



Republic of the Philippines  
**BATANGAS STATE UNIVERSITY**

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**Office of the University President**

Memorandum Order No. **260-f**  
Series of 2021

**TO : ALL CONCERNED**

**THRU : VICE PRESIDENTS AND CHANCELLORS**

**SUBJECT : RECRUITMENT AND REASONABLE ACCOMODATION OF STUDENTS FROM UNDERREPRESENTED GROUPS**

**DATE : 11 JANUARY 2021**

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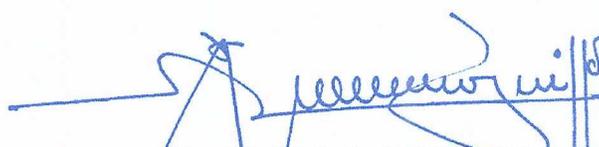
In relation to the Office of the University President (OUP) Memorandum Order No. 260-e, s. 2021 Re: Compliance with Non-Discrimination Laws, Rules and Regulations in the Access of the BatStateU Education, all offices involved in the admission process of students must be guided by the following in addition to existing policies in place:

<b>Group</b>	<b>Mandatory Actions</b>	<b>Legal Basis</b>
Learners with Special Needs	<p>The Testing and Admission Office (TAO) must be prepared to accommodate applicants with special needs. Hence, reasonable accommodations must be in place such as the existence of Braille or other materials necessary for one with special needs to successfully complete the admission process. Further, for persons with orthopedic handicaps, school facilities must be compliant with Batas Pambansa Blg. 344.</p> <p>Once enrolled in the University, they must be integrated and mainstreamed and undergo the regular curriculum. In all cases, however, reasonable accommodations must be extended such as as: reading, writing Braille, record</p>	Implementing Rules and Regulations of the Magna Carta For Disabled Persons (Republic Act No. 7277)

	<p>library services, orientation and mobility, optical and medical services, counseling and other assistance. There must also be a scheme where they may be referred to such support personnel as sign language interpreters, audiologist, otologist, speech therapist, auditory trainers and others as needed.</p> <p>Students with orthopedic handicaps shall be allowed to attend classes in the ground floors of the school buildings whenever possible. Class schedule and other pertinent considerations shall be made to suit their learning requirements.</p>	
Indigenous Peoples	<p>The University shall also endeavor to recruit members of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs) as students.</p> <p>In all stages of their stay in the University, ICCs/IPs shall be treated equal to all other individuals in their dignity as human beings and shall be free from any kind of adverse discrimination for reason of their indigenous origin or identity. Their culture must always be respected and reasonable accommodations (<i>necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure ICCs/IPs the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms</i>) shall likewise be extended to them</p>	Rules and Regulations Implementing Republic Act No. 8371, Otherwise known as "The Indigenous Peoples' Rights Act of 1997"

Women	Enrollment of women in nontraditional skills training shall be encouraged. The University shall not 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 the University.	Implementing Rules and Regulations of the Magna Carta For Women (Republic Act No. 9710)
Other groups with characteristics protected by law (e.g. color, religion, sex, sexual orientation, gender identity or expression)	The University shall endeavor to recruit and admit students regardless of their color, religion, sex, sexual orientation, gender identity or expression. Reasonable accommodations must be extended to them during their entire stay in the University ( <i>necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure the enjoyment and exercise of their rights on an equal basis with others of all human rights and fundamental freedoms</i> )	Republic Act No. 9045 or the Batangas State University Charter

The Office of Student Affairs and Services (OSAS) is hereby directed to assure continuing observance of the foregoing policies.

  
**Dr. TIRSO A. RONQUILLO**  
 University President

cc: *Shirley De Jesus*  
 Office of the University and Board Secretary  
 Records Management Office, Central Administration  
 Office of Student Affairs Services

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# IRR OF RA 7277

## IMPLEMENTING RULES AND REGULATIONS OF THE MAGNA CARTA FOR DISABLED PERSONS (Republic Act No. 7277)

### RULE I

#### DEFINITION OF TERMS

Abandoned “ an abandoned disabled person is one who has no proper parental care or guardianship, or whose parents or guardians have deserted him for a period of at least six continuous months.

Abused “ an abused disabled person is one who has been maltreated raped, or seduced, exploited and overworked or made to work under conditions not conducive to good health.

He/She is

made to be in the street or public places, and is exposed to moral danger.

Accreditation “ means the Certification given by the Department of Health (DOH) and the

Department of Labor and Employment (DOLE) recognizing the disability, skills, and qualifications of a disabled worker.

Adapted Physical Education “ therapeutic application of physical education to rehabilitate

learners with special needs whose functional deficiencies are amenable to improvement through

exercise. Adapted physical education programs should be planned and implemented in coordination with psychological and medical services.

Affordable Cost “ the lowest amount charged to a person that meets the criteria for affordability

as determined under existing policies of the Department of Health.

Apprentice “ means a worker who is covered by a written Apprenticeship Agreement with an individual employer.

Apprenticeable Occupation “ means any trade, form of employment or occupation, which

requires more than three (3) months of practical on-the-job training supplemented by related

theoretical instruction.

Apprenticeship “ means on-the-job practical training supplemented by related theoretical instruction.

Apprenticeship Agreement “ means written employments contract in which the employer binds

himself to train the apprentice in turn agrees to work for the employer.

Auditory Training “ the producer of teaching persons with hearing impairments, to make full use of their residual ability.

Auxiliary – a. Offering, providing help, assistance or support

b. Functioning in a subsidiary capacity; augmenting or available to augment a basis power, potential, or ability; supplementary.

Auxiliary Aids and Services include:

1. Qualified interpreters or other effective methods of delivering materials to individuals with

hearing impairments;

2. Qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments;

3. Acquisition or modification of equipment or devices; and

4. Other similar services and actions or all types of aids and services that facilitate the learning

process of people with mental disability.

Auxiliary Social Services “ are the supportive activities in the delivery of social services to the

marginalized sectors of society.

Basic Medical Services “ services rendered to disabled patients within the competence and capability of DOH health facilities which include health examinations, medical/surgical procedures, regular dental care and selected procedures, routine/special laboratory examinations, and ancillary procedures as required.

Cognitive Skills “ refers to the ability to see, perceive, understand, and see the relationship between ideas and facts.

Commerce “ shall be taken on mean as travel, trade, traffic, commerce, transportation, or level that use and build on the resources of the community, including the impaired disabled and

handicapped persons themselves, their families, and their community as a whole.

Complete, Adequate and Integrated System of Special Education “ educational program that

caters to various types of learners with special needs from preschool to tertiary levels and their

formal or nonformal programs that are complementary mutually reinforcing and a comparable standards.

Covered Entity “ means an employer, employment agency, labor organization or joint labor-, management committee.

Customized Vehicle “ a vehicle manufactured, reconstituted or reassembled to suit the

particular user according to his personal requirements, needs or desire.

Depot “ an area where facilities for storing, classifying and sorting of goods/cargoes are

provided. It may be a part or separate from the terminal and serves as a place for storing of the

transport facility, fueling, clearing, inspection, and repair.

Disability “ shall mean (1) a physical impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment;

Disabled Gifted “ persons who demonstrate superior performance capabilities in intellectual,

creative, specific academic areas, leadership, or in the arts in spite of physical, sensory or

psychosocial disabilities.

Disabled Persons “ those suffering from restriction of different abilities, as a result of a mental,

Physical or sensory impairment, in performing an activity in the manner or within the range

considered normal for a human being.

Disabled Worker “ means a worker whose earning capacity is impaired by mental, physical or sensory deficiency or injury.

Employment Agreement “ means the contract of employment entered into between the

employer and the disabled worker.

Formal Education “ refers to hierarchically structured and chronologically graded learning

organized and provided by the formal school system and for which certification is required in

order for the learner to progress through the grades or moved higher level (P.B. 232 “ Education

Act 1982)

Fits/Seizures – a neurologic condition characterized by sudden loss of consciousness coupled

with sudden uncontrolled movements.

Functional – Relating directly to everybody needs and interests;

– Concerned with application in activity;

– Practical;

– Performing or able to perform its regular function

Handicap “ refers to disadvantage for a given individual, resulting from an impairment or a

disability, that limits or prevents the function or activity, that is considered normal given the age

and sex of the individual.

Handicapped “ a disadvantaged for a given individual, resulting from an impairment or a

disability, that limits or prevents the function or activity, that is considered normal given the age

and sex of the handicapped individual.

Impairment “ is any loss, diminution or aberration of psychological, physiological, or anatomical structure or function.

Income Producing Projects or Homework Schemes “ means the work and services that a

disabled person can adequately and preferentially do or provide in sheltered workshops or in

about the disabled persons homes that will provide them the opportunity to earn a living and

acquire a working capacity required in open industry.

Independent Living “ the degree to which a disabled person is able to maintain himself

independently in the community and in gainful employment.

Indigent “ a disabled person whose level of income falls below the poverty threshold.

Learner with Special Needs “ a person who differs significantly from the average learner in (a)

mental characteristics; (b) sensory abilities; (c) neuromuscular or physical

characteristics; (d)

psychosocial characteristics; or has multiple handicaps or has chronic illness; and or has a

developmental lag to such an extent that he requires modified or specialized instruction and

services in order to develop to his maximum capability.

Learning Disabled “ persons who, although normal in sensory, emotional and intellectual

abilities, exhibit disorders in perception, listening, thinking, reading, writing, spelling, and arithmetic.

Learning Institution (LI) “ any educational institution managed or owned by the government, a

private individual, a corporation or any legal entity, which caters to children, youth and adults

with special needs. A learning institution may be day or residential in nature.

Local Government Unit “ refers to the municipality, city, and province or to any political

subdivision of the national government as defined by law.

Marginalized Disabled Persons “ refer to disabled persons who lack access to rehabilitative

services and opportunities to be able to participate fully in socio-economic activities and who

have no means of livelihood or whose incomes fall below the poverty threshold.

Mental Disability “ disability resulting from organic brain syndromes (example: mental retardation, acquired lesions of the central nervous system, dementia) and mental illnesses

(psychotic and non-psychotic disorders).

Multi-handicapped “ persons with more than one disability such as those with mental retardation-blindness mental retardation-orthopedic handicap, deafness-blindness and others.

Neglected “ a neglected disabled person is one whose basic needs have been deliberately

unattended or inadequately attended. As a result, the disabled person is either malnourished, ill clad or without proper shelter.

Nonformal Education " any unstructured educational activity which take place outside the established formal education system. It is designed to complement or extend as well as provide an alternative to the formal education.

Normalization " a principle in SPED where learners with special needs are provided with an educational and living environment as close as possible to what is ordinarily enjoyed by most people.

Orthopedically Handicapped " persons whose impairment interferes either permanently or temporarily, with the normal functioning of the joints, muscles or limbs.

Persons with Autism " a developmental disability, having onset before 30 months of age, which is marked by disturbance in development, language and relationships with persons, activities and objects.

Persons with Behavioral Problems " those who cannot adjust to the socially accepted norms of behavior and, consequently, disrupt their academic progress, the learning efforts of their classmates, and interpersonal relations. Their emotional and social development is so seriously impaired that they cannot benefit from instruction in an ordinary class.

Persons with Hearing Impairment " those with auditory disabilities ranging from mild to profound hearing loss..

Persons with Mental Retardation " those with significant sub-average general intellectual functioning which originates during the developmental period, existing concurrently with deficits in adaptive behavior like maturation, learning and social adjustment.

Persons with Visual Impairment " those with visual disabilities ranging from partial to total loss of vision.

Physiatrist " a doctor of medicine with specialized training in rehabilitation medicine.

Prevocational Skills " refer to preparatory activities designed to equip the learner with readiness skills for formal vocational training.

Private Practitioner " Physicians, physiatrist, physical therapist, occupational therapist, speech therapist, psychologist, and other professionals engaged in private practice.

Program Modification " refers to any adjustments in the educational program and/or services

for learners with special needs in order to facilitate their learning. Modifications and adjustments

may be done in such aspects as classroom program, services and facilities, class schedule,

curricular scope and sequence, teaching objectives, teaching strategies, instructional materials,

facilities and equipment.

Psychosocial " comes from the words psychological and social; inter-relationship of the

psychological aspects pertaining to the thoughts, feelings, reactions, behavior of a person with

the social aspects pertaining to the situation circumstances, events, relationships, other people

which influence or affect the person sometimes to the point of causing distress.

Public Transportation " means transportation by air, land and sea that provides the public with general or special service on a regular and continuing basis..

Public Transport Facilities " shall defined as utilities of public transport operators engaged in the transportation of passengers on land, air and water, with or without fixed route of any class or service. Facilities shall include, among others, the conveyances, terminals, and other areas where people converge to wait for such conveyances.

Qualified Individual with a Disability " shall mean an individual with disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individuals holds or desires. However, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicant for the job, this description shall be considered evidence of the essential functions of the job.

Quality Education " a learning process that makes the individual a better person and prepares him to cope with rapid social change with appropriate skills and positive values leading to productive and meaningful life as responsible citizen.

Readily Achievable " means a goal can be easily attained and carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include "

- 1) the natural and cost of the action;
- 2) the overall financial resources of the facility of facilities involved in the action; the number of persons employed at such facility; the effect on expense and resources, or the impact otherwise of such action upon the operation of the facility
- 3) the overall financial resources of the covered entity with respect to the number of its employees; the number; type and location of its facilities; and
- 4) the type of operations of the covered entity, including the composition, structure and functions of the work force of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity;

Reasonable Accommodations includes 1) improvement of existing facilities used any employees in order to render these readily accessible to and usable by disabled persons; and 2) modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provision of auxiliary aids and services, and other similar accommodations for disabled persons.

