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STOP VIOLENCE AGAINST WOMEN

ANTI-VAW LAWS

A Compendium of Philippine Domestic Laws on Violence Against Women

STOP VIOLENCE AGAINST WOMEN

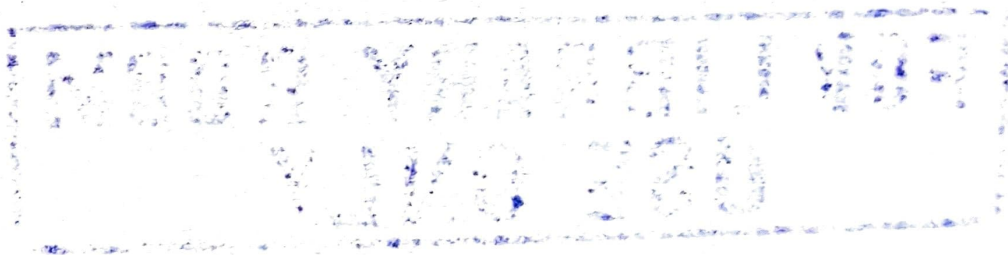
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**A Compendium of Philippine Domestic Laws
on Violence Against Women**

**Commission on Human Rights
Library**



**Manila, Philippines
1987**



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MESSAGE



I AM PLEASED that CHR will finally have its own compendium of 'Anti-VAW Laws', intended to be used in the discharge of our various functions as national human rights institution and especially as the Gender Ombud in the country.

I would like to particularly note that while this new mandate in the Magna Carta of Women closely relates to and complements our role as human rights commission, it is imperative that in the performance of our new additional responsibilities, we consciously aim for the achievement of gender equality and the elimination of discrimination of women. We should ascertain that in the determination of merits of each complaint for violation discrimination, gender based violence cases for example, we are guided by the rule of law and human rights principles of bringing to justice both the victim and the perpetrator.

Finally, I congratulate the Women's Human Rights Center for coming up with this collection of national laws, and for its commitment to improve the Commission's work on various issues on women's human rights.

LORETTA ANN P. ROSALES
Chairperson



MESSAGE

THE PHILIPPINES was among the States which immediately signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) after it was adopted by the United Nations General Assembly on 18 December 1979. The publication of this compendium of laws on women's rights, particularly the Anti-Violence Against Women and their Children Act of 2004 (Republic Act No. 9262) and the Magna Carta of Women (Republic Act No. 9710), is both timely and pertinent as the Philippines is about to celebrate the 30th anniversary of being a State Party to the CEDAW having ratified this international instrument on 05 August 1981.

In compliance with the State obligations under the CEDAW to take appropriate measures, including legislation, to ensure the full development and advancement of women and to adopt measures prohibiting all discrimination against women, the laws in this compendium have been adopted. In addition to the legislature, due recognition must also be extended to numerous women's human rights groups, civil society, women advocates, and government offices who worked together tirelessly in drafting the provisions of these laws which aim to protect women against any act of discrimination. However, the enactment of these laws is not the end goal. In order to achieve the full realization of equality between men and women in the Philippines, these laws must be implemented and monitored continuously and comprehensively. The Commission on Human Rights has a crucial role in this undertaking as it acts as the Gender Ombud under the Magna Carta of Women.

As Gender Ombud, one of the duties of the Commission is the investigation of complaints of discrimination and violations of women's rights under the Magna Carta of Women. Although three decades have passed since the ratification of the CEDAW, discrimination against women still continue and there is still prevalence of violence against women. This compendium has been published in order to provide the staff and personnel of the Commission on Human Rights with handy and readily available reference materials when conducting training and research, providing legal advice, and implementing its duties and functions. This compendium ensures that

MESSAGE



THE RESPONSIBILITY of the Commission on Human Rights to protect women from violence draws from our general mandate in the Constitution to protect and promote human rights, from the Anti-violence Against Women and Children Act of 2004, and from the Magna Carta of Women. It is therefore necessary that our lawyers, investigators, information officers, especially our focal officers for women and gender issues are provided with the proper tool to be utilised as reference or guideline when they perform their various functions. The printing of this collection is intended to address the said necessity, to complement our capacity building programme for the aforementioned officers and to strengthen our delivery of public awareness initiatives.

JOSE MANUEL S. MAMAUAG
Commissioner

information is readily available to us, thereby enhancing our efficiency and effectiveness, two qualities which are indispensable especially when we are confronted with cases involving violence against women and their children. It is our wish that each copy of the compendium will be well-used, well-read and well-applied to our work and in our life also.

We gratefully acknowledge the Women's Human Rights Center of the Commission on Human Rights for its initiative and efforts in bringing about this compendium. Let us continue to work together and to assist one another in order to bring forth *human rights for all!*

MA. VICTORIA V. CARDONA
Commissioner



MESSAGE

*"I do not wish [women] to have power over men;
but over themselves." - Mary Wollstonecraft*

THERE HAVE BEEN numerous welcomed advancements in the last decade regarding laws protecting women. We have, among others, RA 7877 Anti-Sexual Harassment Act, RA 8353 Anti-Rape Law, RA 8505 Rape Victim Assistance and Protection Act, RA 9208 Anti-Trafficking of Persons Act, RA 9262 Anti-Violence Against Women and Children Act, and RA 9710 Magna Carta of Women.

To effectively exercise our function in the promotion and protection of the rights of women, we as human rights defenders must fully grasp all these laws. This Compendium is a remarkable aid to attain that.

Thus, I congratulate the WHRC for coming up with this much needed Compendium. I commend you for conceiving a clever, economical and innovative way to assist our CHR regional and other offices. Also, this Compendium will be useful to other government institutions such as the barangay offices in educating their constituents.

Ignorance is one of the biggest allies of those who violate the rights of women. We need to educate our women of their rights to empower them. More so, we need to educate the men to respect and not to violate these rights.

Continue the good work and God bless.

NORBERTO DELA CRUZ
Commissioner

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**MAGNA CARTA
OF WOMEN**

**IMPLEMENTING RULES
AND REGULATIONS**

Begun and held in Metro Manila, on Monday, the twenty-eight day of July, two thousand eight.

S. No. 2396

H. No. 4273

**AN ACT PROVIDING FOR THE MAGNA
CARTA OF WOMEN
[REPUBLIC ACT NO. 9710]**

**Fourteenth Congress
Second Regular Session**

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

**CHAPTER 1
GENERAL PROVISIONS**

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

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

The State condemns discrimination against women in all its forms and pursues by all appropriate means and without delay the policy of eliminating discrimination against women in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international instruments consistent with Philippine law. The

State shall accord women the rights, protection, and opportunities available to every member of society.

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

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

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

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

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

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

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

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

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

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

CHAPTER II

DEFINITION OF TERMS

SEC. 4. *Definitions.* – For purposes of this Act, the following terms shall mean:

(a) “Women Empowerment” refers to the provision, availability, and accessibility of opportunities, services, and observance of human rights which enable women to actively

participate and contribute to the political, economic, social, and cultural development of the nation as well as those which shall provide them equal access to ownership, management, and control of production, and of material and informational resources and benefits in the family, community, and society.

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

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

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

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

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

(d) "Marginalized" refers to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in

poverty and have little or no access to land and other resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure, and the justice system.

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

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

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

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

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

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

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

(7) “Indigenous Peoples” refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. They shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural, and political institutions, but who may have been displaced from

their traditional domains as defined under Section 3(h), Chapter II of Republic Act No. 8371, otherwise known as “The Indigenous Peoples Rights Act of 1997” (IPRA of 1997);

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

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

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

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

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

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

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

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

(h) “Gender and Development (GAD)” refers to the development perspective and process that are participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices; seeks to transform society’s social, economic, and political structures and questions the validity of the gender roles they ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance; and stresses the need of women to organize themselves and participate in political processes to strengthen their legal rights.

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

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

They shall be discontinued when their objectives have been achieved.

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

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

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

(3) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs. It also includes acts of violence against women as defined in Republic Acts No. 9208 and 9262.

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

(m) “Social Protection” refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of all women, especially the marginalized by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people’s capacity to manage risk. Its

components are labor market programs, social insurance, social welfare, and social safety nets.

CHAPTER III

DUTIES RELATED TO THE HUMAN RIGHTS OF WOMEN

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

SEC. 5. *The State as the Primary Duty-Bearer.* – The State, as the primary duty-bearer, shall:

(a) Refrain from discriminating against women and violating their rights;

(b) Protect women against discrimination and from violation of their rights by private corporations, entities, and individuals; and

(c) Promote and fulfill the rights of women in all spheres, including their rights to substantive equality and non-discrimination.

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

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

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

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

SEC. 7. *Supplementary Effect.* – This chapter shall be deemed integrated into and be supplementary to other provisions of this Act, particularly those that guarantee specific rights to women and define specific roles and require specific conduct of state organs.

CHAPTER IV RIGHTS AND EMPOWERMENT

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

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

Towards this end, measures to prosecute and reform offenders shall likewise be pursued.

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

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

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

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

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

SEC. 11. *Participating and Representation.* – The State shall undertake temporary special measures to accelerate the participation and equitable representation of women in all spheres of society particularly in the decision-making and

policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development. The State shall institute the following affirmative action mechanisms so that women can participate meaningfully in the formulation, implementation, and evaluation of policies, plans, and programs for national, regional, and local development:

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

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

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

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

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

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

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

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

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

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

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

For this purpose, all sports-related organizations shall create guidelines that will establish and integrate affirmative action as a strategy and gender equality as a framework in planning and

implementing their policies, budgets, programs, and activities relating to the participation of women and girls in sports.

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

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

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

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

SEC. 15. *Women in the Military.* – The State shall pursue appropriate measures to eliminate discrimination of women in the military, police, and other similar services, including revising or abolishing policies and practices that restrict women from availing of both combat and noncombat training that are open to men, or from taking on functions other than administrative tasks, such as engaging in combat, security-related, or field operations.

Women in the military shall be accorded the same promotional privileges and opportunities as men, including pay increases, additional remunerations and benefits, and awards based on their competency and quality of performance. Towards this end, the State shall ensure that the personal of women shall always be respected.

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

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

SEC. 16. *Nondiscriminatory and Nonderogatory Portrayal of Women in Media and Film.* – The State shall formulate policies and programs for the advancement of women in collaboration with government and nongovernment media-related organizations. It shall likewise endeavor to raise the consciousness of the general public in recognizing the dignity of women and the role and contribution of women in the family, community, and the society through the strategic use of mass media.

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

The State, in cooperation with all schools of journalism, information, and communication, as well as the national media federations and associations, shall require all media organizations and corporations to integrate into their human resource development components regular training on gender equality and gender-based discrimination create and use gender equality guidelines in all aspects of management, training,

production, information, dissemination, communication, and programming; and convene a gender equality committee that will promote gender mainstreaming as a framework and affirmative action as a strategy, and monitor and evaluate the implementation of gender equality guidelines.

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

Access to the following services shall be ensured:

- (1) Maternal care to include pre-and post-natal services to address pregnancy and infant health and nutrition;
- (2) Promotion of breastfeeding;
- (3) Responsible, ethical, legal, safe, and effective methods of family planning;
- (4) Family and State collaboration in youth sexuality education and health services without prejudice to the primary right and duty of parents to educate their children;
- (5) Prevention and management of reproductive tract infections, including sexually transmitted diseases, HIV, and AIDS;
- (6) Prevention and management of reproductive tract cancers like breast and cervical cancers, and other gynecological conditions and disorders;

(7) Prevention of abortion and management of pregnancy-related complications;

(8) In cases of violence against women and children, women and children victims and survivors shall be provided with comprehensive health services that include psychosocial, therapeutic, medical, and legal interventions and assistance towards healing, recovery, and empowerment;

(9) Prevention and management of infertility and sexual dysfunction pursuant to ethical norms and medical standards;

(10) Care of the elderly women beyond their child-bearing years; and

(11) Management, treatment, and intervention of mental health problems of woman and girls.

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

(b) Comprehensive Health Information and Education.

– The State shall provide women in all sectors with appropriate, timely, complete, and accurate information and education of all the above-stated aspects of women's health in government education and training programs, with due regard to the following:

(1) The natural and primary right and duty of parents in the rearing of the youth and the development of moral character and the right of children to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of character;

(2) The formation of a person's sexuality that affirms human dignity; and

(3) Ethical, legal, safe, and effective family planning methods including fertility awareness.

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

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

(a) the same rights to enter into and leave marriages or common law relationships referred to under the Family Code without prejudice to personal or religious beliefs;

(b) the same rights to choose freely a spouse and to enter into marriage only with their free and full consent. The betrothal and the marriage of a child shall have no legal effect;

(c) the joint decision on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(d) the same personal rights between spouses or common law spouses including the right to choose freely a profession and an occupation;

(e) the same rights for both spouses or common law spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property;

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

(g) women shall have equal rights with men to acquire change, or retain their nationality. The State shall ensure in

particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. Various statutes of other countries concerning dual citizenship that may be enjoyed equally by women and men shall likewise be considered.

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

CHAPTER V

RIGHTS AND EMPOWERMENT OF MARGINALIZED SECTORS

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

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

(a) *Right to Food.* – The State shall guarantee the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals, the physical and economic accessibility for everyone to adequate food that is culturally acceptable and free from unsafe substances and culturally accepted, and the accurate and substantial information to the availability of food, including the right to full, accurate, and

truthful information about safe and health-giving foods and how to produce and have regular easy access to them;

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

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

(2) Equal treatment shall be given to women and men beneficiaries of the agrarian reform program, wherein the vested right of a woman agrarian reform beneficiary is defined by a woman's relationship to tillage, i.e., her direct and indirect contribution to the development of the land;

(3) Customary rights of women to the land, including access to and control of the fruits and benefits, shall be recognized in circumstances where private ownership is not possible, such as ancestral domain claims;

(4) Information and assistance in claiming rights to the land shall be made available to women at all times;

(5) Equal rights to women to the enjoyment, use, and management of land, water, and other natural resources within their communities or ancestral domains;

(6) Equal access to the use and management of fisheries and aquatic resources, and all the rights and benefits accruing to stakeholders in the fishing industry;

- (7) Equal status shall be given to woman 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 supports to women-engaged coastal resources;
- (8) There shall be no discrimination against women in the deputization of fish wardens;
- (9) Women-friendly and sustainable agriculture technology shall be designed based on accessibility and viability in consultation with women's organizations;
- (10) Access to small farmer-based and controlled seeds production and distribution shall be ensured and protected;
- (11) Indigenous practices of women in seed storage and cultivation shall be recognized, encouraged, and protected;
- (12) Equal rights shall be given to women to be members of farmers' organizations to ensure wider access to and control of the means of production;
- (13) Provide opportunities for empowering women fishers to be involved in the control and management, not only of the catch and production of aquamarine resources but also, to engage in entrepreneurial activities which will add value to production and marketing ventures; and
- (14) Provide economic opportunities for the indigenous women, particularly access to market for their produce.

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

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

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

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

(b) The State shall further ensure:

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

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

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

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

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

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

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

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

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

SEC. 24. *Right to Education and Training.* – The State shall ensure the following:

(a) Women migrant workers have the opportunity to undergo skills training, if they so desire, before taking on a foreign job, and possible retraining upon return to the country;

(b) Gender-sensitive training and seminars; and

(c) Equal opportunities in scholarships based on merit and fitness especially to those interested in research and development aimed towards women-friendly farm technology.

SEC. 25. Right to Representation and Participation.

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

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

SEC. 27. Social Protection. –

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

(b) The State shall institute policies and programs that seek to reduce the poverty and vulnerability to risks and enhance the social status and rights of the marginalized women by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risks.

(c) The State shall endeavor to reduce and eventually eliminate transfer costs of remittance from abroad through appropriate bilateral and multilateral agreements. It shall likewise provide access to investment opportunities for remittances in line with national development efforts.

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

(e) The State shall support women with disabilities on a community-based social protection scheme.

SEC. 28. *Recognition and Preservation of Cultural Identity and Integrity.* – The State shall recognize and respect the rights of Moro and indigenous women to practice, promote, protect, and preserve their own culture, traditions, and institutions and to consider these rights in the formulation and implementation of national policies and programs. To this end, the State shall adopt measures in consultation with the sectors concerned to protect their rights to their indigenous knowledge systems and practices, traditional livelihood, and other manifestations of their cultures and ways of life: Provided, That these cultural systems and practices are not discriminatory to women.

SEC. 29. *Peace and Development.* – The peace process shall be pursued with the following considerations:

(a) Increase the number of women participating in discussions and decision-making in the peace process, including membership in peace panels recognizing women's role in conflict-prevention and peace-making and in indigenous system of conflict resolution;

(b) Ensure the development and inclusion of women's welfare and concerns in the peace agenda in the overall peace strategy and women's participation in the planning, implementation, monitoring, and evaluation of rehabilitation and rebuilding of conflict-affected areas;

(c) The institution of measures to ensure the protection of civilians in conflict-affected communities with special consideration for the specific needs of women and girls;

(d) Include the peace perspective in the education curriculum and other educational undertakings; and

(e) The recognition and support for women's role in conflict-prevention, management, resolution and peacemaking, and in indigenous systems of conflict resolution.

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

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

- (a) Temporary and protective custody;
- (b) Medical and dental services;
- (c) Psychological evaluation;
- (d) Counseling;
- (e) Psychiatric evaluation;
- (f) Legal services;
- (g) Productivity skills capability building;
- (h) Livelihood assistance;
- (i) Job placement;
- (j) Financial assistance; and
- (k) Transportation assistance.

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

(b) Girl-children shall be protected from all forms of abuse and exploitation.

(c) Equal access of Moro and indigenous girl-children in the Madaris, schools of living culture and traditions, and the regular schools shall be ensured.

(d) Gender-sensitive curriculum, including legal literacy, books, and curriculum in the Madaris and schools of living culture and traditions shall be developed.

(e) Sensitivity of regular schools to particular Moro and indigenous practices, such as fasting in the month of Ramadan, choice of clothing (including the wearing of hijab), and availability of halal food shall be ensured.)

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

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

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

CHAPTER VI INSTITUTIONAL MECHANISMS

SEC. 36. Gender Mainstreaming as a Strategy for Implementing the Magna Carta of Women. – Within a period prescribed in the implementing rules and regulations, the National Commission on the Role of Filipino Women (NCRFW) shall assess its gender mainstreaming program for consistency with the standards under this Act. It shall modify

the program accordingly to ensure that it will be an effective strategy for implementing this Act and attaining its objectives.

All departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and controlled corporations, local government units, and other government instrumentalities shall adopt gender mainstreaming as a strategy to promote women's human rights and eliminate gender discrimination in their systems, structures, policies, programs, processes, and procedures which shall include, but not limited to, the following:

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

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

implementation of agency programs funded by the remaining ninety-five percent (95%) budget.

The Commission on Audit (COA) shall conduct an annual audit on the use of the GAD budget for the purpose of determining its judicious use and the efficiency, and effectiveness of interventions in addressing gender issues towards the realization of the objectives of the country's commitments, plans, and policies on women empowerment, gender equality, and GAD. Local government units are also encouraged to develop and pass a GAD Code based on the gender issues and concerns in their respective localities based on consultation with their women constituents and the women's empowerment and gender equality agenda of the government. The GAD Code shall also serve as basis for identifying programs, activities, and projects on GAD.

Where needed, temporary gender equity measures shall be provided for in the plans of all departments, including their attached agencies, offices, bureaus, state universities and colleges, government-owned and –controlled corporations, local government units, and other government instrumentalities. To move towards a more sustainable, gender-responsive, and performance-based planning and budgeting, gender issues and concerns shall be integrated in, among others, the following plans:

- (1) Macro socioeconomic plans such as the Medium-Term Philippine Development Plan and Medium-Term Philippine Investment Plan;
- (2) Annual plans of all departments, including their attached agencies, offices, bureaus, state universities and college, and government-owned and controlled corporations; and
- (3) Local plans and agenda such as executive-legislative agenda, comprehensive development plan (CDP), comprehensive land use plan (CLUP), provincial development and physical development and

physical framework plan (PDPFP), and annual investment plan.

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

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

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

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

SEC. 37. Gender Focal Point Officer in Philippine Embassies and Consulates. – An officer duly trained on GAD shall be designated as the gender focal point in the consular section of Philippine embassies or consulates. Said officer shall be primarily responsible in handling gender concerns of women migrant workers. Attached agencies shall cooperate in

strengthening the Philippine foreign posts' programs for the delivery of services to women migrant workers.

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

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

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

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

(a) Monitor with the PCW and other state agencies, among others, in developing indicators and guidelines to comply with their duties related to the human rights of women, including their right to nondiscrimination guaranteed under this Act;

(b) Designate one (1) commissioner and/or its Women's Human Rights Center to be primarily responsible for formulating and implementing programs and activities related to the promotion and protection of the human rights of women, including the investigations and complaints of discrimination and violations of their rights brought under this Act and related laws and regulations;

(c) Establish guidelines and mechanisms, among others, that will facilitate access of women to legal remedies under this Act and related laws, and enhance the protection and promotion of the rights of women, especially marginalized women;

(d) Assist in the filing of cases against individuals, agencies, institutions, or establishments that violate the provisions of this Act; and

(e) Recommend to the President of the Philippines or the Civil Service Commission any possible administrative action based on noncompliance or failure to implement the provisions of this Act.

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

SEC. 41. *Penalties.* – Upon finding of the CHR that a department, agency, or instrumentality of government, government-owned and –controlled corporation, or local government unit has violated any provision of this Act and its implementing rules and regulations, the sanctions under, administrative law, civil service, or other appropriate laws shall be recommended to the Civil Service Commission and/or the

Department of the Interior and Local Government. The person directly responsible for the violation as well as the head of the agency or local chief executive shall be held liable under this Act.

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

Filing a complaint under this Act shall not preclude the offended party from pursuing other remedies available under the law and to invoke any of the provisions of existing laws especially those recently enacted laws protecting women and children, including the Women in Development and Nation Building Act (Republic Act No. 7192). The Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610), the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877), the Anti-Rape Law of 1997 (Republic Act No. 8353), the Rape Victim Assistance and Protection Act of 1998 (Republic Act No. 8505), the Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208) and the Anti-Violence Against Women and Their Children Act of 2004 (Republic Act No. 9262). If violence has been proven to be perpetrated by agents of the State including, but not limited to, extrajudicial killings, enforced disappearances, torture, and internal displacements, such shall be considered aggravating offenses with corresponding penalties depending on the severity of the offenses.

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

SEC. 43. *Funding.* – The initial funding requirements for the implementation of this Act shall be charged against the current appropriations of the agencies concerned. Thereafter, such sums as may be necessary for the implementation of this

Act shall be included in the agencies' yearly budgets under the General Appropriations Act.

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

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

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

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

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

Approved,

This Act is a consolidation of Senate Bill No. 2396 and House Bill no. 4273 was finally passed by the Senate and the House of Representatives

Approved: **August 14, 2009**

Republic of the Philippines
Office of the President
PHILIPPINE COMMISSION ON WOMEN
(formerly National Commission on the Role of Filipino
Women)

BOARD RESOLUTION NO. 1
Series of 2010

APPROVING AND ADOPTING THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9710 OTHERWISE KNOWN AS THE “MAGNA CARTA OF WOMEN.”

WHEREAS, the President signed into law on August 14, 2009 Republic Act No. 9710, otherwise known as the “Magna Carta of Women,” which is a comprehensive women's human rights law that seeks to eliminate discrimination against women by recognizing, respecting, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors;

WHEREAS, Section 44 of the aforementioned law mandates the Philippine Commission on Women (PCW), in coordination with the Commission on Human Rights (CHR) and all concerned government departments and agencies including, as observers, both Houses of Congress through the Committee on Youth, Women and Family Relations (Senate) and the Committee on Women and Gender Equality (House of Representatives) and with the participation of representatives from non-government organizations (NGOs) and civil society groups with proven track record of involvement and promotion of the rights and welfare of Filipino women and girls identified by the PCW, to formulate the implementing rules and regulations (IRR) of this Act within one hundred eighty days (180) days after its effectivity;

WHEREAS, the draft IRR was formulated by the Technical Drafting Committee, in coordination and consultation with other government departments and agencies, non-government organizations and other stakeholders;

WHEREAS, the validation of the draft IRR entailed a participatory and consultative process, involving government and non-government stakeholders from the National Capital Region, Luzon, Visayas and Mindanao, including the Autonomous Region in Muslim Mindanao;

WHEREAS, the enhanced draft IRR was presented during the PCW Special Board Meeting held on March 30, 2010;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Chairperson and the Members of the Board of Commissioners of the Philippine Commission on Women, to approve and adopt the rules and regulations implementing RA 9710, otherwise known as the “Magna Carta of Women”

DONE this 30th day of March 2010 at Mabini Hall, Malacañang, Manila.

HON. MYRNA T. YAO

Chairperson, Philippine Commission on Women

THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9710, OTHERWISE KNOWN AS THE “MAGNA CARTA OF WOMEN”

Pursuant to Section 44 of Republic Act No. 9710, An Act Providing for the Magna Carta of Women, the following Rules and Regulations are hereby promulgated:

RULE I GENERAL PROVISION

SECTION 1. *Title* – These Rules and Regulations shall be known and cited as The Implementing Rules and Regulations of Republic Act No. 9710, otherwise known as the “Magna Carta of Women.”

SECTION 2. *Purpose* – These Rules and Regulations are hereby promulgated to prescribe the procedures and guidelines for the implementation of the “Magna Carta of Women” in order to facilitate the compliance therewith and to achieve the objectives thereof.

SECTION 3. *Construction* – These Rules and Regulations shall be liberally construed in favor of women in order to promote the principles and rights of women and to achieve the objectives of the “Magna Carta of Women.”

SECTION 4. *Coverage* – Implementation of these Rules and Regulations includes all concerned national government agencies (NGAs), bodies, instrumentalities, including government-owned and - controlled corporations (GOCCs), private entities, local government units (LGUs), private and state universities and colleges (SUCs), and private and public schools. The equivalent units in autonomous regions shall likewise be accountable to implement these Rules and Regulations.

SECTION 5. *Declaration of Policy* – Recognizing that economic, political, and sociocultural realities affect women's current condition, the State affirms the role of women in nation building and ensures the substantive equality of women and

men. It shall promote empowerment of women, pursue equal opportunities for women and men, and ensure equal access to resources and to development results and outcome. Further, the State realizes that equality of men and women entails the abolition of the unequal structures and practices that perpetuate discrimination and inequality. To realize this, the State shall endeavor to develop plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, civil, social, and cultural life of women and men.

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

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

The State shall provide the necessary mechanisms to enforce women's rights and adopt and undertake all legal measures necessary to foster and promote equal opportunity for women to participate and contribute politically, economically, socially, and culturally.

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

upliftment of their families and communities to the fullest of their capabilities.

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

SECTION 6. *Principles of Human Rights of Women* – Human rights are universal and inalienable. All people in the world are entitled to them. The universality of human rights is encompassed in Article 1 of the Universal Declaration of Human Rights (UDHR) which states that all human beings are free and equal in dignity and rights.

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

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

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

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

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

RULE II

DEFINITION OF TERMS

SECTION 7. *Definition of Terms* – As used in these Rules and Regulations, the following terms shall mean:

A. “*Affirmative Action*” refers to a policy action that favors marginalized groups in society, such as women. While it is a special measure, it is not considered discriminatory since it aims to accelerate the attainment of equality of women. Affirmative action should not result in unequal or separate standards and must be discontinued when the objectives of equality of opportunity and treatment have been achieved;

B. “*Audit of GAD Funds*” refers to a comprehensive audit of a government agency’s policies, fund programs, projects and activities focusing on the area of gender and development to determine economy, efficiency, and effectiveness of interventions in addressing gender issues;

C. “*Discrimination Against Women*” refers to any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It includes any act or omission, including by law, policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges. A

measure or practice of general application is discrimination against women if it fails to provide for mechanisms to offset or address sex or gender-based disadvantages or limitations of women, as a result of which women are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges; or women, more than men, are shown to have suffered the greater adverse effects of those measures or practices. Provided, finally, That discrimination compounded by or intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or religion shall be considered discrimination against women under the Act;

D. “*Employee*” refers to any person who performs services for another and receives compensation therefor, provided, an employer-employee relationship exists between them;

E. “*Food Security*” refers to a condition where all people at all times have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life;

F. “Gender and Development (GAD)” refers to the development perspective and process that is participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, and supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices; seeks to transform society's social, economic, and political structures and questions the validity of the gender roles they ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance; and stresses the need of women to organize themselves and participate in political processes to strengthen their legal rights;

G. “*Gender Audit*” refers to a form of “social audit” or “quality audit” which determines whether the organization’s internal practices and related support systems for gender mainstreaming are effective and are reinforcing each other and

are being followed. This tool or process assists organizations in establishing a baseline, identifying critical gaps and challenges, and recommending ways of addressing them;

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

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

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

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

- (1) Physical, sexual, psychological, and economic violence occurring in the family, including battering, sexual abuse of female children in the household,

dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;

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

(3) Physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs. It also includes acts of violence against women as defined in Republic Acts No. 9208 and 9262. Under these Rules and Regulations, this term is used interchangeably with gender-based violence;

L. “*Gross monthly compensation*” refers to the monthly basic pay plus mandatory allowances fixed by the regional wage boards;

M. “*Gynecological disorders*” refers to disorders that would require surgical procedures such as, but not limited to, dilatation and curettage and those involving female reproductive organs such as the vagina, cervix, uterus, fallopian tubes, ovaries, breast, adnexa and pelvic floor, as certified by a competent physician. For purposes of the Act and these Rules and Regulations, gynecological surgeries shall also include hysterectomy, ovariectomy, and mastectomy;

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

O. “*Marginalized*” refers to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to land and other resources, basic social and economic services such as health care, education, water and sanitation, employment and livelihood

opportunities, housing, social security, physical infrastructure, and the justice system.

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

1. “*Children*” refers to those who are below eighteen (18) years of age or over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;
2. “*Fisherfolk*” refers to those directly or indirectly engaged in taking, culturing, or processing fishery or aquatic resources. These include, but are not to be limited to, women engaged in fishing in municipal waters, coastal and marine areas, women workers in commercial fishing and aquaculture, vendors and processors of fish and coastal products, and subsistence producers such as shell-gatherers, managers, and producers of mangrove resources, and other related producers;
3. “*Indigenous Peoples*” refers to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. They shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural, and political

institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains as defined under Section 3 (h), Chapter II of Republic Act No. 8371, otherwise known as the "Indigenous Peoples Rights Act of 1997" (IPRA of 1997);

4. "*Migrant Workers*" refers to Filipinos who are to be engaged, are engaged, or have been engaged in a remunerated activity in a State of which they are not legal residents, whether documented or undocumented;

5. "*Moro*" refers to native peoples who have historically inhabited Mindanao, Palawan, and Sulu, and who are largely of the Islamic faith;

6. "*Persons with Disabilities*" refers to those who are suffering from restriction or different abilities, as a result of a mental, physical, or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being as defined in Republic Act No. 7277 as amended by Republic Act No. 9442, otherwise known as the "Magna Carta for Disabled Persons;"

7. "*Senior Citizens*" refers to those sixty (60) years of age and above. This term shall be used interchangeably with elderly women, older women, or women senior citizens;

8. "*Small Farmers and Rural Workers*" refers to those who are engaged directly or indirectly in small farms and forest areas, workers in commercial farms and plantations, whether paid or unpaid, regular or season-bound. These shall include, but are not limited to: (a) small farmers who own or are still amortizing for lands not more than three (3) hectares, tenants, leaseholders, and stewards; and (b) rural workers who are either wage earners, self-employed, unpaid family workers directly and personally engaged in agriculture, small-

scale mining, handicrafts, and other related farm and off-farm activities;

9. "*Solo Parents*" refers to those who fall under the category of a solo parent defined under Republic Act No. 8972, otherwise known as the "Solo Parents' Welfare Act of 2000;"

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

11. "*Workers in the Formal Economy*" refers to those who are employed by any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivisions, and instrumentalities, all GOCCs and institutions, as well as non-profit private institutions or organizations;

12. "*Workers in the Informal Economy*" refers to self-employed, occasionally or personally hired, subcontracted, paid and unpaid family workers in household incorporated and unincorporated enterprises, including home workers, micro-entrepreneurs and producers, and operators of sari-sari stores and all other categories who suffer from violation of workers' rights; and

13. "*Youth*" refers to those persons whose ages range from fifteen (15) to thirty (30) years old as defined in Republic Act No. 8044, otherwise known as the "Youth in Nation- Building Act;"

P. "*Medical Ethics*" refers to a set of biomedical norms that abide by the principles of autonomy or respect for persons, justice, beneficence and non-maleficence. In order to affirm autonomy, every effort must be made to discuss treatment

preferences with patients and to document them in the patients' charts. The principle of beneficence requires service providers, other things being equal, to do good or what will further the patient's interest. The principle of non-maleficence requires service providers, other things being equal, to avoid harm to the patient, or what would be against the patient's interests. Justice is the principle that requires distribution of goods and services, including medical goods and services, and considers the following criteria: likelihood to benefit the patient, urgency of need, change in quality of life, and duration of benefit. As used in these Rules and Regulations, the term ethical shall relate to the foregoing definition;

Q. “*Minimum Initial Service Package for Reproductive Health (MISP)*” refers to a set of priority activities to be implemented during the onset of emergencies due to conflict situations or natural disasters, including when refugee camps are being established. These priority activities include the following: (a) provision of reproductive health services, (b) implementation by appropriately trained health service providers, which include a coordinator for reproductive health, (c) development of guidelines and training materials on the implementation of selected interventions, and (d) availability of essential drugs, basic equipment and supplies based on the recommended standards of the Department of Health (DOH). The aim of the MISP is to reduce mortality and morbidity associated with reproductive health issues during crisis situations, particularly among women;

R. “*Sexuality*” refers to the expression of a person’s thoughts, feelings, sexual orientation and relationships, as well as the biology of the sexual response system of that person;

S. “*Social Protection*” refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of all women, especially the marginalized by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risk. Its components are labor market programs, social insurance, social welfare, and social safety nets;

T. “*Special leave benefits for women*” refers to a female employee’s leave entitlement of 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;

U. “*Substantive Equality*” refers to the full and equal enjoyment of rights and freedoms contemplated under the Act. It encompasses de jure and de facto equality and also equality in outcomes;

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

W. “*Women in the military, police and other similar services*” refers to women employed in the military, both in the major and technical services, who are performing combat and/or non-combat functions, providing security to the State, and protecting the people from various forms of threat. It also includes women trainees in all military training institutions. Police and similar services include, among others, the Philippine National Police (PNP), Bureau of Fire Protection (BFP), Bureau of Jail Management and Penology (BJMP), National Bureau of Investigation (NBI), Philippine Drug Enforcement Agency (PDEA), other agencies with law enforcement functions and private security agencies;

X. “*Women’s Empowerment*” refers to the provision, availability, and accessibility of opportunities, services, and observance of human rights through life-cycle and rights-based approach which enable women to actively participate and contribute to the political, economic, social, and cultural

development of the nation as well as those which shall provide them equal access to ownership, management, and control of production, and of material and informational resources and benefits in the family, community, and society.

