecutive months;
- b. Conviction of the husband by final judgment sentencing him to imprisonment for at least one year;
- c. Failure of the husband to perform for six months without reasonable cause his marital obligation in accordance with this code;
- d. Impotency of the husband;
- e. Insanity or affliction of the husband with an incurable disease which would make the continuance of the marriage relationship injurious to the family;
- f. Unusual cruelty of the husband as defined under the next succeeding article; or
- g. Any other cause recognized under Muslim law for the dissolution of marriage by faskh either at the instance of the wife.

Solo Parents Act (RA 8972, As Amended by RA 11861)

In recognizing the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development, the Solo Parents Act was enacted to provide a comprehensive package of social development and welfare services for solo parents and their children. This welfare services are to be carried out by the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of Education, Culture and Sports (DECS), the Department of the Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the National Housing Authority (NHA), the Department of Labor and Employment (DOLE), and other related government and nongovernment agencies.

Scenario: Ivey and her husband met an accident which unfortunately led to the husband's passing. Ivey was consoled by her lawyer friend Ina who told the former that she was now a Solo Parent. Ina pointed out that to help her raise her child, the Solo Parents Act had provisions granting certain benefits.

Q85: Who are considered as Solo parents?

1. A woman who has given birth (and has decided to keep and raise the child) as a result of rape and other crimes against chastity even without a final conviction of the offender.

2. A parent who is left with the sole responsibility of parenthood due to:
 - a. Death of a spouse
 - b. Detention of the spouse for at least 3 months or service of sentence for a criminal conviction;
 - c. Physical or mental incapacity of the spouse as certified by a public or private medical practitioner;
 - d. Legal separation or de facto separation for at least 6 months;
 - e. Declaration of nullity or annulment of marriage or divorce;
 - f. Abandonment by the spouse for at least 6 months;
3. Spouse or any family member of an Overseas Filipino Worker (OFW), or the guardian of the child or children of an OFW, provided that the OFW shall be a low-semi-skilled worker who is away from the Philippines for an uninterrupted period of 12 months.
4. Unmarried mother or father who keeps and rears the child;
5. Any legal guardian, adoptive, or foster parent who solely provides parental care and support to the child;
6. Any relative within the 4th civil degree of consanguinity or affinity of the parent or legal guardian who assumes parental care and support of the child or children as a result of the death or abandonment, disappearance or absence of the parents or solo parent for at least 6 months;
7. Senior citizen grandparents who have the sole parental care and support over their grandchildren who are unmarried, or unemployed and 22 years old or below, or those 22 years old or over but are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of mental or physical disability or condition.

Note: Aside from the benefits they get from the Expanded Senior Citizens Act of 2003, grandparents who are covered by the preceding provision shall also be entitled to the benefits under of the Expanded Solo Parents Welfare Act.
8. A pregnant woman who provides sole parental care and support to her unborn children. [R.A. 8972, Sec. 4 as amended by R.A.11861]

Q86: What are the benefits that a Solo Parent may avail of?

1. Comprehensive Package of Social Protection Services

Solo parents and their families shall be given a comprehensive package of social protection services such as:

- Trainings on livelihood skills, basic business management;
- Provision of capital and job replacement;
- Counseling services to resolve personal relationship and role conflicts;
- Parent effectiveness services such as provision of knowledge and skills of being a solo parent as well as other

- rights and duties of parents and children;
- Stress debriefing programs to cope with crisis situations and cases of abuse;
- Targeted interventions for individuals in need of temporary shelter, counseling, medical care, and spiritual nourishment, among others. [R.A. 8972, Sec. 5, as amended by R.A. 11861]

2. Flexible Work Schedule

Beneficiaries are given the right to flexible work arrangements wherein solo parents may vary their arrival and departure time in the workplace without affecting their core work hours. [R.A. 8972, Sec. 5, as amended by R.A. 11861]

3. No Work discrimination

No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his or her status with their solo parent employees. [R.A. 8972, Sec. 7, as amended by R.A. 11861]

4. Parental Leave

A forfeitable and non-cumulative parental leave of not more than 7 working days with pay every year shall be granted to any solo parent employee, regardless of employment status, who has rendered service for at least six months. This covers solo parent employees working in the government and the private sector. [R.A. 8972, Sec. 8, as amended by R.A. 11861]

5. Educational Benefits

Scholarship programs shall be provided for solo parents and a full scholarship program for one child of the solo parent in institutions of basic, higher, and technical vocational skill education. The solo parents and the child shall be qualified to avail program. The child of the solo parents shall be given priority in educational programs set by Republic Act No. 10687 or 'Unified Student Financial Assistance System for Tertiary Education Act, Republic Act No. 10891 or 'Universal Access to Quality Tertiary Education Act' and all other laws with educational benefits.

