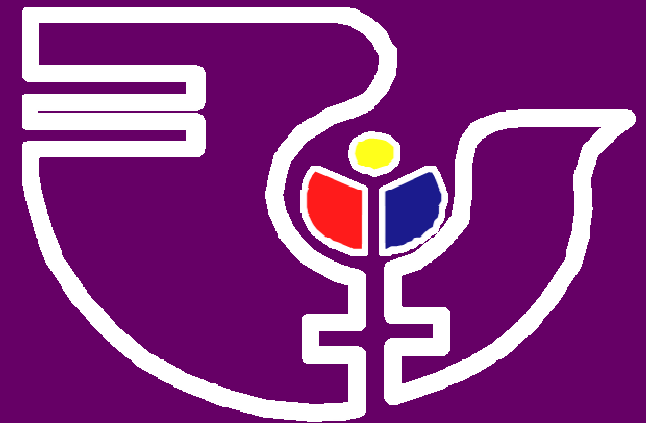


**THE IMPLEMENTING RULES  
AND REGULATIONS  
OF **REPUBLIC ACT NO. 9710**,  
OTHERWISE KNOWN AS THE  
**“MAGNA CARTA OF WOMEN”****



Philippine Commission on Women

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## What is the Magna Carta of Women?

The **Magna Carta of Women** is a comprehensive women's human rights law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the **rights of Filipino women, especially those in the marginalized sectors.**

# Background of RA 9710

- ❑ **14 August 2009** – signed by President Gloria Macapagal-Arroyo in Malacañang Palace
- ❑ **31 August 2009** – published in 2 major newspapers (PDI and Malaya)
- ❑ **15 September 2009** – law's effectivity date
- ❑ **October-December 2009** – Technical Drafting Committee conducted cluster consultations with representatives from government agencies and women's NGOs
- ❑ **17 March 2010** – presented the first draft of the IRR to the PCW Board of Commissioners (BOC)
- ❑ **30 March 2010** – PCW BOC adopted the MCW IRR
- ❑ **25 June 2010**- MCW IRR published in Malaya newspaper

## Rule II, Section 7- Definition of Terms

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 or groups: Small farmers and rural workers, Fisherfolk, Urban poor, Workers in the formal economy, Workers in the informal economy, Migrant workers, Indigenous Peoples, Moro, Children, Senior citizens, Persons with disabilities, and Solo parents.**

## Section 41. Monitoring Progress and Implementation and Impact of this Act

- ❑ Within 180 days from the adoption of IRR, agencies and **LGUs to submit a report on the implementation of the Act**
- ❑ **Regular reports** shall be submitted every **January of every year** (NGAs to submit to PCW, LGUs to DILG)
- ❑ DILG to consolidate reports of LGUs and submit to PCW **every March**
- ❑ All agencies and LGUs to **monitor the effectiveness of their own programs**
- ❑ PCW and CHR to consolidate all reports and **submit an assessment report to Committee on Oversight of the Congress every 3 years**

# Section 42. Penalties

- ❑ **CHR** to recommend (to the CSC, DILG, Sandiganbayan, Office of the Ombudsman) either **administrative or disciplinary sanctions** to individuals who fail to comply with the said Act, including non-compliance to the GAD Budget policy
  
- ❑ Within **60 days from the date of receipt**:
  - ❑ **CSC** to act on CHR's recommendations
  - ❑ In the case of LGUs, **DILG** to conduct appropriate response to CHR's recommendations
  - ❑ **CSC and DILG**: required to furnish CHR with the actions taken
  
- ❑ The **CHR** shall:
  - ❑ Establish the **guidelines for processing and handling of violations** committed by private entities or individuals
  - ❑ Forward its recommendation to the appropriate agency of the government
  - ❑ **Assist the victim or complaint in the filing of cases** and develop guidelines and mechanisms for such purpose

# ECONOMIC RIGHTS/POWER

# Section 23. Food Security and Productive Resources

## B. Right to Resources for Food Production

- ❑ Equal status between men and women in the titling of the land and issuance of contracts and patents, and in the filing, acceptance, processing, and approval of public land applications particularly for Emancipation Patent (EP) and Certificate of Land Ownership Award (CLOA) (DAR)
- ❑ Certificate of Stewardships shall be issued in the name of BOTH spouses (DENR)