RULE III

DUTIES RELATED TO THE HUMAN RIGHTS OF WOMEN

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

SECTION 8. *The State as the Primary Duty-Bearer* – The State, as the primary duty-bearer, shall:

A. Refrain from discriminating against women and violating their rights;

B. Protect women against discrimination and from violation of their rights by private corporations, entities, and individuals; and

C. Promote and fulfill the rights of women in all spheres, including their rights to substantive equality and non-discrimination.

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

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

The State shall keep abreast with and be guided by progressive developments in human rights of women under international law

and design of policies, laws, and other measures to promote the objectives of the Act.

SECTION 9. *Duties of the State Agencies and Instrumentalities* – These duties of the State shall extend to all state agencies, offices, and instrumentalities at all levels, and government-owned and -controlled corporations, subject to the Constitution and pertinent laws, policies, or administrative guidelines that define specific duties of state agencies and entities concerned.

SECTION 10. *Suppletory Effect* – This chapter shall be deemed integrated into and be suppletory to other provisions of the Act, particularly those that guarantee specific rights to women and define specific roles and require specific conduct of State organs.

RULE IV RIGHTS AND EMPOWERMENT

SECTION 11. *Human Rights of Women* – All rights in the Constitution and those rights recognized under international instruments duly signed and ratified by the Philippines, in consonance with Philippine law, shall be rights of women under these Rules and Regulations to be enjoyed without discrimination.

SECTION 12. *Protection from Violence* – The State shall ensure that all women shall be protected from all forms of violence as provided for in existing laws. Agencies of government shall give priority to the defense and protection of women against gender-based violence and help women attain justice and healing. To attain the foregoing, the following measures shall be pursued:

A. Within the next five (5) years, there shall be an incremental increase in the recruitment and training of women in the police force, forensics and medico-legal, legal services, and social work services availed of by women who are victims of gender-related offenses until fifty percent (50%) of the personnel thereof shall be women. To implement this measure,

concerned government agencies are mandated to undertake the following:

1. The Civil Service Commission (CSC) shall conduct personnel audit of the bureaucracy and, together with concerned government agencies and offices, recommend to the Department of Budget and Management (DBM) appropriate staffing measures and, when necessary and consistent with the goal of providing assistance to victims of gender-related offenses, the incremental creation of plantilla positions to ensure that within the next five (5) years, there would be fifty-fifty (50-50) ratio of men and women recruited and trained in the police force, forensics and medico-legal, legal and judicial services, and social work services;

2. In services predominantly occupied by women, such as social work and health, this section shall not be construed to mean that their number will be reduced to satisfy the ratio required in this section;

3. Within six (6) months after the adoption of these Rules and Regulations, the National Police Commission (NAPOLCOM), the National Bureau of Investigation (NBI), and the Department of Justice (DOJ) shall set policies, rules and regulations for the implementation of the incremental increase on recruitment and training of women in the police force, forensics and medico-legal, legal services, and social work services; and

4. Concerned agencies shall integrate in the code of conduct for employees the services, procedures and protocols in providing assistance to women victims of gender-related offenses.

B. Women shall have the right to protection and security in situations of emergency, armed conflict, and militarization. They shall be protected from all forms of gender-based violence, particularly rape and other forms of sexual

abuse, and all forms of violence in situations of armed conflict. The State shall observe international standards for the protection of civilian population in circumstances of emergency, armed conflict, and militarization. It shall not force women, especially indigenous and Moro peoples to abandon their lands, territories, and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition. In situations of emergency, armed conflict and militarization, the following shall be observed:

1. In no case shall women be forcibly recruited nor be required to take part in armed hostilities in situations of armed conflict;
2. Special efforts shall be made to ensure the full participation of women in the planning and management of relief operations. The Office of the Presidential Adviser on the Peace Process (OPAPP), Department of National Defense-Armed Forces of the Philippines (DND-AFP), Department of Social Welfare and Development (DSWD), Department of the Interior and Local Government (DILG), Department of Education (DepEd), Department of Health (DOH), National Commission on Indigenous Peoples (NCIP), National Commission on Muslim Filipinos (NCMF), local government units (LGUs) and other concerned government units, shall, in their humanitarian actions, observe and implement international standards such as the Minimum Initial Service Package (MISP) for Reproductive Health;
3. In the provision of relief supplies, due consideration shall be given to the specific requirements of pregnant women, lactating mothers, sick people, senior citizens, persons with disabilities, and children;
4. Pregnant and lactating women, women and mothers with dependent children, women with disabilities who are arrested, detained or interned for reasons related to armed conflict shall have their cases considered with utmost priority and humanitarian consideration;

5. In no case shall civilian casualties be classified as collateral damage;

6. The LGUs and DSWD shall provide psychosocial interventions to combatants and non-combatants, especially children who suffered from armed conflict. LGUs may also coordinate with private individuals and organizations that have the expertise and capacity to assist those affected;

7. The OPAPP, Philippine Commission on Women (PCW), DND-AFP, Commission on Human Rights (CHR), and other concerned agencies shall formulate plans and guidelines to ensure the implementation of United Nations Security Council (UNSC) Resolutions on women, peace and security; and

8. LGUs shall provide temporary shelter to displaced women and children in situations of armed conflict.

C. All government personnel, including appointing authorities, local chief executives (LCEs) of LGUs and those in executive managerial positions involved in the protection and defense of women against gender-based violence, shall regularly undergo the mandatory training on gender and human rights, particularly on the cycle and continuum of violence, counseling and trauma healing. PCW in coordination with the CHR, DSWD, DILG, Commission on Higher Education (CHED), DepEd and CSC shall design the prescribed module for human rights, gender sensitivity and gender-responsive training. The training programs and modules developed shall be periodically reviewed to ensure effectiveness.

D. All barangays shall establish a Violence Against Women (VAW) Desk. The punong barangay shall designate a VAW desk person trained in gender-sensitive handling of cases, preferably a woman barangay kagawad or woman barangay tanod. Continuity of VAW programs and services shall be ensured at all times.

All provincial governors, and city and municipal mayors shall ensure the establishment of a VAW Desk in every barangay within their jurisdiction and provide technical and financial assistance.

1. The VAW Desk shall, among others, perform the following tasks:

- a. Assist victims of VAW in securing Barangay Protection Orders (BPO) and access necessary services;
- b. Develop the barangay's gender-responsive plan in addressing gender-based violence, including support services, capacity building and referral system;
- c. Respond to gender-based violence cases brought to the barangay;
- d. Record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases of VAW to the DILG and the City/Municipal Social Welfare Development Office (C/MSWDO);
- e. Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary;
- f. Address other forms of abuse committed against women, especially senior citizens, women with disabilities, and other marginalized groups; and
- g. Lead advocacies on the elimination of VAW in the community.

The barangays may seek assistance from the PNP, civil society organizations (CSOs), NGOs, and other LGUs in the performance of these tasks.

2. The PCW in coordination with DILG, DSWD, DOH, and DepEd shall take the lead role in the formulation of the standards and guidelines in the establishment of the VAW desk, the design of the prescribed module for capability building, and the development of monitoring and evaluation tools.

3. The DILG, C/MSWDO, City/Municipal Health Offices (C/MHO), PNP, and representative/s from LGU-accredited women civil society organizations shall monitor the establishment and evaluate the functionality of the VAW desk.

SECTION 13. *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 reconstruction efforts. The State shall provide for immediate humanitarian assistance, allocation of resources, and early resettlements, if necessary. It shall also address the particular needs of women from a gender perspective to ensure their full protection from sexual exploitation and other gender-based violence committed against them. Responses to disaster situations shall include the provision of services, such as psychosocial support, livelihood support, education, and comprehensive health services, including protection during pregnancy.

A. The national, regional and local disaster coordinating councils shall ensure the participation of women in the development of a gender-responsive disaster management, including preparedness, mitigation, risk reduction and adaptation.

B. In disasters, calamities and other crises, LGUs and agencies concerned in all phases of relief, recovery, rehabilitation and reconstruction efforts shall develop and

implement a gender-responsive and rights-based work and financial plan that include:

1. Active participation of established inter-agency and multi-sectoral humanitarian cluster mechanisms that will help ensure a more coordinated and gender-sensitive response in all stages of the emergency;
2. Improved collection and use of age and sex-disaggregated data and reproductive health indicators in rapid and comprehensive assessments for strategic gender analysis and programming of humanitarian response;
3. Timely, adequate and culturally-appropriate provision of relief goods and services such as food, water, sanitary packs, psychosocial support, livelihood, education and comprehensive health services including implementation of the MISIP for sexual and reproductive health at the early stage of the crisis;
4. Proactive adoption of measures by camp managers to prevent sexual violence in evacuation centers and relocation sites which include: (a) security and safety of women and children as key criteria for the selection of evacuation sites, (b) separate functional and well-lit latrines for men and women with locks, (c) bathing facilities with privacy, (d) regular security patrols preferably by female police officers; and (e) prohibition of alcohol, drugs and gambling, among others; and
5. Active involvement of women in the various camp committees organized for food and water distribution, nutrition, sanitation and hygiene, shelter, health, education, protection and security and safety especially in the decision-making processes.

SECTION 14. *Participation and Representation* – The State shall undertake temporary special measures to accelerate the participation and equitable representation of women in all

spheres of society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development.

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

A. All agencies shall take proactive steps to capacitate women employees to strengthen their qualifications and performance to compete for third-level positions. Given equal qualifications between men and women, appointing authorities shall appoint women in third-level positions. Further:

1. The CSC and the Career Executive Service Board (CESB) shall establish and maintain a roster of women eligible for managerial executive positions in government, indicating the positions they presently occupy whether in the private or public sector. The CSC and CESB, taking into consideration appropriate training, experience and education required or desirable for the position, shall furnish these data to the appointing and recommending authorities, including the Office of the President (OP); and

2. All NGAs, and whenever applicable the LGUs, shall submit to the CESB, every end of the semester, the list of women who were appointed to third-level positions. The CESB shall consolidate the list and track the qualification of women to third-level positions and submit to the PCW for inclusion in the report to the Congress on the implementation of the Magna Carta of Women;

B. To ensure increased participation of women in all levels of development planning and program implementation, at least forty percent (40%) of membership of all development councils from the regional, provincial, city, municipal, and barangay levels shall be composed of women. Further:

1. At the regional level, the Regional Development Councils (RDCs) shall endeavor to increase the women sector representation in the council with the view of reaching the forty percent (40%) target; and

2. At the local level, with reference to Article 64 (d) of the Implementing Rules and Regulations of the Local Government Code and during the periodic reorganization, the sex ratio of the mandated members of the local development councils shall be determined. In the event that the forty percent (40%) membership is not met, women shall be given preference in the selection of private sector and NGO representatives and designation of the congresspersons' representative. The LCEs shall undertake the necessary information campaign to ensure participation of NGO women representatives in the local development councils and other local special bodies;

C. Representation of women or women's groups in other policy and decision-making bodies in the international, national and local bodies shall be ensured by concerned appointing authorities;

D. All concerned agencies, especially the Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Department of Trade and Industry (DTI), and DSWD shall ensure that women are given equal opportunities to be representatives in different international bodies and positions. For this purpose, policies on recruitment and selection, qualifying examinations, assignment of posts and missions shall be reviewed and amended accordingly. All government missions geared for bilateral and multilateral negotiations shall consider gender concerns in their negotiating positions;

E. Upon the adoption of these Rules and Regulations, the Commission on Elections (COMELEC) shall incorporate in its guidelines for accreditation of political parties, including party-list organizations, specific provisions that promote

integration of women in the leadership hierarchy, internal policy-making structures, and appointive and electoral nominating process of said parties. Incentives under this Section shall be determined by the incentives and awards board as provided for in Section 42 of the Act;

F. Political parties are urged to create programs where their members can advocate on matters of policy and women members can participate meaningfully within the party; and

G. Concerned agencies shall take measures to encourage women leadership in the private sector in the form of incentives as determined by the incentives and awards board under Section 42 of the Act.

SECTION 15. *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 the Act.

A. The PCW shall initiate, in coordination with concerned agencies and women's groups, the review of existing laws and policies and recommend to Congress and other appropriate bodies the repeal or amendment of discriminatory laws.

B. The executive–legislative body shall prioritize bills that will amend or repeal discriminatory provisions of existing laws, *inter alia*:

1. Family Code of the Philippines – (a) Article 14: on the provision on giving preference to the father's consent to the marriage of children between the ages of 18 and 21; (b) Articles 96 and 124: on the provision on giving preference to the husband's decision, in case of disagreement with the wife, on the administration and enjoyment of community and conjugal properties; (c) Article 211: on the provision of giving preference to the husband's decision, in case of disagreement with the wife, over the persons of their common children; (d) Article 225: on the provision on giving preference

to the husband's decision, in case of disagreement with the wife, on the exercise of legal guardianship over the property of unemancipated common child; (e) Article 55, No.1: on the requirement for repeated physical abuse and grossly abusive conduct as a ground for legal separation;

2. Revised Penal Code – (a) Articles 333 and 334: on adultery and concubinage; (b) Article 202: on the definition of vagrants and prostitution; (c) Article 351: on premature marriages; and (d) Article 247: on death inflicted under exceptional circumstances;

3. Labor Code Article 130, on night work prohibition;

4. Rules of Court Rule 131 Section 3 (jj), on disputable presumptions;

5. Code of Muslim Personal Laws; and

6. RA 8353, on removal of criminal liability of rapist when victim marries him.

C. Local government units with the participation of women's groups shall also review existing ordinances and policies and repeal or amend them accordingly.

D. Nothing in this section shall preclude the recommendation for the passage of new laws.

SECTION 16. *Equal Access and Elimination of Discrimination in Education, Scholarships, and Training* – The State shall ensure that gender stereotypes and images in existing educational materials and curricula are adequately and appropriately revised. Gender-sensitive language shall be used at all times. Capacity-building on gender and development (GAD), peace and human rights education for teachers, and all those involved in the education sector shall be pursued toward this end. Partnerships between and among players of the education sector, including the private sector, churches, and faith groups shall be encouraged.

A. Within three (3) years from the adoption of these Rules and Regulations, the DepEd, CHED and the Technical Education and Skills Development Authority (TESDA) shall:

1. Develop and promote gender-sensitive curriculum:

- a. In coordination with PCW, set minimum standards on gender sensitivity that will be integrated in the subjects/courses/training curricular, co-curricular and extra-curricular for students and trainees;
- b. Integrate the principles of gender equality in curricular offerings and pedagogical systems and strategies;
- c. Ensure that public and private sector professional strategies; school counseling and career education programs are gender-responsive;
- d. Adopt comprehensive gender-fair language policy; and
- e. Enjoin all private and public accrediting institutions/ organizations to include gender-fair curriculum in their accreditation criteria.

2. Develop gender-fair instructional materials:

- a. Review, revise and update programs, syllabi, textbooks and other instructional materials to ensure that gender biases and discrimination are eliminated;
- b. Develop gender-responsive instruments for the evaluation of instructional materials and curricula, including criteria about gender concepts, values, and gender-fair language; and

c. Ensure that evaluators and personnel in-charge of instructional materials and curricula are knowledgeable on gender sensitivity, peace, human rights education, and use of gender-sensitive language.

3. Ensure that educational institutions implement a capacity building program on gender, peace and human rights education for their officials, faculty and non-teaching staff and personnel;

4. Promote partnerships between and among players of the education sector, including the private sector, churches, and faith groups in the pursuit of the objectives of this section;

5. Encourage advertising industry and other similar institutions to provide free use of space and installation of displays for schools, colleges and universities for campaigns to end discrimination and violence against women; and

6. Guarantee that educational institutions provide scholarship programs for marginalized women and girls. Conditions such as age, pregnancy, motherhood, disabilities, or lack of consent of husband shall not be grounds for disqualification in the grant of scholarships.

B. Enrollment of women in non-traditional skills training in vocational and tertiary levels shall be encouraged. Further:

1. The DepEd, TESDA, and CHED shall develop programs aimed at increasing the enrollment of women in non-traditional skills training in vocational and tertiary levels, and mechanisms for assessment and monitoring of compliance such as sex-disaggregated list of students, tracers of graduates and the like; and

2. Policies shall be developed to ensure that all teachers and trainers, regardless of sex, ethnicity, political, social, economic and religious status and affiliations have equal access to scholarships.

C. Expulsion and non-readmission of women faculty due to pregnancy outside of marriage shall be outlawed. No school shall turn out or refuse admission to a female student solely on account of her being pregnant outside of marriage during her term in school.

The DepEd, CHED and TESDA shall monitor and ensure compliance of educational institutions to the following:

1. Women faculty who become pregnant outside of marriage shall not be discriminated by reason thereof. They shall not be dismissed, separated from work, forced to go on leave, re-assigned or transferred. They shall have access to work already held with no diminution in rank, pay or status and shall be entitled to all benefits accorded by law and by the concerned learning institutions;

2. No female student shall be expelled, dismissed, suspended, refused or denied of admission, or forced to take a leave of absence in any educational institution solely on grounds of pregnancy outside marriage during her school term. When needed, students who are pregnant shall be accorded with a special leave of absence from school upon advice of the attending physician, and be given an opportunity to make up for missed classes and examinations. The same leave benefits shall likewise be accorded to pregnant faculty members, and school personnel and staff;

3. Pregnant students shall be assisted through available support services while in school, such as but not limited to counseling to ensure completion of their studies;

4. Programs and policies to prevent VAW shall be developed, including institutional mechanisms for complaints in cases of rape, sexual harassment, and other forms of violence and discrimination against women, and provide assistance to students, faculty, or personnel who have been victims of VAW; and

5. Coordination with PNP, DOJ, CHR, DSWD, and the LGU so that appropriate assistance are given to female faculty and students who are victims of rape, sexual harassment and other forms of violence against women and discrimination.

SECTION 17. *Women in Sports* – The State shall develop, establish, and strengthen programs for the participation of women and girl-children in competitive and non-competitive sports as 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, and other similar factors. For this purpose:

A. All sports-related organizations accredited by the Philippine Sports Commission (PSC) 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.

B. 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.

C. All sports-related organizations 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.

D. 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.

E. The PSC and Games and Amusement Board (GAB) shall provide financial and other incentives to local government units, media organizations, and the private sector for promoting, training, and preparing women and girls for participation in competitive and non-competitive sports, especially in local and international events, including, but not limited to, the Palarong Pambansa, Southeast Asian Games, Asian Games, and the Olympics.

F. PSC and GAB in coordination with the DepEd, CHED, SUCs, LGUs, and other sports-related organizations shall endeavor to:

1. Train more female coaches for girls and women's teams;
2. Conduct activities such as sports clinics and seminars for potential female leaders, coaches, teachers at least once a year;
3. Provide equal incentives and awards for both men and women for any competition;
4. Provide equal opportunities for scholarships and travel grants for women leaders, coaches and athletes with adequate support mechanism;
5. Provide sufficient funds to support girls and women in sports;

6. Form more girls' and women's teams in athletic leagues like the Palarong Pambansa, University Athletic Association of the Philippines, National Collegiate Athletic Association, Private Schools Athletic Association, and University Games;

7. Collect sex-disaggregated data in sports participation;

8. Promote partnerships with community-based sports organizations; and

9. Increase the participation of the elderly women, women with disabilities and indigenous women through the promotion and development of programs for them in coordination with other sport organizations.

G. All government agencies and LGUs are enjoined to increase women's participation by forming women's and girls' teams in various sporting events that they organize or sponsor.

SECTION 18. *Women in the Military, Police and Other Similar Services* – The State shall pursue appropriate measures to eliminate discrimination of women in the military, police, and other similar services, including revising or abolishing policies and practices that restrict women from availing of both combat and non-combat training that are open to men, or from taking on functions other than administrative tasks, such as engaging in combat, security-related, or field operations. Women in the military shall be accorded the same promotional privileges and opportunities as men, including pay increases, additional remunerations and benefits, and awards based on their competency and quality of performance. They shall not be subjected to harassment and violence, including verbal and sexual abuses in all stages of their recruitment, training and service. Towards this end, the State shall ensure that the personal dignity of women shall always be respected.

Women in the military, police, and other similar services shall be provided with the same right to employment as men on equal

conditions. Equally, they shall be accorded the same capacity as men to act in and enter into contracts, including marriage.

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

A. The DND, DILG, DOJ and LGUs shall:

1. Grant the same privileges and opportunities to men and women, including pay increases, additional remunerations and benefits and awards;
2. Give equal consideration to men and women in the area or field of assignment such as, but not limited to, operational functions, administrative functions and international peacekeeping duties where women can exercise and develop their full potentials;
3. Pursue appropriate measures to eliminate discrimination of women, including revision or abolition of policies and practices that restrict women from availing both combat and non-combatant trainings that are open to men, or from taking on functions other than administrative tasks;
4. Assure non-discrimination in appointments to any key position as well as designations to boards, tribunals, committees, or any decision-making body. Women shall be represented in every committee or board where gender issues and concerns are articulated;
5. Ensure that the physical fitness tests administered on women uniformed personnel in the military, police and similar services, as requirements for entry, promotion or schooling shall be based on standards, set by the respective agencies taking into consideration women's physical and biological built. These shall be different from those required of their male counterparts. Moreover, physical fitness tests for women uniformed personnel in the military, police and similar services

shall be conducted by female doctors, practitioners or tactical officers;

6. Accord women and men the same capacity to act in and enter into contracts, including marriage:

a. Allow women to contract marriage upon entry in military service or similar services, except for such positions where a marriage ban for a specific period of time is required for both men and women; and

b. Provide the benefits under existing laws such as, but not limited, to maternity leaves, solo parent privileges and leaves due to gynecological disorders;

7. Open all military and similar services, occupations, registrations, special enlistments, and trainings to women;

8. Promote the rights of women enlisted personnel in the military, police and similar services. Qualified enlisted women personnel 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;

9. Ensure the rights of women in the military, police and similar services to decent facilities and personal protective equipment:

a. Provide decent billet facilities and quartering, separate from the men, in the military police and similar services, regardless of the location or type of assignment;

b. Establish a child-care facility, child-minding room or breastfeeding room for women in the military, police and similar

services as well as for women civilian employees; and

c. Provide women in the military, police and similar services with well-fitting personal protective equipment and other operational equipment that shall ensure their safety while in the performance of their duties;

10. Create mechanisms to implement the Act and these Rules and Regulations in the military, police and similar services. Establish or strengthen the Women's Desks, and Committee on Decorum and Investigation pursuant to the Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877) or in all military units and training institutions that shall take charge of cases affecting women in the military, police and similar services as well as women civilian employees; and

11. Revise policies on uniforms to allow women in the military, police, and similar services to wear pants and appropriately low-heeled shoes in the conduct of operational duties and performance of administrative functions.

B. Increase the quota to twenty percent (20%) for female admission into all officer-candidate and non-officer schools and institutions in the military, police and similar services, including but not limited to the Philippine Military Academy (PMA), Officer Candidate School (OCS), Philippine National Police Academy (PNPA), Philippine Public Safety College (PPSC).

C. Concerned agencies shall support women in the military in training and peacekeeping operations:

1. Women shall be provided with trainings necessary for deployment in peacekeeping forces in compliance to UNSC Resolutions on women, peace and security; and

2. Female officers and enlisted personnel who are qualified to perform peacekeeping operations, subject to the requirements imposed by the requesting entity or country, shall not be denied admission and entitlement to remunerations and benefits appurtenant thereto.

SECTION 19. *Non-discriminatory and Non-derogatory 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 society through the strategic use of mass media.

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

The State, in cooperation with all schools of journalism, information, and communication, as well as the national media federations and associations, shall require all media organizations and corporations to integrate into their human resource development components regular training on gender equality and gender-based discrimination; create and use gender equality guidelines in all aspects of management, training, production, information, dissemination, communication, and programming; 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.

A. The dignity of women and their roles and contributions in all spheres of private and public life shall be promoted. The portrayal of women in a discriminatory, demeaning and/or derogatory manner in advertisements, shows and programs is not allowed. It shall not induce, encourage and/or condone violence against women in any form and/or the violation of their human rights. The PCW, in coordination with

concerned agencies and media organizations, shall formulate media guidelines to protect women against discrimination in media and film.

B. The Office of the Press Secretary (OPS) and its attached agencies shall ensure the formulation of policies and implementation of programs pursuant to the Act and these Rules and Regulations. It shall also:

1. Provide over-all direction, guidance and monitoring as lead agency of government mass media in the implementation of the Act and these Rules and Regulations;
2. Formulate and implement a national communication plan and advocacy activities on the Act and these Rules and Regulations and relevant gender issues/concerns; and
3. Create a gender equality committee composed of representatives from the OPS, PCW, various self-regulatory bodies and the National Telecommunications Commission (NTC), Movie and Television Review and Classification Board (MTRCB), Film Academy of the Philippines (FAP), Film Development Council of the Philippines (FDCP), Optical Media Board (OMB), National Commission for Culture and the Arts (NCCA), representatives of women's media NGOs to promote gender mainstreaming, formulate the gender equality guidelines and Code of Ethics for media, and monitor and evaluate the implementation thereof.

C. The NTC, MTRCB, FAP, FDCP, OMB, NCCA shall ensure that the media and film industries comply with the Act and these Rules and Regulations, including:

1. Formulation of policies and programs to raise consciousness of the general public in recognizing the dignity of women and the role and contribution of women in all spheres of private and public life;

2. Allocation of space, airtime and resources for the airing of advertisements that promote women's human rights;

3. Enhancement of programming, production and image-making that present women's needs, issues and concerns;

4. Ensuring that, in cooperation with all schools of journalism, information and communication, and national media federations and associations, regular trainings on gender equality and gender-based discrimination are integrated in the human resource development components of media organizations and corporations.

D. Self-regulatory bodies, groups, and associations for media, television, cable, film, and advertising shall also ensure compliance with the Act and these Rules and Regulations.

E. Creation of Local Media Board (LMB) in all LGUs to monitor the implementation of these Rules and Regulations shall also be encouraged.

SECTION 20. *Women's Right to Health* – The State shall, at all times, provide for comprehensive, culture-sensitive, and gender-responsive health services and programs covering all stages of a woman's life cycle and which address 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, the demands of responsible parenthood, and the right of women to protection from hazardous drugs, devices, interventions, and substances.

In order to eliminate discrimination against women, the State shall develop and implement a comprehensive national strategy consisting of health programs, services and information for promoting women's right to health throughout their lifespan.

The strategy shall have as a major goal the reduction of women's health risks, particularly those resulting from complications of pregnancy and childbirth as well as gender-based violence. It shall remove all barriers interfering with women's access to health services and information and protect women from the impact of cultural practices and norms that deny them of their full rights to health. It shall include interventions aimed at the prevention and treatment of diseases affecting women, as well as policies to provide and enable access to a full range of high quality and affordable health care services.

A. Comprehensive Health Services - Access to the following programs and services shall be ensured:

1. Maternal care to include pre-natal services, delivery and post-natal services to address pregnancy and infant health and nutrition;
2. Promotion of breastfeeding and proper nutrition for lactating mothers;
3. Responsible, ethical, legal, safe, and effective methods of family planning;
4. Family and State collaboration in youth sexuality education and health services without prejudice to the primary right and duty of parents to educate their children;
5. Prevention and management of reproductive tract infections, including Sexually Transmitted Infections (STIs), Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS);
6. Prevention and management of reproductive tract cancers such as breast and cervical cancers, and other gynecological conditions and disorders;
7. Prevention of abortion and management of pregnancy-related complications;

8. In cases of violence against women and children, women and children victims and survivors shall be provided with comprehensive health services that include psychosocial, therapeutic, medical, and legal interventions and assistance towards healing, recovery, and empowerment;

9. Prevention and management of infertility and sexual dysfunction pursuant to ethical norms and medical standards;

10. Care of elderly women; and

11. Management, treatment, and intervention of mental health problems of women and girls.

B. Role of Agencies – To implement the provisions on comprehensive health services, government agencies shall perform the following roles and functions:

1. The DOH shall:

a. Review and revise existing health programs, develop plans, policies, standards and guidelines in the implementation of said programs for women and girls that are gender-responsive, rights-based and culture-sensitive;

b. Formulate standards and develop information, education, communication and advocacy strategies for the implementation of health programs for girls, female adolescents, women and older women;

c. Provide support in the development of innovative projects, strategies, and approaches for girls, female adolescents, women and older women;

d. Establish network and coordination mechanisms with other stakeholders particularly NGOs, private and commercial sectors;

e. Generate the necessary media participation and social marketing in support of women's health programs;

f. Provide technical assistance on the implementation of programs for women and girls to the sub-national offices, LGUs, development partners and other stakeholders;

g. Develop and institutionalize a sex-disaggregated report/ databank on health-related concerns;

h. Monitor and evaluate health and nutrition programs for girls, female adolescents, women and older women; and

i. Coordinate with concerned agencies to review laws, programs, and services for the protection of women to reduce maternal mortality.

2. The DepEd shall, in coordination with DOH, provide functional girl-child and adolescent health services in every school.

3. The Philippine Health Insurance Corporation (PhilHealth) shall include maternal care and women's health services in its benefit packages.

4. In appropriate cases, the DOLE shall require workplaces to provide facilities such as breastfeeding areas, toilets and dressing room and seats appropriate for women and permit them to use such seats even when they are working, provided they can perform their duties without compromising their efficiency.

5. All government agencies with health-related programs and services, including nutrition, mental health, and care for the elderly shall review and revise existing programs and develop plans, policies, standards and guidelines in the implementation of said programs for women that are gender-responsive, rights-based and culture-sensitive, to ensure women's access to the programs and services identified in Section 15.A of these Rules and Regulations.

6. The LGUs shall:

a. Promulgate and implement gender-responsive, rights-based and culture sensitive local ordinances and policies that promote the comprehensive health of girls, adolescents, women and elderly women, such as a GAD Code and/or Reproductive Health Code;

b. Formulate a health human resource development plan that will ensure the following:

i. Sufficient number of skilled health professionals to attend to all deliveries; and

ii. Availability of qualified and capable health service providers, to include coordination with the academe, a human resource deployment program to meet LGU needs;

c. Develop health programs that:

i. Encourage constituents to access and demand services for women and girls;

- ii. Involve women and girls in planning health programs and in decision-making;
 - iii. Allocate budget or resources for implementing programs for women and girls in the local level;
 - iv. Monitor progress of programs for women and girls through implementation review and research; and
 - v. Enhance parent effectiveness services and programs to include continuing education on gender-based violence such as domestic violence, rape, incest, prostitution, trafficking and other forms of violence against women and girls in every barangay;
- d. Coordinate with DOH in the organization of interlocal health zones for the purpose of ensuring the provision of health services for neighboring communities;
- e. Strengthen the local health board to respond to the health needs of girls, female adolescents, women and women senior citizens;
- f. Develop/design an award system to encourage excellent performance in the promotion and implementation of women's health programs;
- g. Organize communities with the private sector to implement health programs for women and girls; and

h. Continue dialogues to clarify implementation of laws in relation to pregnancy that endangers the life of the mother.