For purposes of this section, children shall be solely dependent on the solo parent, not married, no work, and below twenty-two years old. [R.A. 8972, Sec. 9, as amended by R.A. 11861]

6. Child Minding Centers

The DOLE and CSC shall promote and encourage the establishment of appropriate child minding centers within the workplace, or in accessible locations to the workplace or residence of the solo parent. [R.A. 8972, Sec. 10, as amended by R.A. 11861]

7. Breastfeeding in the Workplace

Working mothers who are solo parents shall be encouraged by the DOLE and SCS to practice breastfeeding in the workplace. [R.A. 8972, Sec. 13, as amended by R.A. 11861]

8. Social Safety Assistance

Solo parents and their children are entitled to social safety assistance such as food, medicines, and financial aid for

domicile repair in cases of disasters, calamities, pandemic, and other public health crises as may be declared by the DOH. [R.A. 8972, Sec. 14, as amended by R.A. 11861]

9. Additional Benefits:

Cash Subsidy

Solo parents who are earning minimum wage and below will receive a monthly subsidy of One Thousand Pesos (Php 1,000.00). Provided that the solo parent is not a recipient of any other cash assistance or subsidy from any government programs. However, if the solo parent is receiving senior citizen or PWD benefits, they can still receive the benefits provided under this act. [Sec. 12 (a), R.A. No. 11861]

Discount and VAT Exemption

Solo parents who are earning less than Php 250,000.00 every year can receive a 10% discount and exemption from VAT on baby's milk, food and micronutrient supplements, and sanitary diapers, duly prescribed medicines and vaccines purchased from the birth of the child until six (6) years of age. [Sec. 12 (b), R.A. No. 11861]

Automatic Health Insurance Coverage

Solo parents are entitled to an automatic coverage under the National Health Insurance Program of PhilHealth. [Sec 12. (c), R.A. No. 11861]

Prioritization in re-entering the workforce, scholarship, and other livelihood programs

Solo parents and their children are given priority in re-entering the workforce, scholarships, apprenticeships, livelihood

training, and other poverty alleviation programs of the government. [Sec 12 (d), R.A. No. 11861]

Prioritization in housing programs

Solo parents are given priority and allocation in housing projects of the government. [Section 12(d), R.A. No. 11861]

Child Support

Q87: What is support?

Support comprises everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family. [Art. 194 Par. 1, Family Code]

Q87: How is the amount of support determined?

As to the amount, it is proportional to the resources or means of the giver and the necessities of the recipient. The father and the mother may agree on the amount and manner of payment of child support.

Q89: What if there was no agreement?

The matter shall be left with the courts however its decision is never final, considering that support is based on the child's needs, which may change, and the parent's capacity to pay, which may also change. [Pension and Gratuity Management Centre vs. AAA, G.R. No. 201292, 01 August 2018]

Q90: What happens when two or more persons are obliged to give support?

Article 199 of the Family Code provides for an order of preference in case two or more persons demand support:

1. Spouse
2. Descendants of nearest degree
3. Ascendants of nearest degree
4. Brothers and Sisters

In such order, shall it be determined who between two or more persons shall be preferred to give support first.

The same order of preference shall also be observed in case two or more persons are demanding support from some legally obliged to provide it.

However, if the demand for support is initiated by both the spouse and the children, the children shall be preferred. [Art. 200, Family Code]

Q91: Can an adult still be entitled to support? Yes. Even if a person is beyond the age of majority (18 years old) he/she may still demand support for his/her education, and that shall include schooling and transportation expenses. [Article 194 par. 2, Family Code]

Q92: Can illegitimate children be entitled to support? Yes. Article 70 of the Family Code provides that parents have the legal duty to support their children, whether legitimate or illegitimate.

Q93: Can brothers and sisters who are illegitimately related support each other? Yes. Under Article 196 of the Family Code, brothers and sisters not legitimately related, whether of the full or half-blood, are likewise bound to support each other to the full extent.