Rehabilitation an integrated approach to physical, psychosocial, cultural, spiritual, educational, or vocational measures that create conditions for the individual to attain the highest possible level of functional ability.

Research on Special Problems " studies conducted on special education and related aspects such as: (a) conducted curriculum for particular types of competencies, learners with special needs, (b) teaching strategies, (c) teachers' competencies, (d) materials

development, (e) nature and needs of particular types of learners with special needs, (f) assessment of learners with special needs, (g) programs and services and (h) adaptation in facilities and equipment.

Sheltered Employment “ means the provision of productive work for disabled persons through workshops providing special facilities, income-producing projects or home works schemes with a view of giving the disabled the opportunity to earn a living thus enabling them to acquire a working capacity required in open industry.

Sheltered Workshop “ refers to the places with special facilities for disabled workers, where income producing projects or homework schemes are available for the disabled to earn a living and acquire a working capacity required in open industry.

Social Barriers “ refer to the characteristics of institutions, whether legal, economic, cultural, recreational or other, any human group, community, or society which limit the fullest possible participation of disabled persons in the life of the group. Social barriers include negative attitudes, which tend to single out and exclude disabled persons and which materials and adaptations in facilities equipment.

Social Barriers “ refers to a class generally for one type of a learner with special needs organized within the regular school and taught by a SPED teacher.

Special Education (SPED) “ the type of education specifically designed for learners with special needs who can not profit maximally from regular education such that they require trained personnel, modifications in the caracula, teaching methods, instructional materials and adaptations in facilities and equipment.

Special Education Needs “ take the form of the need for one or more of the following:

(a) the provision of special means of access to the curriculum through special equipments, facilities or resources, modification of the physical environment or specialized teaching techniques;

(b) provision of a special or modified curriculum;

(c) particular attention to the social structure and emotional climate in which education takes place (UNESCO), World Education Report, 1991)

Special Education Teacher “ professionally trained educators teaching learners with special need.

Special Facilities “ means the special environment devoid of architectural and attitudinal or social barriers that further incapacitate a disabled person to function as able as possible. Said facilities, likewise, refer to special equipment, gadgets, machineries and tools of production adapted to the residual capabilities of disabled persons.

Specialty – a particular, peculiar, or individual circumstances, detail or characteristics; – a distinctive or sometimes a restrictive mark or quality

State University and Colleges “ refer to duly establish learning or educational institutions.

Stations “ are designated covered or uncovered areas on the board or highways, railways, seaports, and airports along a route structure intended for loading and unloading passengers and cargo/es for a limited period of time where minimum passenger amenities are provided.

Suitable Employment " means the jobs or occupations appropriate to the needs of disabled persons and which enhance their skills and provide them with better opportunities for employment.

Technical Aids " include equipment, devices and appliances that are used in the prevention, treatment and rehabilitation of disabilities.

Terminal " refers to public terminal of different modes usually located at both ends of the route

structure and/or part of the turning point where passengers merge to enter/exit from public conveyances and transfer to other modes. It is commonly provided with facilities for lay-over,

inspection and repair areas as well as passenger amenities such as restaurants, rest rooms and

lounges. Terminals may include airports, ports and harbors, LRT, PNR, bus and jeepney

terminals which may vary from a simple shelter to a multi-level structure.

Total Communication Approach " a system of communication which incorporate aural, oral

and manual modes of communication involving speech and speech reading, finger spelling and

sign language, reading and writing which may be used singly or in multiple combinations to

ensure effective interaction with other people and among persons with hearing impairment.

Unattached " an unattached disabled person is one who is without a parent, guardian or

custodian, and is dependent upon the public for support.

Vocational Efficiency " level of vocational proficiency and competency which when attained

enables a person to work on an equal footing with other people with similar background and

training.

Vocational Training " refers to the teaching of relevant occupational skills geared towards

gainful employment.

## RULE II

### SECTION 1. Equal Opportunity for Employment

1.1 Opportunity for suitable employment. " Opportunity for suitable employment shall be open

to all qualified disabled persons. Efforts shall be exerted to provide qualified disabled persons equal opportunity in the selection process based on qualification standards prescribed for a appointment to a position.

1.2 Discrimination in employment. " No individual or entity, whether public or private, shall

discriminate against a qualified disabled person by reason of disability in regard to job application procedures; the hiring, promotion, or discharge of employees, employee compensation, job training, and other terms and conditions of employment. The following

constitute acts of discrimination:

a) Limiting, segregating or classifying a disabled job applicant in such manner that adversely affects his work opportunities;

b) Using qualification standards, employment tests or others selection criteria that rule out

or tend to rule out a disabled person unless such standards, tests or other selection criteria are shown to be job-related for the position in question and are consistent with business necessity;

c) Utilizing standards, criteria or methods of administration that:

1. Have the effect of discrimination on the basis of disability; or

2. Perpetuate the discrimination of others who are subject to common administrative control;

d) Providing a lower compensation, salary, wage or other forms of remuneration and fringe

benefits to a qualified disabled employee by reason of his disability as compared to a worker performing the same type and amount of work but who is not disabled;

e) Favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants, solely on account of the latter's disability.

f) Re-assigning or transferring a disabled employee to a job or position he cannot perform

by reason of his disability;

g) Dismissing or terminating the services of the disabled employee by reason of his disability unless the employer can prove that the satisfactory performance of the work involved is impaired by reason of the disability to the prejudice of the business entity, Provided, however, that the employer has first exerted effort to provide reasonable accommodations for the disabled worker;

h) Failing to select or administer in the most effective manner employment tests which accurately reflect or measure the skills, aptitude or positive traits of the disabled applicant or employee rather than the impaired sensory, manual or speaking capabilities of such applicant or employee, if any; and

i) Excluding disabled persons from membership in labor unions or similar organizations.

1.3 Pre-employment medical examination. " Upon an offer of employment, a disabled applicant

may be subjected to a medical examination subject to the following conditions:

a.) Workers to be hired are subjected to such medical examination regardless of whether or

not they are disabled.

b) Information obtained concerning the medical condition or history of the applicant is collected and maintained in separate forms and in separate medical files and is treated as confidential medical information, Provided, however, that:

1. Supervisors and managers may be advised of a medical findings regarding the applicant if it will result in impairment of the work or duties of the employees or will require the installation of special facilities;

2. First aid and safety personnel may also be informed of the medical finding, when appropriate, if the disability will require emergency treatment;

3. The Secretary of the Department of Labor and Employment or his duly authorized representative investigating compliance with this Act shall be provided relevant information or request; and

4. The results of such medical examination shall be used only in accordance with this Act.

1.4 Compensation and other benefits. " The disabled employee shall receive the same

compensation, privileges, fringe benefits, incentives or allowances and other employee benefits as any other qualified employee.

1.5 Reserved positions for the disabled. " Subject to existing laws and regulations, the

Department of Social Welfare and Development (DSWD); DOH; Department of Education, Culture and Sports (DECS); and other government agencies, offices or corporations engaged in social development, shall reserved five percent (5%) of all their casual, emergency and contractual positions for employment of disabled persons.

## SECTION 2. Sheltered Employment

2.1 Provisions of sheltered employment. " The State shall provide sheltered employment to the

disabled if suitable employment is not available in the open labor market. In the placement of

disabled persons in sheltered employment, their individual qualities, vocational goals and

inclinations shall be accorded due regard to ensure a good working atmosphere and efficient

production.

2.2 Sheltered workshop. " For the purpose of sheltered employment, DOLE and DSWD shall

endeavor to set up sheltered workshops in all regions of the country in consultation and

coordination with existing non-government organizations (NGOs) and people's organizations

(POs) which provide parallel services to disabled persons.

2.3 Entitlement to sheltered employment.

(a) Any disabled person who is literate and/or can follow simple instructions and routine work, provided he has undergone training in any particular work or service, shall be entitled to sheltered employment.

(c) The DOLE shall provide training in pre-determined preferential trades for the disabled

who are bound for sheltered employment.

SECTION 3. Apprenticeship and Learnership

3.1 Qualification for Apprenticeship. "To qualify as an apprenticeship or learner, the handicap

of the disabled person should not be such as to effectively impede the performance of job

operation in the particular occupation for which he shall be hired.

In addition, the disabled worker shall:

a.) Be at least fourteen (14) years of age;

b.) Possess vocational aptitude and capacity for apprenticeship; and

c.) Posses the ability to comprehend and follow oral and written instructions.

3.2 Apprenticeship agreement. "Every apprenticeship agreement shall include the following:

(a) The full names and addresses of the contracting parties;

(b) Date of birth of the apprentice;

(c) Name of the trade, occupation or job in which the apprentice will be trainee and the dates on which such training will begin and will approximately end;

(d) The approximate number of hours of on-the-job training as well as of supplementary theoretical instructions which the apprentice shall undergo during his training;

(e) A schedule of the work processes of the trade/occupation in which the apprentice shall be trained and the approximate time to be spent on the job in each process;

(f) The graduated scale of wage to be paid the apprentice;

(g) The probationary period of the apprentice during which either party may summarily terminate the agreement;

(h) A commitment by the employer to make the apprentice a regular employee if the latter's services are retained upon completion of the apprenticeship period; and

(i) A clause that if the employer is unable to fulfill his training obligation, he may transfer the agreement, with the consent of the apprentice, to any other employer who is willing to assume such obligation.

The employer shall furnish the concerned Regional Office of DOLE a copy of the apprenticeship agreement five (5) working days from the date of its execution.

3.3 Apprenticeship programs. "

(a) NMYC shall develop throughout the year apprenticeship programs for disabled persons.

(b) DOLE shall encourage private companies to develop and implement apprenticeship programs for disabled persons.

(c) Apprenticeship programs shall include placement assistance with accredited NGOs.

3.4 Learnership agreement. "Any employer desiring to employ learners shall enter into a

Learnership Agreement with them, which shall include:

(a) the name and address of the learner;

(b) the duration of the learnership period, which shall not exceed three (3) months;

(c) the wages or salary rates of the learner which shall begin at not less than seventy-five

percent (75%) of the applicable minimum wage; and

(d) A commitment by the employer to employ the learner, if he so desires, as a regular employee upon completion of the learnership. A learner who has been allowed or suffered to work during the first two (2) months shall be deemed a regular employee if training is terminated by the employer before the end of the stipulated period through no fault of the learner.

The Learnership Agreement shall be subject to examination by the Secretary of DOLE or his duly authorized representatives.

3.5 Learnership in piece work. " Learners employed in piece or incentives rate jobs during the training period shall be paid in fully for the work done.

#### SECTION 4. Incentives for Employer

##### 4.1 Incentives. "

(a) Private entities that employ disabled persons who meet the required skills or qualifications either as a regular employee, apprentice or learners shall be entitled to an additional deduction from their gross income equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to disabled persons.

(b) Private entities that improve or modify their physical facilities in order to provide reasonable accommodation for disabled persons shall be entitled to an additional deduction from their net income, equivalent to fifty percent (50%) of the direct cost of the improvements or modifications. This Section, however, does not apply to improvements or modifications of facilities required under B.P. Blg. 344.

(c) The DOLE Secretary shall, from time to time, identify and provide other incentives to private entities which employ disabled persons to encourage the active participation of the private sector in promoting the welfare of disabled persons, and to ensure gainful employment for qualified disabled persons.

##### 4.2 Requirement for entitlement to incentives. "

The following shall be the requirements for entitlement to the incentives:

###### A. For employing disabled workers:

(a) DOH Accreditation as to the type of disability/ties of the disabled workers;

(b) DOLE (NMYC) Accreditation as to the skills and qualifications of the disabled workers;

(c) Certification of Employment of the accredited disabled workers from the concerned DOLE Regional Director;

For purposes of Accreditation, DOLE and DOH shall establish a unit in each of their regional offices to facilitate the processing of the accreditation of the disabled persons.

###### B. For improving or modifying physical facilities for reasonable accommodation for disabled employees:

(a) Certification from the building inspectors in consultation with the DSWD and other concerned groups in the region where the facilities are located.

#### SECTION 5. Vocational Rehabilitation

5.1 Principle of equal opportunity. " The principle of equal opportunity for disabled workers

shall extend to the provision to develop their skills for livelihood and gainful employment.

5.2 Vocational rehabilitation training. " The NMYC, in coordination with every concern department agency or LGU, shall include vocational rehabilitation training of disabled person as a component of its continuing human resources development program and shall

exert efforts to integrate that thrust into its corporate plans. Such component may take the

form of research material production, training design and administration, or evaluation and monitoring.

5.3 Vocational rehabilitation program. " In adopting the component of vocational rehabilitation, each agency or LGU, in coordination with NMYC, shall:

(a) Prepare a Comprehensive Support Plan based on the assessment of training needs and

skills inventory of disabled employees which will be provided by the DSWD.

(b) Design, implement and evaluate, a specific and appropriate program which the agency

or LGU can manage, direct and control within its organizational framework and capacity. Such programs shall include, but not be limited, to the following:

1) Orientation Program which is intended to inform disabled employees about the department, agency or LGU programs, thrusts and operations.

- 2) Social Adjustment/Personality/Development Program which is intended to equip disabled persons with dynamics or interpersonal relationships as well as public relations skills to prepare them for greater responsibilities.
- 3) Technical Program in specific areas which is intended to enhance the skills and knowledge of disabled employees for livelihood and gainful employment.
- 4) Values Development Program which is intended to generate positive attitudes of disabled persons and to harness service values of participants to be effective employees.
- 5) Entrepreneurial Opportunity Program which is intended to familiarize disabled persons who wish to enter into business ventures, the mechanics of business as well as available business opportunities or other productive endeavors. Any department, agency or LGU may enter into cooperative undertakings with other departments, agencies or LGUs, as the case may be, to develop and implement an appropriate vocational program for disabled persons.