7. NGOs are encouraged to:

a. Strengthen advocacy for the promotion of the right to health of women;

b. Conduct appropriate research that can inform health policies and programs;

c. Participate in the formulation of health policies and programs which are culture- and gender-sensitive, gender-responsive, accessible, and affordable by national government agencies;

d. Assist local government units in the implementation of health programs;

e. Prepare culture- and gender-sensitive training modules and conduct corresponding trainings for LGU officials and health personnel; and

f. Assist in the dissemination of the Act and these Rules and Regulations.

C. Comprehensive Health Information and Education

1. Interpersonal communication is crucial to ensuring the success of community-based programs and projects and should therefore be utilized to the extent possible.

2. Health education shall be provided to women clients. Appropriate educational materials and media shall be used to reinforce the health messages during the conduct of these activities.

3. Health education programs shall include:

a. Age appropriate adolescent health and sexuality education taught by trained educators in both public and private schools. The lessons shall emphasize responsibility and respect for others as overarching principles in sexual behavior, without prejudice to the primary right of parents to educate their children;

b. Sexuality education for parents for them to be cooperators in adolescent health education and to enhance communication with their children;

c. Programs for the elderly in every barangay to promote and maintain their well-being and social functioning;

d. Trainings for health service providers/educators towards gender-responsiveness, culture-sensitivity, nondiscrimination and non-judgmental behaviors and attitudes; and

e. Teen centers that will provide health and sexuality education and counseling.

4. To promote health education, concerned agencies shall perform the following:

a. The DepEd shall:

i. Formulate standards and develop information, education, communication, and advocacy strategies for the integration of health and nutrition concepts for women and girls in all levels/categories of schools; and

- ii. Provide support in the development of innovative project, strategies and approaches for women and girls in learning institutions;

b. The CHED shall:

- i. Ensure that state colleges, universities, and private institutions will integrate in their curriculum and in CHED's accreditation system, health education that is gender-responsive, rights-based and culture-sensitive;

- ii. Encourage state colleges, universities and private institutions to conduct capacity building sessions, such as gender-sensitivity and health and sexuality education for school personnel (faculty and nonteaching staff) and students to promote women's health;

- iii Expand health services and guidance counseling on youth sexuality in state colleges, universities, and private institutions; and

- iv. Promote and provide funds for and disseminate research on gender issues and concerns.

5. Government agencies with health-related programs and services, including nutrition, mental health and care for the elderly are mandated to provide the necessary education and information relevant to their functions.

SECTION 21. *Special Leave Benefits for Women*

A. Any female employee in the public and private sector regardless of age and civil status shall be entitled to a special leave of two (2) months with full pay based on her gross monthly compensation subject to existing laws, rules and regulations due to surgery caused by gynecological disorders under such terms and conditions:

1. She has rendered at least six (6) months continuous aggregate employment service for the last twelve (12) months prior to surgery;
2. In the event that an extended leave is necessary, the female employee may use her earned leave credits; and
3. This special leave shall be non-cumulative and nonconvertible to cash.

B. The CSC, in the case of the public sector including LGUs and other State agencies, and the DOLE, in the case of the private sector, shall issue further guidelines and appropriate memorandum circulars within sixty (60) days from the adoption of these Rules and Regulations to operationalize said policy, and monitor its implementation and act on any violations thereof.

SECTION 22. *Equal Rights in All Matters Relating to Marriage and Family Relations*

To implement this section, concerned agencies or entities shall perform the following:

A. The DSWD, DOH, and the Commission on Population (POPCOM) shall set standards and develop gender-fair modules on marriage, family relations, parent effectiveness, shared parenting and household responsibilities, and non-sexist child rearing.

B. The LGUs shall:

1. Provide trainings and seminars on the popularization of rights and obligations of spouses towards each other, management of household and parental authority to impede the stereotyping of roles, multiple burden, marginalization and subordination of women;
2. Through the local health office, local social welfare and development office, or population office, ensure gender-sensitive conduct of pre-marriage counseling program to promote family planning, responsible parenthood, equal relations and shared responsibility between spouses in parenting and household management;
3. Advocate that spouses have the moral obligation and responsibility in assuring the rights and well-being of their children, regardless of sex;
4. Ensure that couples and individuals shall be given the full range of information and services for them to exercise rights to decide over the number and spacing of children; and
5. Include in the trainings and seminars in barangays the education and popularization of the Act and the Family Code, especially on the obligations and responsibilities of spouses to eliminate gender bias.

C. The Supreme Court (SC), DOJ, Integrated Bar of the Philippines (IBP) and lawyers associations shall ensure that gender equality and women's empowerment agenda are mainstreamed and integrated in the regular Mandatory Continuing Legal Education (MCLE) courses conducted for legal practitioners in the Philippines.

RULE V

RIGHTS AND EMPOWERMENT OF MARGINALIZED SECTORS

SECTION 23. *Food Security and Productive Resources* – The State recognizes the contribution of women to food production and shall ensure its sustainability and sufficiency, including in the context of climate change, with the active participation of women. Towards this end, the State shall guarantee, at all times, the availability in the market of safe and health-giving food to satisfy the dietary needs of the population, giving particular attention to the specific needs of poor girl-children and marginalized women, especially pregnant and lactating mothers and their young children.

The Department of Agriculture (DA), in coordination with other concerned departments, LGUs, and stakeholders shall: (a) undertake programs and projects on food security that are gender- responsive; (b) recognize women as farmers and fisherfolk and give them equal opportunities to participate in programs and projects; (c) ensure the active and direct participation of rural women’s groups, other than Rural Improvement Clubs, in policy and program formulation, planning and designing, implementation, monitoring and evaluation of DA programs at the local levels including, but not limited to, the rice master plan; (d) ensure that girl-children and women benefit from all DA programs; (e) ensure food safety by strengthening food management, control and regulatory systems, including provision of necessary facilities; and (f) promote community-based seed banking initiated and operated by women and barangay level sustainable resource management.

LGUs shall formulate and implement a community-based food security plan that shall respect religious and cultural practices. The plan shall be integrated into the development plans of the LGUs to ensure that it is funded and implemented. Women’s groups shall actively participate in planning and designing, implementing, monitoring and evaluating the plan.

A. Right to Food

1. The DA shall:

- a. In coordination with other agencies, involve women in food production, processing, and marketing programs;
- b. In coordination with Department of Science and Technology (DOST) – Industrial Technology Development Institute (ITDI), provide updated, useful information and gender-sensitive technologies for production, processing, and marketing of food products;
- c. In coordination with the LGUs, strengthen capacities of women by designing and implementing appropriate training programs for food security;
- d. Involve women in food security program development, implementation, monitoring and evaluation; and
- e. Promote the use of organic fertilizer in food production.

2. The DTI and Food and Drug Administration (FDA), in coordination with other concerned agencies, shall provide timely and accurate information on food safety such as, but not limited to, labeling and traceability.

3. The DOST, Department of Energy (DOE), DA and other concerned agencies shall encourage the use of alternative or renewable energy in food production.

B. Right to Resources for Food Production

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. Further:

a. The Department of Agrarian Reform (DAR) shall issue the Emancipation Patent (EP) and Certificate of Land Ownership Award (CLOA), to all qualified beneficiaries regardless of sex, civil status, or physical condition. In order to protect the rights of legally married spouses where properties form part of the conjugal partnership of gains or absolute community property, the names of both shall appear in the EP and CLOA preceded by the word "spouses." In unions where parties are not legally married, the names of both parties shall likewise appear in EP and CLOA with the conjunctive word "and" between their names;

b. DAR shall screen bonafide agrarian reform beneficiaries (ARBs). As such, either spouse or party in a relationship who individually possess qualifications shall have the right to identification, screening and selection of ARBs;

c. In no case shall a woman be excluded either in the titling of the land or issuance of stewardship contracts and patents on the account of sex, being married, or being in a union without marriage to an agrarian reform beneficiary;

d. The Department of Environment and Natural Resources (DENR) shall issue Certificate of Stewardships in the name of both spouses who shall then be co-stewards of the land;

e. The DENR shall ensure that women, regardless of civil status, shall enjoy equal rights as men in the filing, acceptance, processing, and approval of public land applications;

f. All concerned agencies shall review and revise their judicial and administrative forms, harmonize their database, and generate sex-disaggregated information; and

g. The Land Registration Authority (LRA) shall comply with the provisions of the Act and these Rules and Regulations.

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. Further:

a. The DAR, in coordination with other concerned agencies, shall develop guidelines that will recognize women's paid and unpaid work as bases for her direct and indirect contribution in the development of the land; and

b. Both spouses and parties shall be accorded equal rights and access in availing of support services as provided for in agrarian reform laws, without discrimination of sex. It shall be the joint and mutual obligation and responsibility of both spouses and parties that the support services extended to them by DAR, DA, and other concerned agencies be fully and exclusively utilized for the intended purpose.

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. Further:

a. Property rights under customary laws shall be respected as long as they are not discriminatory to women;

b. The management and utilization of forest resources shall provide equal opportunities for men and women to participate and share in attendant responsibilities and benefits;

c. In developing Comprehensive Development and Management Plans (CDMP), Industrial Forest Management Agreement (IFMA) holders shall integrate gender concerns including the equitable participation of women in implementing the CDMP and enjoying the fruits thereof; and

d. The DA, in coordination with NCIP and other concerned agencies, shall promote the application of indigenous knowledge and practices on food production and preservation.

4. Information and assistance in claiming rights to the land shall be made available to women at all times. All concerned agencies with land management programs shall develop programs to provide information, education and communication, and assistance in claiming rights.

5. Equal rights of women to the enjoyment, use, and management of land, water, and other natural resources within their communities or ancestral domains shall be guaranteed. Further:

a. Women shall participate in the management of protected areas;

b. The Department of Tourism (DOT) shall promote community-managed, eco-tourism projects participated by women stakeholders from the community; and

c. Government agencies in-charge of irrigation and watershed management shall provide access to small irrigation and rainwater harvesting facilities as well as programs on rehabilitation of watershed areas to small women farmers.

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 shall be guaranteed. Further:

a. The DA, through the Bureau of Fisheries and Aquatic Resources (BFAR), in coordination with National Fisheries and Aquatic Resources Management Council (NFARMC), shall assist the LGUs in developing a standard registration form for municipal fisherfolk, fishing vessels and gears as stated in Section 19 of the Philippine Fisheries Code of 1998. The Registry of Municipal Fisherfolk shall serve as basis for the identification of priority municipal fisherfolk who shall be allowed to fish within the municipal waters;

b. LGUs shall maintain an updated database of women fisherfolk that may be accessed by BFAR, PCW and other interested institutions for program development and policy-making; and

c. Women fisherfolk shall be entitled to benefits and privileges accorded to other workers under the Labor Code, Social Security System (SSS) and other laws.

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.

The LGUs and BFAR shall ensure the full participation of women in the planning and designing, implementation, monitoring and evaluation of coastal resource management programs; and designate coastal areas to be managed by women.

8. There shall be no discrimination against women in the deputization of fish wardens. Towards this end, the LGUs shall:

a. Deputize women who are already functioning as fish wardens within six (6) months upon adoption of these Rules and Regulations;

b. Provide venues where women's roles as effective fish wardens will be recognized;

c. Provide capacity development training for women fish wardens; and

d. Provide social and legal protection for all deputized fish wardens.

9. Women-friendly and sustainable agriculture technology shall be designed based on accessibility and viability in consultation with women's organizations. Further:

a. All concerned agencies involved in research and development, including SUCs and higher education institutions (HEIs), shall allocate budget for basic and applied research to develop and promote women-friendly technologies;

b. The DA-Bureau of Post-Harvest Research and Extension (BPRE) shall design and promote the commercial use of improved post-harvest processing facilities and equipment of selected commercial crops among women and men, farmer-groups, processors and small-holder entrepreneurs to reduce post-harvest losses and increase income derived from value-added processing operations;

c. The BFAR and Philippine Fisheries Development Authority (PFDA) shall design and promote the use of women-friendly fishing gears and post-harvest facilities and equipment;

d. The National Dairy Authority (NDA) shall design and promote women-friendly dairy technologies;

e. The DOST shall promote appropriate women-friendly technologies and support women inventors and scientists;

f. The DA-Agricultural Training Institute (ATI) shall include sustainable agriculture practices and technologies, including varietal

selection and community seedbanking in its training programs; and

g. DA and LGUs shall ensure participation of rural women by tapping existing peoples' organizations, NGOs and rural women groups in their training on food production with emphasis on sustainable agriculture and fisheries such as but not limited to production of organic inputs and fertilizers, natural farming and vermi-composting, and other technologies.

10. Access to small farmer-based and controlled seeds production and distribution shall be ensured and protected. Towards this end, the DA shall:

a. Provide access to seeds production, including both traditional and locally adapted varieties, planting materials, fingerlings, and broodstocks for women small farmers and fisherfolks;

b. Include all women's organizations in its indigenous vegetables production projects;

c. Ensure access of small farmers and fisherfolk in seeds production and distribution as well as improved breed of animals;

d. Provide access to seed technology updates; and

e. Together with LGUs, develop and implement community seed banking and farmer-to-farmer seed exchange.

11. Indigenous practices of women in seed storage and cultivation shall be recognized, encouraged, and protected. Towards this end, the NCIP and concerned agencies shall:

- a. Provide information on indigenous farming and fishing practices; and
- b. Promote and improve indigenous knowledge and practices.

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. Further:

- a. DA, DTI, and other concerned agencies shall provide support for marketing, credit, technologies, and training for women; and
- b. Ensure membership of marginalized women in councils for sustainable development that are created pursuant to existing laws.

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. For this purpose, the DA shall undertake the following:

- a. Provide capability building program to promote greater bankability and worthiness of municipal and small scale women commercial fishers. Such program shall include organizing activities, technology transfer, and skills training related to commercial fishing as well as credit management. Groups and cooperatives organized under the program shall have priority access over credit and other funds for women fisherfolk;

b. Conduct information campaign to promote the capability-building and credit programs to women fisherfolk; and

c. Open special credit windows in existing government financing institutions for women fisherfolk.

14. Provide economic opportunities for the indigenous and rural women particularly access to market for their produce. In the enforcement of the foregoing, the requirements of law, such as free and prior informed consent, shall be observed at all times. Further:

a. DA, Department of Public Works and Highways (DPWH), DAR, and LGUs shall ensure access and links of production areas to markets and stimulate economic activities in the communities as well as provide better access to social services by constructing farm-to-market roads in the rural areas; and

b. DA, DTI, TESDA, NCIP, DENR, and SUCs/HEIs shall provide trainings on marketing of agricultural and forestry products to ensure delivery of produce. These include market opportunity awareness, technology transfer on processing, labeling, and packaging.

SECTION 24. *Right to Housing* – The State, through the Housing and Urban Development Coordinating Council (HUDCC) and its attached Key Shelter Agencies namely the National Housing Authority (NHA), Home Guarantee Corporation (HGC), National Home Mortgage Finance Corporation (NHMFC), Social Housing Finance Corporation (SHFC), Housing and Land Use Regulatory Board (HLURB), Home Development Mutual Fund (HDMF), and the LGUs, 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.

A. The HUDCC, Key Shelter Agencies and the LGUs shall:

1. Ensure full participation and involvement of women in land use, zoning and community planning and development through capability building and skills training in shelter and urban development;
2. Ensure that female-headed households are not discriminated in the provision of relocation or resettlement sites and that access to basic services, facilities, employment, and livelihood opportunities are responsive to the needs of women. In cases of demolition and eviction, the HUDCC, Presidential Commission for the Urban Poor (PCUP), and LGUs or other bodies with similar functions in the local level, shall ensure the safe transfer of women and children to resettlement and relocation sites;
3. Provide basic social services in resettlement communities in accordance with existing laws;
4. Formulate policies and programs to ensure that housing programs and services are provided for women belonging to the marginalized sectors;
5. Ensure that forms and documents are gender-responsive especially those involved in transactions of (a) married couples, (b) persons in unions without marriage, and (c) single individuals. Within one (1) year from the effectivity of these Rules and Regulations, key shelter agencies shall also conduct a review of their agency guidelines to ensure that the guidelines are gender-responsive. Thereafter, a periodic review shall be conducted;

6. Monitor and evaluate gender design features in housing and urban development and all other kinds of infrastructure plans and strategies to ensure that all housing projects, whether undertaken by the government agencies or the private sector, are able to secure the privacy and safety of women and children;

7. Undertake a massive information dissemination campaign to increase the awareness of women on their property and housing rights, including the right of women to information and to transact business with shelter agencies; and

8. Ensure women's participation in the development of land use plans and implementation of zoning ordinances.

SECTION 25. *Right to Decent Work* – The State shall progressively realize and ensure decent work standards for women that involve the creation of jobs of acceptable quality in conditions of freedom, equity, security, and human dignity.

A. The DOLE in the case of private sector and the CSC in the case of public sector shall:

1. Advance women's right to decent work by promoting women's rights at work, creating opportunities for women employment, enhancing social protection coverage, and strengthening tripartism and social dialogue. To achieve this, the DOLE and CSC shall facilitate adequate consultative mechanisms with workers and employers groups, government and non-government organizations;

2. Together with other concerned agencies ensure the provision of support services and gears to protect women from occupational and health hazards taking into account women's maternal functions. Further:

a. Women workers shall be protected against safety and health hazards, including, but not

limited to, exposure to hazardous chemicals, infections, conditions leading to musculoskeletal disorders, work environment leading to noise-induced hearing loss, and exposure to radiation and psychological stressors.

b. By reason of the hazardous nature of work that may cause injury or impairment in the function of any part of the body, every employer shall provide their women employees with appropriate personal protective equipment (PPE) to prevent injury or impairment in any part of their bodies as well as ensure proper maintenance of the PPE used in the workplace.

c. The DOLE, through its concerned agencies, shall make available occupational safety and health (OSH)- related programs and services to women workers in the formal and informal sectors. These include, but are not limited to, the conduct of OSH orientations and trainings, medical surveillance and research, screening tests for reproductive tract diseases, provisions for technical support/advice, and development of information, education and communication materials.

3. Work closely with both the employers and unions or worker representatives, in the private sector in promoting a safe and healthy workplace. Further:

a. Employers both in the public and private sectors shall provide services in support to balancing family obligations and work responsibilities. These include family health services but not limited to: day care and child minding centers, breastfeeding or lactation stations with appropriate facilities and corresponding nursing/lactation breaks, health

education, counseling on breastfeeding, seminars on responsible parenthood and family planning, non-sexist child-rearing, shared parenting and family responsibility, annual family day, flexible work arrangements, and anti-sexual harassment initiatives.

Compliance by government agencies and private employers shall be monitored by the CSC and DOLE, respectively. In establishing facilities as required by law, the LGUs shall make compliance thereof a pre-requisite in the grant of any form of building and business permit.

b. In the exercise of their labor rights, women workers are free to exercise their right to self-organization and are encouraged to form unions and join associations. The DOLE and CSC shall ensure that such rights are respected regardless of the workers' status and place of employment. DOLE and CSC shall also support programs that will encourage women to develop their leadership skills to accelerate their qualifications in positions of leadership.

c. Employees who are members of indigenous communities shall be allowed to observe their cultural practices in the workplace provided that the employer is notified by the applicant or employee about the cultural practice/s that she needs to observe and the cultural practice/s will neither hamper work efficiency of the employee nor be prejudicial to the operation of the workplace.

B. In recognition of the temporary nature of overseas work and the need to exert all efforts to address the causes of out-migration, the National Anti-Poverty Commission (NAPC),

in the exercise of its oversight functions in the implementation of the Social Reform Agenda, shall ensure that policies and programs in addressing poverty reduction as well as initiatives taken by civil society and the basic sectors shall include local employment and other economic opportunities for women.

C. DTI, DOLE, other concerned government agencies, and the LGUs shall initiate investment friendly policies, systems, programs and procedures as well as provide technical assistance and supporting financial arrangements to returning women migrant workers to help them establish local business.

D. The DFA, DOLE, Philippine Overseas Employment Administration (POEA), and Overseas Workers' Welfare Administration (OWWA) shall be responsible in protecting the rights and promoting the welfare of women migrant workers especially those classified under the vulnerable skills categories.

These agencies shall review and forge bilateral and multilateral labor agreements to ensure safe migration, better work conditions that will curb violence against women migrant workers; conduct professional and personal development among women migrant workers through livelihood and skills development trainings, seminars, and scholarship grants; and mainstream entrepreneurship and GAD in skills training, counseling and other support services for the families of the migrant workers.

SECTION 26. *Right to Livelihood, Credit, Capital, and Technology* – All possible assistance shall be provided to women including returning women migrants in their pursuit of owning, operating and managing business enterprises towards the promotion of their economic rights and independence. Assistance shall focus on the availability of the following: credit, training and technology, information, packaging and marketing, and social protection.

A. Department of Finance (DOF), DTI, Bangko Sentral ng Pilipinas (BSP), People's Credit and Finance Corporation (PCFC), Government Financial Institutions (GFIs), and Microfinance Institutions (MFIs) shall formulate and implement

policies, plans and programs to give women easy and preferential access to capital and credit for business enterprises.

B. DOLE, TESDA, NAPC, DOST, DTI, DSWD, DA, DOF, BSP, Technology Resource Center (TRC), and other Business Support Organizations (BSOs) shall ensure availability of skills trainings, business-related training, and livelihood capability programs for women potential entrepreneurs and women entrepreneurs.

C. DTI, DOST, TRC, and BSOs shall provide trainings focused on packaging, marketing, product development, upscaling enterprises and venturing into exports, and shall ensure availability and access of women to business guides, business matching, business templates for start-ups, as well as business counseling.

D. Government Service Insurance System (GSIS), SSS, PCFC, DOF, DTI, and BSP shall enhance access of women entrepreneurs/potential entrepreneurs to credit and capital through:

1. Simplified insurance instrument through contract standardization;
2. Lowered transaction costs through cost-minimizing monitoring systems and efficient incentive schemes;
3. Affordable and transparent benefits and payments; and flexible payment schedules; and
4. Promotion of organized groups for easy access to credit and capital.

E. DA, DAR, DENR, NCIP, and DOLE shall develop guidelines to ensure that:

1. Women shall not be discriminated upon in their share of the produce of farms and aquatic resources, furthermore, to consider their reproductive and

domestic functions thus equal returns of the value of work shall be recognized; and

2. Women entitlements to agriculture and other forms of assets shall be ensured and recognized based on their rights and contribution to its total value.

F. DOLE and its attached agencies shall ensure the integration of returning women migrant workers into the labor force through the provision of incentives to companies who will provide employment to returning Overseas Filipino Workers (OFWs), the elimination of any barriers to employment qualifications of migrant women workers, and the establishment of benchmark on the number of training hours to enhance knowledge and skills of OFWs.

SECTION 27. *Right to Education and Training*

A. Access to Skills Training and Retraining – Women shall be given the opportunity to benefit from skills training if they so desire before taking on job overseas, and possible retraining upon return to the country. Towards this end, the DOLE, through its attached agencies, and other concerned offices, apart from pre-departure orientation seminars for overseas bound workers, shall ensure the provision of the following:

1. Training institutions in all levels shall be made accessible to migrant women irrespective of their age, ethnicity, religion, class and marital status;

2. Extensive dissemination of available training and scholarship programs for women migrant workers to facilitate access to such opportunities that will widen their career options;

3. Language skills training and culture familiarization on the country of destination as requirements for departure, including the dissemination of information on available training providers;

4. Database on returning migrant workers who would want to avail of skills development and training; and

5. Measures to prioritize returning women migrant workers in the various skills training programs of government, subject to qualification requirements.

B. Gender Sensitivity Trainings and Seminars – All government and private training and learning providers shall develop and implement gender sensitivity training program. In the conduct of said training program, the adoption of flexible training hours, and gender sensitive training facilities to include child-care services to accommodate women workers with work responsibilities and family obligations shall be strictly observed.

C. Equal Opportunities in Scholarships – All concerned agencies and organizations shall strictly observe criteria on merit and fitness in the grant of scholarships for technical skills training and development especially in the field of research and development aimed towards women-friendly farm technology, whether in the field of agriculture, horticulture, aquaculture or other similar areas.

SECTION 28. *Right to Representation and Participation* – The State shall ensure women's participation in policy-making or decision-making bodies in the national, regional and local levels. All national government agencies shall ensure that their existing participatory mechanisms shall include adequate representation of women.

A. Concerned agencies, in cooperation with women's organizations, shall implement capability-building and leadership formation programs as well as undertake affirmative action measures to enable grassroots women leaders to effectively participate in the decision and policy-making bodies in their respective sectors, including but not limited to the following bodies:

1. Presidential Agrarian Reform Council (PARC) and its local counterparts like the Provincial Agrarian

Reform Coordinating Committee (PARCCOM) and Barangay Agrarian Reform Committee (BARC);

2. Community-based resource management bodies or mechanisms on forest management and stewardship;

3. National Agricultural and Fishery Council (NAFC) and its regional and local counterparts;

4. National Fisheries and Aquatic Resources Management Council (NFARMC) and its regional and local counterparts;

5. National Commission on Indigenous Peoples (NCIP);

6. Presidential Commission for the Urban Poor (PCUP) for membership in its Board of Commissioners;

7. Local Housing Boards (LHBs), whenever applicable; and

8. National Anti-Poverty Commission (NAPC) Basic Sectoral Councils.

B. The NAPC shall ensure that its sectoral councils shall have at least thirty percent (30%) women membership and shall have gender equality concerns incorporated in their sectoral agenda. At the start of the term of the successor councils, the NAPC through the women's sectoral council shall conduct orientation on gender and development for all members of these councils.

SECTION 29. *Right to Information* – All government agencies, instrumentalities, and LGUs shall develop and make available information, education and communication (IEC) materials on their specific programs, services and funding outlays on women's empowerment and gender equality. These information shall be translated in major Filipino dialects and disseminated to the public, especially in remote or rural areas.

SECTION 30. *Social Protection*

A. The SSS and the PhilHealth shall support indigenous and community-based social protection schemes. Said agencies shall consult with NCIP and other concerned agencies and ensure that marginalized women not covered by the SSS and PhilHealth shall be able to access special packages developed for their benefit.

They shall conduct regular review and consultations among stakeholders to ensure that the benefit packages are responsive and the premiums are affordable to the marginalized sectors.

B. The State shall institute policies and programs that seek to reduce the poverty and vulnerability to risks and enhance the social status and rights of the marginalized women by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risks. It shall likewise use the list of poor households generated by the National Household Targeting System (NHTS) as reference in identifying priority beneficiaries of the social protection programs of government. In this regard:

1. DOLE shall provide learning sessions on women workers' safety and health through existing structures within the LGUs or by creating new mechanisms;
2. DA shall ensure that the Agricultural Competitiveness Enhancement Fund created by Republic Act No. 8178, otherwise known as the "Agricultural Tariffication Act," is availed of by women farmers and fisherfolk;
3. NAPC and disaster coordinating councils, together with LGUs, shall mainstream all programs and services on poverty reduction and include OSH, disaster risk reduction and management at the local levels; and
4. DOLE, DTI and their attached agencies, DSWD, LGUs, as well as other similar agencies shall sustain

labor market programs to create employment and alternative livelihood following decent work standards as provided in these Rules and Regulations with adequate resources to prevent or mitigate the effects of sudden loss of income such as emergency employment.

C. The State shall endeavor to reduce and eventually eliminate transfer costs of remittances from abroad through appropriate bilateral and multilateral agreements. It shall likewise provide access to investment opportunities for remittances in line with national development efforts. Towards this end:

1. DFA shall review existing agreements or enter into new agreements with receiving countries of women migrant workers that will cover conditions on remittances, when such agreements do not include them; coordinate with BSP to encourage all banks and nonbank money transfer agencies to reduce costs of remittances and encourage the private sector to introduce incentive schemes; and involve women migrant workers and NGOs working with migrant groups in the review of existing agreements and new agreements; and

2. DOLE, its attached agencies POEA and OWWA, and other concerned offices shall develop and implement programs for returning women migrant workers and their families that will include employment opportunities that will match their skills and qualifications, skills and entrepreneurship development, financial literacy, and access to credit, capital and markets.

D. The State, through the PhilHealth and LGUs, shall establish a health insurance program for senior citizens and indigents.

E. The State shall support a community-based social protection scheme and develop social protection programs for women with disabilities through the National Council on

Disability Affairs (NCDA) in coordination with PhilHealth, SSS, GSIS, and LGUs.

SECTION 31. *Recognition and Preservation of Cultural Identity and Integrity* – The NCCA and NCIP in coordination with NCMF, Regional Commission on Bangsamoro Women (RCBW)– Autonomous Region in Muslim Mindanao (ARMM), and other concerned agencies shall ensure that women are consulted and shall participate in the development and implementation of policies and programs that aim to preserve their own cultures and traditions. These agencies among others shall:

A. Protect the role of women as repository of indigenous knowledge and system on education and health;

B. Conduct studies and researches on the roles and contributions of women in the different ethnic and indigenous cultures;

C. Develop materials produced in indigenous languages containing information on the rights, programs, and services available to the indigenous women;

D. Provide appropriate support for women's groups and organizations to conduct research and document women Indigenous Peoples' (IP) traditional roles in marriage, family, community, political, and economic life to determine gender issues and concerns among indigenous cultural communities/IPs;

E. Remove stereotypes and discriminatory characterization of IPs and Moro women in educational materials;

F. Collaborate with CHED and DepEd to integrate in the educational curriculum the preservation and respect of indigenous rights, cultures and traditions, provided that they are not discriminatory to women;

G. Coordinate with CHED and DepEd to ensure functional literacy and numeracy programs for indigenous communities;

H. Provide protection to women in the pursuit of their traditional livelihood and occupations;

I. Ensure that indigenous and Moro women have access to information of all services in their own languages;

J. Allow women's manner of dressing in accordance with their cultural belief;

K. Support women involved in "halal" industry; and

L. Develop appropriate programs and projects to respond to gender issues and concerns.

SECTION 32. *Peace and Development* – The peace process shall be pursued with the following considerations:

A. Increase the number of women participating in discussions and decision-making in the peace process, including their 100 membership in peace panels, that recognize women's role in conflict prevention and peace-making, and in indigenous system of conflict resolution. Towards this end:

1. OPAPP, PCW, AFP and CHR shall ensure the implementation of this provision especially the full participation of grassroots women organizations. They shall also ensure the implementation of UNSC resolutions on women, peace and security; and

2. LGUs shall ensure women's participation in local peace councils tasked to recommend policies and programs on peace issues in the community.

B. Ensure the development and inclusion of women's welfare and concerns in the peace agenda in the over-all peace strategy and women's participation in the planning,

implementation, monitoring and evaluation of rehabilitation and rebuilding of conflict- affected areas. Towards this end:

1. OPAPP in coordination with RCBW shall support inter-faith dialogues on peace and development with women, especially in Mindanao.

2. LGUs involving people's organizations, particularly women's organizations, shall ensure the development and inclusion of women's issues and concerns in the peace agenda.

C. Inclusion of the peace perspective in the education curriculum and other educational undertakings by DepEd, CHED, SUCs, TESDA, Bureau of Cultural Heritage (BCH)-ARMM and DSWD. DepEd shall likewise pursue continuous education of internally displaced children.

D. The recognition and support for women's role in conflict-prevention, management, resolution and peacemaking, and in indigenous systems of conflict resolution. For this purpose:

1. LGUs shall institutionalize community-based conflict resolution structures where women play critical roles;

2. OPAPP, in coordination with LGUs, shall institutionalize the provision of incentives and awards in recognition of grassroots women of their exemplary achievements in peace building, and in coordination with PCW and peace NGOs, shall publish women's stories on peace and development; and

3. NCIP shall support tribal women arbiters, whenever existing, in conflict prevention management, resolutions and peacemaking, and in indigenous systems of conflict resolution.

E. The AFP in coordination with LGUs, PNP, DOH, and DSWD shall institute measures for the protection of

civilians in conflict-affected communities with special consideration of the specific needs of women and girls. These measures shall include, but are not limited to, the provision of the minimum initial service including adequate breastfeeding facilities, water and sanitation facilities, services addressing special needs of adolescents, and family planning.