However, there could be no entitlement to support if the claim for support arose from a cause imputable to the fault of the claimant.

Protection of Girl-Children

The State shall pursue measures to:

- eliminate all forms of discrimination against girl-children in education, health and nutrition, and skills development;
- protect from all forms of abuse and exploitation;
- ensure equal access of Moro and indigenous girl-children in the Madaris, schools of living culture and traditions, and the regular schools;
- develop gender-sensitive curricula, including legal literacy, books, and curriculum in the Madaris and schools of living culture and traditions; and
- ensure 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. [R.A. 9710, Sec. 32]

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. [R.A. 9710, Sec. 33]

Q94: Who are considered as Senior Citizens?

Those sixty (60) years of age and above. [R.A. 9710, Sec. 4(b)(10)]

Expanded Senior Citizens Act of 2010 (RA 9994)

Republic Act No. 9994, or the Expanded Senior Citizens Act of 2010, has upgraded and expanded the benefits, privileges, and services of the elderly. Its aim is to provide such individuals a more comprehensive policy that would improve their quality of life and total well-being.

Article XIII, Section 11 of the Constitution provides that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children. Article XV, Section 4 of the Constitution Further declares that it is the duty of the family to take care of its elderly members while the State may design programs of social security for them. [R.A. 9994. Sec. 1]

Q95: What are the privileges that a woman senior citizen is entitled to?

1. The grant of twenty percent (20%) discount and exemption from the value - added tax (VAT), if applicable, on the sale of the following goods and services from all establishments, for the exclusive

use and enjoyment or availment of the senior citizen:

- On the purchase of medicines, including the purchase of influenza and pneumococcal vaccines, and such other essential medical supplies, accessories and equipment to be determined by the Department of Health (DOH);
- On the professional fees of attending physician/s in all private hospitals, medical facilities, outpatient clinics and home health care services;
- On the professional fees of licensed professional health providing home health care services as endorsed by private hospitals or employed through home health care employment agencies;
- On medical and dental services, diagnostic and laboratory fees in all private hospitals, medical facilities, outpatient clinics, and home health care services, in accordance with the rules and regulations to be issued by the DOH, in coordination with the Philippine Health Insurance Corporation (PhilHealth);
- In actual fare for land transportation travel in public utility buses (PUBs), public utility jeepneys (PUJs), taxis, Asian utility vehicles (AUVs), shuttle services and public railways, including Light Rail Transit (LRT), Mass Rail Transit (MRT), and Philippine National Railways (PNR);
- In actual transportation fare for domestic air transport services and sea shipping vessels and the like, based on the actual fare and advanced booking;

- On the utilization of services in hotels and similar lodging establishments, restaurants and recreation centers;
- On admission fees charged by theaters, cinema houses and concert halls, circuses, leisure and amusement; and
- On funeral and burial services for the death of senior citizens [R.A. 9944, Sec. 4 (A)]

2. Exemption from the payment of individual income taxes of senior citizens who are considered to be minimum wage earners in accordance with Republic Act No. 9504 [R.A. 9944, Sec. 4 (C)]

3. The grant of a minimum of five percent (5%) discount relative to the monthly utilization of water and electricity supplied by the public utilities: Provided, That the individual meters for the foregoing utilities are registered in the name of the senior citizen residing therein: Provided, further, That the monthly consumption does not exceed one hundred kilowatt hours (100 kWh) of electricity and thirty cubic meters (30 m³) of water: Provided, furthermore, That the privilege is granted per household regardless of the number of senior citizens residing therein. [R.A. 9944, Sec. 4 (C)]

4. Exemption from training fees for socioeconomic programs [R.A. 9944, Sec. 4 (D)]

5. Free medical and dental services, diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests, in all government facilities, subject to the guidelines to be issued by the DOH in coordination with the PhilHealth [R.A. 9944, Sec. 4 (E)]

6. The DOH shall administer free vaccination against the influenza virus and pneumococcal disease for indigent senior citizen patients [R.A. 9944, Sec. 4 (F)]

7. Educational assistance to senior citizens to pursue post secondary, tertiary, post tertiary, vocational and technical education, as well as short-term courses for retooling in both public and private schools through provision of scholarships, grants, financial aids, subsidies and other incentives to qualified senior citizens, including support for books, learning materials, and uniform allowances, to the extent feasible: Provided, That senior citizens shall meet minimum admission requirements [R.A. 9944, Sec. 4 (G)]