#### 5.4 Facilities for Vocational Rehabilitation

(a) Each LGU shall provide adequate and affordable facilities for vocational rehabilitation

projects. Said facilities shall include infrastructure, funding and manpower.

(b) A Livelihood Promotion Committee shall be established in every LGU. Said Committee shall be tasked to develop, implement, monitor and evaluate vocational rehabilitation programs for disabled persons residing in rural areas.

(c) The Livelihood Promotion Committee shall be comprised of a designated Community Development Officer permanently employed in the LGU, a ranking NGO official, and a disabled person nominated by concerned groups in the LGU involved in livelihood programs.

#### 5.5 Vocational Guidance and Counseling. " The DSWD shall:

(a) Provide vocational guidance and counseling for disabled persons.

(b) Ensure the availability of trained counselors and staff for this purpose.

### RULE III

#### SECTION 1. Quality Education for Learners with Special Needs

1.1 Learning institutions under this rule shall admit all learners with special needs whether in

academic, vocational or technical courses and other training programs except in the following instances:

- a) If the learning institutions have already accepted learners with special needs and further acceptance will render the teaching personnel and facilities less effective.
- b) If the learning institutions do not meet the criteria set by the Bureau of SPED and are not included in the financial assistance program excepts for government and state owned learning institutions shall be encouraged and provided necessary assistance to comply with the requirements of this rule and shall be subject to monitoring, supervision and assessment.
- c) Teacher training institutions are enjoined to include basic SPED courses at the undergraduate levels of education and in other related areas. These courses shall equip teachers with the skills needed to modify content and the teaching approaches used in ordinary classrooms so as to give curriculum access to learners with special needs. Skills in identifying and assessing learners with special needs and in working with parents and the specialists shall also be developed.
- d) Teaching institutions shall offer scholarship programs to SPED teachers in coordination with the Department of Education, Culture and Sports, Commission on Higher Education and other government and non-government agencies. These programs can be provided through alternative training models to include but not limited to short term courses, distance education, mobile training, and module instruction.

#### 1.2 Formal Education

To provide learners with special needs with access to basic education, learning institutions shall offer integrated education.

In order to ensure that quality education is accessible, the following components namely,

curriculum, educational programs, teaching methods and services shall be given importance

by learning institutions:

1. For persons with visual impairment in the preparatory, elementary and early secondary levels modified curriculum shall include but not limited to, sensory training,

special instruction in Braille reading and writing, mathematics, orientation and mobility, music and typing.

Preparation for integration and mainstreaming must be worked out in the early years of schooling at the elementary level to assure that visually impaired children just like other children with special needs except those possibly with mental retardation are educated worth their nonhandicapped peers to the fullest extent possible. For post secondary vocational to tertiary levels they shall be integrated and mainstreamed and undergo the regular curriculum. Learners with visual impairment in these levels shall be given the necessary service such as: reading, writing Braille, record library services, orientation and mobility, optical and medical services, counseling and other assistance.

2. For persons with hearing impairment, modified curriculum shall emphasize communication and language development which is tailored to meet the learner's educational need. The curriculum shall include special instruction in speech, speech reading, auditory training and rhythm using total communication, multi-sensory and other approaches, They shall be referred to such support personnel as sign language interpreters, audiologist, otologist, speech therapist, auditory trainers and others as needed.

3. For persons with orthopedic handicaps, quality education shall be given in the same manner as those in the regular education except that school facilities and physical environment shall be in compliance with B.P. Blg. 344 and they shall be allowed to attend classes in the ground floors of the school buildings whenever possible. Class schedule and other pertinent considerations shall be made to suit their learning requirements.

4. For persons with mental retardation, modified curriculum shall emphasize training in self-care, socialization, motor, pre-vocational, vocational and other daily living skills. For those with severe retardation, emphasis shall be on the development of self-care skills.

5. For all types of learners with special needs, teaching strategies shall be creative, multidimensional, multi-sensory and shall involve active participation of the learners.

6. For other types of learners with special needs:

a) Those with behavior problems including those with autism, those with learning disabilities and those with multiple handicaps, modified curriculum shall include special activities and instructional techniques for the normalization of behavior, functions and technical, academic skills to prepare them for the world of work.

b) For disabled gifted persons, the curriculum should emphasize the development of communication skills, positive self-concept, high level abstract thinking, social skills and independent living using creative teaching principles and interdisciplinary approaches.

7. All SPED personnel involved in the education of learners with special needs shall be technically trained. The DECS shall continuously review the possibility of providing incentives to these personnel to attract others to join this profession and prevent the fast turnover of the SPED teachers to high paying jobs.

With the above considerations, learners with special needs shall be afforded appropriate

types of special education programs suited to their needs to maximize their potentials.

### 1.3 Nonformal Education

Alternative special delivery systems to complement formal education shall include but not

limited to community-based, church-based, hospital-based, and other non-school based programs and services for learners with special needs.

Radio, TV video, print and other distance teaching approaches shall be utilized to reach out

to those who cannot avail of institution-based programs and services.

The participation of persons with special need, their parents and the community in the delivery of programs and services to this special group must be enhanced through the establishment of peer counseling, volunteerism, community awareness and church support.

## SECTION 2. Program Modification and Eligibility for Financial Assistance

### 2.1 Modified Facilities and Equipment for Learners with Special Needs

#### a) For Academic Institutions

1. For persons with visual impairment " sensory and tactile materials, Braille books and record materials, Braille writing, printing and reading machines, orientation and mobility equipment.

2. For persons with hearing impairment “ group or individual hearing aids, speech trainers, tape recorders and speech or language kit containing auditory and language training materials.
3. For persons with orthopedic handicaps “ the requirements provided for by B.P. Blg. 344 shall complied with including adjustable desks or chairs and adapted physical education apparatuses.
4. For persons with mental retardation “ facilities, equipment and instructional materials for developing skills in self-care, socialization, motor, cognitive and prevocational and vocational training.
5. Other types of learners with special needs: those with behavioral problems including those with autism, those with learning disabilities and those with multiple handicaps “ instructional devices and equipment for behavior modification, perceptual motor training, daily living skills, language and speech and cognitive skills development.

b) Vocational and Technical Schools and Centers for Learners with Special Needs.

To equip learners with special needs with vocational skills for gainful employment, on the job or hands-on training and apprenticeship programs shall be encouraged.

1. For persons with visual impairment “ tools and machineries used must have Braille marks and sound identifying features and other adaptations.

2. For persons with hearing impairment “ signal lights, signs and other adaptations shall be incorporated in the tools and machineries.

3. For persons with orthopedic handicaps “ tools and machineries shall have adapted devices which include but is not limited to the following:

Hand control for learners with special needs with non-functioning legs and feet; control panel for those with non-functioning hands; and mouth control device for those with non-functioning limbs. Height and size of the machines shall be considered in making adaptations in the teaching learning environment.

4. For persons with mental retardation “ appropriate sheltered workshops, work centers and other similar arrangements.

5. For other types of learners with special needs “ those adaptations mentioned in numbers

1,2,3 and 4 as needed.

c) Special Education Centers for Learners with Special Needs

SPED Centers shall be establish nationwide based on needs assessment and in consultation

with leaders of the disabled sectors.

2.2 Eligibility for Financial Assistance

a) Only those academic institutions and entities, vocational and technical schools and centers and those offering other training programs with modified facilities and equipment mentioned in Section 1 “ a and b of Rule III shall be eligible for financial assistance under this rule.

b) All learners with special needs regardless of disability, age, sex, religion and creed, shall be qualified for a financial assistance program provided they are Filipino citizens and must have met the requirements set by the Bureau of SPED in accordance with Section V of Rule IV.

SECTION 3. Scope:

A. The rules shall apply to all government agencies, national or local

B. Learners with special needs

C. Learning institutions, public or private, including rehabilitation agencies, sheltered workshops, day care centers, and other institutions and entities of similar nature. With regards to government agencies, it is the accountability of the concerned public official directly involved in the formulation and approval of programs in the province, city or municipality and the head of agencies and bureaus of the National Government.

SECTION 4. Enforcement

The Department of Education, Culture and Sports shall be responsible for the implementation of

these provisions in coordination with the Local Government Units, Commission on Higher

Education and Skills Development Authority.

RULE IV

## SECTION 1. Basic Policy

The following policies govern the delivery of health services to disabled persons:

1. The delivery of health services to disabled persons shall be the responsibility and concern of both the government and the private sector and the members of the community at large.
2. Health services for disabled persons should be an integral part of all basic health services.
3. Health services should be accessible, appropriate, acceptable, affordable and timely.

## SECTION 2. Scope

These provisions shall apply to the following:

1. Government and private institutions involved in the delivery of health services
2. Special institutions, both government and private, delivering health services to disabled persons.

## SECTION 3. Function and Areas of Responsibility

### A. Department of Health

1. National Health Program for Disabled Persons “ The Department shall:

1.1 include in its annual budgetary proposals the provision for the funding requirements of the program;

1.2 create a division under the Non-Communicable Disease Control Service that shall administer and lead in the implementation of the program;

1.3 set up a national registration/reporting system for specific types of disabilities and shall generate and assess data base on the current status, needs and circumstances of disabled persons in the country to provide an effective basis for a national health program plan for disabled persons; and

1.4 strengthen its programs on immunization, breastfeeding, maternal and child care, safe motherhood, family planning, pre-employment examination/orientation disease control programs and other relevant programs in support of the National Health Program for Disabled Persons.

2. Establishment of Medical Rehabilitation Centers at the Provincial Level “

The Department shall:

2.1 Initiate the establishment of medical rehabilitation centers at the provincial level and shall request for the necessary capital and equipment outlay needed for this purpose;

2.2 Program the establishment of medical rehabilitation centers at the provincial level through a reasonable phasing scheme that will ensure a nationwide coverage within a ten year period, subject to availability of funds;

2.3 Formulate policies and standards governing the operations of such medical rehabilitation centers;

2.4 Institute a manpower development program to ensure adequate manpower support for the centers; and

2.5 Monitor and assess regularly the operations of the centers to ensure that standards are strictly followed.

3. Training of Personnel

3.1 The Department of Health shall organize training programs for care of disabled persons and in consultation with the National Council for the Welfare of Disabled Persons and other specialists in the field, shall recommend standards for accreditation of training centers, trainers and training programs for the rehabilitation of disabled persons to ensure availability of quality health manpower necessary to operate rehabilitation centers nationwide.

3.2 It shall integrate into the existing training programs the disability Management Training Programs.

3.3 The training should involve expertise from both government and private.

4. Other Health Services

4.1 The Department Of Health shall set the standard requirements and capabilities for care of disabled persons appropriate for each level of health care facility.

4.2 It shall develop in coordination with the National Council for the Welfare of Disabled Persons, a mechanism to monitor and enforce standards of care for disabled persons as embodied in the National Health Program for Disability, in both government and private health institutions in order to promote and protect the right to health of disabled persons.

4.3 It shall develop standards on technical aids produced locally.

B. Local Government Units “ It shall:

1. provide rehabilitation services within the scope and capability of the center at affordable cost;
2. allocate or construct a room within or adjacent to the provincial hospital building with a dimension of at least 100 square meters to house the medical rehabilitation center;
3. provide adequate funding for the proper maintenance and operation of the center;
4. create positions and provide funding for salaries of permanent and casual personnel assigned to the center; and
5. tap the services of local non-government organizations, private practitioners and other government agencies in the area, whenever feasible.

SECTION 4. Health Program for Disability

A. Institution of a National Health Program “ For the purpose of instituting a national health program for disability, an ad-hoc inter-agency committee if hereby created, to be composed of the following:

Chairman : Department of Health (DOH)

Co-Chairman : National Council for the Welfare of Disabled Persons(NCWDP)

Members:

Department of Social Welfare and Development (DSWD)

Department of Labor and Employment (DOLE)

Department of Education, Culture and Sports (DECS)

Nongovernment Organizations (NGOs)

University of the Philippines “ Manila

A representative each from League of cities, provinces and municipalities. Other multidisciplinary and multisectoral team of specialists or agencies that DOH and NCWDP may enlist.

Functions:

1. The committee shall develop a master plan for a national health program for disability, which shall be comprehensive in nature, integrated in health service delivery, and shall have the basic premise of integrating disabled persons into the mainstream of society.
2. A national rehabilitation center shall be established under the program, which will function as a national training, research and rehabilitation center in the country.
3. The committee shall formulate the program within one year from the approval of these Rules and Regulations. Operational expenses of the committee shall be charged against the funds of the Department of Health.
4. The committee shall be responsible in determining the amount necessary for the initial implementation of the program.

B. Scope

The National Health Program for Disability shall address health promotion, prevention, early detection and rehabilitation of disabilities/conditions, which shall include but not limited to the following:

1. ortho/moving disabilities
2. communication deficits
3. visual/seeing disabilities
4. learning (cognitive or intellectual) disabilities
5. chronic illnesses with disability
6. mental disabilities
7. psychosocial and behavioral

C. Implementing Agencies

1. The Department of Health, in coordination with the National Council for the Welfare of Disabled Persons, shall be the leads agency in the implementation of the program.

2. The following government agencies shall actively participate in the implementation of the program:

2.1 Local Government Units

2.2 Department of Social Welfare and Development

2.3 Department of Labor and Employment

2.4 Department of Education, Culture and Sports

2.5 Other government/nongovernment agencies, which the Department of Health and the National Council for the Welfare of Disabled Persons may enlist.