SECTION 33. *Women in Especially Difficult Circumstances* – For purposes of the Act and these Rules and Regulations, Women in Especially Difficult Circumstances (WEDC) shall refer to victims and survivors of sexual and physical abuse such as rape and incest, illegal recruitment, prostitution, trafficking, armed conflict, women in detention, and other related circumstances which have incapacitated them functionally. LGUs are therefore mandated to deliver the necessary services and interventions to WEDC under their respective jurisdictions.

SECTION 34. *Services and Interventions for WEDC*

A. WEDC and their families 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 and psychiatric evaluation, (d) counseling and Critical Incident Stress Debriefing (CISD), (e) legal services, (f) productivity skills, capability building, and/or livelihood assistance, (g) education, (h) job placement, (i) financial assistance, and (j) transportation assistance. All service providers shall undergo capacity building to ensure gender-responsive, rights-based and culture-sensitive provision of services.

B. DSWD, DOLE, TESDA, DOH, DOJ, LGUs, and all other concerned agencies shall ensure that gender-responsive, rights-based and culture-sensitive services and interventions for WEDC and their families shall be provided.

C. PNP, BJMP, Bureau of Corrections (BuCor), NBI, Bureau of Immigration (BI), LGUs, and other concerned agencies shall ensure that detention areas and prisons have

segregated facilities, health and sanitation services for women in their custody, including clean and sanitary toilets.

D. The Parole and Probation Board (PPB) shall ensure the annual review of cases that merits Presidential pardon, with special priority for the elderly and sick women.

E. DSWD in coordination with CHR, existing inter-agency anti-VAW mechanisms, and the pillars of the justice system shall formulate guidelines and protocols to ensure protection of women against gender-based violence.

SECTION 35. *Protection of Girl-Children*

A. Government agencies, LGUs and other concerned institutions shall pursue measures to eliminate all forms of discrimination against girl-children in education, health and nutrition, and skills development. To implement this provision, the following agencies shall perform the following roles and functions:

1. The Council for the Welfare of Children (CWC), Early Childhood Care and Development (ECCD) Council, and DepEd shall:

a. In coordination with PCW, NCIP, NCMF, and other concerned agencies, review and enhance existing policies and frameworks, including curriculum development, and ensure proper coordination and dissemination, for possible replication;

b. Establish and maintain age- and sex-disaggregation of children's data for use in planning;

c. Ensure that school policies uphold the dignity, practices, traditions, culture, and religious beliefs of students and indigenous children, provided they are not discriminatory to women;

d. Guarantee that all girl-children who are of pre-school and school-age have access to quality education, good health, proper nutrition, and skills development, regardless of ethnicity, socio-economic conditions, religious affiliation, and physical and mental abilities;

e. Ensure that girls and boys have equal treatment and opportunities for academic honors, leadership in school/ class organizations, leadership in school activities, journalistic endeavors, and the like;

f. Promote among public and private schools the sensitivity to particular Moro and indigenous practices such as fasting in the month of Ramadan, choice of clothing (including wearing of hijab), and availability of halal food; and

g. In coordination with CHED and TESDA, closely monitor their regional operations so that programs in every region are equitably distributed, properly implemented, and all are given the opportunity to avail of the services.

2. NCIP, NCMF, RCBW, and LGUs to conduct community consultations on the effect of child marriages on the health, education, and over-all situation of a girl-child.

B. Girl-children shall be protected from all forms of abuse and exploitation. Further:

1. LGUs shall organize and make functional Local Councils for the Protection of Children (LCPCs). DILG shall monitor the compliance thereof; and

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Library

2. DILG shall institute measures for LGUs to comply with organization and functionality of the LCPCs at all levels.

C. LGUs shall ensure the organization and functionality of the LCPCs that shall adopt existing indigenous mechanisms in the protection of children; pursue measures to eliminate all forms of discrimination against girl-children in education, health, nutrition, and skills development; and protect girl-children from all forms of abuse and exploitation.

D. DepEd, CHED, NCIP, NCMF, and BCH-ARMM shall:

1. Provide equal access of Muslim and indigenous girl-children in the Madaris, schools of living culture and traditions, and regular schools;

2. Develop gender-sensitive, rights-based and culture-sensitive curriculum, including legal literacy and books, in the Madaris and schools of living culture and traditions;

3. 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.

SECTION 36. *Protection of Senior Citizens*

A. Senior citizens, especially those who actively contribute to productive and reproductive work, shall have continuous access to support services.

B. All programs and services for senior citizens shall be gender-responsive, rights-based and culture-sensitive. In so doing, concerned agencies and LGUs shall ensure that specific needs and concerns of women senior citizens are identified and addressed.

C. DOH and other concerned agencies shall provide capability building on the prevention, detection and management of psycho-social problems and other geriatric concerns of women senior citizens among healthcare professionals, specifically on the handling of older person abuse.

D. LGUs shall develop and utilize supportive community resources that provide in-home services, respite care, and stress reduction with high-risk families; in addition, explore the possibilities of subsidies and support for family and caregivers to promote quality homecare for senior citizens.

E. The Office for Senior Citizens Affairs (OSCA) shall include services addressing gender-based violence.

F. All suspected cases of abuse and/or neglect of women senior citizens must be reported in accordance with existing laws. The DOH and DSWD shall require physicians, caregivers or social workers who suspect ill-treatment on women senior citizens to discuss the concern with the head of the nursing home or family. In case the ill-treatment is confirmed, or in the event of suspicious death, the same should be reported to appropriate authorities.

RULE VI INSTITUTIONAL MECHANISMS

SECTION 37. Gender Mainstreaming as a Strategy for Implementing the Magna Carta of Women – Within two years from the adoption of these Rules and Regulations, and every six (6) years thereafter, the PCW shall review its gender mainstreaming strategy in consultation with key stakeholders and modify the program accordingly.

Notwithstanding the review of gender mainstreaming as above-stated, all government agencies, offices, bureaus, instrumentalities, SUCs, GOCCs, and LGUs shall pursue the adoption of gender mainstreaming as a strategy to promote and fulfill women's human rights and eliminate gender

discrimination in their systems, structures, policies, programs, processes, and procedures such as the following:

A. Planning, Budgeting, Monitoring and Evaluation for
GAD

1. Development of and Budgeting for GAD Plans and Programs – All agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities shall formulate their annual GAD Plans, Programs and Budgets within the context of their mandates. Further:

a. Following the conduct of a gender audit, gender analysis, and/or review of sex-disaggregated data, each agency or LGU shall develop its GAD Plans, Programs, and Budget in response to the gender gaps or issues faced by their women and men employees, as well as their clients and constituencies. Along with the Act and these Rules and Regulations, the Philippine Plan for Gender-Responsive Development (PPGD), the Beijing Platform for Action (BPfA), and the CEDAW, among others, shall serve as key documents to guide the identification of gender issues and the formulation of GAD Plans, Programs and Budget;

b. Where needed, temporary special measures shall be included in their plans. The agency or LGU is encouraged to consult with their employees and clients to ensure the relevance of their GAD Plans and Programs;

c. At least five percent (5%) of the total agency or LGU budget appropriations shall correspond to activities supporting GAD Plans and Programs. The agency GAD Budget may be allocated using any or a combination of the following:

- i. As a separate GAD fund to support GAD-focused programs, projects, and activities;
 - ii. As fund to support integrating gender-perspectives in regular/flagship programs and projects;
 - iii. As counterpart fund to support gender-responsive Official Development Assistance (ODA) – funded projects;
- d. The head of agency or LCE shall ensure that GAD Plans, Programs, and activities are provided with adequate resources;
- e. The GAD Budget shall be drawn from the following budget items: maintenance and other operating expenses, capital outlay, and personnel services- subject to specific guidelines on GAD Planning and Budgeting that may be issued by appropriate oversight agencies;
- f. The PCW shall review the GAD Plans, Programs, and Budgets accompanied by GAD Accomplishment Reports submitted annually by the NGAs, bureaus, SUCs, GOCCs, and other government instrumentalities for gender-responsiveness. The PCW shall then return the endorsed GAD Plans and Programs to the concerned agencies for submission to the DBM. The agencies shall submit to the DBM their PCW-endorsed GAD Plans, Programs, and Budgets along with the annual agency budget proposals;
- g. The DILG shall review the GAD Plans, Programs, and Budgets for gender-

responsiveness, accompanied by GAD Accomplishment Reports submitted annually. The DILG shall then return the GAD Plans, Programs, and Budget to the concerned LGUs along with its endorsement to the DBM;

h. Provinces, Highly Urbanized Cities and Independent Component Cities shall submit to the DBM their DILG-endorsed GAD Plans, Programs, and Budget along with their budget proposals in accordance with the budget all.

2. Gender-Responsiveness of ODA-funded Projects (included and not included in the annual General Appropriations Act) – NGAs and LGUs and other government instrumentalities shall ensure that five to thirty percent (5- 30%) of funds received from foreign governments and multilateral agencies are in support of gender-responsive programs and projects. Further:

a. The National Economic and Development Authority (NEDA) shall institute measures to ensure that said allocation is achieved and sustained to enable concerned agencies and LGUs to respond to gender issues; and

b. To ensure that agencies and LGUs comply with this requirement, they shall undergo capacity-building activities on, among others, gender sensitivity, gender analysis, and of tools such as the Harmonized Gender and Development Guidelines (HGG).

3. Enhancement of Existing Implementing Tools/Mechanisms

a. The PCW, DBM, NEDA, and DILG shall enhance and update existing guidelines and tools on the development, implementation, and monitoring of GAD

Plans and Programs and utilization of the GAD Budget by NGAs, LGUs, and other government instrumentalities;

b. DBM shall take the lead in ensuring that gender responsive performance-based budgeting is adopted by all agencies and LGUs;

c. The PCW and NEDA shall take the lead in advocating the use of the HGG for project development, implementation, monitoring and evaluation;

d. The PCW in coordination with concerned agencies shall develop or enhance gender audit tools and any other tools necessary for gender mainstreaming; and

e. The PCW in partnership with DBM, NEDA, DILG, academe, and civil society groups shall provide technical assistance to agencies and LGUs.

4. Mainstreaming Gender Perspective in National and Local Plans – To move towards a more sustainable performance based planning and budgeting, all agencies shall adhere to existing national guidelines in mainstreaming a gender perspective in the agency and local plans. Further:

a. The DBM shall ensure that the Major Final Outputs, Indicators, as well as Targets under the Organizational Performance Indicator Framework (OPIF) of all NGAs are gender-responsive. This shall likewise apply to LGUs once OPIF is cascaded to them;

b. The NEDA shall ensure that the Medium-Term Philippine Development Plan (MTPDP)

and Medium- Term Public Investment Program (MTPIP) are gender responsive;

c. Likewise, all NGAs and other government instrumentalities shall ensure that their agency annual operations plan and budget are gender-responsive; and

d. All LGUs shall ensure that Executive-Legislative Agenda (ELA), Comprehensive Development Plan (CDP), Comprehensive Land Use Plan (CLUP), Provincial Development and Physical Framework Plan (PDPFP), and Annual Investment Plan (AIP) are gender responsive.

5. Monitoring and Evaluation of the Implementation of and Budget Utilization for GAD Plans and Programs

a. The PCW, in consultation with DBM, COA, DILG, NEDA, and other concerned agencies, shall ensure that an effective system to monitor and evaluate the effectiveness of the GAD budget utilization of the agencies and LGUs is in place.

b. The COA shall conduct an annual audit of GAD funds of all government agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities.

c. At the end of the fiscal period, all government agencies shall submit to PCW their GAD Accomplishment Reports including the utilization of the GAD Budget. The LGUs shall submit the same to the DILG which in turn shall consolidate and submit to the PCW.

B. Gender and Development (GAD) Code

1. To ensure sustainable gender-responsive local governance, all LGUs shall develop and pass a GAD Code to support their efforts in recognizing, respecting, protecting, fulfilling and promoting women's human rights towards the attainment of women's empowerment and gender equality in their locality, following the guidelines issued by the PCW. The GAD Code shall also serve as basis for identifying programs, activities, and projects on GAD.

2. The DILG, in close coordination with PCW, shall assist LGUs in the development and passage of their GAD Codes as well as monitor their implementation.

C. Creation and/or Strengthening of the GAD Focal Points (GFPs) – All government departments including their attached agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities shall establish or strengthen their GFP System or a similar GAD mechanism to catalyze and accelerate gender mainstreaming within the agency or LGU. The head of agencies or LCEs shall sign appropriate issuances to institutionalize the creation of the GFP in their respective agencies or LGUs. The tasks and functions of the members of the GFP shall form part of their regular key result areas and shall be given due consideration in their performance evaluation.

1. Composition of the GFP System – To ensure sustainability of initiatives in the NGAs, LGUs, and other government instrumentalities, the GFP shall be established composed of the agency head or LCE, an executive committee, and a technical working group (TWG) or secretariat.

For NGAs and other government instrumentalities, the GFP executive committee shall be chaired by an Undersecretary or its equivalent, with the bureau and service directors or their equivalent as members. In cases where the agency head is not of Cabinet Secretary rank, the next highest official shall be designated as Chair of the GFP executive committee. The GFP TWG or secretariat shall be composed of, but not limited to, the

key staff from the following offices: planning, finance, budget, senior technical officer from each major bureau/ division/office, and where feasible, the statistics and management information office.

For LGUs, the GFP executive committee shall be chaired by the LCE with the department heads and Chairs of the Sanggunian Committees on Women, Children and Family, and Appropriations, and representatives from the PNP's Women's Desk, Indigenous Peoples (IPs), and Persons with Disabilities, private sectors, and other nongovernment organizations as members. The GFP TWG or secretariat shall be composed of, but not limited to, technical staff from the various departments and concerned Sanggunian committees. The GFP TWG Chair shall be elected from among the GFP TWG members. The secretariat shall be designated by the GFP TWG Chair.

The agency/LGU shall ensure that all members of the GFP undergo capacity building programs on gender and development which shall include but not be limited to: gender sensitivity training (GST), gender analysis, GAD planning and budgeting, and gender audit.

2. General Functions of the GAD Focal Point – The GFP shall ensure and sustain the agency's or LGU's critical consciousness and support on women and gender issues. The GFP shall take a lead role in direction-setting, advocacy, planning, monitoring and evaluation, and technical advisory on mainstreaming GAD perspectives in the agency/LGU programs, projects, activities, and processes. In doing so, the GFP shall:

a. Lead the assessment of the gender-responsiveness of policies, strategies, programs, activities, and projects of the agency/LGU based on the priority needs and concerns of its constituency, and the formulation of recommendations and ensure their implementation;

b. Assist in the formulation of new policies such as the GAD Code in advancing women's status in the case of LGUs;

c. Lead in setting up appropriate systems and mechanisms to ensure the generation, processing, review, and updating of sex-disaggregated data or GAD database to serve as basis in performance-based gender-responsive planning;

d. Coordinate efforts of different divisions/offices/units of the agency or LGU and advocate for the integration of GAD perspectives in all their systems and processes;

e. Spearhead the preparation of the agency or LGU annual performance-based GAD Plans, Programs, and Budget in response to the women and gender issues of their employees/constituencies, following the format and procedure prescribed by the PCW;

f. Lead in monitoring the effective implementation of the GAD Code and any other GAD-related policies, and the annual GAD Plans, Programs, and Budget;

g. Lead the preparation of the annual agency/LGU GAD Accomplishment Report and other GAD reports that may be required under the Act;

h. Promote the participation of women and gender advocates, other civil society groups and private organizations in the various stages of development planning cycle; and

i. Ensure that all personnel of the agency/LGU including the auditors are capacitated on

GAD. The PCW shall issue guidelines to further assist the agencies, LGUs, and other government instrumentalities in creating and strengthening their GFP System.

D. GAD Database – All departments, including their attached agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities shall develop and maintain a GAD database containing GAD information to include gender statistics and age- and sex-disaggregated data that have been systematically produced/gathered, regularly updated to serve as inputs or bases for planning, programming, and policy formulation. The National Statistical Coordination Board (NSCB), upon the recommendation of the Inter- Agency Committee on Gender Statistics (IACGS), shall issue statistical policies on the generation of data support on gender issues and improve the system of collection and dissemination of gender statistics at the national and local levels.

SECTION 38. *Gender Focal Point Officer in Philippine Embassies and Consulates* – All Philippine Embassies and Consulates shall have at least one (1) duly appointed and trained Gender Focal Point Officer (GFPO) within three (3) years. However, in countries where there is large population of women migrant workers, the GFPO shall be in place by end of December 2010. Embassies and Consulates shall ensure that there is always one duly-trained GFPO in the embassy/consulate at any given time. As such, there shall be an Alternate GFPO also appointed to take over the tasks and functions of the GFPO when the latter is absent.

A. The qualifications of the GFPO include the following:

1. Preferably with at least five (5) years experience in working with gender-related matters including assistance to nationals (ATN) matters;
2. Has attended intensive training on GAD and GAD-related areas (e.g. VAW, HIV-AIDS, Migration);

3. Preferably with graduate course in women studies;
and

4. Preferably a woman especially in areas with large population of women migrant workers.

B. The GFPO or Alternate GFPO shall be duly appointed by the Secretary of Foreign Affairs upon the recommendation of the GFP of the DFA. The appointee shall be subject to the administrative provisions of Foreign Service personnel under Republic Act No. 7157 or the “Foreign Service Act of 1992.” DFA will include in the assignment orders “GFPO” designations of officers/staff.

C. The Foreign Service Institute (FSI) and the PCW shall establish the minimum basic training requirements of GFPO. The PCW shall prepare an exhaustive listing of gender sensitivity and other related trainings and their point equivalents for purposes of determining training requirement equivalencies.

All foreign service officers as well as officers of other service agencies (e.g., DOLE, DSWD, OWWA, DTI, DOT, DND/AFP, DA) due for posting overseas shall undergo minimum basic training requirements on gender sensitivity as a requirement prior to departure.

D. The GAD Secretariat in the DFA shall establish communication and information technology linkages among the focal point officer network in the Foreign Service.

E. DFA shall set up the GFPO system not later than 30 December 2010 and shall be responsible in the information dissemination of the existence of GFPO. It shall also prepare a long-term GAD Plan which shall be the basis of the GFPO in preparing the annual work and budget plan.

F. DOLE must ensure that all information as to who are the GFPO in all embassies and consulates, including contact numbers, addresses and email address, are included in the Pre-Departure Orientation Seminar (PDOS) of departing overseas workers/ professionals

SECTION 39. Philippine Commission on Women

A. As the oversight body on women's concerns, the PCW shall act as catalyst for gender mainstreaming, authority on women's concerns, and lead advocate of women's empowerment, gender equity, and gender equality. The PCW shall:

1. Act as the primary policy-making and coordinating body on women and gender equality concerns under the OP;
2. Serve as the over-all monitoring body and oversight to ensure the implementation of the Act and these Rules and Regulations. In doing so, the PCW may direct government agencies and instrumentalities, as may be necessary, to report on the implementation of the Act and these Rules and Regulations and for them to immediately respond to the problems brought to their attention;
3. Lead in ensuring that government agencies are capacitated on the effective implementation of the Act and these Rules and Regulations;
4. Report to the President in Cabinet meetings the status of the implementation of the Act and these Rules and Regulations;
5. Endeavor to influence the systems, processes, and procedures of the executive, legislative, and judicial branches of government vis-à-vis GAD to ensure the implementation of the Act and these Rules and Regulations.

B. To effectively and efficiently undertake and accomplish its functions, the PCW, within one (1) year from the adoption of these Rules and Regulations shall revise its structure and staffing patterns with the assistance of the DBM.

SECTION 40. Commission on Human Rights – Consistent with its mandate, the CHR, as the Gender and Development Ombud (Gender Ombud), shall advocate for the promotion and protection of women’s human rights, strengthen its Human Rights Education program, investigate violations including those committed by private institutions or by private individuals, monitor compliance, and recommend appropriate measures to the CSC or to the concerned department of the government for its effective implementation.

A. The CHR shall:

1. Monitor with the PCW and other concerned agencies, compliance with the Act. In developing indicators and issuance of guidelines for its implementation by concerned agencies, CHR shall ensure that the human rights of women, including their right to non-discrimination are guaranteed.
2. Establish guidelines and mechanisms that will facilitate access of women to legal remedies under the Act and related laws, and enhance the protection and promotion of the rights of women, especially marginalized women.
3. Assist in the filing of cases against individuals, agencies, institutions, or establishments that violate the provisions of the Act. For this purpose, the CHR shall:
 - a. Provide legal assistance such as preparation of necessary pleadings, referral letters, and counseling;
 - b. Forge Memoranda of Agreement with Bar Associations, NGOs, law firms, and organizations providing legal aid to ensure adequate and competent legal representation for complainants;
 - c. Accredite lawyers who will accept pro bono cases under the Act; and

d. Create an efficient system of case referrals to appropriate government departments or agencies.

Victims of violations of the Magna Carta of Women shall be considered victims of human rights violations, and shall be entitled to other forms of assistance available in the CHR.

4. Regularly submit to Congress, copy furnished PCW an assessment report of compliance of the Act with its recommendations, which shall include any possible administrative action. Acting on CHR's recommendations, the OP, the CSC, or the concerned agency may, if necessary, issue any of the following: (a) administrative and/or executive orders, (b) memorandum circulars, (c) proclamations, (d) resolutions, and other issuances.

B. The CHR en banc shall designate one (1) Commissioner, who together with the Women's Human Rights Center (WHRC), shall be primarily responsible, for the formulation of policies, development, and implementation of program and activities related to the promotion and protection of human rights of women. The Regional Offices of the Commission shall discharge the functions of the Gender Ombud within their respective jurisdictions and shall implement these program undertake investigations of complaints of discrimination and violations or rights under the Act. The Barangay Human Rights Action Center (BHRAC) shall be the support arm of these Regional Offices.

Within one (1) year from the adoption of these Rules and Regulations, the CHR with the assistance of the DBM shall revise the structure and staffing pattern of the WHRC to effectively and efficiently execute its functions.

The designated Focal Commissioner shall directly supervise the WHRC in the performance of its functions under the Act.

SECTION 41. Monitoring Progress and Implementation and Impact of the Act – The PCW in coordination with other agencies and the CHR shall develop an effective and efficient system to monitor and evaluate the implementation of the Act.

A. To establish a baseline data, the agencies/LGUs shall submit within one hundred eighty days (180) days from the adoption of these Rules and Regulations a report on the women's current status in their respective sectors/localities. The NGAs, offices, bureaus, and all other government instrumentalities shall submit their baseline reports to the PCW. The LGUs shall submit their reports to the DILG for consolidation and submission to PCW. The PCW and CHR, in coordination with the DILG, shall circulate to all government agencies and LGUs the suggested format and content of the baseline and progress report ninety (90) days upon adoption of these Rules and Regulations.

B. As the law is a comprehensive compilation of the duties of the State to the women of the country, all agencies and LGUs shall conduct their own monitoring of the effectiveness of their programs. NGAs and other government instrumentalities shall submit to the PCW their progress report on the implementation of the Act within January of every year. Likewise, the LGUs shall submit to DILG a progress report on the implementation of the Act within January of every year. The DILG shall consolidate and submit the LGU reports to PCW within March of every year. The agencies and LGUs are encouraged to gather reports on the implementation of the Act from CSOs and the private sector.

C. The PCW, in coordination with other state agencies and the CHR, shall consolidate all annual reports and prepare an assessment report for submission to the the Committee on Oversight of the Congress every three (3) years. The assessment report shall highlight the results/outcome of the law's implementation and its impact on the status and human rights of women. The PCW shall take note of agencies' non-compliance and shall make recommendations for the Committee's appropriate action.

D. At the regional and local levels, the PCW shall engage existing mechanisms like the regional/local development councils for the implementation and monitoring of the Act.

SECTION 42. Penalties – The CHR shall recommend to the CSC, DILG, Sandiganbayan, Office of the Ombudsman, and other pertinent offices or bodies sanctions either administrative or disciplinary for individuals who fail to comply with and implement the Act, including non-compliance to the GAD Budget policy.

The CSC shall act on CHR's recommendations sixty (60) days upon receipt thereof. In the case of LGUs, the DILG shall conduct the appropriate response to CHR's recommendation also within sixty (60) days from the date of receipt. Both agencies are required to furnish CHR with the actions taken.

CHR shall establish the guidelines for the processing and handling of violations committed by private entities or individuals. If the violation is committed by a private entity or individual, the CHR shall forward its recommendation to the appropriate agency of the government. In violations which are considered civil cases, appropriate damages shall be determined by the proper court. As for those offenses which are criminal in nature, CHR shall assist the victim or complainant in the filing of cases and develop guidelines and mechanisms for such purpose.

If the violation is committed by the AFP as an institution, or by any of its officers, the recommendation shall be forwarded to the DND.

The filing of complaint under the Act shall not preclude the offended party from pursuing other remedies available under the law and to invoke any of the provisions of existing laws especially those recently enacted laws protecting women and children, including the Women in Development and Nation Building Act (Republic Act No. 7192), the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act No. 7610), the Anti-Sexual Harassment Act

of 1995 (Republic Act No. 7877), the Anti-Rape Law of 1997 (Republic Act No. 8353), the Rape Victim Assistance and Protection Act of 1998 (Republic Act No. 8505), the Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208), and the Anti- Violence Against Women and Their Children Act of 2004 (Republic Act No. 9262). If violence has been proven to be perpetrated by agents of the State including, but not limited to, extrajudicial killings, enforced disappearances, torture, and internal displacements, such shall be considered aggravating offenses with corresponding penalties depending on the severity of the offenses.

SECTION 43. Incentives and Awards – There shall be established an incentives and awards system which shall be administered by a board under such Rules and Regulations and standards as may be promulgated by the PCW. Provided, that equivalent awards shall be given by the PCW to deserving entities, government agencies, and local government units for their outstanding achievement and/or performance in upholding the rights of women and effective implementation of gender-responsive programs.

RULE VII

FINAL PROVISIONS

SECTION 44. Separability Clause – If for any reason, any part or provisions of these Rules and Regulations shall be held unconstitutional or invalid, other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 45. Effectivity – These Rules and Regulations shall take effect fifteen (15) days after complete publication in two (2) newspapers of general circulation.

List of Acronyms

AFP Armed Forces of the Philippines
AIDS Acquired Immunodeficiency Syndrome
ARB Agrarian Reform Beneficiary
ARMM Autonomous Region in Muslim Mindanao
BCH Bureau of Cultural Heritage
BFAR Bureau of Fisheries and Aquatic Resources
BSO Business Support Organization
BSP Bangko Sentral ng Pilipinas
C/MSWDO City/Municipal Social Welfare and Development Office
CEDAW Convention on the Elimination of All Forms of Discrimination Against Women
CHED Commission on Higher Education
CHR Commission on Human Rights
CDMP Comprehensive Development and Management Plan
CESB Career Executive Service Board
CLOA Certificate of Land Ownership Award
CSC Civil Service Commission
CSO Civil Society Organization
DA Department of Agriculture
DAR Department of Agrarian Reform
DBM Department of Budget and Management
DENR Department of Environment and Natural Resources
DepEd Department of Education
DFA Department of Foreign Affairs
DILG Department of the Interior and Local Government
DND Department of National Defense
DOF Department of Finance
DOH Department of Health
DOJ Department of Justice
DOLE Department of Labor and Employment
DOST Department of Science and Technology
DOT Department of Tourism
DSWD Department of Social Welfare and Development
DTI Department of Trade and Industry
EP Emancipation Patent
FAP Film Academy of the Philippines
FDCP Film Development Council of the Philippines
GAB Games and Amusement Board

GAD Gender and Development
 GFP GAD Focal Point
 GFPO Gender Focal Point Officer
 GOCC Government-Owned and -Controlled Corporation
 GSIS Government Service Insurance System
 HEI Higher Education Institution
 HGG Harmonized Gender and Development Guidelines
 HIV Human Immunodeficiency Virus
 HUDCC Housing and Urban Development Council
 IP Indigenous Peoples
 LCE Local Chief Executive
 LCPC Local Councils for the Protection of Children
 LGU Local Government Unit
 MISP Minimum Initial Service Package
 MTRCB Movie and Television Review and Classification Board
 NAPC National Anti-Poverty Commission
 NAPOLCOM National Police Commission
 NBI National Bureau of Investigation
 NCCA National Commission for Culture and the Arts
 NCIP National Commission on Indigenous Peoples
 NCMF National Commission on Muslim Filipinos
(formerly Office on Muslim Affairs)
 NEDA National Economic and Development Authority
 NFARMC National Fisheries and Aquatic Resources Management Council
 NGA National Government Agency
 NGO Non-Government Organization
 NTC National Telecommunications Commission
 ODA Official Development Assistance
 OFW Overseas Filipino Worker
 OMB Optical Media Board
 OPAPP Office of the Presidential Adviser on the Peace Process
 OP Office of the President
 OPS Office of the Press Secretary
 OSH Occupational Safety and Health
 OWWA Overseas Workers' Welfare Administration
 PCFC People's Credit and Finance Corporation
 PCUP Presidential Commission for the Urban Poor

PCW Philippine Commission on Women
PhilHealth Philippine Health Insurance Corporation
PNP Philippine National Police
POEA Philippine Overseas Employment Administration
PPE Personal Protective Equipment
PSC Philippine Sports Commission
RCBW Regional Commission on Bangsamoro Women
SSS Social Security System
SUCs State Universities and Colleges
TESDA Technical Education and Skills Development
Authority
TRC Technology Resource Center
TWG Technical Working Group
UNSC United Nations Security Council
VAW Violence Against Women
WEDC Women in Especially Difficult Circumstances
WHRC Women's Human Rights Center

ANTI-TRAFFICKING
Laws, Rules and Local
Instrument

TWELFTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session
REPUBLIC ACT NO. 9208

AN ACT TO INSTITUTE POLICIES TO ELIMINATE
TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND
CHILDREN, ESTABLISHING THE NECESSARY
INSTITUTIONAL MECHANISMS FOR THE PROTECTION
AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING
PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER
PURPOSES

Sec. 1. *Title.* — This Act shall be known as the “Anti-Trafficking in Persons Act of 2003”.

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

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

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

(a) *Trafficking in Persons* — refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

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

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

(d) *Forced Labor and Slavery* — refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.

(e) *Sex Tourism* — refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This

includes sexual services and practices offered during rest and recreation periods for members of the military.

(f) *Sexual Exploitation* — refers to participations by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability.

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

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

(i) *Council* — shall mean the Inter-Agency Council Against Trafficking created under Section 20 of this Act.

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

(a) To recruit, 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;

(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring,

buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

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

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

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

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

(g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;

(h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

Sec. 5. *Acts that Promote Trafficking in Persons.* — The following acts which promote or facilitate trafficking in persons, shall be unlawful:

(a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promotion trafficking in persons;

(b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these

certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

(c) 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, or any brochure, flyer, or any propaganda material that promotes trafficking in persons;

(d) To assist in the conduct of misrepresentation or fraud for purposes of facilitation the acquisition of clearances and necessary exit document from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;

(e) 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, tampers or fraudulent travel documents for the purpose of promotion trafficking in persons;

(f) 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;

(g) 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.

Sec. 6. *Qualified Trafficking in Persons.* — The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

(b) When the adoption is effected through Republic Act No. 8043, otherwise known as the “Inter-Country Adoption Act of 1995” and said adoption is for the purpose of

prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;

(d) When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;

(e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;

(f) When the offender is a member of the military or law enforcement agencies; and

(g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

Sec. 7. **Confidentiality.** — At any stage of the investigation, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person and the accused. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or of the accused, or any other information

tending to establish their identities and such circumstances or information shall not be disclosed to the public.

In cases when prosecution or trial is conducted behind closed doors, it shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media facilities or information technology to cause publicity of any case of trafficking in persons.

Sec. 8. ***Prosecution of Cases.*** — Any person who has personal knowledge of the commission of any offense under this Act, the trafficked person, the parents, spouse, siblings, children or legal guardian may file a complaint for trafficking.

Sec. 9. ***Venue.*** — A criminal action arising from violation of this Act shall be filed where the offense was committed, or where any of its elements occurred, or where the trafficked person actually resides at the time of the commission of the offense: Provided, That the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Sec. 10. ***Penalties and Sanctions.*** — The following penalties and sanctions are hereby established for the offenses enumerated in the Act:

(a) Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00);

(b) Any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

(d) Any person who violates Section 7 hereof shall suffer the penalty of imprisonment of six (6) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00);

(e) If the offender is a corporation, partnership, association, club, establishment or any juridical person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;

(f) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place of entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishments in a different name;

(g) If the offender is a foreigner, he shall be immediately deported after serving his sentence and be barred permanently from entering the country;

(h) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether juridical or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under this Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be

barred permanently to hold public office. His/her retirement and other benefits shall likewise be forfeited; and

(i) Conviction by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.