8. To the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), the Social Security System (SSS) and the PAG-IBIG, as the case may be, as are enjoyed by those in actual service [R.A. 9944, Sec. 4 (H)]

9. Retirement benefits of retirees from both the government and the private sector shall be regularly reviewed to ensure their continuing responsiveness and sustainability, and to the extent practicable and feasible, shall be upgraded to be at par with the current scale enjoyed by those in actual service [R.A. 9944, Sec. 4 (I)]

10. To the extent possible, the government may grant special discounts in special programs for senior citizens on purchase of basic commodities, subject to the guidelines to be issued for the purpose by the Department of Trade and

Industry (DTI) and the Department of Agriculture (DA) [R.A. 9944, Sec. 4 (J)]

11. Provision of express lanes for senior citizens in all commercial and government establishments; in the absence thereof, priority shall be given to them [R.A. 9944, Sec. 4 (J)]

12. Death benefit assistance of a minimum of Two thousand pesos (Php2, 000.00) shall be given to the nearest surviving relative of a deceased senior citizen which amount shall be subject to adjustments due to inflation in accordance with the guidelines to be issued by the DSWD. [R.A. 9944, Sec. 4 (L)]

Q96: How can a woman senior citizen avail of these privileges?

She must submit, as proof of her entitlement, any of the following documents:

- an identification card issued by the Office of the Senior Citizen Affairs (OSCA) of the place where the senior citizen resides: Provided, That the identification card issued by the particular OSCA shall be honored nationwide;
- her passport; and
- other documents that establish that the senior citizen is a citizen of the Republic and is at least sixty (60) years of age as further provided in the implementing rules and regulations. [R.A. 9944, Sec. 4 (L) (1-3)]

Social Protection of Senior Citizens (RA 10645)

The State shall establish a health insurance program for senior citizens and indigents. [R.A. 9710, Sec. 27(d)] Moreover, one of the objectives of R.A. 9994 is to provide a comprehensive health care and rehabilitation system for disabled senior citizens to foster their capacity to attain a more meaningful and productive ageing. [R.A. 9994, Sec. 2(e)]

In 2014, R.A. 10645, or the Act Providing for the Mandatory Philhealth Coverage for All Senior Citizens was enacted. The law provides that all senior citizens shall now be automatically covered by the national health insurance program of Philhealth. It states that funds necessary to ensure the enrollment of all senior citizens not currently covered by any existing category shall be sourced from the National Health Insurance Fund of PhilHealth from proceeds of Republic Act No. 10351, or the Sin Tax Law, in accordance with the pertinent laws and regulations. [R.A. 10645, Sec. 1]

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. [R.A. 9710, Sec. 21]

Right to 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.

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. [R.A. 9710, Sec. 20]

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. [R.A. 9710, Sec. 20]

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. [R.A. 9710, Sec. 20]

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. [R.A. 9710, Sec. 23]

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. [R.A. 9710, Sec. 24]

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.

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.

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.

The State shall also 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. [R.A. 9710, Sec. 22]

Anti-Sexual Harassment Act (RA 7877)

Anti-Sexual Harassment Act of 1995 (Republic Act 7877) – This law declares the illegality of any acts involving unwelcome sexual advances, or requests for sexual favors in exchange for any favor in the workplace.

See page 8.

No Spouse Employment Policy

Q97: Can a No spouse policy be implemented?

Generally speaking, it shall be unlawful for an employer to require as a condition of employment or continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married, a woman employee shall be deemed resigned or separated. [Art. 134, Labor Code]

However, such policy can be validly implemented if the employer can prove that reasonable demands of the business require a distinction based on marital status and there is no better or

acceptable policy that would better accomplish the business purpose and a possibility of conflict of interest exists. [Duncan Assoc. Of Detailman-PTGWO vs. Glaxo Wellcome Phil. Inc., G.R. No. 162994, 17 September 2004]

Q98: May an international flight stewardess be discharged on account of her marriage?

No, for being violative of the clear mandate in Article 134 of the Labor Code with regard to discrimination against married women. Article 134 is not intended to apply only to women employed in ordinary occupations. In the case of Zialcita vs. PAL, the termination is not legal and the policy of PAL against marriage is patently illegal. Requiring that prospective flight attendants must be single and that they will be automatically separated from the service once they marry was declared void. [Zialcita et. al., vs. PAL, RO4-3-3398-76, 20 February 1977]

Expanded Breastfeeding Promotion Act of 2009 (RA 10028)

The main purpose of the Expanded Breastfeeding Promotion Act of 2009 is to require establishments to provide facilities for breastfeeding mothers. Additionally, it strengthened the protection offered to working mothers by adding breaks on top of their regular time-offs to express their breast milk.