3. All health equipment, facilities and personnel under the local government units shall be made available for the implementation of the program.

4. The Department of Health shall develop the mechanism for the effective participation of the above agencies.

#### SECTION 5. Establishment of Medical rehabilitation Centers at the Provincial Level

##### A. Operational Guidelines for Provincial Medical Rehabilitation Centers

1. The Medical Rehabilitation Center shall be attached to the Department of Medicine of the Provincial Hospital. It shall be under the administrative supervision of the chief of the Department of Medicine.

2. The Medical Rehabilitation Center shall provide, as a minimum, the services of a physical therapist and/or an occupational therapist on a permanent basis.

3. The basic minimum requirements for equipment and supplies for a provincial medical rehabilitation centers shall consist of the following appropriate technological devices:

3.1 Hydro collator with pack

3.2 Treatment table with pelvic traction (optional)

3.3 Cervical traction (optional)

3.4 Therapeutic ultrasound

3.5 Portable electrical stimulator

3.6 Therapeutic gym

3.6.1 Parallel bar with postural mirror

3.6.2 Overhead pulley

3.6.3 Weights

3.6.4 Stairs and ramp

3.6.5 Bicycle with ergo meter

3.6.6 Toys

3.7 Evaluation Kits

3.8 Mats

3.9 Adapted tables and chairs

3.10 Stove and water heater

4. The minimum services to be provided by provincial medical rehabilitation centers shall be physical and psychosocial rehabilitation. Other services, such as but not limited to occupational and speech rehabilitation may be provided depending on the capability of the center. Services beyond the area of expertise of the center shall be referred to higher centers.

5. To maintain the continuity of services, patients who have undergone rehabilitation at the provincial medical rehabilitation centers shall be referred to their respective local government units for any appropriate community-based rehabilitation services and for follow up.

6. The Medical Rehabilitation Center shall be a training ground for field health personnel in the provision of the rehabilitation service to Disabled persons.

7. Regional Hospitals and Regional/Medical Centers with Physiatrists and other health professionals shall develop a mechanism for regular periodic visits of such specialist to provincial medical rehabilitation centers within their catchments areas. Expenditures arising from such visits shall be borne by that recipient local government unit.

#### SECTION 6. Health Services

##### A. Scope

The following types of health services shall be made available to disabled persons at the affordable cost:

1. Primary, secondary and tertiary health care

2. Health education and counseling services

3. Referral to other centers, both government and non-government organizations for further/special care when necessary

##### B. Availment of Services

1. All disabled/handicapped persons shall receive, without prejudice to their condition, the appropriate outpatient and in-patient health services available in any government/private health institutions.

3. Health services available in any government health facility shall be provided;

– free to indigent disabled handicapped patients

– at discounted rates for other disabled/handicapped patients, according to conditions to be set by the Department of Social welfare and Development and the Department of Health

##### C. Specific Health Services

1. Basic Health services for the prevention, early diagnosis, timely intervention, and early rehabilitation of disability shall be provided to disabled persons such as, but not limited to, the following:

1.1 Control of communicable and non-communicable diseases

1.2 Nutrition

1.3 Environment sanitation

1.4 Maternal/child health services.

1.4.1 Parental counseling

1.4.2 Safe delivery

1.4.3 Child care and immunization

1.4.4 Control of diarrheal diseases

1.4.5 Breastfeeding

1.4.6 Premarital/genetic counseling

1.5 Control of environmental hazards and occupational safety

1.6 Dental care

1.7 General health and medical services

1.8 Physical and psychosocial rehabilitation

2. Disability Screening

2.1 All health personnel attending to birth, whether private or public, shall screen for and report disabilities to the nearest rural health unit within seven (7) days.

2.2 Screening at the barangay level using the approved screening tool to be developed shall be done by the midwife and/or barangay health worker (either the barangay health worker, barangay nutrition health scholar or the like).

2.3 Any child identified/suspected with a disability during the process of immunization or Operation Timbang shall be referred to the nearest government health care facility for confirmation of findings.

2.4 Confirmation of disability shall be done by a rural health physician/district hospital physician/provincial hospital physician or regional hospital physician/ private physician as the case may be, for work-up and specific treatment, management and rehabilitation.

2.5 All confirmed disability cases shall be recorded and reported in accordance with the Department of Health's™ guidelines.

2.6 All primary and secondary schools, both public and private, shall integrate disability screening during the annual physical examination utilizing the approved forms to be developed.

2.7 The school physician/nurse/teacher shall make a report of all suspected disabilities to the principal, who in turn shall inform, advise and make appropriate medical referrals through the parents.

2.8 All cases of disability diagnosed and confirmed in any health care facility whether government or private shall be reported to the Department of Health.

D. Promotive and Preventive Health Measures

1. The Department of Health shall strengthen its immunization program for all infants and children.

2. All health centers at various levels shall provide genetic, prenatal and premarital counseling.

3. Provincial hospitals shall assign appropriate health professionals who shall act as genetic counselor after appropriate training.

SECTION 7. Training of Personnel

A. The government shall cause to provide training to health personnel providing service to disabled persons.

1. The Department of health, in collaboration with the National Council for the Welfare of Disabled Persons, shall ensure and undertake training of all appropriate health personnel involved in the delivery of disability-related services. Such health personnel would include, but not be limited to the following:

1.1 Medical Personnel

Physicians – rural health physicians/municipal health physicians, district/provincial hospital physicians

1.2 Health Personnel

Occupational Therapists

Speech therapists

Physical Therapists

Nurses

Midwives  
Nutritionist – dietician  
Social Workers  
Other Rehabilitation workers  
1.3 Community Health Workers  
Barangay Health Workers  
Volunteer Health Workers  
Barangay Nutrition Scholar  
Community-based rehabilitation field worker (local supervisor)

The training should include, but shall not be limited to, the following:

1. Early Detection and Identification of Disabilities
2. Immunization
3. Family Care Program for the Disabled in the Community
4. Psychosocial Concerns of Disabled Persons: Detection and Management of Psychosocial Problems Among Disabled Persons
5. Nutrition Education
6. Genetic Counseling
7. Psychiatric and Medical Emergencies: Identification and Management of Psychiatric Emergencies
8. Rehabilitation Procedures Including Dangers and Precautions
9. Interdisciplinary Approach: Transdisciplinary Awareness and Role Functioning
10. Environmental Hazards
11. Referral Network
12. Safe Motherhood
13. Safe Drugs

#### RULE V

##### SECTION 1. Auxiliary Social Services

The State shall ensure that the marginalized persons are provided with the necessary auxiliary

services that will restore their social functioning and participation in community affairs.

Toward

this end, the Department of Social Welfare and Development shall develop and implement

programs on auxiliary social services that respond to the needs of marginalized disabled persons.

With the implementation of the Local Government Code of 1991, Department of Social Welfare

and Development devolved the above services for abandoned, neglected, abused and unattached

disabled members of the family to the municipal and city government. The responsibility for provision of these services shall rest on the mayor who shall assign the implementation of these services to the DSWD devolved social worker in the municipality/city. When there are no social workers among devolved staff, the mayor should hire at least one to ensure effective implementation of these services. The DSWD shall develop the standards of these services, and assist in building the capability of the assigned social worker through training and technical consultation and regular monitoring of these services.

The Social Worker shall provide these services through the following procedures:

A. Provide subsidized program for the acquisition of prosthetic devices and Medical Intervention on Specialty Services. This service shall assist the marginalized disabled person to improve his physical residual capacity through medical intervention and/or use

of technical devices. The City/Municipal Social Worker shall undertake the following steps:

1. Inform the community of the availability of the assistance for physical restoration services for disabled persons.
2. Refer the client to a doctor in the Regional Hospital or any other government hospital specializing in the provision of physical restoration devices for medical and physical assessment to determine the need for physical restoration.
3. Consult and coordinate with attending physician the need for prosthetic devices and/or medical intervention to restore residual physical capacities. Specification of prosthetic devices shall be recommend by the medical specialist.

4. Mobilize resources of the family, the community and coordinate with government and non-government agencies involved in disabled persons to assist in hospitalization and other needs while client is undergoing prosthesis fitting and medical intervention services.
5. Discuss with the disabled person and his family upon recommendation for prosthetic and/or medical intervention by the doctor, the advantages and disadvantages of the intervention.
6. Motivate and counsel client to undergo the treatment
7. Refer the client to the government hospital to avail of prosthetic devices and/or surgical intervention.
8. Whenever necessary, the transportation assistance shall be provided to enable the disabled person to travel to and from the hospital. The Department of Health shall adopt a standard on technical aids produced in the country both by local and foreign manufacturers.

**B. Provision of auxiliary aids and services.**

The following services shall be provided by appropriate government and non-government agencies:

1. Service of qualified interpreters and readers shall be provided by the organizing agency when these services are necessary in their projects or activities.
2. Training program shall be provided for direct service workers of agencies where services of interpreters or readers would facilitate communication.
3. Program for training of specialist to facilitate the learning process of people with mental disability.
4. Acquisition or modification of equipment or devices, like voice synthesizer, to facilitate communication.

**C. Provision of specialized training activities designed to improve functional limitations of**

disabled persons related to communication skills. This service shall assist the marginalized disabled person with hearing and/or speech and visual impairment. The goal of the service is to enable the client to communicate his needs and ideas thru skills learned and improved his social interaction with people. The following procedures shall be undertaken by the city/municipal social worker:

1. Identify disabled persons with communications skills problem and if feasible, group them together. If this is not possible, individualized training shall be provided. These disabled persons shall include:
    - a. visually impaired persons who need to learn Braille reading and writing for social and economic functions
    - b. disabled person who has hearing and/or speech impairment and has not developed a language to communicate and relate with other persons to enable him to participate in family and community life
    - c. other disabled persons such as cerebral palsy shall be provided these services if and when necessary.
  2. Identify the pool of resource persons who will train the above-mentioned disabled persons e.g. trained DSWD workers in Community Based Project for Hearing Impaired (CBPHI) for the deaf or in Rehabilitation or Rural Blind workers for visually impaired, Special Education teachers from the DECS and NGOs involved in the development of communication skills for the disabled persons.
  3. Refer to the proper venue for the training as Specified by Sec.14 of the Code e.g. Day Care Centers, Day Centers for the Elderly, Barangay Halls and others
  4. Set training schedule which is convenient and shall accommodate not only disabled person but his family member/s as well. It is important for family members to attend and learn in order for the whole family to be able to communicate with disabled member. This is especially true for hearing impaired person. The length of training will depend on the ability of the disabled person to learn the skills. When necessary, in addition to Braille reading and writing or total communication skills, these clients shall undergo social academics which includes development of knowledge and understanding of weights, measures, time, signing of name, use of public facilities such as telephones, post office and public transportation.
- Disabled persons with speech impairment not secondary to deafness, e.g. stroke victims, trauma, harelip etc. shall be referred to speech training.

D. Development among disabled persons of a positive self-image through the provision of counseling, orientation and mobility and strengthening of daily living capability.

1. Individual and Group Counseling

The disabled person who is willing to undergo physical, social, vocational rehabilitation shall be provided counseling services by the social worker either through individual or group sessions. The goal of the service is encourage disabled person to share their problems in order to have greater understanding of their causes. From this understanding they will commit themselves to take action that will solve their problems. As a result they will gain confidence in their ability to decide and find solutions to their problems. When necessary, the social worker shall conduct and refer the client to existing government and nongovernment agencies providing counseling services in the area.

2. Orientation and Mobility Training – The Social Worker shall help disabled person identify resource persons in the community, who can assist blind persons and mentally retarded persons learn to travel independently and safely.

3. Daily Living Skills – The Social Worker shall help disabled person develop skills in daily living activities (DLA). She can do this by direct teaching of the clients or through a member of the family. DLA training include skills in bathing, getting dressed, washing clothes, cleaning the house and other things that people do from the time they wake up to the time they sleep.

4. If skills of the Social Worker is inadequate to meet the training needs of the disabled person, he shall assist the client identify persons or agencies in the community who can respond to these needs.

E. Provision of Family Care Services is geared towards assisting the disabled person who is not adequately cared for due to rejection or inadequate knowledge and skills of the family in taking care of a disabled person. To achieve this goal, the Social Worker shall undertake the following activities:

1. The Social Worker shall assist the family determine their strengths and weaknesses in coping with the problems brought about by the clients disability.

2. The Social Worker shall work with the disabled person and his family, develop a plan of activities aimed at meeting the care giving needs of the disabled person . Where knowledge and skills of the family in care giving is lacking, the Social Worker shall help tap resources, such as the health authorities or other members of the community to teach any family member of the disabled person, the necessary care needed.

3. The Social Worker shall see to it that plans are implemented. Follow-up shall be conducted to encourage the family and provide the moral support needed thus helping reduce any stress that may arise as a result of prolonged care by family members.

F. Provision of after care and follow-up services for the continued rehabilitation on a community based setting of disabled persons who were released from residential care or rehabilitation centers. This service is a continuation of the rehabilitation process within the family and in community setting after the disabled person is released from institutional care. The Social Worker shall assist in the reintegration process by the disabled person into his family and community, become productive, self-reliant and contributing member of society.

1. The Social Worker shall work with the family of the disabled person in preparation for his release upon receipt notice from the referring institution.

2. The Social Worker shall prepare the family for the eventual return of the disabled person utilizing her skills in case management.

3. Resources of the community should be mobilized to provide necessary resources to help in the integration of the disabled in his family and community.