Sec. 11. ***Use of trafficked Persons.*** — Any person who buys or engages the services of trafficked persons for prostitution shall be penalized as follows:

(a) First offense — six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and

(b) Second and subsequent offenses — imprisonment of one (1) year and a fine of One hundred thousand pesos (P100,000.00).

Sec. 12. ***Prescriptive Period.*** — Trafficking cases under this Act shall prescribe in ten (10) years: Provided, however, that trafficking cases committed by a syndicate or in a large scale as defined under Section 6 shall prescribe in twenty (20) years. The prescriptive period shall commence to run from the day on which the trafficked person is delivered or released from the conditions of bondage and shall be interrupted by the filing of the complaint or information and shall commence to run again when such proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused.

Sec. 13. ***Exemption from Filing Fees.*** — When the trafficked person institutes a separate civil action for the recovery of civil damages, he/she shall be exempt from the payment of filing fees.

Sec. 14. ***Confiscation and Forfeiture of the Proceeds and Instruments Derived from Trafficking in Persons.*** — In addition to the penalty imposed for the violation of this Act, the court shall order the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the

commission of the crime, unless they are the property of a third person not liable for the unlawful act: Provided, however, That all awards for damages shall be taken from the personal and separate properties of the offender: Provided, further, That if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

When the proceeds, properties and instruments of the offense have been destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has been concealed, removed, converted or transferred to prevent the same from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offense.

Sec. 15. ***Trust Fund.*** — All fines imposed under this Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 hereof shall accrue to a Trust Fund to be administered and managed by the Council to be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but not limited to, the following:

(a) Provision for mandatory services set forth in Section 23 of this Act;

(b) Sponsorship of a national research program on trafficking and establishment of a data collection system for monitoring and evaluation purposes;

(c) Provision of necessary technical and material support services to appropriate government agencies and nongovernment organizations (NGOs);

(d) Sponsorship of conferences and seminars to provide venue for consensus building amongst the public, the academe, government, NGOs and international organizations; and

(e) Promotion of information and education campaign on trafficking;

Sec. 16. *Programs that address Trafficking in Persons.* — The government shall establish and implement preventive, protective and rehabilitative programs for trafficked persons. For this purpose, the following agencies are hereby mandated to implement the following programs:

(a) Department of Foreign Affairs (DFA) — shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in elimination trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs.

The DFA shall take necessary measures for the efficient implementation of the Machine Readable Passports to protect the integrity of Philippine passports, visas and other travel documents to reduce the incidence of trafficking through the use of fraudulent identification documents. It shall establish and implement a pre-marriage, on-site and pre-departure counseling program on intermarriages.

(b) Department of Social Welfare and Development (DSWD) — shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community.

(c) Department of Labor and Employment (DOLE) — shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.

(d) Department of Justice (DOJ) — shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups.

(e) National Commission on the Role of Filipino Women (NCRFW) — shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women's issues.

(f) Bureau of Immigration (BI) — shall strictly administer and enforce immigration and alien administration laws. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement as provided for in this Act.

(g) Philippine National Police (PNP) — shall be the primary law enforcement agency to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking. It shall closely coordinate with various law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. It shall also establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations.

(h) Philippine Overseas Employment Administration (POEA) — shall implement an effective pre-employment orientation seminars and pre-departure counseling programs to applicants for overseas employment. It shall likewise formulate a system of providing free legal assistance to trafficked persons.

(i) Department of the Interior of Local Government (DILG) — shall institute a systematic information and prevention campaign and likewise maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons.

(j) Local government units (LGUs) — shall monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act and ensure effective prosecution of such cases. They shall also undertake an information campaign against trafficking in persons through the establishment of Migrants Advisory and Information Network (MAIN) desks in municipalities or provinces in coordination with DILG, Philippine Information Agency (PIA), Commission on Filipinos Overseas (CFO), NGOs and other concerned agencies. They shall encourage and support community based initiatives which address the trafficking in persons.

In implementing this Act, the agencies concerned may seek and enlist the assistance of NGOs, people's organizations (PO's), civic organizations and other volunteer groups.

Sec. 17. *Legal Protection to Trafficked Persons.* — Trafficked persons shall be recognized as victims of the act or acts of trafficking and as such shall not be penalized for crimes directly related to the acts of trafficking enumerated in this Act or in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of a trafficked person to the intended exploitation set forth in this Act shall be irrelevant.

Sec. 18. *Preferential Entitlement Under the Witness Protection Program.* — Any provision of Republic Act No. 6981 to the contrary notwithstanding, any trafficked person shall be entitled to the witness protection program provided therein.

Sec. 19. *Trafficked Persons Who Are Foreign Nationals.* — Subject to the guidelines issued by the Council, trafficked persons in the Philippines who are nationals of a foreign country shall also entitled to appropriated protection, assistance and services available to trafficked persons under this

Act: Provided, That they shall be permitted continued presence in the Philippines for a length of time prescribed by the Council as necessary to effect the prosecution offenders.

Sec. 20. *Inter-Agency Council Against Trafficking.* — There is hereby established an Inter-Agency Council Against Trafficking, to be composed of the Secretary of the Department of Justice as Chairperson and the Secretary of the Department of Social Welfare and Development as Co-Chairperson and shall have the following as members:

- (a) Secretary, Department of Foreign Affairs;
- (b) Secretary, Department of Labor and Employment;
- (c) Administrator, Philippine Overseas Employment Administration;
- (d) Commissioner, Bureau of Immigration;
- (e) Director-General, Philippine National Police;
- (f) Chairperson, National Commission on the Role of Filipino Women;
- (g) Three (3) representatives from NGOs, who shall be composed of one (1) representative each from among the sectors representing women, overseas Filipino workers (OFWs) and children, with a proven record of involvement in the prevention and suppression of trafficking in persons. These representatives shall be nominated by the government agency representatives of the Council, for appointment by the President for a term of three (3) years.

The members of Council may designate their permanent representatives who shall have a rank not lower than an assistant secretary or its equivalent to meeting, and shall receive emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.

Sec. 21. *Functions of the Council.* — The Council shall have the following powers and functions:

(a) Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons;

(b) Promulgate rules and regulations as may be necessary for the effective implementation of this Act;

(c) Monitor and oversee the strict implementation of this Act;

(d) Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to trafficking in persons;

(e) Coordinate the conduct of massive information dissemination and campaign on the existence of the law and the various issues and problems attendant to trafficking through the local government unites (LGUs), concerned agencies, and NGOs;

(f) Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;

(g) Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act;

(h) Formulate a program for the reintegration of trafficked persons in cooperation with DOLE, DSWD, Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), LGUs and NGOs;

(i) Secure from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement this Act;

(j) Complement the shared government information system form migration established under Republic Act No. 8042, otherwise known as the “Migrant Workers And Overseas Filipinos Act of 1995” with data on cases of trafficking in persons, and ensure that the proper agencies conduct a continuing research and study on the patterns and scheme of trafficking in persons which shall form the basis for policy formulation and program direction;

(k) Develop the mechanism to ensure the timely, coordinated, and effective response to cases of trafficking in persons;

(l) Recommend measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress international trafficking in persons;

(m) Coordinate with the Department of Transportation and Communications (DOTC), Department of Trade and Industry (DTI), and other NGOs in monitoring the promotion of advertisement of trafficking in the internet;

(n) Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines;

(o) Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons; and

(p) Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of this Act.

Sec. 22. *Secretariat to the Council.* — The Department of Justice shall establish the necessary Secretariat for the Council.

Sec. 23. *Mandatory Services to Trafficked Persons.* — To ensure recovery, rehabilitation and reintegration into the

mainstream of society, concerned government agencies shall make available the following services to trafficked persons:

- (a) Emergency shelter or appropriate housing;
 - (b) Counseling;
 - (c) Free legal services which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person;
 - (d) Medical or psychological services;
 - (e) Livelihood and skills training; and
 - (f) Educational assistance to a trafficked child.
- Sustained supervision and follow through mechanism that will track the progress of recovery, rehabilitation and reintegration of the trafficked persons shall be adopted and carried out.

Sec. 24. *Other Services for Trafficked Persons.*

(a) Legal Assistance. — Trafficked persons shall be considered under the category "Overseas Filipino in Distress" and may avail of the legal assistance created by Republic Act No. 8042, subject to the guidelines as provided by law.

(b) Overseas Filipino Resource Centers. — The services available to overseas Filipinos as provided for by Republic Act No. 8042 shall also be extended to trafficked persons regardless of their immigration status in the host country.

(c) The Country Team Approach. — The country team approach under Executive Order No. 74 of 1993, shall be the operational scheme under which Philippine embassies abroad shall provide protection to trafficked persons insofar as the promotion of their welfare, dignity and fundamental rights are concerned.

Sec. 25. ***Repatriation of Trafficked Persons.*** — The DFA, in coordination with DOLE and other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked persons, regardless of whether they are documented or undocumented.

If, however, the repatriation of the trafficked persons shall expose the victim to greater risks, the DFA shall make representation with the host government for the extension of appropriate residency permits and protection, as may be legally permissible in the host country.

Sec. 26. ***Extradition.*** — The DOJ, in consultation with DFA, shall endeavor to include offenses of trafficking in persons among extraditable offenses.

Sec. 27. ***Reporting Requirements.*** — The Council shall submit to the President of the Philippines and to Congress an annual report of the policies, programs and activities relative to the implementation of this Act.

Sec. 28. ***Funding.*** — The heads of the departments and agencies concerned shall immediately include in their programs and issue such rules and regulations to implement the provisions of this Act, the funding of which shall be included in the annual General Appropriations Act.

Sec. 29. ***Implementing Rules and Regulations.*** — The Council shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act.

Sec. 30. ***Non-restriction of Freedom of Speech and of Association, Religion and the Right to Travel.*** — Nothing in this Act shall be interpreted as a restriction of the freedom of speech and of association, religion and the right to travel for purposes not contrary to law as guaranteed by the Constitution.

Sec. 31. ***Separability Clause.*** — If, for any reason, any section or provision of this Act is held unconstitutional or

invalid, the other sections or provisions hereof shall not be affected thereby.

Sec. 32. *Repealing Clause.* — All laws, presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly: Provided, That this Act shall not in any way amend or repeal the provision of Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”.

Sec. 33. *Effectivity.* — This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.

RULES AND REGULATIONS IMPLEMENTING
REPUBLIC ACT NO. 9208, OTHERWISE
KNOWN AS THE “ANTI-TRAFFICKING
IN PERSONS ACT OF 2003”

Pursuant to the authority of the Inter-Agency Council Against Trafficking (IACAT) under Section 29 of Republic Act No. 9208 otherwise known as the “Anti-Trafficking in Persons Act of 2003”, the following rules and regulations are hereby promulgated to implement the provisions of said Act:

Article I
GENERAL PROVISIONS

Sec. 1. ***Title.*** These rules and regulations shall be known and cited as “The Rules and Regulations Implementing the Anti-Trafficking in Persons Act of 2003”.

Sec. 2. ***Purpose.*** These rules and regulations are hereby promulgated to institute policies, establish the institutional mechanism for the support and protection of trafficked persons and prescribe the procedures and guidelines for the implementation of Republic Act No. 9208 in order to facilitate compliance therewith and achieve the objectives thereof.

Sec. 3. ***Declaration of State Policy.*** The State values the dignity of every human person and guarantees the respect for individual rights. Towards this end, the State shall give the highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society.

The State also recognizes the equal rights and inherent human dignity of women and men, as well as the rights of children, as

enshrined and guaranteed in the following international instruments:

- (i) Universal Declaration on Human Rights;
- (ii) Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others;
- (iii) Convention on the Elimination of All Forms of Discrimination Against Women;
- (iv) Convention on the Rights of the Child and its Optional Protocols;
- (v) Convention on the Protection of Migrant Workers and Members of their Families;
- (vi) Convention Against Transnational Organized Crimes including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- (vii) ILO Convention No. 182 (Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor); and
- (viii) All other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a State Party.

In all actions concerning children, their best interests shall be the paramount consideration.

Sec. 4. **Construction.** These rules and regulations shall be liberally construed in favor of the trafficked persons to promote their human dignity; ensure their recovery, rehabilitation and reintegration into the mainstream of society; eliminate trafficking in persons; and achieve the objectives of the Act.

Article II DEFINITION OF TERMS

Sec. 5. *Definition of Terms.* As used in these rules and regulations, unless the context otherwise requires, the following terms shall be understood to mean:

(a) *Act* — refers to Republic Act No. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003”;

(b) *Council* — refers to the Inter-Agency Council Against Trafficking (IACAT) created under Section 20 of the Act;

(c) *Trafficking in Persons* — refers to the recruitment, transportation, transfer or harboring, or receipt of persons, with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as “trafficking in persons” even if it does not involve any of the means set forth in the preceding paragraph.

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

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

(f) *Forced Labor and Slavery* — refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception;

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

(h) *Sexual Exploitation* — refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability;

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

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

(k) *Involuntary Servitude* — refers to a condition of enforced, compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or other forms of abuse or physical restraint, or the abuse or threatened abuse of the legal process.

Article III
THE INTER-AGENCY COUNCIL
AGAINST TRAFFICKING (IACAT)

Sec. 6. *Creation.* The Inter-Agency Council Against Trafficking (IACAT) shall be established which shall be primarily tasked to coordinate, monitor and oversee the implementation of the Act.

Sec. 7. *Composition.* The Council shall be composed of the following:

(a) Secretary, Department of Justice (DOJ) as Chairperson;

(b) Secretary, Department of Social Welfare and Development (DSWD) as Co-Chairperson;

(c) Secretary, Department of Foreign Affairs (DFA) as Member;

(d) Secretary, Department of Labor and Employment (DOLE) as Member;

(e) Administrator, Philippine Overseas Employment Administration (POEA) as Member;

(f) Commissioner, Bureau of Immigration (BI) as Member;

(g) Director-General, Philippine National Police (PNP) as Member;

(h) Chairperson, National Commission on the Role of Filipino Women (NCRFW) as Member;

(i) One (1) representative from an NGO representing the women sector as Member;

(j) One (1) representative from an NGO representing the Overseas Filipino Workers (OFWs) sector as Member; and

(k) One (1) representative from an NGO representing the children sector as Member.

The members of the Council may designate their permanent representatives who shall have a rank not lower than an Assistant Secretary or its equivalent to attend the meetings of the Council.

Sec. 8. *Qualifications, Selection and Appointment of NGO and its Representatives.* The NGOs, with national and international networks, and its representatives to the Council must have a proven track record of involvement in the prevention and suppression of trafficking in persons. They shall be nominated by any of the government agency representatives of the Council and shall be selected by majority vote thereof and endorsed to the President. They shall be appointed by the President for a term of three (3) years.

Sec. 9. *Functions of the Council.* The Council shall have the following powers and functions:

(a) Formulate a comprehensive and integrated program to prevent and suppress the trafficking in persons;

(b) Promulgate rules and regulations as may be necessary for the effective implementation of the Act;

(c) Monitor and oversee the strict implementation of the Act;

(d) Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to trafficking in persons;

(e) Coordinate the conduct of massive information dissemination and campaign on the existence of the law and the various issues and problems attendant to trafficking through the local government units (LGUs), concerned agencies, and NGOs;

(f) Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;

(g) Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of the Act;

(h) Formulate a program for the reintegration of trafficked persons in cooperation with DOLE, DSWD, Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), LGUs and NGOs;

(i) Secure from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement the Act;

(j) Complement the shared government information system for migration established under Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995" with data on cases of trafficking in persons, and ensure that the proper agencies conduct a continuing research and study on the patterns and scheme of trafficking in persons which shall form the basis for policy formulation and program direction;

(k) Develop the mechanism to ensure the timely coordinated and effective response to cases of trafficking in persons;

(l) Recommend measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress international trafficking in persons;

(m) Coordinate with the Department of Transportation and Communications (DOTC), Department of Trade and Industry (DTI), and other NGOs in monitoring the promotion of advertisement of trafficking in the Internet;

(n) Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines;

(o) Initiate training programs in identifying and providing the necessary intervention or assistance to trafficked persons; and

(p) Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of the Act.

Sec. 10. ***Reportorial Function.*** Within sixty (60) days after the closing of each calendar year, the Council shall submit to the Office of the President a comprehensive report on the actions and programs taken by the Council relative to and concerning the implementation of the Act.

Sec. 11. ***Meetings of the Council.*** The Council shall meet regularly at least once a month. Special meetings may be called by the Chair as the need arises. Majority of the members of the Council shall constitute a quorum to transact business.

Sec. 12. ***Honoraria or Emoluments.*** The Members of the Council or their designated permanent representatives shall receive honoraria or emoluments as may be determined by the Council in accordance with existing budget and accounting rules and regulations.

Sec. 13. ***Implementation of the Law at Sub-National and Local Levels.*** The Council shall, as far as practicable, develop mechanisms to ensure the implementation of the law and these rules and regulations at the sub-national and local levels.

Article IV

SECRETARIAT

SEC. 14. ***Organization.*** The Department of Justice shall establish a Secretariat to assist the Council in the

performance of its functions. The Secretary of Justice shall determine the organizational structure and staffing pattern of the Secretariat.

Sec. 15. ***Functions.*** The Secretariat shall have the following functions:

(a) Coordinate and monitor, under the direction of the Council, the implementation of the policies and guidelines promulgated by the Council;

(b) Establish, maintain and manage a central database on trafficking in persons;

(c) Provide secretariat, records keeping and other services to the Council; and

(d) Perform such other functions as may be directed by the Council.

Article V

ROLES AND RESPONSIBILITIES

Sec. 16. ***Common Roles and Responsibilities of Council Member Agencies.*** All member government agencies of the Council shall have the following common roles and responsibilities:

(a) Develop policies and programs supportive of and consistent with the objectives of the Act;

(b) Enhance the capability of its officers and personnel involved in trafficking issues and concerns through appropriate training and staff support programs;

(c) Undertake information, education and advocacy campaigns against trafficking in persons;

(d) Maintain a databank on trafficking in persons to be shared among relevant agencies and complement the central databank to be established by the Council; and

(c) Document good practices as bases for policy formulation and program development.

Sec. 17. *Specific Roles and Responsibilities of National Government Agencies which are Members of the Council.* The following national government agencies, which are member agencies of the Council, shall have, but not limited to, the following roles and responsibilities in the prevention and suppression of trafficking in persons:

(a) Department of Justice (DOJ)

(i) Ensure the prosecution of persons for violations of the Act;

(ii) Designate and train special prosecutors who shall investigate and prosecute cases of trafficking;

(iii) Establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Commission on Human Rights (CHR), Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups;

(iv) Provide, witness protection to trafficked victims and their witnesses;

(v) Conduct training and continuing education program on investigation and prosecution for trafficking in persons and other related offenses for prosecutors and law enforcement officers;

(vi) Receive, evaluate, process and investigate claims for compensation by trafficked victims, when applicable, pursuant to Republic Act No. 7309 (Victims Compensation Act);

(vii) Review and recommend policies and measures to enhance protection against trafficking in persons;

(viii) Recommend the negotiation of mutual legal assistance and extradition treaties with other countries in coordination with the DFA; and

(ix) Coordinate with and/or provide assistance to the Anti-Money Laundering Council (AMLC) on cases of trafficking in persons with possible money laundering underpinnings.

(b) Department of Social Welfare and Development (DSWD)

(i) Provide psycho-social counseling, temporary shelter and other support services to victims/survivors of trafficking and their families;

(ii) Make available skills training and livelihood services to victims/survivors of trafficking;

(iii) Develop program and other support interventions to facilitate the recovery and reintegration of trafficked victims into their families and communities;

(iv) Provide social welfare services to Filipino victims of trafficking in other countries through the DSWD Social Welfare Attaché and social workers posted in foreign countries, which may include but not limited to stress management, repatriation and other appropriate psychosocial interventions for their protection and welfare;

(v) Conduct technical assistance and capability building activities for social welfare officers/social workers of LGUs and NGOs;

(vi) Accredite NGOs that provide programs and services to ensure that they meet the standards set by the Department; and

(vii) Provide temporary shelter and psycho-social services to foreign nationals who are victims of trafficking in persons as confirmed by the Bureau of Immigration.

(c) Department of Foreign Affairs (DFA)

(i) Make available its resources and facilities overseas and to provide services for trafficked persons regardless of the manner of their entry to the receiving country;

(ii) Explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs;

(iii) Actively participate in bilateral, regional and international initiatives and cooperative arrangements aimed at suppressing trafficking in persons and protecting and assisting victims of trafficking to include monitoring of inter-country adoption cases.

(iv) Take necessary measures for the efficient implementation of the Machine Readable Passports and Visas to protect the integrity of Philippine passports, visas, and other travel documents to reduce the incidence of trafficking in persons through the use of fraudulent identification documents;

(v) Establish and implement pre-marriage, on-site and pre-departure counseling program on inter-marriages. For this purpose, the DFA shall promulgate the necessary guidelines to implement the said program; and

(vi) Integrate into the pre-departure orientation seminars for foreign service personnel a training module on trafficking in persons.

(d) Department of Labor and Employment (DOLE)

(i) Ensure the strict implementation of and compliance with rules and guidelines relative to the employment of persons locally and overseas; and

(ii) Monitor, document and report cases of trafficking in persons involving employers and labor recruiters;

(iii) Make available existing resources such as employment and livelihood programs as part of the government's measure to suppress trafficking in persons; and

(iv) Conduct public awareness programs and activities to prevent victimization.

(e) Philippine Overseas Employment Administration (POEA)

(i) Implement an effective pre-employment orientation seminar and pre-departure counseling program to applicants for overseas employment;

(ii) Formulate a system providing free legal assistance to trafficked persons which shall include the following:

(a) Provision of legal assistance to victims of trafficking in persons by means of, or in the guise of, recruitment for overseas employment, as defined in Section 6 of R.A. No. 8042, such as free legal advice, assistance in the preparation and filing of administrative and criminal actions for trafficking as defined in the Act, without prejudice to the filing of administrative and/or criminal actions for illegal recruitment, as defined in R.A. No. 8042, when proper;

(b) Assistance in the prosecution of persons who engage in, promote and facilitate trafficking in persons by means of, or in the guise of, recruitment for overseas employment, as defined in Section 6 of R.A. 8042;

In this connection, the POEA shall likewise adopt a policy of confidentiality in all cases referred to it involving possible violations of the Act.

(iii) Adopt policies and procedures, prepare and implement programs geared towards the eradication of trafficking in persons as well as acts that promote trafficking in persons such as, but not limited to, the following:

(a) Comprehensive and Integrated Education Program on overseas

employment which shall be undertaken in partnership with other relevant organizations and government entities. Such education program shall cover all stages of recruitment and employment and shall provide information useful for overseas workers including a module on anti-trafficking program and measures;

(b) Nationwide multi-media and sustainable grassroots information campaign to create public awareness on the realities of overseas employment and dangers of becoming victims of illegal trafficking activities;

(c) Conduct special operations, complementary to the power of the PNP, on persons and entities engaged in recruitment for overseas employment reported to be violating the provisions of the Act for the purpose of effecting closure of said establishments pursuant to the provisions of R.A. No. 8042; and

(d) Database of cases involving, and personalities involved in, trafficking persons separate and distinct from its illegal Recruitment cases for monitoring purposes;

(iv) In cases of repatriation involving workers recruited and deployed by licensed agencies, the POEA shall notify the agency concerned to provide a plane ticket or Prepaid Travel Advice (PTA) and shall impose sanctions on said agencies for failure to cooperate in

providing welfare assistance to OFWs they have deployed; and

(v) Continue to regulate private sector participation in the recruitment and overseas placement of workers through its licensing and registration system pursuant to its rules and regulation on overseas employment. It shall formulate and implement, in coordination with appropriate entities concerned, when necessary, a system of promoting and monitoring the overseas employment of Filipino workers, taking into consideration their welfare and protection from the dangers and risks inherent in overseas employment, including illegal trafficking.

(f) Bureau of Immigration (BI)

(i) Strictly administer and enforce immigration and alien registration laws;

(ii) Adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure;

(iii) Ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the predeparture and counseling program requirement of the Act;

(iv) Strictly implement the requirement for a parental travel authority duly processed by the DSWD for minors traveling abroad unaccompanied by one parent, and the travel clearance for minors traveling abroad unaccompanied by both parents;

(v) Ensure compliance by Overseas Filipino Workers of the departure requirements of the POEA;

(vi) Conduct periodic training and seminar on fraudulent document detection and passenger assessment to enhance the level of skill and competence of all its immigration officers and agents in document fraud detection;

(vii) Conduct periodic study of the trends, routes and modus operandi employed by the traffickers including its recruitment base, transit countries and country of destination;

(viii) Establish a network with other law enforcement agencies and immigration counterparts of source, transit and destination countries to facilitate exchange and sharing of information on the activities of trafficking syndicates;

(ix) Establish network with LGUs for the effective apprehension of suspected traffickers and their cohorts;

(x) Develop a program for the procurement and installation of International Civil Aviation Organization (ICAO) — compliant machine readers and fraud detection equipment at all international airports and seaports in the country to deter trafficking in persons; and

(xi) Develop and distribute materials containing advisory and other pertinent information to enhance awareness against trafficking in persons.

(g) Philippine National Police (PNP)

(i) Undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking;

(ii) Coordinate closely with various law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. For this purpose, it shall also:

(a) Pursue the detection and investigation of suspected or alleged trafficking activities at airports through its Aviation Security Group, at seaports and/or harbors through its Maritime Group, and at land transportation terminals through its police station and when proper, file the appropriate charges against traffickers in the proper court;

(b) Coordinate with the Philippine Ports Authority (PPA) which may have initially processed complaints at their "*Balay Silungan sa Daungan*"; and

(c) Coordinate with local and barangay officials with respect to the apprehension and/or arrest of traffickers.

(iii) Establish a system to receive complaints and calls to assist trafficked persons, and the conduct of rescue operations;

(iv) Direct and supervise the enforcement of its mandate under the Act and its rules and regulations;

(v) Supervise the conduct of investigations relating to apprehension occurring at land transportation terminals, domestic seaports and airports and monitor the filing of appropriate cases against traffickers;

(vi) Formulate plans and programs for the prevention and/or reduction of trafficking in persons;

(vii) Integrate in the program of instruction comprehensive, gender sensitive and child-friendly investigation and handling of cases of trafficking in persons in the Philippine National Police Academy (PNPA), Philippine Public Safety College (PPSC) and other training schools operated and managed by the PNP; and

(viii) Establish anti-trafficking section under the Women and Children Complaint Desk (WCCD) in all city and municipal police stations.

(h) National Commission on the Role of Filipino Women (NCRFW)

(i) Actively advocate and participate in international and regional discussion and initiatives in trafficking in women and include the same in all of its international commitments and policy pronouncements. Where possible and appropriate, work with the Department of Foreign Affairs in forging bilateral and multilateral collaborative projects on trafficking;

(ii) Assist the Council in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies;

- (iii) Assist the Council in the conduct of information dissemination and training to frontline government agencies, NGOs and the general public;
- (iv) Assist in the development of gender responsive documentation system in coordination with other agencies and the National Statistical Coordination Board (NSCB) through its monitoring of the situation of women particularly on violence against women;
- (v) Assist the Council in the formulation of prevention and reintegration programs for victims of trafficking including the demand side; and
- (vi) Conduct studies on the root causes, magnitude and forms of trafficking in women and document best practices in prevention programs.

Sec. 18. *Roles and Responsibilities of Other Relevant National Government Agencies.* — Consistent with their mandates under existing laws, the following agencies shall integrate human trafficking issues in their strategy and program formulation and implement programs and services for the prevention and suppression of trafficking and for the protection of trafficked victims. They shall likewise have the following roles and responsibilities:

- (a) Department of the Interior and Local Government (DILG)
 - (i) Conduct a systematic information dissemination/advocacy and prevention campaign against trafficking in persons;

(ii) Maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons;

(iii) Issue directives to the LGUs and barangays to institutionalize recruiter-monitoring mechanisms and increase public awareness regarding trafficking in persons;

(iv) Promote family and community empowerment to prevent trafficking in persons; and

(v) Strengthen, activate and mobilize existing committees, councils, similar organizations and special bodies at the local level to prevent and suppress trafficking in persons.

(b) Department of Tourism (DOT)

(i) Formulate and implement preventive measures to stop sex tourism packages and other activities of tourism establishments which might contribute to the trafficking in persons in coordination with local government units; and

(ii) Provide training to tourist security officers on surveillance, investigation and rescue operation strategies.

(c) Department of Education (DepEd)

(i) Integrate in the appropriate subject areas core messages on migration and trafficking in the elementary and secondary levels by providing lesson with emphasis on their implications and social costs to persons and country;

(ii) Provide opportunities for trafficked persons in the educational mainstream through the basic education and non-formal education curricula; and

(iii) Provide education and raise consciousness of boys/men in schools and communities in order to discourage the “demand side” or the use/buying of trafficked women and children.

(d) Department of Health (DOH)

(i) Make available its resources and facilities in providing health care to victims of trafficking which shall, at all times, be held confidential.

(e) Department of Transportation and Communication (DOTC)

(i) Provide guidelines for the land, sea and air transport providers to train their personnel in trafficking in persons;

(ii) Standardize guidelines for monitoring trafficking in persons in every port; and

(iii) Monitor the promotion of advertisement of trafficking in the Internet.

(f) Commission on Human Rights (CHR)

(i) Conduct advocacy and training programs relating to anti-trafficking;

(ii) Investigate and recommend for prosecution violations of the Act;

(iii) Provide legal and financial assistance to victims of trafficking; and

(iv) Integrate anti-trafficking efforts in the Barangay Human Rights Action Center (BHRAC); and

(v) Monitor government compliance to international human rights treaty obligations related to the suppression/elimination of trafficking, particularly the Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the Convention on the Protection of Migrant Workers and Members of Their Families, and the UN Convention Against Transnational Organized Crimes including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

(g) National Bureau of Investigation (NBI)

(i) Conduct surveillance, monitor and investigate recruiters, travel agencies, hotels and other establishments suspected to be engaged in trafficking in persons;

(ii) Coordinate closely with all the Council member agencies for effective detection and investigation of suspected traffickers;

(iii) Formulate plans and programs for the detection and prevention of trafficking, and the arrest and prosecution of suspected traffickers;

(iv) Share intelligence information on suspected traffickers to all Council member agencies when necessary; and

(v) Foster cooperation and coordination with the law enforcement agencies of other countries and the INTERPOL in the investigation and apprehension of suspected traffickers.

(h) Philippine Center on Transnational Crime (PCTC)

(i) Continue to function in accordance with its mandate pursuant to Executive Order No. 62, s. 1999, on matters concerning trafficking in persons with transnational dimension;

(ii) Undertake strategic researches on the structure and dynamics of trafficking in persons with transnational crime dimension, predict trends and analyze given factors for the formulation of individual and collective strategies for the prevention and detection of trafficking in persons and the apprehension of criminal elements involved;

(iii) Conduct case operations in coordination with other law enforcement agencies; and

(iv) Serve as the focal point in international law enforcement coordination on trafficking in persons particularly with the INTERPOL.

(i) Overseas Workers Welfare Administration
(OWWA)

(i) Assist in the information and advocacy campaign among OFWs to prevent trafficking in persons;

(ii) Assist in the documentation of cases of trafficking and ensure the provision of its programs and services to OFWs and their families; and

(iii) Include a module on anti-trafficking to its predeparture seminar.

(j) Council for the Welfare of Children (CWC)

(i) Integrate in its development and strategic frameworks issues and concerns affecting trafficking in children and ensure the adoption of such frameworks by the LGUs and other stakeholders;

(ii) Vigorously advocate against trafficking of children;

(iii) Improve data on trafficking in children through integration of critical and relevant indicators into the monitoring system for children;

(iv) Adopt policies and measures that will protect and promote the rights and welfare of children victims of trafficking and coordinate and monitor their implementation; and

(v) Address issues on trafficking of children through policy and program interventions.

(k) Philippine Information Agency (PIA)

(i) Enhance public awareness on trafficking in persons, pertinent laws and possible actions to prevent victimization and re-victimization by developing public advocacy program as well as printing and distributing appropriate information materials.

(l) Technical Education and Skills Development Authority (TESDA)

(i) Provide skills and entrepreneurial training to trafficked victims; and

- (ii) Formulate a special program to ensure the provision of appropriate skills training for trafficked victims.

Sec. 19. ***Roles and Responsibilities of Local Government Units (LGUs).*** The LGUs shall have the following roles and responsibilities:

- (a) Monitor and document cases of trafficked persons in their areas of jurisdiction;

- (b) Effect the cancellation of licenses of establishments which violate the provisions of the Act and ensure its effective prosecution;

- (c) Undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities and provinces in coordination with the DILG, PIA, Commission on Filipino Overseas (CFO), NGOs and other concerned agencies;

- (d) Encourage and support community based initiatives which address trafficking in persons;

- (e) Provide basic social services for the prevention, rescue, recovery, rehabilitation and reintegration/after care support services to victims of trafficking in persons and their families;

- (f) Enact ordinances or issuances aimed at providing protection and support to trafficked persons and adopt measures to prevent and suppress trafficking in persons; and

- (g) Strengthen, activate and mobilize existing committees, councils, similar organizations and special bodies at the provincial, city, municipal and barangay levels to prevent and suppress trafficking in persons.