Q99: What is the Expanded Breastfeeding Promotion Act?

The Expanded Breastfeeding Promotion Act requires all health and non-health facilities to allot space for lactation

stations. This Act gives mothers breastfeeding an extra break in addition to their regular mealtime-off.

Q100: What are lactation stations?

Lactation stations are private, clean, sanitary, and well-ventilated rooms in the workplace or public places where breastfeeding mothers can wash up, breastfeed, and/or express their milk and store it afterwards. (RA 10028, Sec.3 [p])

The lactation station must be provided with all the necessary equipment and facility needed for breastfeeding, such as, but not limited to a lavatory, refrigeration or any other cooling facility, electrical outlets, comfortable seats, a table, and other items. It must not be in the toilet. [RA 10028, Sec. 11]

Q101: What are lactation periods?

Breastfeeding employees shall be given break intervals in addition to their regular time-off for meals to breastfeed or express milk. These intervals include the time it takes for the employee to go to and from the workplace lactation station and shall be counted as compensable work hours. Lactation periods should not be less than forty (40) minutes for every eight (8)-hour working day. (RA 10028, Sec. 12)

Q102: Is there a penalty or sanction for any establishment that refuses or fails to provide lactation stations and/or periods?

Yes. A fine of not less than Fifty Thousand Pesos (Php 50,000.00) but not more than Two Hundred Thousand Pesos (Php 200,000.00) for the first offense; a fine of not less than Two Hundred Thousand Pesos (Php

200,000.00) but not more than Five Hundred Thousand Pesos (Php 500,000.00) for the second offense; a fine of not less than Five Hundred Thousand Pesos (Php 500,000.00) but not more than One Million Pesos (Php 1,000,000.00) and the cancellation or revocation of the business permit or license to operate on the third offense, will be imposed for such failure or refusal. The officials and employees who violate the same shall also be held administratively liable. (RA 10028, Sec. 21)

INSTITUTIONAL MECHANISMS

The Magna Carta of Women tasked several institutions to monitor the implementation of the policies and attainment of its objectives.

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. [R.A. 9710, Sec. 38]

Women in Development and Nation Building Act (RA 9172)

Republic Act No. 7192 allocates a portion of overseas development assistance to Gender and Development (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). [R.A. 9710, Sec. 36]

National Government and its Units

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.

Local government units are also encouraged to develop and pass a Gender and Development (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. [R.A. 9710, Sec. 36]

Q103: What is the role of Local Government Units in Implementing the Magna Carta of Women?

Local Government Units (LGU) shall implement gender responsive local ordinances that promote the comprehensive health of girls, such as:

- Gender and Development (GAD) code
- Reproductive Health Code

It shall formulate Resource Development Plan that will ensure the following:

- Sufficient number of skilled health professionals to attend all deliveries
- Availability of qualified and capable health service providers

The LGU shall also:

- Develop and allocate budget for health programs
- Monitor the implementation of health programs
- Enhance Parent Effectiveness Services and Programs to include continuing education on gender-based violence in every barangay such as:
 - VAWC (Violation against women and children)
 - Rape
 - Incest
 - Prostitution
 - Trafficking

- Coordinate with DOH on the provision of health services
- Strengthen the Local Health Board by:
 - Developing an award system to encourage excellent performance on women's health programs.
 - Organizing communities/ dialogues with the private sector to implement health programs for women and girls.
- Encourage to strengthen advocacy, participation and assist the LGUs on the implementation of the health programs.

Comprehensive Health Information and Education shall include:

- Sexuality education in public and private schools;
- Sexuality education for parents to enhance communication with their children;
- Trainings for health service providers; and

Teen centers for health and sexuality education and counseling.

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. [R.A. 9710, Sec. 39]

RELATED SECTORS

During discussions of women's rights, children's rights and LGBTQ+ rights are often brought up.

Children's rights are so often grouped together with women's rights because these are tightly knit. According to the United Nations Fund for Population Activities:

“...women's health and social and economic status – even before a child is born – is directly related to a child's prospects for survival and development.”