G. Provision of Day Care Services for disabled children of pre-school age. It is the aim of this service to reintegrate the disabled child with existing day care services in order for him to grow as normal a child as possible in spite of his disabilities. The normal children in the center shall be helped to be more understanding of the plight of the disabled child letting him participate in everyday activities. The following activities shall be

undertaken by the social worker:

1. Prepare the disabled child and his family for integration in a regular day care center nearest his residence. Advice them on what to expect, activities to be done and the people the disabled child will be learning, playing and enjoying with.

2. Coordinate with day care worker on how to handle a disabled child and what activities can be given so that all the children can participate in. Assist the day care worker in developing these skills.

3. Assist Day Care Worker in encouraging parents of disabled children to participate in Day Care projects/activities.

H. Provision of Substitute Family cares services and the facilities therefore for abandoned, neglected, abused and unattached disabled persons who need custodial care. Substitute parental and family care shall be provided by the State to abandoned, neglected, unattached, marginalized disabled persons in residential care facilities.

1. Applicants or referrals from the field shall be assessed by the Social Welfare Development Officer to ensure that the disabled person meets the criteria. The disabled person shall be referred to the nearest available residential care facility where he resides.

2. The residential care shall provide rehabilitation services with the aim of acquiring skills on self-care, socialization and independent living for eventual re-integration to the community.

The local government unit shall make sure that the necessary funds are available for the implementation of the above services.

#### RULE VI

A. The National Telecommunications Commission shall coordinate with the Kapisanan ng mga Brodkaster sa Pilipinas, as far as those TV stations that are members thereof, or to the concerned TV stations as far as those that are not members thereof the implementation of the provision of SECTION 22, CHAPTER 5 of R.A. 7277

B. The TV stations, at its option, may decide as to whether they shall provide a sign language inset or subtitles in its newscast program.

C. The TV stations shall have the sole discretion as to the time of the day that they shall provide either a sign language inset or subtitles in their newscast program.

D. On special programs covering events of national significance, the TV stations shall likewise have the sole discretion to provide a sign language inset or subtitles in the coverage thereof.

E. All TV stations, whether KBP members or not, shall inform the National Telecommunications Commission their willingness to cooperate in the implementation of

this noble undertaking through the prescribed form that can be secured from the National Telecommunications Commission Office.

F. The National Telecommunications Commission, through its regulatory power over the broadcast media, shall encourage all TV stations to provide a sign language inset or subtitles in at least one (1) newscast program a day and special programs covering events of national significance. It shall also encourage all radio and television stations and national dailies to allot a percentage of free air time/space for information dissemination on disability and its prevention. The NCWDP in coordination with other agencies shall develop key messages for this purpose and monitor the same.

G. The National Telecommunications Commission shall coordinate with the telephone operators all over the country, the implementation of the provision of SECTION 23, CHAPTER 5 of RA No. 7277

H. All telephone operators in the country upon request of the agencies/institutions concerned with the welfare of disabled persons shall provide type approved special telephone devices and improvisations for the hearing-impaired or handicapped persons at the offices of the said agencies or institutions.

I. The National Telecommunications Commissions through its regulatory power of the telephone operators shall encourage the said operators to put up telephone devices, services and improvisations for the disabled persons to enable them to communicate through the telephone system.

J. For purposes of the provision of SECTION 24, CHAPTER 5 of RA No. 7277, the words "postal charges" whether the same is ordinary or special. Provided, that the articles, parcels, and/or packages are for personal uses or purposes only.

K. The following articles, parcels and/or packages free of postal charges are as follows, inclusive:

a) articles and literatures like books and periodical, orthopedics and other devices, and teaching aids for the use of the disabled persons sent by mail within the Philippines and abroad; and

b) aids and orthopedic devices for the disabled persons sent abroad by mail for repair.

L. The following are the requirements for the availment of this privilege, to with:

1. That the disabled person is a Filipino citizen.
2. That the disabled person is a marginalized disabled person as certified to by the Social Welfare and Development office of the municipality or city government unit where the disabled person is a resident or by the representative of the Department of Social Welfare and Development in the municipality or city government unit where the disabled person is a resident.
3. That the disabled person either as the sender/or addressee has the necessary accreditation certificate as such issued by the Postmaster General or his representative of the Philippine Postal Corporation.
4. That the definition of marginalized disabled person as referred to in this article is one who lack access to rehabilitation services and opportunities to be able to participate fully in socioeconomic activities and who have no means of livelihood or whose income fall below the poverty threshold.
5. That it is understood that the articles and literatures like books and periodicals, orthopedic and other devices, teaching aids, are for the exclusive use of the disabled person and that the same when mailed is unsealed and may be opened for postal inspection and does not contain commercial advertising materials.
6. That the envelop or wrapper of the franked mail shall bear on the left upper corner the name of the sender with its complete address and on the upper right corner the words "Free Master for Disabled Person" . Private or unauthorized use to avoid payment of postage is penalized by a fine or imprisonment or both.

## RULE VII

### SECTION 1. Mobility

The State shall promote the mobility of disabled persons. Disabled persons shall be allowed to drive motor vehicles, subject to the rules and regulations issued by the Land Transportation Office pertinent to the nature of their disability and the appropriate adaptations or modifications made on vehicles.

#### 1.1 Rule and Regulations in the Application of Driver's License for Disabled Persons

##### A. Scope and Application

Any disabled person who desires to apply for a driver's license shall file with any Land Transportation Office (LTO) licensing center or district office an application form prescribed by the LTO containing certain information and compliance with the requirements hereinafter set forth.

##### B. Requirements

The requirements that have to be complied with by an applicant/disabled person for driver's license are the following:

1. Medical Certificate/Recommendation from a government accredited physician;
2. The applicant/disabled person must take and pass written and practical examinations;
3. New applicant must secure student permit and undergo driving instruction for 60 days;
4. All disabled drivers/applicants may use a customized vehicle provided that it meets the standard/specifications set and duly requested at LTO.

##### C. Who may Apply for License

1. Partially blind " person with poor visual acuity due to partial loss of vision/sight.
  2. Orthopedically Impaired " person with amputated left or right leg; amputated left or right arm; post-polio victims; paralyzed legs; weak legs but not paralyzed;
  3. Speech and Hearing Impaired " person unable to speak but can hear; can partially Hear
- All applications approved and granted by LTO shall be valid for three (3) years starting 1993 using prescribed credit card type driver's license for disabled persons. Those previously issued licenses may apply for its conversion.

### SECTION 2. Access to Public Transport Facilities

The Department of Social Welfare and Development shall develop a program to assist marginalized disabled persons gain access in the use of public transport facilities. Such assistance may be in the form of subsidized transportation fare. The following guidelines shall govern a subsidized transportation scheme:

## A. Scope

This section shall cover only marginalized disabled persons which is so defined in the Act as

disabled persons who lack access to rehabilitative services and opportunities to be able to participate fully in socio-economic activities and who have no means of livelihood or whose

incomes fall below the poverty threshold.

a.1 Lacking in access to rehabilitative services would mean those who have limited or no

ability to obtain medical, social, educational, vocational and livelihood opportunities.

a.2 Poverty threshold means income cutoff for a family of six (6) based on NEDA findings. The subsidized transportation scheme can only be availed of by:

a.3 Marginalized disabled persons who will be undergoing training on vocational and/or livelihood skills enhancement programs in vocational rehabilitation centers managed by government and non-government agencies.

a.4 Marginalized disabled persons who want to resettle in their place of origin with the intention of finally residing there.

a.5 Marginalized disabled persons who are to avail of prosthetic devices, surgical intervention and other domestic travels related for educational needs.

## B. Provisions

b.1 These provisions are limited to domestic travels only.

b.2 The social welfare officer or any officer designated to implement social welfare services in the municipality shall determine:

b.2.1 Nearest venue for education, training or hospital which will provide the prosthetic devices;

b.2.2 Practical and most convenient mode of air, land or sea transportation to be used by the disabled persons.

b.2.3 The DSWD managed rehabilitation centers giving the training shall provide for transportation assistance to disabled persons during the period of training.

b.2.4 Except those who are receiving transportation assistance in DSWD vocational rehabilitation centers, the disabled person seeking this can avail of it from the Office of the Mayor of the municipality of this residence. The local social welfare development officer or any other officer designated to implement social welfare services shall facilitate the giving

of transportation assistance to qualified disabled persons.

b.2.5 The eligibility requirements on the provision of vocational training and/or prosthetic devices given to disabled persons are provided for in the implementing rules and regulations of

Chapter 1 (Employment) Section 9 and Chapter 4 (Auxiliary Social Services) Section 21 Letter (1) respectively of this Act.

b.2.6 The local government unit shall make sure that necessary funds for the transportation assistance to be given to the disabled persons are included in their budget. Exception to this provision are those disabled persons who are undergoing training in DSWD managed vocational rehabilitation centers and other non-government managed centers.

## RULE VIII

### SECTION 1. System of Voting

#### 1.1 Registration

a. On the day specified by law for registration, a qualified disabled person may register as a voter by accomplishing the required voter's affidavit, and such other forms as may be required by the Commission on Elections with respect to need of assistance and access.

b. The voter's affidavit of a disabled person may be prepared:

i. Any relative within the fourth civil degree of consanguinity or affinity; or

ii. Any member of the board of election inspectors.

c. Any person above-mentioned who assists a disabled person in the preparation of the voter's affidavit shall;

i. Prepare voter's affidavit in accordance with the data supplied by the applicant; and

ii. Take an oath before the board of election inspectors that he shall fill up such affidavit in accordance with the instructions given by said disabled person.

d. The fact of disability and/or the inability of a registrant to prepare the voter's affidavit and/or vote and the name of the person assisting in the preparation of the form shall be duly recorded in the Minutes of Registrations.

e. When circumstances so warrant, the Chairman of the Board may authorize the registration of a disabled person in designated accessible areas within the same polling place. No person shall be denied registration by reason of the inaccessibility of the precincts.

#### 1.2 Voting

a. A disabled person shall be allowed to be assisted by a person of his choice in the preparation of the ballot provided that such assistor is:

i. A relative, by affinity or consanguinity within the fourth civil degree;

ii. Any person of his confidence, whether or not belonging to the same household; or

iii. Any member of the board of election inspectors.

b. A disabled voter shall be allowed to vote with the assistance of another person when the fact of the inability to vote is indicated in the voter's registration record.

c. No person may assist disabled persons in voting more than three (3) times except members of the board of election inspectors.

d. The person chosen to assist a disabled voter shall prepare the ballot for the disabled voter inside the voting booth.

e. The person assisting shall bind himself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared.

f. The fact of voting with the assistance of another person and the oath taken by the assistor shall be indicated in the Minutes of Voting and Counting of Votes.

g. The proper election shall designate accessible areas within the polling place where disabled voters may cast their votes. No person shall be denied the right to vote by reasons of the inaccessibility of the precinct or polling place.

1.3 The Commission on Elections shall promulgate rules and regulations, incorporating new methods and technologies, which shall facilitate and enhance the exercise of the right to suffrage by disabled citizens.

#### SECTION 2. Right To Assemble

Consistent with provision of the Constitution, the States shall recognize the right of disabled

persons to participate in procession, rallies, parade, demonstrations, public meetings, and assemblage or other forms of mass or concerted action held in public.

#### SECTION 3. Right To Organize

The State shall recognize the right of disabled persons to form organizations or associations that

promote their welfare and advance or safeguard their interests. The National Government, through its agencies, instrumentalities and subdivisions, shall assist disabled persons in establishing self-help organizations by providing them with the necessary technical and financial assistance.

Concerned government agencies and offices shall establish close linkages with organizations of

disabled persons in order to respond expeditiously to the needs of disabled persons.

National line

agencies and local government units shall assist disabled persons in setting up specific projects

that will be managed like business propositions.

To ensure the active participation of disabled persons in the social and economic development of

the country, their organizations shall be encourage to participate in the planning, organization

and management of government programs and projects for disabled persons.

Organizations of disabled person shall participate in the identification and preparation of programs that shall serve to develop employment opportunities for the disabled persons.

#### RULE IX

##### SECTION 1. Discrimination on Employment

The public or private sector shall not discriminate against a qualified disabled person by reason of disability in regard to job application procedures, the hiring, promotion or discharge of employees, employees' compensation, job training, and other terms,

conditions and privileges of employment.

## 1.2 Acts of Discrimination

The following shall constitute acts of discrimination:

- a. limiting, segregating or classifying a disabled job applicant in such a manner that adversely affects his work opportunities;
- b. using qualification standards, employment test or the selection criteria that screen out or tend to screen out a disabled person unless such standards, test or the selection criteria are shown to be job related for the position in question and are consistent with business necessity;
- c. utilizing standards, criteria or methods with business necessity;
  1. have the effect of discrimination on the basis of disability;
  2. perpetuate the discrimination of others who are subject to common administrative control;
- d. providing less compensation, such as salary, wage or other forms of remuneration and fringe benefits, to a qualified disabled employee, by reason of his disability, than the amount to which a non-disabled person performing the same work is entitled;
- e. favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants solely on account of the latter's disability;
- f. re-assigning or transferring a disabled employee to a job or position he cannot perform by reason of his disability;
- g. dismissing or terminating the services of disabled employee by reasons of his disability unless the employer can prove that he impairs the satisfactory performance of the work involved to the prejudice of the business entity; provided that the employer first sought to provide reasonable accommodations for disabled persons;
- h. failing to select or administer in the most effective manner employment test which accurately reflects the skill, aptitude or other factors of the disabled applicant or employee that such test purports to measure, rather than the impaired sensory, manual or speaking skills of such applicant or employee, if any; and
- i. excluding disabled persons from membership in labor unions or similar organizations.