# Section 25. Right to Decent Work

## DOLE and CSC to:

- Advance women's rights to decent work
- Facilitate adequate consultative mechanisms with workers and employers groups
- Ensure the provision of support services and gears to protect women from occupational and health hazards taking into account women's maternal functions
- Work closely with both the employers and unions or worker representatives, in the private sector in promoting a safe and healthy workplace

## Section 26. Right to Livelihood, Credit, Capital and Technology

- ❑ **DOF, DTI, BSP, PCFC, GFIs and MFIs** shall formulate and implement policies, plans and programs to give women easy access to capital and credit for business enterprises
- ❑ **DOLE, TESDA, NAPC, DOST, DTI, DSWD, DA, DOF, BSP, TRC and other BSOs** shall ensure availability of trainings and capacity building programs for women potential entrepreneurs and ensure provision of support services
- ❑ **DOLE** shall ensure the integration of returning women migrant workers into the labor force

## Section 30. Social Protection

- ❑ Sustain labor market programs to create employment and alternative livelihood (DOLE, DTI, DSWD, LGUs and other similar agencies)
- ❑ Reduce transfer costs of remittances from abroad (DFA, BSP)
- ❑ Establish a health insurance program for senior citizens (PhilHealth and LGUs)
- ❑ Support community-based social protection scheme and develop social protection programs for women with disabilities (NCDA, PhilHealth, SSS, GSIS, LGUs)

## Section 30. Social Protection

- ❑ **SSS and PhilHealth** shall support **indigenous and community-based social protection schemes**, and conduct regular review and consultations to ensure **benefit packages are responsive and affordable to marginalized sectors**
- ❑ Provide **learning sessions on women's safety and health** through existing structures within the LGUs or by creating new mechanisms (**DOLE and LGUs**)
- ❑ Mainstream **programs on poverty reduction and disaster risk reduction** (**NAPC and disaster coordinating councils together with LGUs**)

# Section 27. Right to Education and Training (for migrant workers)

**DOLE and other concerned agencies** shall ensure the provision of the following:

- Training institutions accessible to migrant women irrespective of age, ethnicity, religion, class and marital status
- Extensive dissemination of training and scholarship programs that will widen their career options
- Language skills training and culture familiarization on the country of destination
- Database on returning migrant workers who would want to avail of skills development and training
- GSTs and Seminars

POLITICAL  
PARTICIPATION/VOICE

# Section 12. Protection from Violence

**RESPONSIBLE AGENCIES: CSC, DBM, NAPOLCOM, NBI, DOJ.**

- Incremental increase** in the recruitment and training of women in the police force, forensics and medico-legal, legal services, and social work services within the **next 5 years until 50% are women**
- No women shall be **forcibly recruited/required to take part in armed conflict**
- Mandatory training on gender and human rights** for all government personnel
- Establishment of a **VAW Desk in all barangays**

# Section 14. Participation and Representation

- ❑ 50-50 gender balance in 5 years for women employees for third-level positions (**CESB, CSC**)
- ❑ 40% membership of women in all development councils (**RDCs for regional development councils, LGUs for local development councils**)
- ❑ **Women** represented in other **policy and decision-making bodies**
- ❑ Review of policies on recruitment and selection, qualifying examinations, assignment of posts and missions (**DFA, DTI, DSWD, DOLE**)
- ❑ to incorporate women's political participation in their guidelines (**COMELEC**)



# Section 28. Right to Participation and Representation

- Ensure women's participation in **all decision-making and policy-making bodies** in national, regional and local levels in the following:
  - **PARC, PARCCOM, BARC, community-based management bodies/mechanisms, NAFC, NFARMC, NCIP, PCUP, LHBs, NAPC Basic Sectoral Councils**
  - ensure sectoral councils have at least 30% women membership (**NAPC**)

SOCIAL/LEGAL RIGHTS

# Section 12. Protection from Violence

*D.* All barangays shall establish a Violence Against Women (VAW) Desk.

**RESPONSIBLE AGENCIES/INSTITUTIONS: PCW, DILG, DSWD, DOH, and DepEd, ALL BARANGAYS, PROVINCIAL GOVERNORS, CITY AND MUNICIPAL MAYORS**

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.