On the other hand, LGBTQ+ rights are often associated to women's rights because both issues arise from gender equality. In a world where there is bias towards those considered masculine, women and the LGBTQ+ are those that suffer disadvantages.

As both children's rights and LGBTQ+ rights are related topics, relevant rights shall be discussed in the following section.

Children

Foundling Recognition and Protection Act (RA 11767)

The law guarantees the rights of foundlings or deserted or abandoned children with unknown parents and recognizes their status as natural-born citizens.

A foundling found in the Philippines and/or in Philippine embassies, consulates, and territories abroad is presumed a natural-born Filipino citizen regardless of the status or circumstances of birth. As a natural-born citizen of the Philippines, a foundling is accorded with rights and protections at the moment of birth equivalent to those belonging to such class of citizens whose citizenship does not need perfection or any further act. [R.A. 11767, Sec. 5]

Q104: What is the implication of R.A. 11767 on women?

The law provides parents, especially women, with the option to relinquish their children properly and safely to proper authorities so that they might find their way to parents who can better provide for their safety and well-being.

The law aims to address situations of abandonment of infants in unsafe and unsanitary places and conditions, for fear of being criminally charged with infant abandonment. [Explanatory Note, R.A. 11767]

The State shall provide Filipino women access to methods, facilities, services, and supplies that contribute to their reproductive health and well-being.

Treatment of Girls in Conflict with Law (RA 9344)

“Child” is a person under the age of eighteen (18) years. While “Child at Risk” refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances. Some of the examples mentioned in the law are: being abandoned or neglected, and living in a community with a high level of criminality or drug abuse. [R.A. 9344, Sec. 4 (E) and (D)]

Q105: How is a girl child in conflict with the law treated under the justice system?

The girl shall undergo a diversion program wherein the child’s degree of remorse, the ability of the parents to supervise her, the point of view of the victim and if there are available in which the girl child can be admitted for rehabilitation. [R.A. 9344, Sec. 4 (J)]

Q106: What is the age of criminal responsibility?

The age of criminal responsibility is 18 years of age; 17-15 years of age if the child acted with discernment. [R.A. 9344, Sec. 6]

Q107: To whom diversion program is applicable to?

For children who are 17-15 years of age who acted with discernment.

Q108: What happens to children who are 15 years and below?

They are to be immediately released or committed to a youth care facility.

Rules on Diversion Program:

If the crime the child committed is penalized with imprisonment of not more than 6 years, mediation, family conferencing and conciliation, or other indigenous modes of conflict resolution in consonance with restorative justice shall be facilitated by the law enforcement officer or Punong Barangay with the assistance of the Local Social Welfare District Officer (LSWDO) or members of the Barangay Council for the Protection of Children (BCPC). Both the child and his/her family shall be present.

If it is a victimless crime with an imposable penalty of 6 years or less, LSWDO shall develop a diversion program in coordination with the BCPC. Both child and parent shall be present.

If the penalty exceeds 6 years, diversion shall be determined by the courts. [R.A. 9344, Sec. 23]

Non-Binary Persons (LGBTQ+)

Non-binary is a term used for persons who have sexual orientations, gender identities or gender expressions (SOGIE) that do not fall within the “man” or “woman” category. These persons often identify as members of the LGBTQ+ sector.

LGBTQ+ stands for lesbian, gay, bisexual, transgender, and queer. The plus sign symbolizes the many other labels that describe other non-binary persons.

LGBTQ+ Abuse

Currently, the women of the LGBT community experience abuse and violence (ranging from subtle jokes to extreme forms of stigma and assault) from their families, neighbors, educational/training institutions and even from government institutions. They also experience loss of economic opportunities due to discrimination in employment such as an outright refusal to hire applicants on the ground of their SOGIE.

LGBTQ+ and the Magna Carta for Women

The Magna Carta of Women recognizes that all individuals are equal as human beings by virtue of the inherent dignity of each human person. Therefore no one 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.

It also promotes the rights of women enlisted personnel in the military, police and similar services. That those women who are qualified shall not be denied of promotion to the highest non-commissioned officer position in the military, police and similar services solely on the basis of sex and sexual orientation.

Limitations

Absent national legislations that protect the rights of LGBT and ordinances across all local government units mandating the protection from discrimination on the basis of SOGIE, the rights of women belonging to this community cannot be concluded to be fully protected by law.