## SECTION 2. Employment Entrance Examination

2.1 The disabled person, upon an offer of employment, will be subjected to medical examination

on the following occasions:

- a. all entering employees are subjected to such examination regardless of disability;
- b. information obtained during the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, provided that:
  1. supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employees and necessary accommodations;
  2. first aid and safety personnel may be informed, when appropriate, if the disability may require emergency treatment.
  3. government officials investigating compliance with this Act shall be provided relevant information on request; and
  4. the results of such examination may be used only in accordance with this Act.

## SECTION 3. Discrimination on the Use of Public Accommodations and Services

1. For purpose of this section, public accommodation and services, please refer to the Implementing Rules and Regulations of Batas Pambansa Blg. 344, otherwise known as the Accessibility Law.

2. Discrimination on the use of a terminal, depot or other stations used for specified public

transportation. The discrimination on disabled persons referred in this section, is the impartial treatment of the owner, lessee or operator of public transport terminals, stations and depot or the

partial or non-provision of services, facilities, privileges, advantages or accommodations to disabled passengers on the basis of disability which are afforded to able-bodied individual. The following constitute acts of discrimination whether directly or through contractual, licensing or other arrangement, to wit:

1. denying the disabled passenger to enter the terminal, station or depot premises; purchase travel tickets; prepare waybills; secure boarding passes; claim tags for baggage's and other transactions which an able-bodied passenger may do.

2. failure to provide accessibility features such as ramps, signage and stickers inside the terminal, station or depot;
3. failure to designate seats in the waiting area for disabled passengers if there are seats available.
4. denying the disabled passenger to use the toilet/washrooms or failure to make such facilities accessible.

#### RULE X

##### ENFORCEMENT

###### SECTION 1. Investigation

The Secretary of Justice shall investigate alleged violations of the Act and shall undertake

periodic reviews of compliance of covered entities under the Act.

###### SECTION 2. Commencement of Legal Action

If the Secretary of Justice has reasonable cause to believe that any person or group of person is engaged in a pattern or practice of discrimination under this Act; or any person or group of

persons has been discriminated against under this Act and such discrimination raises an issue of

general public importance the secretary of justice may commence a ;legal action in any appropriate court.

###### SECTION 3. Court Authority

The Court may grant any equitable relief that such court considers to be appropriate including to

the extent required by the Act:

- a) granting temporary, preliminary or permanent relief
- b) providing an auxiliary aid or service, modification of policy, practice or procedure, or alternative method; and
- c) making facilities readily accessible to and usable by individuals with disabilities

###### SECTION 4. Penalties

Any person who violates any provision of the Act shall suffer the following penalties:

1. Any person who violates any provision of the Act shall suffer the following penalties:
  - a. for the first violation. A fine of not less than fifty thousand pesos (P50,000.00) but not exceeding one hundred thousand pesos (P100,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court; and
  - b. for any subsequent violation, a fine of not less than one hundred thousand pesos (P100,000.00) but not exceeding two (2) hundred pesos (P200,000.00) or imprisonment of not less than two (2) years but not more than six (6) years, or both at the discretion of the court.
2. Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than five thousand pesos (P5,000.00) but not more than fifty thousand pesos (P50,000.00), or both at the discretion of the court.
3. If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefore.
4. If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

#### RULE XI

##### MONITORING

The National Council for the Welfare of Disabled Persons shall monitor the implementation of

these Implementing Rules and Regulations (IRR) of the Magna Carta for Disabled Persons. A

monitoring scheme machinery shall be formulated to provide regular and up-to-date information

on the progress of its enforcement.

#### RULE XII

##### EFFECTIVITY

These rules and regulations shall take effect thirty (30) days after the date of publication in the

Official Gazette promulgated by:  
(SGD) HON. JUAN M. FLAVIER M.D. MPH  
Secretary Secretary  
Department of Health

(SGD)  
HON. CORAZON ALMA G. DE LEON  
Department of Social Welfare and Development  
(SGD)

HON. MA. NIEVES CONFESOR  
Secretary Secretary  
Department of Labor and Employment  
(SGD)

HON. RICARDO T. GLORIA  
Department of Education, Culture and Sports  
Chairman  
Commission on Higher Education  
(SGD)

HON. RAFAEL ALUNAN III  
Secretary  
Department of Interior and Local Government

HON. JESUS B. GARCIA, JR.  
Secretary  
Department of Transportation and Communications  
(SGD)

HON. FRANKLIN M. DRILON  
Secretary Secretary  
Department of Justice  
(SGD)

HON. GREGORIO R. VIGILAR  
Department of Public Works and Highways  
(SGD)

HON. CHRISTIAN MONSOD  
Chairman  
Commission on Elections

In coordination with:  
The National Council for the Welfare of Disabled Persons

By:  
(SGD)  
HON. CORAZON ALMA G. DE LEON  
Chairman

Written by dandee · Filed Under

**Office of the President**  
**NATIONAL COMMISSION ON INDIGENOUS PEOPLES**  
2/f D & E Building, Quezon Ave., corner Roces Ave.  
Quezon City

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**National Commission on Indigenous Peoples**  
**Administrative Order No. 1**  
**Series of 1998**

**RULES AND REGULATIONS IMPLEMENTING**  
**REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS**  
**“THE INDIGENOUS PEOPLES’ RIGHTS ACT OF 1997”**

Pursuant to Section 80 of Republic Act No. 8371, otherwise known as “The Indigenous Peoples’ Rights Act of 1997” (IPRA), the following rules and regulations are hereby promulgated for the guidance and compliance of all concerned.

**RULE I . PRELIMINARY PROVISIONS**

**Section 1. Title.** These rules shall be known and cited as “The Rules and Regulations Implementing The Indigenous Peoples’ Rights Act of 1997” (IPRA).

**Section 2. Purpose.** These rules are hereby promulgated to prescribe the procedures and guidelines for the implementation of Republic Act No. 8371, otherwise known as “The Indigenous Peoples’ Rights Act of 1997” (IPRA) in order to facilitate compliance therewith and achieve the objectives thereof.

**Section 3. Declaration of Policy.** The State recognizes the inherent dignity and equal and inalienable rights of all members of Philippine society as the foundation of freedom, justice and peace. The rights of indigenous cultural communities / indigenous peoples are universal, indivisible, interdependent and interrelated. It is, therefore, the policy of the state to recognize and promote all individual and collective rights of ICCs/IPs within the framework of national unity and development in accordance with the Constitution and applicable norms and principles.

**Section 4. Operating Principles.** In implementing the policies enumerated in these Rules, the following operating principles shall be adhered to:

- a) **Cultural Diversity.** As the beginning of unity is difference, the diversity of cultures, traditions, beliefs and aspirations of indigenous peoples shall be encouraged and fostered in openness, mutual respect for, and active defense of the equal and inalienable dignity and universal, indivisible, interdependent and interrelated rights of every human being, in the spirit of inter-people cooperation;
- b) **Consensus and Peace-Building.** In resolving conflicts or disputes affecting or pertaining to indigenous peoples, any determination or decision thereon shall be reached through dialogue and consensus as far as practicable;
- c) **Cultural Integrity.** Within ancestral domains/lands, the holistic and integrated adherence of indigenous peoples to their respective customs, beliefs, traditions, indigenous knowledge systems and practices, and the assertion of their character and identity as peoples shall remain inviolable;
- d) **Human Dignity.** The inherent and inalienable distinct character, sacred human dignity, and unique identity of indigenous peoples as peoples shall be respected;
- e) **Subsidiarity, Solidarity and Total Human Development.** In the pursuit of civil, political, economic, social and cultural development, the human person shall be the central subject thereof and its active participant and beneficiary. Everyone has duties to the community. In the exercise of rights and freedoms, everyone shall be subject only to such limitations as are determined by custom or law, solely for the purpose of securing due recognition and respect

for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society; and

- f) **Transparency and Capacity Building.** The Commission shall perform its tasks on the basis of transparency and active support and participation by the ICCs/IPs, and shall take a proactive strategy in empowering ICCs/IPs and in the fulfillment of its mandate.

## **RULE II. DEFINITION OF TERMS**

**Section 1. Definition of Terms.** For purposes of these Rules and Regulations the following terms shall mean:

- a) **Ancestral Domains.** Refers to all areas generally belonging to ICCs/IPs, subject to property rights within ancestral domains already existing and/or vested upon the effectivity of the Act, comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present, except when interrupted by war, *force majeure* or displacement by force, deceit, stealth, or as a consequence of government projects or any voluntary dealings entered into by the government and private individuals/ corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise; hunting grounds; burial grounds; worship areas; bodies of water; mineral and other natural resources; and lands which may no longer be exclusively occupied by ICCs/IPs, but from which they traditionally had access to, for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.
- b) **Ancestral Lands.** Refers to land, subject to property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/ IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots.
- c) **Certificate of Ancestral Domain Title (CADT).** Refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with this law.
- d) **Certificate of Ancestral Land Title (CALT).** Refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands.
- e) **Culture Sensitive.** Refers to the quality of being compatible and appropriate to the culture, beliefs, customs and traditions, indigenous systems and practices of ICCs/IPs.
- f) **Communal Claims.** Refer to claims on land, resources and rights thereon belonging to the whole community within a defined territory.
- g) **Commercial Forest Plantation.** Refers to any land planted to timber producing species, including rubber, and/or non-timber species such as rattan and bamboo, primarily to supply the raw material requirements of existing or proposed public or private forest-based industries, energy-generating plants and related industries.
- h) **Customary Laws.** Refer to a body of written or unwritten rules, usages, customs and practices traditionally observed, accepted and recognized by respective ICCs/ IPs.
- i) **Customs and Practices.** Refers to norms of conduct and patterns of relationships or usages of a community over time accepted and recognized as binding on all members.

- j) **Community Intellectual Rights.** Refer to the rights of ICCs/IPs to own, control, develop and protect: (a) the past, present and future manifestations of their cultures, such as but not limited to, archeological and historical sites, artifacts, designs, ceremonies, technologies, visual and performing arts and literature as well as religious and spiritual properties; (b) science and technology including, but not limited to, human and other genetic resources, seeds, medicine, health practices, vital medicinal plants, animals and minerals, indigenous knowledge systems and practices, resource management systems, agricultural technologies, knowledge of the properties of fauna and flora, oral traditions, designs, scientific discoveries; and, (c) language, script, histories, oral traditions and teaching and learning systems.
- k) **Free and Prior Informed Consent.** As used in the Act, shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of an activity, in a language and process understandable to the community.
- l) **Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs).** Refer 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 and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos. ICCs/IPs 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.
- m) **Indigenous Peoples' Rights Act (IPRA) or Act.** Heretofore, the Act shall refer to Republic Act No. 8371.
- n) **Indigenous Political Structures.** Refer to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision making and participation identified by ICCs/ IPs such as, but not limited to, Council of Elders, Council of Timuay, Bodong Holders, or any other tribunal or body of similar nature.
- o) **Individual Claims.** Refer to claims on land and rights thereon which have been devolved to individuals, families and clans including, but not limited to, residential lots, rice terraces or paddies and tree lots.
- p) **Indigenous Knowledge Systems and Practices.** Refer to systems, institutions, mechanisms, and technologies comprising a unique body of knowledge evolved through time that embody patterns of relationships between and among peoples and between peoples, their lands and resource environment, including such spheres of relationships which may include social, political, cultural, economic, religious spheres, and which are the direct outcome of the indigenous peoples, responses to certain needs consisting of adaptive mechanisms which have allowed indigenous peoples to survive and thrive within their given socio-cultural and biophysical conditions.
- q) **Large Scale Agriculture.** Refers to any commercial or profit making business activity or enterprise, involving the cultivation of soil, planting of crops, growing of trees, raising of livestock, poultry fish or aquaculture production including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations, agribusiness or services, by natural or juridical persons whether single proprietorship, cooperative, partnership or corporation.
- r) **National Commission on Indigenous Peoples (NCIP).** Refers to the office created under the Act, which shall be under the Office of the President, and which shall be the primary

government agency responsible for the formulation and implementation of policies, plans and programs to recognize, protect and promote the rights of ICCs/ IPs.

- s) **Native Title.** Refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs /IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest.
- t) **Natural Resources.** Refer to life support systems such as, but not limited to, the sea, coral reefs, soil, lakes, rivers, streams and forests as well as useful products found therein such as minerals, wildlife, trees and other plants, including the aesthetic attributes of scenic sites that are not man-made.
- u) **Non-Government Organization (NGO).** Refers to a private, non-profit voluntary organization that has been organized primarily for the delivery of various services to the ICCs/ IPs and has an established track record for effectiveness and acceptability in the community where it serves.
- v) **Peoples' Organization.** Refers to a private, non-profit voluntary organization of members of an ICC/IP which is accepted as representative of such ICCs/IPs.
- w) **Self Governance.** Refers to the right of ICCs/IPs to pursue their economic, social, and cultural development; promote and protect the integrity of their values, practices and institutions; determine, use and control their own organizational and community leadership systems, institutions, relationships, patterns and processes for decision making and participation, such as, but not limited to, Council of Elders, *Bodong* Holders, *Dap-ay*, *Ator*, Council of *Mangkatadong*, or any other body of similar nature.
- x) **Sustainable Traditional Resource Rights.** Refer to the rights of ICCs/IPs to sustainably use, manage, protect and conserve: a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, belief systems, and practices.
- y) **Time Immemorial.** Refers to a period of time when as far back as memory can go, certain ICCs /IPs are known to have occupied, possessed and utilized a defined territory devolved to them, by operation of custom law or inherited from their ancestors, in accordance with their customs and traditions.
- z) **Unlawful or Unauthorized Intrusion.** Refers to the occupation of lands and utilization of resources within the ancestral domain without the consent of the IP concerned or through invasion, violation, wrongful entry or entry by stealth or force or uninvited entrance upon the territorial domain of another.
- aa) **Usurpation.** Usurpation of real rights in property or occupation of real property as defined in Article 312 of the Penal Code is committed by any person who, by means of violence against or intimidation of persons, shall take possession of any real property belonging to another.