Sec. 20. ***Roles and Responsibilities of Non-Government Organizations which are Members of the Council.*** The NGO members of the Council shall have the following roles and responsibilities:

(a) Assist government agencies in formulating and implementing policies, programs and IEC campaign against trafficking;

(b) Assist in capability-building activities of government personnel and share their experiences and expertise in handling trafficking cases;

(c) Coordinate with concerned government agencies, LGUs and other NGOs in reporting alleged perpetrators, rescuing victims of trafficking, and conducting investigation/surveillance, if indicated;

(d) Undertake programs and activities for the prevention, rescue, recovery and reintegration of the victims of trafficking and other support services for their families;

(e) Document and/or assist in the documentation of cases of trafficking;

(f) Disseminate guidelines to all its network members, local and international, on policies and programs addressing issues on trafficking in persons;

(g) Formulate educational module to address the demand side of trafficking; and

(h) Perform such other tasks as may be agreed upon by the Council.

Sec. 21. ***Assistance of Other Agencies and Institutions.*** In implementing the Act and these rules and regulations, the agencies concerned may seek and enlist the assistance of NGOs, people's organizations (POs), civic organizations and other volunteer groups, which will all

likewise be encouraged to assume the same roles and responsibilities enumerated in the preceding Section.

Article VI

REPORTING OF SUSPECTED/ ALLEGED TRAFFICKING INCIDENT

Sec. 22. *Who May and To Whom to Report.* Any person who has any knowledge or learns of facts or circumstances that give rise to a reasonable belief that a person will be, or may be, or has been trafficked shall immediately report the same, either orally, in writing or through other means, to any member of the Council, the barangay authorities, the nearest police or other law enforcement agency, the local social welfare and development office or the local Council for the Protection of Children.

In the case of trafficking cases abroad, the report shall be made to the Philippine Embassy/Consulate which has jurisdiction over the place where the trafficking occurred or where the trafficked person is found.

Sec. 23. *Action on the Report.* The agency, entity or person to whom the report is made shall immediately act as soon as the report is received in coordination with other relevant government agency for appropriate intervention.

For this purpose, the Council shall develop a mechanism to ensure the timely, coordinated and effective response to cases of trafficking in persons.

Article VII

INTERCEPTION, ARREST AND INVESTIGATION OF TRAFFICKERS

Sec. 24. *Procedure in the Interception, Arrest and Investigation of Traffickers in Persons at International Airport or Seaport.* When an offense punishable under the Act or any other offense in relation thereto or in furtherance thereof has been committed, or is actually being committed in the presence of an immigration officer assigned at the international

airport or seaport, he/she shall immediately cause the interception and/or arrest of the persons involved for investigation. The DOJ Task Force Against Trafficking shall cause the filing of appropriate case in court when evidence warrants.

If the person arrested is a foreigner, the concerned B.I. investigating unit shall take full custody over the arrested person, conduct the investigation proper *motu proprio* and endorse the complaint and supporting documents to the prosecutor for inquest or MTC Judge for appropriate proceedings.

Sec. 25. *Procedure in the Interception, Arrest and Investigation of Traffickers in Persons at Local Airport, Seaport and Land Transportation Terminals.* In cases where the violation is committed at local seaport, airport or in land transportation terminals, the members of the law enforcement agency shall immediately cause the interception and/or arrest of the suspected traffickers. Thereafter, the investigation shall be conducted by the law enforcement agency on the person/s intercepted/arrested, and referred to the Prosecutor's Office of the place where the offense was committed or to the DOJ Task Force Against Trafficking in Persons or Task Force on Passport Irregularities or Municipal Trial Court of the place where the crime was committed in case of municipalities and non-chartered cities for purposes of inquest or preliminary investigation as the case may be.

Sec. 26. *Creation of a Joint Task Force Against Trafficking in Persons.* For the purpose of the above provisions, there shall be created a Joint Task Force Against Trafficking in Persons to be assigned at airports composed of Prosecution, BI, PNP, and NBI personnel and another Task Force at land transportation terminals and local seaports and airports to be composed of Prosecution, PNP, BI, PPA, and PCG personnel. The DOJ National Task Force Against Trafficking in Persons shall issue the necessary operational guidelines for the effective coordination, apprehension, investigation and prosecution of violations of the Act. The DOJ Task Force assigned at local seaports, airports and land

transportation terminals shall cooperate or coordinate with the local authorities, local social welfare and development officers or active NGOs concerned with trafficking in persons in the locality.

Sec. 27. ***Rights of the Person Arrested, Investigated or Detained.*** In all cases, the rights of the person arrested, investigated or detained as provided by the Philippine Constitution and under Republic Act No. 7438 (An Act Defining Certain Rights of Persons Arrested, Detained or Under Custodial Investigation As Well As The Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties For Violations Thereof) shall, at all times, be respected.

Article VIII RESCUE/RECOVERY AND REPATRIATION OF VICTIMS

Sec. 28. ***The Country Team Approach.*** The country team approach under Executive Order No. 74, series of 1993 and further enunciated in Republic Act No. 8042 shall be the operational scheme under which Philippine embassies abroad shall provide protection to trafficked persons regardless of their immigration status. Under the Country Team Approach, all officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies shall, on a per country basis, act as one-country team with mission under the leadership of the Ambassador or the head of mission.

Sec. 29. ***Rescue at the Country of Destination.*** —

(a) ***Procedure.*** When the victim is a Filipino national and at the time of rescue is residing abroad, the embassy or consulate which has jurisdiction over the place where the victim is residing shall verify the veracity of the report of incidence of trafficking and inquire about the condition of the victim.

Consistent with the country team approach, the Post concerned shall send a team composed of a consular officer and personnel from the Philippine Overseas Labor Office (POLO) or the

Filipino Workers Resource Center (FWRC), the Office of the Social Welfare Attaché as the case may be, to conduct a visit to the jail, establishment, work site or residence of the victim. In the case of Posts without attached services, the team will be composed of a consular officer and personnel from the Assistance-to-Nationals section.

The Post shall make representations with the police authorities or other relevant law enforcement agencies with respect to the conduct of rescue operations.

Rescue operation shall also be made in cooperation and close coordination with some NGO's, local contacts or private individuals when necessary.

In countries and areas where the services of the FWRC is not accessible, a mobile type of services shall be extended by the country team members to trafficked persons regardless of their status in the host country.

Thereafter, the victim will be encouraged to execute a sworn statement, recounting among others, the people/establishment involved in the recruitment/transfer and deployment, the modus operandi employed to recruit, transport and deploy the victim, and other pertinent information which could provide a lead in the investigation and eventual prosecution of the perpetrators.

(b) *Assistance to Trafficked Persons.* The trafficked person shall be provided with temporary shelter and other forms of assistance.

In countries where there is an Filipino Workers Resource Center, the services available to overseas Filipinos as provided for in Republic Act No. 8042 shall also be extended to trafficked persons regardless of their status in the host country.

(c) *Legal Assistance Fund.* Trafficked persons shall be considered under the category "Overseas Filipinos in Distress" and may avail of the Legal Assistance Fund created by Republic Act No. 8042, subject to the guidelines as provided by law,

including rules and regulations issued by the DFA as to its utilization and disbursement.

Sec. 30. ***Repatriation of Trafficked Persons.*** The DFA, in coordination with DOLE and other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked persons, regardless of whether they are documented or undocumented.

If, however, the repatriation of trafficked persons shall expose the victims to greater risks, the DFA shall make representation with the host government for the extension of appropriate residency permits and protection, as may be legally permissible in the host country.

Sec. 31. ***Procedure for Repatriation.*** In accordance with existing rules and regulations on the use and disbursement of Assistance-to-Nationals Fund of the DFA for the repatriation of distressed OFWs, the Post shall immediately request the DFA, through the Office of the Undersecretary for Migrant Workers' Affairs (OUMWA), allocation of funds for the repatriation of the victim.

In appropriate cases and to avoid re-victimization, the Post may withdraw the passport of the victim and forward it to the DFA and in its place issue a Travel Document (FA Form 79(B)) valid for direct travel to the Philippines.

The Post concerned shall report to the DFA, through the OUMWA, copy furnished the Office of Consular Affairs, the actual date of repatriation and other pertinent information and submit a copy of the sworn statement and other relevant documents.

In appropriate cases, especially when the victim is suffering from mental illness, has suffered physical or sexual abuse or has received serious threats to his or her life and safety, the victim will be met upon arrival in the Philippines by DSWD personnel, in coordination with the Joint Task Force Against Trafficking in Persons and other government agencies such as OWWA, BI and DOH. In the case of mentally ill patients, minors, and other

persons requiring special care, the Post shall designate a duly authorized individual to escort said victims to the Philippines.

The victim will be encouraged, if he or she has not done so before, to execute a sworn statement with the view of filing the appropriate charges against the suspected trafficker in the Philippines.

Should the victim request the assistance of DFA, OUMWA shall interview the victim and make recommendations for investigation with law enforcement agencies such as the PNP and the NBI. In cases where recruitment agencies are involved, the case shall also be referred to the POEA for appropriate action. The report shall also be forwarded to the BI for case build up.

The victim may be referred to the DSWD/Local Social Welfare and Development Office or to the NBI One-Stop Shop for psychosocial interventions, psychological and medical examination and follow-through therapy sessions. Protective custody and emergency shelter shall also be provided to the victim, in appropriate cases.

Sec. 32. ***Rescue Within the Country.*** Rescue operations within the country shall be primarily undertaken by the law enforcement agencies in coordination with LGUs, DOLE, DSWD and DOH. Upon receipt of a report of a suspected or alleged trafficking incident or activity, the law enforcement agency to which the report is made shall conduct rescue operations of trafficked persons. At the minimum, rescue operations shall be guided by the following:

(a) Conduct of rescue operation of trafficked persons shall be properly coordinated with the concerned agencies particularly DSWD/local social welfare and development officer;

(b) The rescue team shall ensure full protection of the rights of the trafficked person as well as the traffickers while under its custody and control;

(c) After the rescue operation, the investigation of the case shall be referred to the Women and Children Complaint Desk (WCCD) desk of PNP, the Violence Against Women and Children Division (VAWCD) of the NBI or other similar units or desks;

d) After the completion of the necessary documents for the filing of cases, the rescue team shall effect the appropriate and immediate turn-over of the trafficked person to DSWD/local social welfare and development officer; and

(e) In the course of investigation of the trafficked person, the investigator handling the case shall ensure that the victim shall be accorded with proper treatment and investigated in a child-friendly and gender-sensitive environment. In the conduct of investigative interviews on children, the law enforcers shall likewise be guided by the Rule on the Examination of a Child Witness promulgated by Supreme Court, as may be applicable. For this purpose, the investigators shall be properly trained in the handling of cases of trafficked persons.

Article IX

REHABILITATION AND REINTEGRATION OF VICTIMS

Sec. 33. ***Comprehensive Program.*** The DSWD, LGUs and other concerned agencies shall provide a comprehensive, gender sensitive and child friendly program for the recovery, rehabilitation and reintegration of victims/survivors of trafficking, such as but not limited to the following:

(a) Implementation of residential care, child placement, educational assistance, livelihood and skills training and other community-based services must be responsive to the specific needs and problems of the victims/survivors and their families;

(b) Active involvement and participation of the victims/survivors in the rehabilitation and reintegration process shall be encouraged. In order to empower them and to prevent

their re-victimization, capability building programs must be provided; and

(c) Active cooperation and coordination with NGOs and other members of the civil society including the business community, tourism-related industries as well as the media in the rehabilitation and reintegration of victims/survivors shall be undertaken.

Sec. 34 ***Procedure.*** The following procedure shall be undertaken in implementing a comprehensive program for the recovery, rehabilitation and reintegration of victims/survivors of trafficking:

(a) The victim/survivor of trafficking may go to the nearest DSWD/LGU Social Welfare and Development Office for assistance;

(b) Upon referral/interview the DSWD/Local Government Social Worker shall conduct an intake assessment to determine appropriate intervention with the victim/survivor;

(c) The social worker shall prepare a social case study report/case summary for the victim/survivor's admission to a residential facility for temporary shelter or community-based services;

(d) Provide services/interventions based on the rehabilitation plan in coordination with appropriate agencies, e.g. counseling, legal, medical and educational assistance; livelihood and/or skills training; as well as appropriate services to the family of the trafficked victim/survivor; and

(e) Monitor implementation and periodically evaluate/update the rehabilitation plan until the victim/ survivor has been reintegrated with his/her family and community.

Sec. 35. ***Capability Building of Service Providers.*** The frontline agencies and the service providers must undergo training and other capability building activities to enhance their knowledge and skills in handling cases of trafficking to prevent

exacerbation of traumatic stress and facilitate more effective crisis interventions, healing and reintegration services.

Sec. 36. ***Documentation.*** Data banking, research and documentation of best practices in rehabilitation and reintegration programs shall be conducted to identify efficient and effective measures and services for the victims of trafficking and their families.

Article X

PROSECUTION, CIVIL FORFEITURE AND RECOVERY OF CIVIL DAMAGES

Sec. 37. ***Who May File a Complaint.*** Complaints for violations of the Act may be filed by the following:

- (a) Any person who has personal knowledge of the commission of the offense;
- (b) The trafficked person or the offended party;
- (c) Parents or legal guardians;
- (d) Spouse;
- (e) Siblings; or
- (f) Children.

The foregoing persons may also seek the assistance of the Council in the filing of complaint.

Sec. 38. ***Institution of Criminal Action; Effect.*** The institution of the criminal action before the Office of the Prosecutor or the court, as the case may be, for purposes of preliminary investigation shall interrupt the running of the period for prescription of the offense charged. The prescriptive period shall commence to run again when such proceedings terminate without the accused being convicted or acquitted or are unjustifiably stopped for any reason not imputable to the accused.

Sec. 39. ***Institution of Criminal and Civil Actions.***

Pursuant to the Revised Rules on Criminal Procedure, when a criminal action is instituted, the civil action arising from the offense charged shall be deemed instituted with the criminal action unless the offended party waives the civil action, reserves the right to institute it separately or institutes the civil action prior to the criminal action.

Sec. 40. ***Exemption from Filing Fees.*** When the trafficked person institutes a separate civil action for the recovery of civil damages, he/she shall be exempt from the payment of filing fees.

Sec. 41. ***Venue.*** The offenses punishable under the Act shall be considered as a continuing offense and may be filed in the place where the offense was committed or where any of its elements occurred or where the trafficked person actually resides at the time of the commission of the offense. Provided, that the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

Sec. 42. ***Forfeiture of the Proceeds and Instruments Derived from Trafficking in Persons.*** —

(a) After conviction, all proceeds and instruments, including any real or personal property used in the commission of the offense, shall be ordered confiscated and forfeited in favor of the State unless the owner thereof can prove the lack of knowledge of the use of such property in the said illegal activity. Any award for damages arising from the commission of the offense may be satisfied and charged against the personal and separate properties of the offender and if the same is insufficient to satisfy the claim, the balance shall be taken from the forfeited properties as may be ordered by the court.

(b) During the pendency of the criminal action, no property or income used or derived therefrom which are subject to confiscation and forfeiture, shall be disposed, alienated or transferred and the same shall be in *custodia legis* and no bond shall be admitted for the release of the same.

(c) The trial prosecutor shall avail of the provisional remedies in criminal cases to ensure the confiscation, preservation and forfeiture of the said properties.

(d) If the offender is a public officer or employee, the forfeiture of his/her property found to be unlawfully acquired shall be governed by Republic Act No. 1379 otherwise known as "An Act Declaring Forfeiture in Favor of the State Any Property Found to Have Been Unlawfully Acquired by Any Public Officer or Employee and Providing for the Proceedings Therefor."

Article XI

LEGAL PROTECTION AND OTHER SERVICES

Sec. 43. ***Legal Protection.*** Trafficked persons shall be recognized as victims of the act or acts of trafficking. As such, they shall not be penalized for crimes directly related to the acts of trafficking enumerated under the Act or in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of the trafficked person to the intended exploitation set forth in the Act shall be irrelevant.

Sec. 44. ***Preferential Entitlement under the Witness Protection Program.*** Any provision of Republic Act No. 6981 to the contrary notwithstanding, any trafficked person shall be entitled to the witness protection program provided therein.

Sec. 45. ***Immunity from Criminal Prosecution.*** Any person who has personal knowledge in the commission of any of the offenses penalized under the Act and who voluntarily gives material information relative thereto and willingly testifies against the offender shall be exempt from prosecution for the offense with reference to which his information and testimony were given, subject to the following conditions:

(a) The information and testimony are necessary for the conviction of the accused; and

(b) Such information and testimony are not yet in the possession of the state.

Sec. 46. ***Mandatory Services.*** To ensure recovery, rehabilitation and reintegration into the mainstream of society concerned government agencies shall make available the following services to trafficked persons:

(a) Emergency shelter or appropriate housing;

(b) Counseling;

(c) Free legal services which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person;

(d) Medical or psychological services;

(e) Livelihood and skills training; and

(f) Educational assistance to a trafficked child.

Sustained supervision and follow through mechanism that will track the progress of recovery, rehabilitation and reintegration of the trafficked persons shall be adopted and carried out.

Sec. 47. ***Legal Protection of Trafficked Persons Who are Foreign Nationals.*** Trafficked persons in the Philippines who are nationals of a foreign country shall be entitled to appropriate protection, assistance and services available to the trafficked persons and shall be allowed to continued presence in the Philippines for a period of fifty-nine (59) days to enable them to effect the prosecution of the offenders. Such period may be renewed upon showing of proof by the trial prosecutor that their further testimony is essential to the prosecution of the case. The trial prosecutor shall course his request for extension to the Council which shall accordingly act upon the same. If such request is granted, the registration and immigration fees of such foreign nationals shall be waived.

The Council, for this purpose, shall develop additional guidelines to implement this provision.

Article XII

TRUST FUND

Sec. 48. *Trust Fund; Sources.* All fines imposed under the Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 of the Act and Article IX, Section 5 of these rules and regulations shall accrue to a Trust Fund to be administered and managed by the Council.

Sec. 49. *Utilization.* The Trust Fund shall be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but not limited to the following:

(a) Provision for mandatory services set forth in Section 23 of the Act; and Section 47 of these Rules and Regulations.

(b) Sponsorship of a national research program on trafficking and establishment of a data collection system for monitoring and evaluation purposes;

(c) Provision of necessary technical and material support services to appropriate government agencies and nongovernment organizations (NGOs);

(d) Sponsorship of conferences and seminars to provide venue for consensus building among the public, the academe, government, NGOs and international organizations; and

(e) Promotion of information and education campaign on trafficking.

The Trust Fund may also be used to support the operations of the Secretariat.

Sec. 50. *Use and Disbursement of Trust Fund.* The use and disbursement of the trust fund shall be subject to the approval of at least two-thirds (2/3) of the members of the Council and shall be governed by existing government accounting and auditing rules and regulations.

Article XIII

INTERNATIONAL COOPERATION

Sec. 51. *International Cooperation.* The Council, in close coordination with the DFA and other concerned agencies, shall promote cooperation, technical assistance and partnership among governments and regional and international organizations on the following aspects:

(a) Prevention, protection, prosecution, repatriation and reintegration aspects of trafficking in persons, especially women and children;

(b) Systematic exchange of information and good practices among law enforcement and immigration authorities;

(c) Prevention, detection, investigation and prosecution of trafficking in persons, including the protection of victims through exchanges and joint training at the bilateral, regional and international levels, between and among relevant officials including police, judges, prosecutors, immigration officers, other law enforcement agents as well as consular authorities; and

(d) Repatriation of victims of trafficking with due regard to their safety and in consideration of humanitarian and compassionate factors.

Article XIV

CONFIDENTIALITY

Sec. 52. *Confidentiality.* At any stage of the investigation, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall

recognize the right to privacy of the trafficked person and the accused. Towards this end, law enforcement officers, prosecutors and judges to whom the complaint has been referred may, whenever necessary to ensure a fair and impartial proceeding, and after considering all circumstances for the best interest of the parties, order a closed-door investigation, prosecution or trial. The name and personal circumstances of the trafficked person or of the accused, or any other information tending to establish their identities and such circumstances or information shall not be disclosed to the public.

In case when the prosecution or trial is conducted behind closed-doors, it shall be unlawful for any editor, publisher, reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media or information technology to cause publicity of any case of trafficking in persons.

Article XV

OFFENSES AND PENALTIES

Sec. 53. *Acts of Trafficking in Persons.* Any person, natural or juridical, who commits any of the following acts shall suffer the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00):

(a) 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;

(b) To introduce or match for money, profit or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman with a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in

prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

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

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

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

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

(g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and

(h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

Sec. 54. *Acts that Promote Trafficking in Persons.*

Any person, natural or juridical, who shall commit the following acts which promote or facilitate trafficking in persons, shall be penalized with the penalty of imprisonment of fifteen (15) years and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00):

(a) To knowingly lease or sublease, use or allow to used any house, building or establishment for the purpose of promoting trafficking in persons;

(b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

(c) 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;

(d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;

(e) 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 and travel documents for the purpose of promoting trafficking in persons;

(f) 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; and

(g) 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.

Sec. 55. ***Qualified Trafficking in Persons.*** The following are considered as qualified trafficking and shall be penalized with the penalty of life imprisonment and a fine of not less than Two million pesos (2,000,000.00) but not more than Five million pesos (5,000,000.00);

(a) When the trafficked person is a child;

(b) When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;

(d) When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;

(e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;

(f) When the offender is a member of the military or law enforcement agencies; and

(g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus HIV or the Acquired Immune Deficiency Syndrome (AIDS).

Sec. 56. *Violation of Confidentiality Provisions.* Any person who violates Section 7 of the Act and Section 52, Article XIV hereof shall suffer the penalty of imprisonment of six (6) years and a fine not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00).

Sec. 57. *Application of Penalties and Other Sanctions.* The following shall be applied in the imposition of penalties:

(a) If the offender is a corporation, partnership, association, club, establishment or any judicial person, the penalty shall be imposed upon the owner, president, partner, manager, and/or any responsible officer who participated in the commission of the crime or who shall have knowingly permitted or failed to prevent its commission;

(b) The registration with the Securities and Exchange Commission (SEC) and license to operate of the erring agency, corporation, association, religious group, tour or travel agent, club or establishment, or any place or entertainment shall be cancelled and revoked permanently. The owner, president, partner or manager thereof shall not be allowed to operate similar establishment in a different name;

(c) If the offender is a foreigner, he shall be immediately deported after serving his sentence and be barred permanently from entering the country;

(d) Any employee or official of government agencies who shall issue or approve the issuance of travel exit clearances, passports, registration certificates, counseling certificates, marriage license, and other similar documents to persons, whether judicial or natural, recruitment agencies, establishments or other individuals or groups, who fail to observe the prescribed procedures and the requirement as provided for by laws, rules and regulations, shall be held administratively liable, without prejudice to criminal liability under the Act. The concerned government official or employee shall, upon conviction, be dismissed from the service and be barred permanently to hold public office. His/her retirement and other benefits shall likewise be forfeited; and

(e) Conviction by final judgment of the adopter for any offense under this Act shall result in the immediate rescission of the decree of adoption.

Sec. 58. *Use of Trafficked Persons.* Any person who buys or engages the services of trafficked persons for prostitution shall be penalized as follows:

(a) First offense — six (6) months of community service as may be determined by the court and a fine of Fifty thousand pesos (P50,000.00); and

(b) Second and subsequent offenses — imprisonment of one year (1) year and a fine of One hundred thousand pesos (P100,000.00).

The Council shall coordinate with the Supreme Court through the Office of the Court Administrator for the issuance of appropriate guidelines and measures for the judiciary to implement this provision particularly on the aspect of implementing the penalty of community service.

Article XV FUNDING

Sec. 59. *Inclusion in Agency Appropriations.* The heads of departments and agencies concerned shall immediately include in their annual appropriations the funding necessary to implement programs and services required by the Act and these regulations.

In the interim, the funding necessary to carry out their mandate under the law may be charged against their Gender and Development (GAD) budget.

Article XVII FINAL PROVISIONS

Sec. 60. *Non-Restriction of Freedom of Speech and of Association, Religion and the Right to Travel.* Nothing in these rules and regulations shall be interpreted as a restriction of the freedom and of association, religion and the right to travel for purposes not contrary to law as guaranteed by the Constitution.

Sec. 61. ***Saving Clause.*** The provisions of Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act” shall remain applicable and shall not in any way be amended or repealed by the provisions of the Act and these rules and regulations.

Sec. 62. ***Separability Clause.*** The declaration of invalidity of any provision of these rules and regulations or part thereof shall not affect the validity of the remaining provisions.

Sec. 63. ***Repealing Clause.*** Pertinent provisions of all laws, presidential decrees, executive orders and rules and regulations, or parts thereof, contrary to or inconsistent with the provisions of the Act and these rules and regulations are hereby repealed or modified accordingly.

Sec. 64. ***Effectivity.*** These rules and regulations shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

RA 9262

**ANTI-VIOLENCE
AGAINST WOMEN
AND THEIR CHILDREN
ACT OF 2004**

**IMPLEMENTING RULES
AND REGULATIONS**

[REPUBLIC ACT NO.9262]

Twelfth Congress

Third Regular Session

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

Republic of the Philippines

Congress of the Philippines

Metro Manila Begun and held in Metro Manila, on Monday, the twenty eighth

day of July, two thousand three.

S. No. 2723

H. Nos. 5516 and 6054

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

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

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

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

SEC. 3. *Definition of Terms.* - As used in this Act, (a) "*Violence against women and their children*" refers to any act

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

A . "*Physical violence*" refers to acts that include bodily or physical harm;

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

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

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

c) Prostituting the woman or her child.

C. "*Psychological violence*" refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property,

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

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

1. withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;
2. deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;
3. destroying household property;
4. controlling the victim's own money or properties or solely controlling the conjugal money or properties.

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

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

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

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

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

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

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

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

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

(a) Causing physical harm to the woman or her child;

(b) Threatening to cause the woman or her child physical harm;

(c) Attempting to cause the woman or her child physical harm;

(d) Placing the woman or her child in fear of imminent physical harm;

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

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

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

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

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

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

(g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute

rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;

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

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

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

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

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

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

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

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

(a) Acts falling under Section 5(a) constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code. If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the

penalty of *prision mayor*; those constituting less serious physical injuries shall be punished by *prision correccional*; and those constituting slight physical injuries shall be punished by *arresto mayor*.

Acts falling under Section 5(b) shall be punished by imprisonment of two (2) degrees lower than the prescribed penalty for the consummated crime as specified in the preceding paragraph but shall in no case be lower than *arresto mayor*.

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

(c) Acts falling under Section 5(e) shall be punished by *prision correccional*;

(d) Acts falling under Section 5(f) shall be punished by *arresto mayor*;

(e) Acts falling under Section 5(g) shall be punished by *prision mayor*;

(f) Acts falling under Section 5(h) and Section 5(i) shall be punished by *prision mayor*.

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

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

SEC. 7. *Venue*. - The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of violence against women and their children under this law. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional

Trial Court where the crime or any of its elements was committed at the option of the complainant.

SEC. 8. *Protection Orders.* - A protection order is an order issued under this Act for the purpose of preventing further acts of violence against a woman or her child specified in Section 5 of this Act and granting other necessary relief. The relief granted under a protection order should serve the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the barangay protection order (BPO), temporary protection order (TPO) and permanent protection order (PPO). The protection orders that may be issued under this Act shall include any, some or all of the following reliefs:

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

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

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

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

frequented by the petitioner and any designated family or household member;

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

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

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

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

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

(j) Directing the DSWD or any appropriate agency to provide petitioner temporary shelter and other social services that the petitioner may need; and

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

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

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

SEC. 9. *Who May File Petition for Protection Orders.* - A petition for protection order may be filed by any of the following:

- (a) the offended party;
- (b) parents or guardians of the offended party;
- (c) ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;
- (d) officers or social workers of the DSWD or social workers of local government units (LGUs);
- (e) police officers, preferably those in charge of women and children's desks;
- (f) *Punong Barangay* or *Barangay Kagawad*;
- (g) lawyer, counselor, therapist or healthcare provider of the petitioner;

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

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

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

- (a) names and addresses of petitioner and respondent;
 - (b) description of relationships between petitioner and respondent;
 - (c) a statement of the circumstances of the abuse;
 - (d) description of the reliefs requested by petitioner as specified in Section 8 herein;
 - (e) request for counsel and reasons for such;
 - (f) request for waiver of application fees until hearing;
- and

(g) an attestation that there is no pending application for a protection order in another court.

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

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

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

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

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

such as when the same are controlled by the perpetrator, shall qualify the petitioner to legal representation by the PAO.

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

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

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

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

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

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

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

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

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

Regardless of the conviction or acquittal of the respondent, the Court must determine whether or not the PPO shall become final. Even in a dismissal, a PPO shall be granted as long as

there is no clear showing that the act from which the order might arise did not exist.

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

“Violation of this order is punishable by law.”

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

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

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

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

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

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

SEC. 22. *Applicability of Protection Orders to Criminal Cases.* - The foregoing provisions on protection orders shall be applicable in criminal cases and/or shall be included in the civil actions deemed impliedly instituted with the criminal actions involving violence against women and their children.

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

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

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

SEC. 24. *Prescriptive Period.* - Acts falling under Sections 5(a) to 5(f) shall prescribe in twenty (20) years. Acts falling under Sections 5(g) to 5(i) shall prescribe in ten (10) years.

SEC. 25. *Public Crime.* - Violence against women and their children shall be considered a public offense which may be prosecuted upon the filing of a complaint by any citizen having

personal knowledge of the circumstances involving the commission of the crime.

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

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

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

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

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

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

a) communicate with the victim in a language understood by the woman or her child; and

b) inform the victim of her/his rights including legal remedies available and procedure, and privileges for indigent litigants.

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

(a) respond immediately to a call for help or request for assistance or protection of the victim by entering the dwelling if necessary whether or not a protection order has been issued and ensure the safety of the victim/s;

(b) confiscate any deadly weapon in the possession of the perpetrator or within plain view;

(c) transport or escort the victim/s to a safe place of their choice or to a clinic or hospital;

(d) assist the victim in removing personal belongings from the house;

(e) assist the barangay officials and other government officers and employees who respond to a call for help;

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 33. *Prohibited Acts.* - A *Punong Barangay*, *Barangay Kagawad* or the court hearing an application for a protection order shall not order, direct, force or in any way unduly influence the applicant for a protection order to compromise or abandon any of the reliefs sought in the application for protection order under this Act. Section 7 of the Family Courts Act of 1997 and Sections 410, 411, 412 and 413

of the Local Government Code of 1991 shall not apply in proceedings where relief is sought under this Act.

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

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

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

(a) to be treated with respect and dignity;

(b) to avail of legal assistance from the PAO of the Department of Justice (DOJ) or any public legal assistance office;

(c) to be entitled to support services from the DSWD and LGUs;

(d) to be entitled to all legal remedies and support as provided for under the Family Code; and

(e) to be informed of their rights and the services available to them including their right to apply for a protection order.

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

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

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

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

(a) Department of Social Welfare and Development (DSWD);

(b) National Commission on the Role of Filipino Women (NCRFW);

(c) Civil Service Commission (CSC);

(d) Commission on Human Rights (CHR);

(e) Council for the Welfare of Children (CWC);

(f) Department of Justice (DOJ);

(g) Department of the Interior and Local Government (DILG);

(h) Philippine National Police (PNP);

(i) Department of Health (DOH);

(j) Department of Education (DepEd);

(k) Department of Labor and Employment (DOLE);
and

(l) National Bureau of Investigation (NBI).

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

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

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

The DOH shall provide medical assistance to victims.

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

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

a. the nature, extent and causes of violence against women and their children;

b. the legal rights of, and remedies available to, victims of violence against women and their children;

c. the services and facilities available to victims or survivors;

d. the legal duties imposed on police officers to make arrest and to offer protection and assistance; and

e. techniques for handling incidents of violence against women and their children that minimize the likelihood of injury to the officer and promote the safety of the victim or survivor.

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

SEC. 43. *Entitlement to Leave.* - Victims under this Act shall be entitled to take a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labor Code and Civil Service Rules and Regulations, extendible when the necessity arises as specified in the protection order.

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

SEC. 44. *Confidentiality.* - All records pertaining to cases of violence against women and their children including those in the barangay shall be confidential and all public officers and employees and public or private clinics or hospitals shall respect the right to privacy of the victim. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family

member, without the latter's consent, shall be liable to the contempt power of the court.