# Section 15. Equal Treatment Before the Law

- ❑ Prioritizing the repeal/amendment of the **discriminatory provisions of existing laws**
  - ❑ Family Code of the Philippines
    - ❑ Decision-making in the family (*Art. 14, 96 and 124, 211, 225, 55*)
  - ❑ Revised Penal Code
    - ❑ on adultery and concubinage (*Art. 333-334*)
    - ❑ on definition of vagrants and prostitution (*Art. 202*)
    - ❑ on premature marriage (*Art. 351*)
  - ❑ on night work prohibition (*Art. 30 of the Labor Code*)
  - ❑ Section on disputable presumptions of the Rules of Court (*Art. 130*)
  - ❑ Code of Muslim Personal Laws
  - ❑ RA 8353 – removal of criminal liability of rapist when victim marries him
- ❑ LGUs to review **local existing ordinances and policies**

## Section 16. Equal Access and Elimination of Discrimination in Education, Scholarships, and Training

- Prohibition of expulsion and non-readmission of women faculty and students due to pregnancy outside marriage **(DepEd, CHED, TESDA to monitor and ensure compliance)**
- Development and promotion of a gender-sensitive curriculum and gender-fair instructional materials **(DepEd, CHED, TESDA)**
- More women in **non-traditional skills training**

# Section 21. Special Leave Benefits for Women

- ❑ Special leave of 2 months with full pay for female employees who underwent surgery caused by gynecological disorders
  
- ❑ The following terms and conditions shall apply:
  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 non-convertible to cash.
  
- ❑ **CSC and DOLE** to issue further guidelines and appropriate memorandum circulars within sixty (60) days from the adoption of the IRR

## Section 20. Women's Right to Health

**Comprehensive health services** - ensure access to the following programs and services:

- ✓ Pre-natal services, delivery and post-natal services
- ✓ Breastfeeding and proper nutrition for lactating mothers
- ✓ Responsible, ethical, legal, safe, and effective method of family planning
- ✓ Family and State collaboration in youth sexuality education
- ✓ Reproductive tract cancers
- ✓ STIs, HIV and AIDS
- ✓ Prevention of abortion and management of pregnancy-related complications
- ✓ Violence against Women
- ✓ Infertility and sexual dysfunctions
- ✓ Care of elderly women
- ✓ Mental health management, treatment and interventions

# Section 20. Women's Right to Health

## *Roles of Agencies*

- ❑ Development and institutionalization of sex-disaggregated databank on health-related concerns (DOH)
- ❑ Provision of functional girl-child and adolescent health services in every school (DepEd with DOH)
- ❑ Inclusion of maternal care and women's health services in its benefit packages (PhilHealth)
- ❑ DOLE to require workplaces to provide facilities for women (ie. Breastfeeding areas, toilets and dressing rooms)



# Section 20. Women's Right to Health

## *Roles of LGUs*

- ❑ Implement **gender-responsive, rights-based and culture-sensitive local ordinances and policies** that promote the comprehensive health of girls, adolescents, women and elderly women
- ❑ Formulate a health **human resource development plan** to ensure sufficient no. of skilled health professionals to attend to all deliveries, and availability of qualified and capable health service providers
- ❑ Develop health programs that:
  - ❑ Encourage constituents to **access and demand services** for women & girls
  - ❑ Involve women and girls in **planning health programs and in decision-making**
  - ❑ **Allocate budget or resources** for implementing programs for women and girls in the local level

# Section 20. Women's Right to Health

## *Roles of LGUs*

- ❑ Monitor **progress of programs** for women and girls
- ❑ Enhance **parent effectiveness services**, programs and educational activities on gender-based violence and other forms of VAW in the barangay
- ❑ Coordinate with DOH in the **organization of inter-local health zones**
- ❑ **Strengthen the local health board**
- ❑ Develop **awards system to encourage excellent performance** in the implementation of women's health programs
- ❑ Organize **communities to implement health programs** for women and girls
- ❑ Continue **dialogues to clarify implementation of laws** in relation to pregnancy that endangers the life of the mother

## Section 20. Women's Right to Health

### Comprehensive Health Information and Education

#### **RESPONSIBLE AGENCIES: DEPED, CHED AND GOVT AGENCIES WITH HEALTH-RELATED PROGRAMS AND SERVICES**

- Age appropriate adolescent health and sexuality education taught by trained educators in both public and private schools
- Sexuality education for parents
- Programs for the elderly women
- Trainings for health service providers/educators towards gender-responsive, culture-sensitive, non-discriminatory and non-judgmental behaviors and attitudes
- Health and sexuality education/counseling available in teen centers