### **RULE III : RIGHTS TO ANCESTRAL DOMAINS/LANDS**

#### **Part I. Policies and Concepts**

**Section. 1. Constitutional and Legal Framework.** The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domains.

**Section 2. Composition of Ancestral Domains/Lands.** Ancestral Domains/ Lands are all areas generally belonging to the ICCs/IPs, owned, occupied or possessed by themselves or through their ancestors, communally or individually since time immemorial.

Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.

Ancestral domain consists of lands, inland waters, coastal areas, minerals and other natural resources.

Lands within ancestral domains shall include, but not limited to, ancestral lands, forests, pasturelands, residential lands, agricultural lands, hunting grounds, burial grounds, worship areas, land no longer occupied by the ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators, and other lands individually owned whether alienable and disposable or otherwise. Ancestral land shall consist of, but not be limited to, residential lots, rice terraces or paddies, private forests, swidden farms, and tree lots. Provided that property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, within ancestral domains/lands, shall be respected and recognized.

Inland waters and coastal areas include fishing grounds, collecting grounds, and bodies of water.

**Section 3. Indigenous Concept of Ownership.** Ancestral domains/lands and all resources found therein form the material bases of the ICCs/IPs' cultural integrity. The indigenous concept of ownership therefor, generally holds that ancestral domains are the ICCs'/IPs' private but communal property which belongs to all generations and shall not be sold, disposed nor destroyed. The present generation who are today's occupants have the inter-generational responsibility of conserving the land and natural resources for future generations of ICCs/IPs to enjoy.

**Section 4. Recognition of Ancestral Domain and Land Rights.** The rights of the ICCs/IPs to their ancestral domains and lands by virtue of native title shall be recognized and respected. Native title to ancestral domains and lands may be formally recognized or established through the issuance of corresponding Certificate of Ancestral Domain Title (CADT) or Certificate of Ancestral Land Title (CALT) as provided in the Act.

All areas within ancestral domains, whether delineated or not, are presumed to be communally owned and, pursuant to the indigenous concept of ownership, could not be sold, disposed nor destroyed.

Areas and resources in the domains are deemed destroyed if on account of the activity conducted or applied:

- a) The area or resource could no longer serve its normal or natural functions; or
- b) That the area or resource is used in a manner not consistent with customary laws or agreements of the indigenous peoples concerned; or
- c) That the area or resource is used or gathered in a wasteful or excessive manner resulting to irreversible loss or irreparable damage.

## **Part II. Rights of Indigenous Cultural Communities/Indigenous Peoples to Ancestral Domains**

**Section 1. Rights of Ownership.** ICCs/IPs have rights of ownership over lands, waters, and natural resources and all improvements made by them at any time within the ancestral domains/lands. These rights shall include, but not limited to, the right over the fruits, the right to possess, the right to use, right to consume, right to exclude and right to recover ownership, and

the rights or interests over land and natural resources. The right to recover shall be particularly applied to lands lost through fraud or any form of vitiated consent or transferred for an unconscionable price.

**Section 2. Right to Develop Lands and Natural Resources.** Subject to property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, ICCs/IPs have the right to control, manage, develop, protect, conserve, and sustainably use: a) land, air, water and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and, e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge systems and practices (IKSPs) and customary laws and traditions, and duly adopted Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) where ADSDPPs have been adopted; and to equitably benefit from the fruits thereof. In all instances, ICCs/IPs shall have priority in the development, extraction, utilization and exploitation of natural resources.

a) **Right to Benefits.** The ICCs/IPs have the right to benefit from the utilization, extraction, use and development of lands and natural resources within their ancestral lands/domains and to be compensated for any social and/or environmental costs of such activities.

Accordingly, the concerned ICC/IP community shall be extended all the benefits already provided under existing laws, administrative orders, rules and regulations covering particular resource utilization, extraction or development projects/activities, without prejudice to additional benefits as may be negotiated between the parties. The NCIP, as third party, shall , among others, assist the ICCs/IPs in the negotiation process to safeguard and guarantee that the terms and conditions of the agreement negotiated are not inimical to the rights of the ICCs/IPs.

The NCIP shall ensure that at least 30% of all funds received from such activities will be allocated to the ICC/IP community for development projects or provision of social services or infrastructure in accordance with their duly adopted Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) whenever. In the absence of such ADSDPP, the NCIP shall assist the ICCs/IPs in the development of a program or project to utilize such funds.

In consultation with ICCs/IPs, the NCIP shall set guidelines for the utilization of funds accruing to ICCs/IPs.

b) **Other Related Rights.** The rights of ICCs/IPs to develop their territories including all the natural resources therein shall further include, but not limited to, the following:

- (1) The right to source out, control, manage, disburse or use any funds or appropriations from any legal entity, for the development of the territories, provided that the community concerned shall have adequate systems to ensure individual and collective accountability and responsibility for such funds;
- (2) The right of ICCs/IPs through their Council of Elders/ Leaders, subject to the principle of Free and Prior Informed Consent provided in these Rules and Regulations, to enter into agreement with any legal entity, for the utilization, extraction or development of natural resources, subject to a limited term of 25 years, renewable at the option of the ICCs/IPs for another 25 years, and to visitorial and monitoring powers of the ICCs/IPs and the NCIP for purposes of ensuring that the ICCs'/IPs' rights and interests are adequately safeguarded and protected;
- (3) The right of ICCs/IPs to protect, conserve and manage portions of the ancestral domains/lands which they find necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover or reforestation, with the full and effective technical and financial support of concerned government agencies or other legal entities; and
- (4) Subject to the customary laws, and Free and Prior Informed Consent of ICCs/IPs concerned, the right to temporarily allow or permit appropriate government agencies to manage the areas enumerated in the preceding paragraph, under a written

agreement that shall ensure that: a) a program of technology transfer shall be pursued to enable the concerned ICCs/IPs to ultimately manage the area themselves; and b) that no displacement or dislocation of ICCs/IPs shall occur as a result of the implementation of the project/activity.

**Section 4. Right to Stay in Territories and Not to be Displaced Therefrom.** The right of ICCs/IPs to stay in their territories shall remain inviolate. No ICCs/IPs shall be relocated without their free and prior informed consent nor through any means other than eminent domain. Relocation or displacement as an exceptional measure or as a result of calamity or catastrophe shall only be temporary. ICCs/IPs shall have the right to return to their ancestral domain as soon as the grounds for such relocation cease to exist, and shall have the right to be compensated for damages sustained as a consequence of the relocation.

a) **Temporary Relocation as an Exceptional Measure.** Temporary relocation is an exceptional measure if, after exhausting all legal remedies, it stands as the only option to avoid loss of lives, and to safeguard the health and safety of the populations affected. Temporary relocation shall generally occur as a result of force majeure, natural calamities or catastrophes.

Where temporary relocation is determined by the ICC/IP concerned, in consultation with the NCIP and other appropriate government agencies as an exceptional measure, the concerned government agencies shall provide the affected ICCs/IPs with habitable relocation sites and adequate shelter, food, and other basic services, as well as livelihood opportunities to ensure that their needs are effectively addressed.

b) **Right to Return to Ancestral Domain.** When the reason for the relocation ceases to exist as determined by the ICCs/IPs, in consultation with appropriate government agencies, the ICCs/IPs shall have the right to return to their ancestral domains.

c) **Rights in Case of Permanent Relocation/ Displacement.** Should the conditions for their return pose grave and long-term risks for the displaced ICCs/IPs, and normalcy and safety of the previous settlements are irreversibly lost, the displaced ICCs/IPs shall, upon their Free and Prior Informed Consent, be accorded the following:

- (1) Relocation to a site, which shall, in all possible cases, be of equal quality and legal status as that previously occupied, and which shall be suitable to provide for their present needs and future development;
- (2) Security of tenure over lands to which they will be resettled or relocated; and.
- (3) Compensation for loss, injury or damage as a consequence of such relocation or displacement.

(d) **Compensation for Loss, Injury or Damage.** Compensation for loss, injury, or damage shall be obtained through the following procedures:

- (1) **Who may file.** The following shall be entitled to compensation for loss, injury or damage:
  - i) Any individual in the event of loss of life, injuries or damage to property;
  - ii) Concerned ICC/IP Elders/Leaders representing their communities, in case of damage to burial grounds, worship areas, hunting grounds, or any other parts or communal structures within the ancestral domains; or
  - iii) The NCIP may *motu proprio* file the claim for loss, injury or damage for and in behalf of the ICC/IP community.
- (2) **Notification to NCIP.** In case the claim is filed by the affected ICC/ IP, the NCIP must be notified through its field office, of such loss, injury or damage suffered as a result of the relocation or displacement.

(3) **Filing of claim.** The NCIP or affected ICC/IP with the assistance of NCIP shall file the claim for compensation of loss, damage or injury with the appropriate office of the agency which has caused such relocation or displacement.

(4) **Payment of compensation.** The NCIP shall ensure that such claim for payment is given due consideration and that the claimant is duly compensated within a reasonable time.

**Section 5. Right to Regulate Entry of Migrants and Other Entities.** The collective right to use everything within the domain/land is limited only to the recognized members of the ICCs/IP community. Accordingly, the ICCs/IPs shall have the right to regulate the entry of migrants, including organizations who intend to do business, engage in development or other form of activities, in their ancestral domains/lands. For this purpose, the following shall be applicable:

a) **Migrants.** For purposes of these rules, a migrant is a person who is not a native to the ancestral domain or not a part owner of ancestral land but who, as a consequence of social, economic, political or other reasons, such as displacement due to natural disasters, armed conflict, population pressure, or search for seasonal work, opted to occupy and utilize portions of the ancestral domains/lands and have since established residence therein;

b) **Other entities.** Other entities shall include all organizations, corporations, associations or persons who intend to enter the ancestral domains/lands for the purpose of doing business, development or other activities therein; and

c) **Procedure for Regulating Entry of Migrants and Other Entities.** All migrants and other entities must first secure the express permission of the community's council of elders/leaders who shall, in accordance with their consensus building process, community practices, customs and traditions and upon the Free, Prior and Informed Consent of the community members agree to accept such migrant or entity within the domains, subject to the following conditions:

(1) Said persons and entities can be allowed to perform activities as are expressly authorized and which are not inimical to the development of the ancestral domains and cultural integrity of the ICCs/IPs, and

(2) The ICCs/IPs shall maintain the right to impose penalties for violation of the conditions in accordance with their customary laws, the Act or its rules and regulations.

The ICCs/IPs' Council of Leaders/Elders, with the assistance of NCIP shall take appropriate action to ensure the effective implementation and enforcement of these rights.

#### **Section 6. Right to Safe and Clean Air and Water.**

a) The ICCs/IPs through their indigenous knowledge systems and practices and their customs and traditions have preserved the environment and have demonstrated their capability to conserve and protect the integrity of their ecological systems. To enable these ecologically-sound and sustainable practices to flourish, the ICCs/IPs have the right to regulate activities that may adversely affect their airspace, bodies of water and lands. Any violation of environmental laws adversely affecting the integrity of the ecological systems in ancestral domains/territories shall be penalized according to customary laws of the ICCs/IPs concerned.

The ICCs/IPs shall take the necessary steps to source out adequate and effective technical and financial support to protect the environment. Government shall adopt effective measures to implement environmental laws that will preserve the quality of freshwater, surface and ground water and minimize air pollution and other forms of pollution that may affect the domains.

b) **Environmental Conservation and Protection Program (ECPP).** All persons or entities allowed under the Act to participate in land development, utilization, exploitation, and extraction of natural resources, and government offices or agencies allowed to undertake or implement infrastructure projects within ancestral lands/domains, shall submit to the NCIP,

through the concerned Regional Office, a culture-sensitive Environmental Conservation and Protection Program (ECPP) stating in detail the environmental impact of such activities or projects proposed, control and rehabilitation measures and financial resource allocations therefor, implementation schedules, compliance guarantees, and evaluation and monitoring schemes.

Within twenty (20) working days from receipt thereof, the concerned Regional Office shall conduct preliminary evaluation of the ECPP. Based on its findings, the Regional Office may order the ECPP to be revised and/or additional requirements may be imposed and/or other documents may be required. The concerned Regional office shall endorse the ECPP, with recommendations, to the Commission.

Detailed guidelines for the preparation and implementation of the ECPPs shall be prescribed by the Commission based on principles underlying the ICCs/IPs framework for sustainable development of the ancestral domains and nationally-defined environmental standards.

**Section 7. Right to Claim Parts of Reservations.** The dispossession of indigenous peoples from their ancestral domains/lands by operation of law, executive fiat or legislative action constitute a violation of the constitutional right to be free from the arbitrary deprivation of property. As such, ICCs/IPs have the right to claim ancestral domains, or parts thereof, which have been reserved for various purposes.

a) **Procedure for Reclaiming Ancestral Domains or Parts thereof Proclaimed as Reservations.**

- (1) For purposes of the enforcement of this right, the NCIP shall review all existing Executive Orders, Administrative Orders, Presidential Proclamations covering reservations within ancestral domains to determine the actual use thereof.
- (2) Thereafter, it shall take appropriate steps to cause the dis-establishment of the reservation or the segregation and reconveyance of ancestral domains or portions thereof to the concerned ICCs/IPs.

b) **Conditions for Continued Use of Ancestral Domains as Part of Reservations.** ICCs/IPs communities whose ancestral domains or portions thereof continue to be used as part of reservations, have the right to negotiate the terms and conditions thereof in a Memorandum of Agreement. The ICC/IP community may negotiate for such use, including the grant of benefits such as, but not limited to, preferential use of facilities in the area and free access to basic services being dispensed therefrom, through appropriate IP desks to be established by the administrator of the reservation.