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

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

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

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

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

SEC. 48. *Separability Clause.* - If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SEC. 49. *Repealing Clause.* - All laws, presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 50. *Effectivity.* - This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.

Approved.

Republic of the Philippines
**INTER-AGENCY COUNCIL ON VIOLENCE AGAINST
WOMEN AND THEIR CHILDREN (IAC-VAWC)
IMPLEMENTING RULES AND REGULATIONS
(IRR) COMMITTEE
Manila**

**JOINT IAC-VAWC AND IRR COMMITTEE
RESOLUTION
Series of 2004**

**APPROVING AND PROMULGATING THE
IMPLEMENTING RULES AND
REGULATIONS OF REPUBLIC ACT NO. 9262,
OTHERWISE KNOWN AS THE
"ANTI-VIOLENCE AGAINST WOMEN AND THEIR
CHILDREN ACT OF 2004"**

WHEREAS, President Gloria Macapagal-Arroyo signed into law Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" on March 8, 2004 during the celebration of the International Women's Day and took effect on March 27, 2004;

WHEREAS, Section 39 of the Act establishes the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC) composed of the Department of Social Welfare and Development (DSWD); National Commission on the Role of the Filipino Women (NCRFW); Civil Service Commission (CSC); Commission on Human Rights (CHR); Council for the Welfare of Children (CWC); Department of Justice (DOJ); Department of the Interior and Local Government (DILG); Philippine National Police (PNP); Department of Health (DOH); Department of Education (DepEd); Department of Labor and Employment (DOLE); and National Bureau of Investigation (NBI) to formulate programs and projects to eliminate VAW based on their mandates, develop capability programs for their employees to become more sensitive to the needs of their clients as well as serve as the monitoring body as regards to VAW initiatives;

WHEREAS, Section 46 of the Act mandates the DOJ, the NCRFW, the DSWD, the DILG, the DOH, and the PNP and, three (3) representatives from non-government organizations (NGOs) to be identified by the NCRFW to promulgate the Implementing Rules and Regulations (IRR) within six (6) months from the approval of the Act;

WHEREAS, an IRR Committee was convened composed of the aforementioned government agencies and three NGOs, namely the Kalakasan Foundation Inc., the Women's Crisis Center (WCC), and the Women's Legal Bureau (WLB) to draft the IRR;

WHEREAS, the Committee which was chaired by the DSWD with the NCRFW as secretariat, led in the formulation of the IRR which was subjected to a series of regional consultation workshops to get the inputs of critical stakeholders working directly on violence against women and their children held from June -August 2004 in the following areas: a) Davao; b) Cotabato; c) Cebu; and d) Metro Manila;

WHEREAS, the draft IRR was also subjected to an "Experts' Review" which was participated in by lawyers, police officers, social workers, counselors, medical practitioners, a psychologist, an official of the Supreme Court and a representative from the Liga ng mga Barangay sa Pilipinas;

WHEREAS, the enhanced draft of the IRR was presented to the IAC-VAWC on August 10, 2004 and was approved during their joint meeting held on 21 September 2004;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the members of the IAC-VAWC and IRR Committee, in a joint meeting assembled, to approve and adopt the Implementing Rules and Regulations of RA 9262, otherwise known as the "Anti-Violence Against Women and their Children Act of 2004";

RESOLVED FURTHER that these IRR shall be published in two (2) newspapers of general circulation and copy

furnished the UP Law Center as required under the Administrative Code of 1987.

DONE this 21st day of September in the year of the Lord, Two Thousand and Four, in Manila.

**RULES AND REGULATIONS IMPLEMENTING
REPUBLIC ACT NO. 9262,
OTHERWISE KNOWN AS
THE “ANTI-VIOLENCE AGAINST WOMEN
AND THEIR CHILDREN ACT OF 2004”**

Pursuant to Section 46 of Republic Act No. 9262, “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES” otherwise known as the “Anti-Violence Against Women and Their Children Act of 2004,” the following rules and regulations, having been approved by the Inter-Agency Council on Violence Against Women and Their Children and the Implementing Rules and Regulations (IRR) Committee are hereby promulgated:

**RULE I
GENERAL PROVISIONS**

Section 1. Title. – These Rules shall be known and cited as “The Rules and Regulations Implementing the Anti-Violence Against Women and Their Children Act of 2004.”

Section 2. Purpose. – These Rules and Regulations are hereby promulgated to prescribe the guidelines and procedures for the implementation of Republic Act No. 9262 in order to ensure that women and their children have effective access to justice and to services and programs. These Rules and Regulations shall serve as the minimum guidelines and standards for service providers including government officials and personnel of national government agencies and local government units.

Section 3. Declaration of Policies. – It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security.

Towards this end, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the provisions of the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and other international human rights instruments to which the Philippines is a party.

Section 4. Construction. – These Rules and Regulations shall be liberally construed to promote the protection and safety of victims of violence against women and their children (VAWC). All doubts in the implementation and interpretation hereof shall be resolved in favor of women and their children consistent with the spirit and letter of the law.

RULE II DEFINITION OF TERMS

Section 5. Definition of Terms. – As used in these rules and regulations, unless the context otherwise requires, the following terms shall be understood to mean:

a) *Act* – refers to the Republic Act No. 9262, otherwise known as the “Anti-Violence Against Women and Their Children Act of 2004”;

b) *Council* – refers to the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC) created under Section 39 of the Act;

c) *Violence Against Women and Their Children* – refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which results in or is likely to result in physical, sexual, psychological harm or suffering, or economic

abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

1. *Physical violence* refers to acts that include bodily or physical harm;

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

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

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

c) prostituting the woman or her child.

3. *Psychological violence* refers to acts or omissions causing or likely to cause mental or emotional suffering to the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse, and marital infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to

unlawful or unwanted deprivation of the right to custody and/ or visitation of common children.

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

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

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

c) destroying household property; and

d) controlling the victim's own money or properties or solely controlling the conjugal money or properties.

d) *Battery* – refers to an act of inflicting physical harm upon the woman or her child resulting to physical and psychological or emotional distress.

e) *Battered Woman Syndrome* – refers to a scientifically defined pattern of psychological and behavioral symptoms that have resulted from cumulative abuse found in women living in battering relationships.

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

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

h) *Sexual relation* - refers to a single sexual act which may or may not result in the bearing of a common child.

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

j) *Children* – refer to those below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. As used in the Act, it includes the biological or adopted children of the victim and other children under her care including foster children, relatives or other children who live with her.

k) *Psychosocial services* - refer to the provision of help or support for the total well-being of an individual who has suffered as a result of physical harm and psychological or emotional distress that further resulted in an unpleasant or traumatic experience. The services are provided to restore the impaired physical, social, emotional, psychological, and spiritual aspects of the person to ensure the victims' safety and security, and involves the process of recovery and re-integration into community life.

l) *Victim-survivor* –refers to the women and children victims of VAWC.

RULE III PUNISHABLE ACTS

Section 6. Public Crime. – Violence against women and their children shall be considered a public offense, which may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

Section 7. Acts of Violence Against Women and Their Children. – The crime of violence against women and their children is committed through any of the following acts:

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

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

3. Depriving or threatening to deprive the woman or her child of a legal right;

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

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

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

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

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

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

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

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

5 Engaging in any form of harassment or violence; and

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

Section 8. Penalties – In relation to Sec. 7 hereof, the acts complained of are punishable with the provisions set forth in this Section:

a) Acts falling under Section 7(a) constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code. If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of *prision mayor*¹ ; those constituting less serious physical injuries shall be punished by *prision correccional*² ; and those constituting slight physical injuries shall be punished by *arresto mayor*.

Acts falling under Section 7 (b) shall be punished by imprisonment of two (2) degrees lower than the prescribed penalty for the consummated crime as specified in the preceding paragraph but shall in no case be lower than *arresto mayor*³ .

b) Acts falling under Section 7(c) and 7(d) shall be punished by *arresto mayor*;

c) Acts falling under Section 7(e) shall be punished by *prision correccional*;

d) Acts falling under Section 7(f) shall be punished by *arresto mayor*;

e) Acts falling under Section 7(g) shall be punished by *prision mayor*;

¹ Imprisonment ranging from six years and one day to twelve years
² Imprisonment ranging from six months and one day to six years

f) Acts falling under Section 7(h) and Section 7(i) shall be punished by *prision mayor*.

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

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than Three hundred thousand pesos (P300, 000.00); and undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

Section 9. Prescriptive Period. – For punishable acts falling under Sections 7(a) to 7(f) of these Rules, the criminal complaint may be filed within twenty (20) years from the occurrence or commission. Punishable acts falling under Section 7 (g) to 7 (i) of these Rules shall prescribe in ten (10) years.

Section 10. Venue. - The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of VAWC under the Act. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional Trial Court where the crime or any of its elements was committed at the option of the complainant.

³ Imprisonment ranging from one month and one day to six months

RULE IV PROTECTION ORDERS

Section 11. Protection Order. – The victim-survivor may obtain the remedy of a protection order from the barangay or from the court. A protection order is an order issued under the Act for the purpose of preventing further acts of violence against a woman or her child specified in Section 7 of these Rules and granting other necessary reliefs. The relief granted under a protection order should serve the purpose of safeguarding the victim-survivor from further harm, minimizing any disruption in the victim-survivor's daily life, and facilitating the opportunity and ability of the victim-survivor to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection order that may be issued by the barangay shall be known as a Barangay Protection Order (BPO). The protection order that may be issued by the court may be a Temporary Protection Order (TPO) or a Permanent Protection Order (PPO).

Section 12. Who May File for Protection Orders.

- a) the offended party;
- b) parents or guardians of the offended party;
- c) ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;
- d) officers or social workers of the DSWD or social workers of local government units (LGUs);
- e) police officers, preferably those in charge of women and children's desks;
- f) Punong Barangay or Barangay Kagawad;
- g) lawyer, counselor, therapist or healthcare provider of the petitioner; and

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

Section 13. Barangay Protection Orders.— Barangay Protection Orders (BPOs) refer to the protection order issued by the barangay ordering the perpetrator/respondent to desist from committing acts under Section 7 (a) and (b) of these Rules. These are causing (a) physical harm to the woman or her child;; and (b) threatening to cause the woman or her child physical harm.

The reliefs that may be granted under the BPO are the following:

a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the following acts mentioned in Section 7 (a) and (b) of these Rules; and

b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the victim-survivor, directly or indirectly.

Section 14. How to Apply for a Barangay Protection Order.

a) The application for a BPO shall be in writing, signed by the victim-survivor/petitioner, and in a language understood by her/him. It shall be attested before the Punong Barangay who has jurisdiction over the application..The Punong Barangay or Kagawad shall assist the victimsurvivor/ petitioner in any application for a BPO. The *exparte* determination on the application for a protection order shall have priority over all proceedings.

b) The *Punong Barangay* or *Kagawad* must issue the BPO on the same day of application, immediately upon the conclusion of the *ex parte* proceedings. The BPO shall state the last known address of the respondent, the date and time of

issuance, and the protective remedies prayed for by the victim-survivor/petitioner pursuant to Section 13 hereof. If the *Punong Barangay* is unavailable to act on the application for a BPO, the application shall be acted upon by any available *Barangay Kagawad*. In such a case, the order must be accompanied by an attestation by the *Barangay Kagawad* that the *Punong Barangay* was unavailable at the time of the issuance of the BPO.

A BPO is granted *ex parte*, without notice and hearing to the respondent. The victim-survivor/petitioner may be accompanied by any non-lawyer advocate in the proceedings before the Punong Barangay. The Punong Barangay or kagawad, law enforcers and other government agencies shall not mediate or conciliate or influence the victim-survivor/petitioner for a protection order to compromise or abandon the relief sought.

c) The BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an *ex parte* BPO, the *Punong Barangay* or *Barangay Kagawad* shall personally serve a copy of the same to the respondent, or direct any barangay official to effect its personal service. The BPO is deemed served upon receipt thereof by the respondent or by any adult who received the BPO at the address of the respondent. In case the respondent or any adult at the residence of the respondent refuses, for whatever cause to receive the BPO, it shall likewise be deemed served by leaving a copy of the BPO at the said address in the presence of at least two (2) witnesses. The barangay official serving the BPO must issue a certification setting forth the manner, place and date of service, including the reasons why the same remain unserved.

d) The BPO shall be issued free of charge. Within twenty four (24) hours after a BPO is issued, the *Punong Barangay*, or in her/his absence or inability, any available *Barangay Kagawad* shall assist the victim-survivor/petitioner in filing for an application for a TPO or PPO with the nearest court in the place of residence of the victim-survivor. If there is no Family Court or Regional Trial Court, the application may be filed in the Municipal Trial Court, the Municipal Circuit Trial Court or the Metropolitan Trial Court. For indigent petitioner, the barangay shall ensure that transportation and other expenses

are provided for in filing for an application for a protection order with the courts.

e) The *Punong Barangay* or *Kagawad*, or the Barangay Secretary, shall record all BPOs in a logbook specifically for cases of VAWC. This logbook is confidential and must be kept from the public especially the media. They shall submit a quarterly report of all BPOs issued to the local office of the Department of the Interior and Local Government (DILG). The DILG shall submit a summary report of the BPOs issued to the Secretariat of the Inter- Agency Council on Violence Against Women and Their Children (IAC-VAWC). The BPO and the Compliance Monitoring Forms are herein appended.

f) All BPOs shall be enforceable within the barangay that issued the BPO. The *Punong Barangay* shall furnish a copy of all BPOs to the Philippine National Police-Women and Children Protection Desks (PNP-WCPD) who has jurisdiction in the city or municipality and shall be entered in a logbook for that purpose.

g) The issuance of a BPO or the pendency of an application for a BPO shall not preclude the victim-survivor/petitioner from applying for, or the court from granting, a TPO or PPO. However, where a Temporary Protection has already been granted by any court, the barangay official may no longer issue a BPO.

Section 15. Where to Apply for a BPO. – Applications for BPOs shall follow the rules on venue under Section 409 of the Local Government Code of 1991 and its implementing rules and regulations. Hence, it may be filed in the barangay where the victim-survivor/ petitioner is located or resides.

If the parties reside in different municipalities or cities, the Punong Barangay or any kagawad of the barangay where the victim-survivor resides shall assist the victim-survivor/applicant in filing an application for a Protection Order from the court within two (2) hours from the request.

The place of residence or location of the victim-survivor/petitioner may include the place where the victim-survivor temporarily resides or where she sought refuge/sanctuary to escape from and avoid continuing violence from the respondent.

Section 16. Violation of a Barangay Protection Order.— A complaint for a violation of a BPO issued under the Act must be filed directly with any Municipal Trial Court, Metropolitan Trial Court, or Municipal Circuit Trial Court that has territorial jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be punishable by imprisonment of thirty (30) days without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

A complaint for a violation of a BPO shall be initiated by the *Punong Barangay* or *Kagawad* who issued the BPO and if he/she is no longer in office or is incapacitated, a complaint for a violation of the BPO may be filed by any barangay official. It shall be the primary responsibility of these barangay officials to initiate complaints for violations of BPOs.

In the event that the *Punong Barangay* or *Kagawad* or barangay official referred to in the preceding paragraph refuses to initiate a complaint for a violation of a BPO, the victim-survivor/applicant shall have the right to file such complaint, without prejudice to the right to file appropriate administrative, civil or criminal action against the barangay official concerned.

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

Section 17. Temporary Protection Order.— Temporary Protection Order (TPO) refers to the protection order issued by the court on the date of filing of the application after *ex parte* determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in the Act and shall be effective for thirty (30) days. The court shall

schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service of notice. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.

Section 18. Permanent Protection Order. – Permanent Protection Order (PPO) refers to protection order issued by the court after notice and hearing.

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

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

The court may grant any, some or all of the reliefs specified in Section 19 hereof in a PPO. A PPO shall be effective until revoked by the court upon application of the person in whose favor the order was issued. The court shall ensure immediate personal service of the PPO on respondent.

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

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

Section 19. The reliefs that may be granted under the TPO and PPO are the following:

a) Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 7 of these Rules;

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

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

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

e) Directing lawful possession and use by the petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement

officer to accompany the petitioner to the residence of the parties to ensure that she is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

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

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

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

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

j) Directing the DSWD or any appropriate agency to provide petitioner temporary shelter and other social services that the petitioner may need; and

k) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the

petitioner and any designated family or household member, provided the petitioner and any such designated family or household member consents to such relief.

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

Section 20. How to Apply for a Temporary and a Permanent Protection Order. – The application for a protection order must be in writing, signed and verified under oath by the applicant. It may be filed as an independent action or as an incidental relief in any civil or criminal case the subject matter or issues thereof partake of violence as described in the Act. A standard protection order application form, written in English with translation to the major local languages, shall be made available to facilitate application for protection orders, and shall contain, among others, the following information:

- a) names and addresses of petitioner and respondent;
- b) description of relationship between petitioner and respondent;
- c) a statement of the circumstances of the abuse;
- d) description of the reliefs requested by petitioner as specified in Section 19 herein;
- e) request for counsel and reasons for such;
- f) request for waiver of application fees until hearing;
and
- g) an attestation that there is no pending application for a protection order in another court.

If the applicant is not the victim-survivor, the application must be accompanied by an affidavit of the applicant attesting to (a) the circumstances of the abuse suffered by the victim-survivor and (b) the circumstances of consent given by the victim-

survivor for the filing of the application. When disclosure of the address of the victim-survivor/petitioner will pose danger to her life, it shall be so stated in the application. In such a case, the applicant shall attest that the victim-survivor/petitioner is residing in the municipality or city over which court has territorial jurisdiction, and shall provide a mailing address for purposes of service processing.

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

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

Section 21. Where to Apply for Temporary and Permanent Protection Orders. – An application for a TPO or PPO may be filed in the Family Court or, if there is none, in the Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court, Municipal Trial Court in Cities, Municipal Circuit Trial Court in the place of residence of the petitioner.

The place of residence of the victim-survivor may include the place where she temporarily resides or where she sought refuge/sanctuary to escape from and avoid continuing violence from the respondent.

Section 22. Enforceability of Temporary and Permanent Protection Orders. – All TPOs and PPOs issued under the Act shall be enforceable anywhere in the Philippines and a violation thereof shall be punishable with a fine ranging from Five Thousand Pesos (P5, 000.00) to Fifty Thousand Pesos (P50,000.00) and/or imprisonment of six (6) months.

Section 23. Violation of Temporary and Permanent Protection Orders. – Violation of any provision of a TPO or a PPO issued under the Act shall constitute contempt of court punishable under Rule 71 of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

Section 24. Applicability of Temporary and Permanent Protection Orders to Criminal Cases. – The foregoing provisions on protection orders shall be applicable in criminal cases and/or shall be included in the civil actions deemed instituted with the criminal actions involving VAWC.

Section 25. Legal Separation Cases. – In cases of legal separation where violence as specified in the Act is alleged, Article 58 of the Family Code shall not apply. The Court shall proceed on the main case and other incidents of the case as soon as possible. The hearing on any application for a protection order filed by the petitioner must be conducted within the mandatory period specified in the Act.

Section 26. Bond to Keep the Peace. – The Court may order any person against whom a protection order is issued to give a bond to keep the peace, to present two (2) sufficient sureties who shall undertake that such person will not commit the violence sought to be prevented.

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

Section 27. Prohibited Acts – A Punong Barangay, Barangay Kagawad, or the court hearing an application for a protection order shall not order, direct, force or in any way unduly influence the applicant to compromise or abandon any of the reliefs sought in the application for protection order under the Act. Section 7 of the Family Courts Act of 1997 and Sections 410, 411, 412 and 413 of the Local Government Code of 1991 shall not apply in proceedings where relief is sought under the Act.

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

Law enforcers and other government personnel shall not mediate or conciliate or influence the victim-survivor or applicant for a protection order to compromise or abandon the relief sought.

Section 28. Notice of Sanction in Protection Orders. – The following statement must be printed in bold-faced type or in capital letters on the protection order issued by the *Punong Barangay* or court:

“Violation of this order is punishable by law.”

Section 29. Priority of Applications for Protection Orders. – *Ex parte* and adversarial hearings to determine the basis of applications for a protection order under the Act shall have priority over all other proceedings. Barangay officials and the courts shall schedule and conduct hearings on applications for a protection order under the Act above all other business and, if necessary, suspend other proceedings in order to hear applications for a protection order.

Section 30. Mandatory Period for Acting on Applications for Protection Orders. – Failure to act on an application for a protection order within the reglamentary period specified in the previous sections without justifiable cause shall render the official or judge administratively liable.

Section 31. Protective Custody. – The DSWD, pursuant to Republic Act No. 7610, shall take protective custody of the abused child whether or not a protection order has been issued under the Act.

RULE V LEGAL REMEDIES FOR VAWC VICTIM-SURVIVORS

Section 32. Battered Woman Syndrome as a Defense.
– Victim-survivors who are found by the courts to be suffering from battered woman syndrome do not incur any criminal and civil liability notwithstanding the absence of any of the elements

for justifying circumstances of self-defense under the Revised Penal Code.

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

Section 33. Prohibited Defense. – Being under the influence of alcohol, any illicit drug, or any other mind-altering substance shall not be a defense under the Act.

Section 34. Custody of Children. – The woman shall be entitled to the custody and support of her child/children. Children below seven (7) years old or older but with mental or physical disabilities shall automatically be given to the mother, with right to support, unless the court finds compelling reasons to order otherwise.

A victim-survivor who is suffering from Battered Woman Syndrome shall not be disqualified from having custody of her children. In no case shall custody of minor children be given to the perpetrator of violence against a woman who is suffering from Battered Woman Syndrome.

Section 35. Damages. – Any victim-survivor of violence under the Act shall be entitled to actual, compensatory, moral and exemplary damages.

The civil action for damages is deemed instituted with the criminal action, unless an independent civil action for damages is filed.

Section 36. Hold Departure Order. – The counsel for the victim-survivor or applicant may request the court for a Hold Departure Order in the application or petition for protection order. The court shall expedite the process of issuance of a hold departure order in cases prosecuted under the Act.

Section 37. Exemption from Payment of Docket Fee and Other Expenses. – If the victim-survivor is an indigent or there is an immediate necessity due to imminent danger or threat of danger to act on an application for a protection order, the court shall accept the application without payment of the filing fee and other fees and of transcript of stenographic notes.

RULE VI
MANDATORY PROGRAMS, SERVICES
AND ENTITLEMENTS FOR VAWC
VICTIM-SURVIVORS AND PERPETRATORS

Section 38. Rights of Victim-Survivors. – In addition to their rights under existing laws, victim-survivors of VAWC shall have the following rights:

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

Section 39. Mandatory Services and Entitlements for VAWC Victim-Survivors. – The following programs, benefits and appropriate services shall be available to victim-survivors and their children in order to facilitate their healing, recovery and social reintegration:

The DSWD and the LGUs shall:

a) Provide emergency shelter, psycho-social counseling and other rehabilitation services to victim-survivors of VAWC;

b) Ensure that service providers in institutions/centers for women and children are gender sensitive and uphold the rights of women and children;

c) Make available relevant skills training and other livelihood development services to victim-survivors of violence against women;

d) Ensure the successful social reintegration and after-care of victim-survivors and their children; and

e) Continue to develop relevant programs and strategies to ensure protection, healing, recovery and social reintegration and address emerging needs and concerns of victim-survivors of violence.

Section 40. Medical Assistance – The following health programs and services shall immediately be provided through a socialized scheme by the Women and Children Protection Unit (WCPU) in DOH-retained hospitals or in coordination with LGUs or other government health facilities:

a) Complete physical and mental examinations;

b) Medical/Surgical treatment;

c) Psychological and psychiatric evaluation and treatment;

d) Hospital confinement when necessary;

e) Referral to specialty hospital and other concerned agency as needed;

f) Manage the reproductive health concerns of victim-survivors of VAWC; and

g) If necessary, contact the DSWD or social worker of the LGU for emergency assistance to the woman and her child/children, or the police women and children concerns protection desk officer.

Section 41. Counseling and Treatment of Offenders. –

The DSWD in partnership with non-government organizations (NGOs) and LGUs shall ensure effective psychosocial rehabilitation of perpetrator of VAWC, which includes but not limited to the following:

a) Development of policies and procedures relative to the delivery of rehabilitation services to offenders/perpetrators of violence, ensuring its effectiveness and efficiency;

b) Provision of appropriate training to City/Municipal Social Workers and other service providers who are implementing rehabilitative/treatment programs for offenders/perpetrators; and

c) Establishment of system of accreditation of counselors and rehabilitation programs in coordination with concerned institutions and the academe for regulatory purposes.

When necessary, the offender/perpetrator shall be ordered by the Court to submit to psychiatric treatment or confinement. Specifically, offenders/perpetrators who were issued protection orders by the Barangay or the courts shall be subjected to mandatory rehabilitative counseling and treatment. Perpetrators to be covered by the program are those:

a) Referred either by the Philippine National Police-Women and Children Protection Desks, LGUs, NGOs, people's organizations (POs) and other community based councils/groups working with victim-survivors of violence against women and children; and

b) Referred by concerned citizens or groups.

Section 42. Ten-day paid leave in addition to other leave benefits. – At any time during the application of any

protection order, investigation, prosecution and/or trial of the criminal case, a victim of VAWC who is employed shall be entitled to a paid leave of up to ten (10) days in addition to other paid leaves under the Labor Code and Civil Service Rules and Regulations and other existing laws and company policies, extendible when the necessity arises as specified in the protection order. The *Punong Barangay/kagawad* or prosecutor or the Clerk of Court, as the case may be, shall issue a certification at no cost to the woman that such an action is pending, and this is all that is required for the employer to comply with the 10-day paid leave. For government employees, in addition to the aforementioned certification, the employee concerned must file an application for leave citing as basis R.A. 9262. The administrative enforcement of this leave entitlement shall be considered within the jurisdiction of the Regional Director of the DOLE under Article 129 of the Labor Code of the Philippines, as amended, for employees in the private sector, and the Civil Service Commission, for government employees.

The availment of the ten day-leave shall be at the option of the woman employee, which shall cover the days that she has to attend to medical and legal concerns. Leaves not availed of are noncumulative and not convertible to cash.

The employer/agency head who denies the application for leave, and who shall prejudice the victim-survivor or any person for assisting a co-employee who is a victim-survivor under the Act shall be held liable for discrimination and violation of R.A. 9262.

The provision of the Labor Code and the Civil Service Rules and Regulations shall govern the penalty to be imposed on the said employer/agency head.

RULE VII

LEGAL PROTECTION FOR CONCERNED INDIVIDUALS

Section 43. *Persons Intervening Exempt from Liability.* – In every case of VAWC as herein defined, any person, private individual or police authority or barangay

official who, acting in accordance with law, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of the victim-survivor, shall not be liable for any criminal, civil or administrative liability resulting therefrom.

Workers of NGOs , POs, church, civic and other groups, be they Filipino citizens or foreigners, fall under “any person”, are free from any criminal or civil liability when acting in accordance with law in responding to a call for help or when assisting the victim-survivor.

Section 44. Protection of Service Providers. – In all cases, the privacy and identity as well as the locations of service providers, including NGOs and POs shall not be disclosed by any person who has knowledge of the VAWC cases.

Section 45. Rights of the Person Arrested, Investigated or Detained. – In all cases, the rights of the person arrested, investigated or detained as provided by the Philippine Constitution and under Republic Act No. 7438 (*An Act Defining Certain Rights of Persons Arrested, Detained or Under Custodial Investigation as well as the Duties of the Arresting, Detaining and Investigating Officers, and Providing Penalties for Violations thereof*) shall, at all times, be respected.

RULE VIII

DUTIES AND FUNCTIONS OF GOVERNMENT AGENCIES, LOCAL GOVERNMENT UNITS, CONCERNED GOVERNMENT OFFICIALS AND PERSONNEL

Section 46. Duties and Functions of Prosecutors and Court Personnel. – Prosecutors and court personnel should observe the following duties when dealing with victim-survivors under the Act:

a) Communicate with the victim-survivor in a language understood by her or her child/children, bearing in mind their educational attainment; and

b) Inform the victim-survivor of her rights including legal remedies available and procedures, and privileges for indigent litigants.

Section 47. Duties and Functions of Barangay Officials. – In order to eliminate violence against women and their children, barangay officials shall:

a) Undertake an education program on Republic Act No. 9262 and on violence against women and their children and why it exists, the rights and remedies of victim-survivors, and the duties of residents and all barangay officials;

b) Have a family violence prevention program, including peer counseling for men;

c) Support organizing efforts and development programs for women in the community;

d) Prioritize livelihood projects for victim-survivors;

e) Involve women in planning and implementation of all programs and projects in the barangay;

f) Have an anti-VAWC desk officer in the barangay who shall coordinate a one-stop help desk. As much as possible, this help desk shall be open for 24 hours;

g) Ensure that all barangay officials, barangay health workers, barangay nutrition scholars, other barangay workers and *tanod* or barangay security officers undergo gender sensitivity seminars to enable them to respond to victims of violence;

h) Develop a system to document and report cases of VAWC and assistance program to victims thereof; and

i) If applicable/necessary, prescribe additional guidelines and standards provided that these are consistent with the Act.

The Barangay Officials shall strictly observe the following steps in handling VAWC cases at the Barangay level:

a) Upon being informed of an act of VAWC, the barangay official shall immediately verify the information. If necessary, said official shall seek the assistance of the police;

b) Respond immediately to a call for help or request for assistance or protection of the victim-survivor by entering the dwelling whether or not a protection order has been issued and ensure the safety of the victim-survivors;

c) Interview the victim-survivors and the witnesses to determine the facts, and inform the victim-survivors of their rights and remedies. To preserve the testimony of the victim-survivor and the witnesses, said official should document the interview in writing or record the testimonies by audio or videotape with the consent of the victim-survivor. All records pertaining to cases of VAWC including those in the barangay shall be confidential, and all public officers and employees and public or private clinics or hospitals shall respect the right to privacy of the victim-survivor;

d) Arrest the perpetrator even without a warrant when any of the acts of violence is occurring, or when said barangay official has personal knowledge that any act of abuse has just been committed, and in the presence of imminent danger to the life or limb of the victim-survivor. The barangay official shall confiscate any deadly weapon in the possession of the perpetrator or within plain view;

e) Transport or escort the victim-survivor to the nearest hospital, or available medical facility for treatment and medico-legal examination. Said official shall assist the victim-survivors to secure the medico-legal report;

f) If the perpetrator is not immediately arrested, advise him or her to temporarily leave the house to prevent violence, or encourage her/him to go to the barangay center, DSWD, LGU or NGO, church or other groups that provide counseling for perpetrators;

g) In the event that the victim-survivors have to be placed in a shelter or a safe place of their choice, the barangay official shall assist them in taking their personal belongings and taking their children and transfer them to a shelter or safe place;

h) Report the incident and refer the victim-survivor to the Local Social Welfare and Development Office of the LGU within four (4) hours from the time of reporting. Said official shall also report the incident to the Women and Children's Protection Desk at the nearest Police Station within the same period;

i) In cases where the victim-survivor applying for a BPO is a minor, any barangay official shall assist the victim-survivor and shall refer her/him to NGOs, social workers for counseling, temporary shelter and other support services;

j) Monitor compliance of the respondent with the BPO;

k) Ensure the safety and continued support to the victim-survivor and her family during the 15-day period;

l) Assist the victim-survivors in filing the appropriate complaint with the PNP Women and Children's Protection Desk or other law enforcement agencies;

m) Ensure that all pertinent documents of the said cases are forwarded to the PNP Women and Children's Protection Desk;

n) Have a separate logbook for complaints and cases of VAWC and keep this confidential, always ensuring the privacy of the victims;

o) Shall not attempt to influence the victim-survivor to abandon her claims. All forms of amicable settlement under the *Katarungang Pambarangay* such as mediation, settlement, conciliation, arbitration shall not apply to cases of VAWC in the Act; and

p) If the relief requested or applied for involves the failure to provide support to the woman or her children, especially for their education and medical needs, the *Punong Barangay* or in his/her absence, any *kagawad*, shall call the respondent for counseling and explain to him his legal obligations to support his wife and/or minor children. This shall not be construed to mean as a mode of conciliation or mediation and must be done only with the presence of the respondent, without the victim-survivor or applicant.

Any barangay official or law enforcer who fails to report the incident of VAWC to the PNP shall be liable for a fine not exceeding Ten Thousand Pesos (P10,000.00) or whenever applicable criminal, civil or administrative liability. Administrative complaints against the barangay official for failure to perform her or his duties shall be filed with the *Sangguniang Panglunsod or Bayan* for gross neglect of duty or misfeasance.

Section 48. Duties and Functions of the Philippine National Police-Women and Children Protection Desks (PNPWCPD) – For the purposes of investigation of VAWC cases, the PNP-WCPD shall have the following duties and functions:

a) Upon the receipt of complaint, the WCPD officer shall conduct appropriate investigation which includes, but is not limited to, taking the formal statement of the victim-survivor and collecting other evidence necessary for the filing of the case under the Act;

b) Immediately after taking the essential elements of information during the course of investigation, the WCPD officer shall refer the victim-survivor to the nearest PNP Crime Laboratory and/or hospital or any medical facilities for appropriate medico-legal examination. It shall be the WCPD officer's duty to ensure that as far as possible, the examining physician must be of the same gender as the victim-survivor, especially in sexual violence cases;

c) Except in the case of a child who is a victim-survivor of the Act, by which other existing laws require immediate presence of the unoffending parent or guardian and social worker, only persons expressly authorized by the victim-survivor shall be allowed by the WCPD officer inside a room where police investigation as well as the medical/ physical examination are being conducted in private;

d) Ensure the confidentiality of identity of the victim-survivor and all other parties directly involved with the case under investigation. For this purpose, the WCPD officer must maintain a separate blotter on crimes committed under the Act. Under no circumstances shall any police officer allow media access to information concerning VAWC reported to PNP;

e) After the conduct of police investigation, the WCPD officer shall refer the victim-survivor to the social worker of the LGU, any available DSWD shelters, NGOs and other service providers for psychosocial intervention and other rehabilitation programs;

f) The WCPD officer shall forward the investigation report, together with the relevant evidence, including the formal statements of witnesses and result of medico-legal examination, to the prosecutor for filing of appropriate criminal action under the Act;

g) If victim-survivor is found to have manifestations of the Battered Woman Syndrome which is validated by past police records and testimonies from witnesses in interest, the WCPD officer shall inform the punong barangay, the local social worker, or the concerned NGOs, local professional or civic groups in the area for appropriate psychiatric and psychological evaluation which may form part of the evidence to be presented in court;

h) Assist in the application and enforcement of the provisions of the protection order as may be issued by the barangay or the court;

i) Respond, with the assistance of other police personnel, barangay officials, and other parties in interest, to a call for emergency assistance to ensure immediate protection of the victim-survivor by entering the dwelling if necessary whether or not a protection order has been issued;

j) In case where the perpetrator is armed or in possession of deadly weapon in plain view, cause the confiscation thereof with the assistance of other police personnel;

k) Effect the arrest of the perpetrator by virtue of a warrant issued by the court pursuant to existing laws. In the event that any crime under the Act has been committed, is being committed or about to be committed, or that any police officer has personal knowledge of the facts indicating the commission of such time, it shall be his or her duty to arrest the perpetrator even without the strength of a warrant, provided the offender shall be proceeded in accordance with Section 5, Rule 113 of the Rules of Court;

l) Except when the victim-survivor is deemed more secure to stay in their place of residence, in which case the perpetrator has been removed by virtue of protection order issued by the barangay or the court, the WCPD officer or any designated police officer shall provide assistance to help facilitate the transfer of the victim-survivor to a safe place of her own choice, including the removal of some of the victim-survivor's personal belongings;

m) Monitor and follow up any case in violation of the Act that has been filed in court. In this regard, the WCPD officer must maintain a periodic assessment report of all cases reported to the police in violation of the Act; and

n) Participate in multidisciplinary mechanisms to help address the protection needs of the victim-survivor of VAWC.

Section 49. Duties and Functions of Health Care Providers – Any healthcare provider of public or private hospitals, clinics or rural health units, including, but not limited

to, an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects that a female patient or her children are victim-survivors of abuse shall:

a) Properly document any of the victim-survivor's physical, emotional or psychological injuries; properly record their observation, emotional or psychological state and properly record any of victim-survivor's complaints, observations and circumstances of the examination or visit;

b) Physicians in public hospitals and clinics or rural health unit shall automatically provide the victim free of charge a medical certificate concerning the examination or visit;

c) Safeguard the record and make them available to the victim-survivor upon request at actual cost;

d) Provide the victim-survivor immediate and adequate notice of rights and remedies provided under the Act, and the services available to them; and

e) Provide emergency care.

Section 50. Duties and Responsibilities of Other Relevant Agencies. – Other government agencies and LGUs shall establish programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, causes, incidence and consequences of such violence particularly towards educating the public on its social impacts.

It shall be the duty of the concerned government agencies and LGUs to ensure the sustained education and training of their officers and personnel on the prevention of VAWC as provided for under the Act.

Consistent with their mandates under existing laws, the following agencies shall specifically integrate VAWC issues in their strategy and program formulation and implement programs and services for the prevention and elimination of VAWC and for the protection of VAWC victim-survivor.

a) Bureau of Jail Management and Penology (BJMP)

1. Ensure the integration of VAWC core messages all its policies, programs and projects;
2. Conduct sustained and regular education and training of their officers and personnel on the prevention of VAWC;
3. Develop re-integration and rehabilitation programs for VAWC perpetrators which shall focus on anger resolution and management, values reorientation, gender sensitivity, among others;
4. Strengthen and sustain partnership with DSWD for the conduct of training programs for service providers and implementation of rehabilitative programs for perpetrators; and
5. Develop program that addresses the needs of offenders with BWS.

b) Commission on Higher Education (CHED)

1. Encourage state colleges, universities, and private institutions to conduct capacity building initiatives for professors, school personnel and administrator to eliminate VAWC;
2. Integrate gender and development perspective, including the core messages on VAWC in school curricula; and
3. Integrate VAWC core messages in CHED's accreditation system.

c) Department of National Defense (DND)

1. Develop and implement Protocol on Handling Cases of VAWC under the Act and other related laws;

2. Collaborate with barangay officials, government and NGOs, church and civic groups in preventing VAWC;
3. Train its personnel on the use of its Protocol and periodically revise it to ensure effectiveness; and
4. Revise its administrative disciplinary measures for military and civilian personnel who are administratively or criminally charged with committing acts under the Act.

The Philippine Military Academy (PMA) including other military and civilian training institutions and schools shall include in its curriculum, R.A. No. 9262 and all gender-based violence related laws and protocols.

d) National Police Commission (NAPOLCOM)

1. Support national and international efforts towards eliminating VAWC and be actively involved in the drafting of practical measures, strategies and activities in the field of crime prevention and criminal justice administration for the elimination of VAWC;
2. Support programs that address problems and issues concerning women in the context of criminality, specifically as victim-survivors of VAWC crimes;
3. Conduct regional forum and seminar workshop aimed to empower police officers through proper management;
4. Advocate for and strengthen the conduct of gender sensitivity training (GST) and education for criminal justice practitioners in order to enhance their competence in the management of the VAWC cases;
5. Establish Action Centers to receive complaints involving police officers nationwide;

6. Develop/adopt a gender-responsive protocol in handling VAWC cases particularly for police officers and their families; and

7. Inspect and audit PNP Women's and Children's Protection Desks (WCPD) to assess compliance with established criteria and performance standards; and

8. Include in its rules for discipline of police personnel the penalty for those who committed VAWC.

e) National Commission on Indigenous Peoples (NCIP)

1. Create mechanism to ensure the integration of gender and development perspective in the programs and projects of NCIP to eliminate VAWC in Ancestral Domains and Territories occupied by ICCs/IPs;

2. Coordinate with the member-agencies to effectively address the issues and concerns confronting the women and children of the ICCs/IPs as regards VAWC;

3. Issue recommendations to the President and/or Heads of Agencies concerning VAWC in areas of ICCs/ IPs;

4. Undertake information, education and advocacy campaign on VAWC with due respect to the culture, traditions, and institutions of ICCs/IPs and translate information materials into the vernacular form to ensure understanding of the Act; and

5. Create an ICC/IP Women Crisis Center in strategic areas where VAWC is rampant in Ancestral Domains and thereto provide ICC/IP contact persons who understands and can relate to their customs, beliefs and traditions.

f) National Statistical Coordination Board (NSCB)

1. Assist the Inter-agency Council on Violence Against Women (IAC-VAWC) in the development of a standardized gender-responsive documentation system on VAWC;
2. Periodically release statistical series on women and men in the Philippines, including VAWC statistics; and
3. Compile VAWC statistics from various government agencies, subject to the provision of resources under a specific budget line item in addition to the NSCB's regular budget.

g) Office on Muslim Affairs (OMA)

1. Integrate gender and development perspective, especially VAWC core messages in the programs and projects related to the promotion, development and enhancement of Muslim culture and institutions;
2. Encourage participation of the Imam in addressing the issues related to VAWC in a gender-responsive manner;
3. To the extent possible, eliminate/amend discriminatory practices in Muslim Code of Personal Laws; and
4. Develop programs and projects to eliminate VAWC and other discriminatory practices among Muslims.

h) Philippine Information Agency (PIA)

1. Enhance public awareness on VAWC, pertinent laws and possible actions to prevent victimization and revictimization through the implementation of public advocacy program as well as printing and distribution of information materials in vernacular form;
2. Coordinate with the Council on public information campaigns in the provinces;

3. Help ensure that all concerned government agencies are informed of the Act;

4. Raise awareness of media practitioners in promoting non-stereotyped images of women and men, specially those that perpetuate violence;

5. Integrate VAWC core messages in the Code of Conduct and Ethical Guidelines for Reporting VAWC cases; and

6. Develop protocols in handling/reporting VAWC cases taking into consideration the privacy of the victim-survivors.

i) Technical Education and Skills Development Authority (TESDA)

1. Integrate gender and development perspective, specifically VAWC core messages in skills development programs;

2. Conduct capacity building activities addressing the issues of VAWC for TEDSA instructors/trainers, personnel and students;

3. Integrate VAWC core messages in the accreditation system for technical and vocational institutions; and

4. To the extent possible, provide scholarships to victim-survivor of VAWC.

Section 51. Duties and Functions of Local Government Units. – The LGUs shall have the following roles and responsibilities:

a) Undertake massive education and information on the Act and other related laws;

b) Provide the victim-survivors temporary shelters, counseling, psychosocial services, recovery and rehabilitation programs;

c) Ensure the sustained education and training of their officials and personnel on the prevention of VAWC under the Act, including gender sensitivity seminars for service providers including the police, barangay officials, health personnel and social workers;

d) In coordination with PNP and other related agencies, establish an education and training program for police officers and barangay officials to enable them to properly handle cases of VAWC;

e) Develop and provide relevant community-based services for the rescue, recovery/rehabilitation and after-care services of victim-survivors of VAWC;

f) Strengthen coordination with the DSWD-Development Regional Offices, LGUs, NGOs and other concerned institutions for women and children on the continuous conduct of VAWC related trainings to service providers;

g) Provision of sustained programs and projects to ensure the protection and effective services for rehabilitation and integration of VAWC victim-survivors;

h) Monitor and document cases of victim-survivors of VAWC for purposes of data banking;

i) Enact ordinances aimed at providing protection and support to victim-survivors of VAWC; and

j) Strengthen, re-activate and mobilize existing committees/ councils, similar organizations and special bodies at the provincial, city, municipal and barangay levels to prevent VAWC.

RULE IX
THE INTER-AGENCY COUNCIL ON VIOLENCE
AGAINST WOMEN AND THEIR CHILDREN

Section 52. Creation. – The Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC) shall be established to: a) ensure the effective implementation of the law; and b) be the lead coordinator and monitoring body on VAWC initiatives.

Section 53. Composition. – The Council shall be composed of the following agencies:

- a) Chairperson, Commission on Human Rights (CHR);
 - b) Chairperson, Civil Service Commission (CSC);
 - c) Executive Director, Council for the Welfare of Children (CWC);
 - d) Secretary, Department of Education (DepEd);
 - e) Secretary, Department of Interior and Local Government (DILG);
 - f) Secretary, Department of Health (DOH);
 - g) Secretary, Department of Justice (DOJ);
 - h) Secretary, Department of Labor and Employment (DOLE);
 - i) Secretary, Department of Social Welfare and Development (DSWD)
 - j) Chairperson, National Commission on the Role of Filipino Women (NCRFW);
 - k) Director, National Bureau of Investigation (NBI);
- and

l) Director-General, Philippine National Police (PNP).

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

The members of the Council shall designate their permanent representatives whose rank are not lower than an Assistant Secretary or Director or its equivalent, to attend the meetings of the Council.

Section 54. Functions of the Council. – The Council shall undertake the following core functions:

a) Promotion of Anti-VAWC Act

1. Public information and advocacy such as conduct of massive information dissemination campaign on the Act and the various issues and problems relative to VAWC; and

2. Creation of mechanisms to ensure the integration of VAWC core messages in the programs and projects of all stakeholders, specifically in the education curriculum, training modules and manuals, and other VAWC-related documents.

b) Capacity-building of stakeholders

1. Continuous capacity-building programs of various stakeholders working on VAWC.

c) Development of comprehensive programs for VAWC victim-survivors

1. Development of an integrated referral system between and among stakeholders to ensure a holistic approach in handling VAWC cases and standards for the delivery of services for victim-survivors of VAWC

to ensure the timely, systematic, synchronized and effective response to cases of VAWC; and

2. Assist in the filing of cases against individuals, groups, agencies, institutions or establishments that violate the provisions of the Act.

d) Networking with other stakeholders

1. Creation of mechanisms to ensure the participation of NGO's, academe, private sector, civic and religious groups in the implementation and monitoring of VAWC cases.

e) Monitoring of the implementation of the Act

1. Development and institutionalization of a monitoring and documentation system of VAWC cases;

2. Issuance of policies/memoranda/circulars directing all stakeholders working on VAWC to submit periodic report on their VAWC-related efforts and services including VAWC statistics to the Council;

3. Directing them to immediately respond to the problems brought to their attention and report to the Council on actions taken;

4. Promulgate rules and regulations as may be necessary for the effective implementation of the Act;

5. Monitor and oversee the strict implementation of the Act; and

6. Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of the Act.

f) Conduct of research to include the integrated approach to eliminate VAWC, nature and root causes of VAWC, battered woman syndrome, violence within lesbian

relationships, violence committed against marginalized women, rehabilitation of VAWC perpetrators and documentation of good practices as bases for policy formulation and program development.

Section 55. Reportorial Function. – The Council shall consolidate and submit to the President an annual report on the implementation of the Act.

Section 56. Meetings of the Council. – The Council shall meet on a quarterly basis. Majority of the members of the Council shall constitute a quorum to transact business.

Section 57. Honoraria or Emoluments. – The members of the Council or their designated permanent representatives shall receive honoraria or emoluments as may be determined by the Council in accordance with existing budget, accounting and auditing rules and regulations.

Section 58. Secretariat to the Council. – The Secretariat to the Council shall have the following functions:

a) Coordinate and monitor, under the direction of the Council, the implementation of the policies and guidelines promulgated by the Council;

b) Assist in establishing, maintaining and managing a central database on VAWC, wherever feasible;

c) Provide technical, secretariat and records keeping and other services to the Council; and

d) Perform such other functions as may be directed by the Council.

Section 59. Implementation at Sub-National and Local Levels. – The Council shall, as far as practicable, establish mechanisms to ensure the implementation of the law and these rules and regulations at the sub-national and local levels.

Section 60. Participation of Non-Government Organizations (NGOs) in the Implementation of the Law. –

The Council shall ensure the participation of NGOs working on VAWC to effectively implement the Act in whatever forms appropriate, including but not limited to the following:

a) Formulate and implement policies and programs to eliminate VAWC;

b) Conduct capacity-building activities for government personnel and share their experiences in handling VAWC cases;

c) Coordinate with concerned agencies, LGUs, and other NGOs in reporting alleged perpetrators, rescuing victim-survivors of VAWC and conducting investigation, if necessary;

d) Document VAWC cases;

e) Disseminate related policies and guidelines to eliminate VAWC to their networks both at the local and international levels; and

f) Provide services to the VAWC victim-survivors and their families.

In order to ensure the effective participation of NGOs in the implementation of the Act, NGO-GO partnerships and joint projects shall be encouraged for the purpose of promoting the objectives of this Section.

Section 61. Specific Duties and Responsibilities of National Government Agencies which are Members of the Council. – The following government agencies which are members of the Council, shall have, but are not limited to, the following duties and responsibilities to ensure the effective and efficient implementation of the Act to eliminate VAWC:

a) Commission on Human Rights (CHR)

1. Ensure the integration of VAWC core messages in its programs and projects;

2. Conduct trainings on Gender Sensitivity, Women's Human Rights and VAWC for all sectors, including the police, military, members of investigating agencies;

3. Develop/adopt gender-responsive procedures in handling VAWC cases including the preparation of applications for Protection Orders;

4. Develop, produce and disseminate information and education materials on women's human rights and gender sensitivity;

5. Provide free legal assistance to victims of VAWC and other assistance under the human rights protection services including assistance in applying for BPO and protection orders in court;

6. Integrate VAWC efforts in the Barangay Human Rights Action Center (BHRAC);

7. Investigate and recommend for prosecution violations of the Act; and

8. Monitor government compliance to international human rights treaty obligations related to the elimination of violence against women and children, particularly in the provisions of the UDHR, the CEDAW, CRC provisions and other international human rights instruments of which the Philippines is a party.

b) Civil Service Commission (CSC)

1. In collaboration with concerned agencies to ensure the conduct of gender-sensitivity trainings (GSTs) and seminars/orientations on VAWC in all government agencies;

2. Revise existing policies and regulations so as to incorporate the ten-day paid leave of absence for victim-survivors pursuant to the provisions of the law;

3. Develop/adopt gender-responsive procedures in handling VAWC cases for government employees;
4. Issue policies encouraging government workers to help in the prevention and protection of victims of VAWC;
5. Lead in the development of a monitoring system to ensure compliance by all government entities to the government policies on VAWC; and
6. Integrate appropriate VAWC core messages in the Values Orientation Workshop (VOW) modules.

c) Council for the Welfare of Children (CWC)

1. Integrate in its development and strategic frameworks issues and concerns affecting abused children and ensure the adoption of such frameworks by the LGUs and other stakeholders;
2. Vigorously advocate against VAWC;
3. Adopt policies and measures that will protect and promote the rights and welfare of children victims of VAWC and coordinate and monitor their implementation; and
4. Formulate plans, policies and program interventions to address VAWC.

d) Department of Education (DepEd)

1. Conduct trainings for teachers on how to handle children, who are victim-survivors of VAWC in the home;
2. Conduct gender sensitivity trainings and seminars on VAWC;

3. Develop gender-fair curricula in elementary and secondary levels, produce gender-responsive instructional materials and integrate in the appropriate subject areas core messages on VAWC by providing lessons that emphasize the social costs and implications of VAWC;

4. Train principals and teachers on the preparation of applications of BPOs. Teachers and principals shall assist victim-survivors in preparing applications for BPOs when requested by the victim-survivors or barangay officials;

5. Develop protocols in handling students, personnel, teachers who are suspected to be victim-survivors or perpetrators of VAWC; and

6. Establish school-based intervention programs for VAWC.

e) Department of the Interior and Local Government (DILG)

1. Issue policies and guidelines to ensure sustained implementation of the provisions of the Act and its IRR to include strengthening the Barangay Council for the Protection of Children (BCPC) and Sangguniang Committee on Women and Family (SCWF);

2. Conduct IEC programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, cause, incidence and consequences of such violence particularly towards educating the LGUs including barangay and its employees on the social impacts of VAWC;

3. In coordination with the IAC-VAWC, formulate programs and projects to effectively implement Anti-VAWC law, including but not limited to the following:
a) conduct of a massive information and education

campaign on the law; b) development/issuance of supplemental guidelines/standards;

4. Ensure the continuous capacity building activities for its employees as well as the local officials and staff;

5. Monitor implementation of the Act in the LGUs to ensure full compliance; and

6. Utilize its training and education arms such as the Philippine Public Safety College (PPSC) and the Local Government Academy (LGA) for their continuing training and capacity-building on Anti-VAWC and other related laws.

f) Department of Health (DOH)

1. Strengthen/establish Women and Children Protection Units (WCPUs) in DOH Hospitals for the health care of women and children victim-survivor of violence;

2. Provide immediate personalized, gender-sensitive medical assistance to victim-survivors of violence;

3. Develop and adopt a uniformed medical protocol for all victim-survivors of violence;

4. Create a monitoring and evaluation mechanism to ensure compliance of medical practitioners to the provisions of the Act;

5. Provide relevant training to WCPU staff on women and children protection which includes appropriate medical management, forensic examination, gender-sensitive counseling and interviewing skills;

6. Equip WCPU doctors with knowledge and skills that will enable them to act as expert witnesses in court, if necessary;

7. Ensure validity and confidentiality of medical records;

8. Coordinate with other government agencies and NGOs for a more organized approach to address other nonmedical needs of the victim-survivor; and

9. Conduct consultation workshops to integrate gender perspective in policy guidelines and trainings for gender and health.

g) Department of Justice (DOJ)

1. Ensure the immediate prosecution of violators of the Act;

2. Designate and train special prosecutors who shall investigate and prosecute VAWC cases;

3. Establish a mechanism for free legal assistance for VAWC cases, in coordination with the DSWD, Commission on Human Rights (CHR), Integrated Bar of the Philippines (IBP), NGOs and volunteer groups;

4. Conduct training and continuing education programs specifically for prosecutors, public attorneys and those involve in VAWC cases;

5. Review and recommend policies and measures to enhance protection of VAWC victim-survivors;

6. Develop/adopt gender-responsive procedures in handling VAWC cases; institutionalize mechanisms, review and update existing policies to ensure the gender-sensitivity and gender-responsiveness of the Witness Protection and Benefit Program;

7. If necessary, revise the Rules of the National Prosecution Service to ensure that cases of VAWC under the Act shall have priority over all other pending cases;

8. Ensure appropriate and speedy disposition of VAWC cases within forty-five (45) days; and

9. Ensure that Regional Directors or Regional State Prosecutors shall make a monthly monitoring of VAWC cases to ensure the speedy disposition of cases.

h) Department of Labor and Employment (DOLE)

1. Ensure the implementation of Sec. 43 of the Act;

2. Monitor, document and report cases of VAWC specifically on children forced to work by their perpetrators;

3. Conduct public awareness programs and activities to prevent victimization of women and children; and,

4. Make available employment and livelihood programs that suit the skills of women victim-survivors of abuse to facilitate their recovery and reintegration into the communities.

i) Department of Social Welfare and Development (DSWD)

1. Ensure the gender-responsiveness of all its programs and projects particularly those relating to VAWC;

2. Ensure the nationwide implementation of the National Family Violence Prevention Program;

3. Continue to improve center and community-based services and develop programs responsive to the needs and concerns of victim-survivors of VAWC;

4. Raise gender-sensitivity among social workers and other direct-service providers, through: a) supporting the conduct of Gender-Sensitivity Trainings (GSTs) in 15 regional offices for DSWD staff; and b) review and

ensure that policies and mechanisms in the Department, particularly its bureaus and attached agencies are gender-sensitive and gender-responsive;

5. Develop and/or integrate VAWC core messages in the Code of Ethics of social workers;

6. Make available productivity skills and other capability building programs for VAWC victim-survivors;

7. Develop program, rehabilitation, counseling and other support interventions to facilitate the recovery/healing and reintegration of victim-survivors of abuse into the communities;

8. Conduct technical assistance and capability building programs for social welfare officers/social workers of LGUs, NGOs and other interest groups;

9. Create mechanisms where women and girls can report VAWC cases in a safe and confidential environment, free from fear and retaliation;

10. Develop programs to rehabilitate perpetrators;

11. Adopt/develop procedures in handling VAWC cases;

12. Accredite NGOs, counselors and social workers that provide programs and services to VAWC victim-survivors; and

13. Periodically monitor and evaluate these NGOs to ensure that they meet the standards set by the

j) National Commission on the Role of Filipino Women (NCRFW)

1. Conduct fora involving VAWC victim-survivors and women's NGOs to generate and validate data on the

accessibility and effectiveness of existing VAWC services;

2. Actively advocate and participate in international and regional discussions and initiatives on VAWC and include the same in all international commitments and policy pronouncements;

3. Assist the Council in the formulation and monitoring of policies addressing the issue of VAWC in coordination with relevant government agencies;

4. Assist the Council in the conduct of information dissemination and training of frontline government agencies, NGOs and the general public;

5. Assist in the development of a standardized gender-responsive documentation system, standardized core messages and VAWC protocols. Collect/research on the profile of existing VAWC services and facilities at the national and local level in coordination with other agencies such as the DSWD, DOH, PNP, NBI, NAPOLCOM, DOJ and NSCB; and

6. Assist the Council in the formulation of prevention, counseling and rehabilitation programs for victims of VAWC.

k) National Bureau of Investigation (NBI)

1. In all its regional and provincial offices, provide one-stop shop for all the needed legal and medical services for VAWC victim-survivor;

2. Develop/adopt a protocol in handling VAWC cases;

3. Conduct regular inspection in the setting-up of one-stop shop facilities to ensure that procedures and personnel are gender-sensitive and gender responsive and monitor the activities in the respective Child Friendly Investigation Studios (CFIS) from time to

time to determine its effectiveness and success in addressing cases of VAWC;

4. Conduct trainings that will raise gender-sensitivity among NBI agents/investigators and personnel;

5. Closely coordinate with all the Council member agencies for the effective detection and investigation of suspected VAWC perpetrators; and

6. Formulate plans and programs for the detection and prevention of VAWC, and for the arrest and prosecution of suspected VAWC abusers/ perpetrators.

1) Philippine National Police (PNP)

1. Ensure the gender-responsiveness of the PNP protocols and procedures in handling VAWC cases;

2. Establish an education and training program for police officers to enable the proper handling of cases of violence against women and their children;

3. Develop and implement Police Protocol on Handling VAWC Cases under the Act and other related laws;

4. Collaborate with barangay officials, government and non-government organizations, church and civic organizations in preventing VAWC;

5. Revise its administrative disciplinary measures for police personnel who are administratively or criminally charged with committing acts under the Act;

6. Develop and implement a nationwide community-based crime prevention program that deals with the issues of domestic/family violence, abuse of women in intimate relations, child abuse and juvenile delinquency, among other interrelated issues;

7. Establish consciousness-raising and skills-enhancement training programs in the form of seminars or short courses to be used for the training of all police personnel, including barangay officials and organized communities in coordination with the DILG, regarding the implementation of the Act, as well as related laws and international human rights conventions for the protection of women and children from various forms of violence and abuse;

8. Formulate and provide regular issuances on institutional policies relevant to the improvement of law enforcement responses to cases under the Act as well as the development of the PNP as gender sensitive law enforcement institution;

9. Coordinate with other government agencies and NGOs on the enhancement of programs and services for the protection of women and their children from various forms of violence cited under the Act; and

10. Monitor the established mechanisms for compliance and commitment of the police personnel on the implementation of the Act.

RULE X

CAPACITY-BUILDING FOR SERVICES PROVIDERS

Section 62. Training of government personnel involved in responding to VAWC. – All agencies involved in responding to violence against women and their children cases shall be required to undergo education and training to acquaint them with the:

- a) Nature, extent and causes of VAWC;
- b) Legal rights of, and remedies available to, victim-survivors of VAWC;
- c) Services and facilities available to victim-survivors;

d) Legal duties of police officers in the arrest of perpetrators and protection and assistance to victim-survivors; and

e) Techniques for handling incidents of VAWC that minimize the likelihood of injury to the officer and promote the safety of the victim-survivor.

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

RULE XI CONFIDENTIALITY

Section 63. Confidentiality. - During the investigation, prosecution and trial of an offense under the Act, law enforcement officials, prosecution, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the victim-survivor of violence. Law enforcement officers and prosecutors shall conduct closed-door investigations and shall not allow the media to have access to any information regarding the victim-survivor.

The adult victim, however, may choose to go public or speak with the media, preferably with the assistance of her counsel.

The barangay officials, law enforcers, prosecutors and court personnel shall not disclose the names and personal circumstances of the victim-survivors or complainants or any other information tending to establish their identities to the media or the public or compromise her identity.

It shall be unlawful for any editor, publisher, reporter or columnist in case of printed materials, announcer or producer in case of television and radio, producer and director of a film in case of the movie industry, or any person utilizing tri-media or information technology to cause publicity of the name or identity of the victim-survivor or complainant without her consent. Identities of children shall not in any way be disclosed

to the public without the conformity of the DSWD officer of the city or province.

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

RULE XII FUNDING

Section 64. Inclusion in Agency Appropriations. – The heads of departments and agencies concerned shall immediately include in their annual appropriations the funding necessary to implement programs and services required by the Act and these regulations.

In the interim, the funding necessary to carry out their mandate under the Act may be charged against their Gender and Development (GAD) budget. All concerned departments including their attached agencies, offices, state colleges and universities, government owned and/or controlled corporations and LGUs shall prioritize the use of their GAD Budget for services and programs for VAWC victim-survivors as well as in its prevention. The 20% Development Fund of LGUs shall also be tapped for the same purpose.

RULE XIII FINAL PROVISIONS

Section 65. Separability Clause. – If for any reason, any part or provisions of this Implementing Rules and Regulations shall be held unconstitutional or invalid, other sections or provision hereof which are not affected thereby shall continue to be in full force and effect.

Section 66. Repealing Clause. – All laws, presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the Act and these rules and regulations are hereby repealed or modified accordingly.

Section 67. Effectivity. – These Rules and Regulations shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

**Republic of the Philippines
Congress of the Philippines**

Metro Manila

Tenth Congress

Republic Act No. 8505

February 13, 1998

**AN ACT PROVIDING ASSISTANCE AND PROTECTION
FOR RAPE VICTIMS, ESTABLISHING FOR THE
PURPOSE A RAPE CRISIS CENTER IN EVERY
PROVINCE AND CITY, AUTHORIZING THE
APPROPRIATION OF FUNDS THEREFOR, AND FOR
OTHER PURPOSES**

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

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

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

Section 3. Rape Crisis Center. - The Department of
Social Welfare and Development (DSWD), the Department of
Health (DOH), the Department of the Interior and Local
Government (DILG), the Department of Justice (DOJ), and a
lead non-government organization (NGO) with proven track
record or experience in handling sexual abuse cases, shall

establish in every province and city a rape crisis center located in a government hospital or health clinic or in any other suitable place for the purpose of:

(a) Providing rape victims with psychological counselling, medical and health services, including their medico-legal examination;

(b) Securing free legal assistance or service, when necessary, for rape victims;

(c) Assisting rape victims in the investigation to hasten the arrest of offenders and the filing of cases in court;

(d) Ensuring the privacy and safety of rape victims;

(e) Providing psychological counseling and medical services whenever necessary for the family of rape victims;

(f) Developing and undertaking a training program for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers, and barangay officials on human rights and responsibilities; gender sensitivity and legal management of rape cases; *alf-lawphil*

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

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

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

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

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

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

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

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

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

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

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

Section 7. *Appropriations.* - For the establishment and operation of the rape crisis centers during the first year of implementation of this Act, the amount of One hundred twenty million pesos (P120,000,000.00) shall be charged against the Organizational Adjustment Fund, as follows: Sixty million pesos (P60,000,000.00) for the DSWD; and Twenty million pesos (P20,000,000.00) each for the DOH, DILG, and DOJ, respectively. Thereafter, the necessary amount for the rape crisis centers shall be included in the budgetary allocations for the agencies concerned in the annual General Appropriations Act.

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

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

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

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

Approved: **February 13, 1998**

REPUBLIC ACT NO. 7877

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

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

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

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

SECTION 3. *Work, Education or Training -Related,
Sexual Harassment Defined.* - Work, education or training-
related sexual harassment is committed by an employer,
employee, manager, supervisor, agent of the employer, teacher,
instructor, professor, coach, trainor, or any other person who,
having authority, influence or moral ascendancy over another in
a work or training or education environment, demands, requests
or otherwise requires n any sexual favor from the other,
regardless of whether the demand, request or requirement for
submission is accepted by the object of said Act.

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

(1) The sexual favor is made as a condition in
the hiring or in the employment, re-
employment or continued employment of said
individual, or in granting said individual
favorable compensation, terms of conditions,

promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

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

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

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

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

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

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

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

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

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

(a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

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

The said rules and regulations issued pursuant to this subsection

(a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

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

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

In the case of the educational or training institution, the committee shall be composed of at least one (1)

representative from the administration, the trainers, instructors, professors or coaches and students or trainees, as the case may be.

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

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

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

SECTION 7. *Penalties.* - Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court.

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

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

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

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

Approved: (Sgd.)

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

JOSE DE VENECIA, JR.
Speaker of the House of Representatives

This Act is a consolidation of House Bill No. 9425 and Senate Bill No. 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.

(Sgd.)

EDGARDO E. TUMANGAN
Secretary of the Senate

(Sgd.)

CAMILO L. SABIO
Secretary General
House of Representatives

Approved: February 14, 1995

(Sgd.)

FIDEL V. RAMOS
President of the Philippines



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