**Section 8. Right to Resolve Conflicts According to Customary Laws.** All conflicts pertaining to property rights, claims and ownership, hereditary succession and settlement of land disputes within ancestral domains/ lands shall be resolved in accordance with the customary laws, traditions and practices of the ICCs/IPs in the area where the conflict arises.

If the conflict between or among ICCs/IPs is not resolved, through such customary laws, traditions and practices, the Council of Elders/Leaders who participated in the attempt to settle the dispute shall certify that the same has not been resolved. Such certification shall be a condition precedent for the filing of the complaint with the NCIP, through its Regional Offices for adjudication.

Decisions of the NCIP may be brought on Appeal to the Court of Appeals by way of a Petition for Review.

### **Part III. Rights of the ICCs/IPs to Their Ancestral Lands**

**Section 1. Right to Transfer Land or Property.** The various indigenous modes of acquisition and transfer of property between and among members of the ICCs/IPs shall be recognized as legal, valid and enforceable.

Indigenous property rights arising from marriages between IPs and non-IPs shall be governed by customary laws of the IP spouse. The non-IP spouse shall have usufructuary rights thereto for the maintenance and support of the family.

**Section 2. Right to Redemption.** Transfer of ancestral lands by IPs to non-IPs attended by vitiated consent or made for an unconscionable price shall, upon investigation and proof thereof, be declared null and void *ab initio* and the transferor has the right to redeem the property within a period of fifteen years from the date of transfer. In case of fraudulent transactions, the redemption period shall be reckoned upon the discovery of the fraud.

Consent is deemed vitiated when given through error or mistake, violence, intimidation, undue influence, fraud or deceit. The price is considered unconscionable when the amount compared to the value of the property is so disproportionate as to be revolting to human conscience.

The transferor shall exercise his right to redeem within fifteen years from date of transfer. The NCIP shall provide, as part of its Rules of Procedures, the process for the exercise of this right. It shall include the filing of a petition therefor stating the circumstances of vitiated consent or unconscionable price; due notice and hearing; and the reconveyance of the property to the transferor ICC/IP.

**Section 3. Option to Secure Patents under Commonwealth Act No. 141, as Amended.** Formal recognition of native title to ancestral lands is secured through the issuance of a Certificate of Ancestral Land Title under the Act.

Members of the ICCs/IP communities who individually own ancestral lands shall have the option to secure Certificates of Title to such land pursuant to the provisions of Commonwealth Act No. 141, as amended, provided such option is exercised within twenty (20) years from approval of the Act.

Pursuant to Section 12 of the Act, all ancestral lands which have been individually owned and actually used continuously by ICCs/IPs for a period of at least thirty (30) years for agricultural, residential, pasture, or tree farming purposes, including those with slope of more than eighteen (18) degrees are hereby classified as alienable and disposable agricultural lands and may be titled in accordance with the provisions of Commonwealth Act No. 141, as amended.

Ancestral lands within ancestral domains shall remain an integral part thereof and can only be transferred or otherwise encumbered subject to customary laws and traditions of the community where the same is located.

#### **Part IV. Responsibilities of ICCs/IPs to their Ancestral Domains**

**Section 1. Maintain Ecological Balance.** Based on their indigenous and traditional practices, ICCs/IPs shall formulate and implement their respective systems for protecting and conserving the flora and fauna, watershed areas, sacred places and all other objects of ritual and ecological importance in order to preserve, restore and maintain a balanced ecology within their ancestral domains. To ensure biological diversity, sustainable indigenous agriculture shall be encouraged while the system of mono-cropping shall be discouraged.

The ICCs/IPs shall establish their own institutions, systems and standards for protecting their natural resources. Such standards shall consider the national standards as minimum, without prejudice to imposing stricter standards. For this purpose, the ICCs/IPs shall be authorized by the government, through appropriate issuance, to exercise powers to apprehend and prosecute all persons violating environmental and natural resources laws within ancestral domains in accordance with Section 72 of the Act.

The ICCs/IPs shall have access to all government funds earmarked for environmental protection in relation to their domains. For this purpose, the NCIP shall negotiate and enter into agreements with concerned agencies for the effective transfer of funds appropriated for such purposes to the concerned indigenous peoples' communities through the NCIP.

The ICCs/IPs may, on their own initiative, likewise secure funds for such purposes from other local and foreign sources.

**Section 2. Restore Denuded Areas.** The concerned ICCs/IPs, in collaboration with appropriate government agencies, shall restore denuded areas within their ancestral domains.

In cases where the denudation of areas within the domains is caused by identified natural resource licensees, the ICCs/IPs through the NCIP shall make the proper representation to the appropriate government agency for the enforcement of the licensees' obligation under the contract to reforest said areas. Should the licensee fail to implement a restoration program, the concerned government agency shall cause the execution of the bond and apply the same in favor of the ICCs/IPs, without prejudice to payment of compensation for damages to the ancestral domains' eco-systems.

Through their own POs, the concerned ICCs/IPs shall develop their own systems for undertaking reforestation projects under such terms and conditions that will ensure the application of IKSPs and customary laws, and the promotion and propagation of indigenous species as well as those of ecological importance. All such projects shall be considered an integral part of the domains and are therefore communally-owned by such ICCs/IPs.

The management of all existing government reforestation projects within the ancestral domains shall be transferred to the NCIP through the execution of the appropriate instruments. The NCIP, in turn, shall execute Memoranda of Agreement with concerned ICCs/IPs for the implementation of the projects.

**Section 3 . Observe Laws.** In maintaining ecological balance and restoring denuded areas within their ancestral domains, the ICCs/IPs shall adhere to the letter, spirit and intent of the Act.

#### **RULE IV: RIGHT TO SELF-GOVERNANCE AND EMPOWERMENT**

##### **Part 1: Self-Governance and Political Leadership Systems.**

**Section 1: Recognition of Authentic Leadership.** In pursuance of the right to self-governance and self-determination, the ICCs/IPs, in coordination with the Department of the Interior and Local Government, through the NCIP, shall formulate measures to ensure that :

- a) The socio-political structures, systems and institutions of ICCs/IPs are strengthened;
- b) The indigenous structures, systems, and institutions are not supplanted by other forms of non-indigenous governance; and/ or
- c) Mechanisms that allow the interfacing of indigenous systems of governance with the national systems are established.

**Section 2. Authentication of Indigenous Leadership Titles and Certificates of Tribal Membership.** The ICCs/IPs concerned shall have the sole power to authenticate indigenous leadership titles and certificates of membership. Accordingly, the ICCs/IPs shall have the following powers and rights:

- a) **Right to Confer Leadership Titles.** The ICCs/IPs concerned, in accordance with their customary laws and practices, shall have the sole right to vest titles of leadership such as, but not limited to, Bae, Datu, Baylan, Timuay, Likid and such other titles to their members.
- b) **Recognition of Leadership Titles.** To forestall undue conferment of leadership titles and misrepresentations, the ICCs/IPs concerned, may, at their option, submit a list of their recognized traditional socio-political leaders with their corresponding titles to the NCIP. The NCIP through its field offices, shall conduct a field validation of said list and shall maintain a national directory thereof.

- c) **Issuance of Certificates of Tribal Membership.** Only the recognized registered leaders are authorized to issue certificates of tribal membership to their members. Such certificates shall be confirmed by the NCIP based on its census and records and shall have effect only for the purpose for which it was issued.

All Certificates of Tribal Membership previously issued under Executive Order No. 122-B, and 122-C, as amended, shall be validated by the ICCs/IPs in accordance with their own process and shall be endorsed to the NCIP for confirmation and recording purposes.

**Section 3. Indigenous Political Leadership Development.** Indigenous leadership emerges from the dynamics of customary laws and practices. Indigenous leaders evolve from a lifestyle of conscious assertion and practice of traditional values and beliefs as seen, among others, by the following attributes:

- a) Demonstrates sustained wisdom and integrity in the administration of justice and pronouncement of judgments and decisions based on truth and the maintenance of peace;
- b) Model head of the family, as a provider and protector of family and community values such as cooperation, sharing and caring;
- c) Contributes and makes decisions aimed at protecting the ancestral domain, community peace, truth, IKSPs and sustaining harmonious relationships with neighboring tribes;
- d) Recognized authority on customary laws and practices, conflict resolution mechanism, peace-building processes, spiritual , rituals and ceremonials; and
- e) Personal integrity and honesty.

The NCIP shall support the initiatives, projects and activities of ICCs/IPs that will strengthen and develop their socio-political and leadership systems.

**Section 4. Recognition of Socio-Political Institutions and Structures.** The ICCs/IPs have the right to use their traditional justice systems, conflict resolution institutions or peace building processes which are oriented to settlements, reconciliation and healing, and as may be compatible with national laws and accepted international human rights, in all conflict situations between and among IP individuals and between and among other ICCs/IP communities.

The NCIP shall assist ICCs/IPs to document cases resolved under the indigenous justice systems, conflict resolution mechanisms and peace building processes in order to provide references to be used in resolving conflicts involving ICCs/IPs.

**Section 5. Support for Autonomous Regions.** The autonomous regions created under the 1987 Constitutions, in accordance with their requirements and needs, shall be strengthened and supported by the State, following the principles of self-governance and cultural integrity.

ICCs/IPs not included or outside Muslim Mindanao and the Cordilleras shall use the form and content of their ways of life as may be compatible with the fundamental rights defined under the 1987 Constitution of the Republic of the Philippines and other internationally recognized human rights.

**Section 6. Mandatory Representation in Policy Making Bodies.** The ICCs/IPs shall be provided mandatory representation in all policy making bodies and in local legislative councils. ICC/IP representation shall be proportionate to their population, and shall have the same privileges as the regular members of the legislative bodies and/or policy making bodies.

ICC/IP representatives shall be qualified and chosen by their own communities in accordance with a process to be determined by them. In consultation with ICCs/IPs, the NCIP in close coordination with DILG shall come up with appropriate measures to ensure the full participation of ICCs/IPs in matters affecting their development. Such measures shall also include the provision of technical assistance to develop the ICC/IP representative's knowledge of traditional socio-political systems, customary laws, justice system and skills in interfacing with non-IP governance and policy making.

**Section 7: Right to Determine and Decide Own Development and Right to Develop as Peoples.** The ancestral domains of the ICCs/IPs is the foundation of their right to self-determination. As such the ICCs/IPs shall have the right to decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being and the lands they own, occupy and use. Towards these ends, the ICCs/IPs shall participate in the formulation, implementation and evaluation of plans, policies and programs for national, regional and local development which may affect them.

The NCIP shall take special measures to guarantee the right of ICCs/IPs to pursue their economic, social and cultural development at their own choice and pace and to ensure that economic opportunities created by the government are extend to them based on freedom of initiative and self-reliance.

**Section 8. Tribal Barangays.** The ICCs/IPs living in contiguous areas or communities where they form the majority may form or constitute a separate barangay in accordance with the Local Government Code. In consultation with the ICCs/IPs the NCIP, in close coordination with the DILG shall formulate measures to ensure the implementation of the principle of Equivalent Free Voting Procedure in such barangays in order to effectively recognize indigenous political systems, leadership structures and governance in such barangays. The NCIP shall undertake studies and propose legislative measures to ensure the applicability of traditional socio-political structures and processes for local governance in ancestral domains/lands and geographic areas occupied by ICCs/IPs.

## **Part II: Role of Peoples Organizations**

**Section 1. Right to Organize and Associate for Collective Actions.** The NCIP shall recognize the vital role of IPOs as autonomous partners in development and shall fully support the development and empowerment of indigenous peoples organizations, or associations to pursue and protect their legitimate and collective interests and aspirations.

In consultation with the Indigenous Peoples Organizations (IPOs), the NCIP shall prepare guidelines for strengthening the capability of the members which shall be culture sensitive and shall cover, among others, the following:

- a) Awareness and knowledge of IPRA and its IRR;
- b) IPs' holistic and sustainable development framework;
- c) Research and documentation skills particularly in taking the testimonies of elders by way of individual and group interviews;
- d) Community Organization to include traditional leadership, community and cooperative value system, socio-political structures and self advocacy;
- e) Indigenous Knowledge Systems and Practices (IKSPs) to include but not limited to customary laws, traditions and practices; sustainable resource management systems and practices; family and community life value systems;
- f) Conflict resolution mechanisms and peace-building processes;
- g) Project management; and
- h) Networking and development work partnership with other POs, NGOs and GOs.

**Section 2. Registration Requirements for Indigenous Peoples Organizations (IPO).** For the purpose of acquiring legal personality, indigenous peoples' organizations may register with the NCIP.

The application for registration shall be filed with the concerned NCIP Provincial Office with the following attachments:

- a) Duly accomplished NCIP Registration Form;
- b) List of Officers/Leaders;
- c) Petition/Resolution signed by authorized officers/or members;
- d) Written accounts of organizational decision-making processes;
- e) Written commitment to recognize and assert customary laws and decision-making by consensus.
- f) List of authorized representatives of the ICC/IP community;
- g) Written accounts of the ICCs/IPs customs and traditions;
- h) Written accounts of the ICCs/IPs political structure and institutions;
- i) Written accounts of community decision-making processes;
- j) Anthropological data; and
- k) Genealogical surveys.

The NCIP Provincial Officer shall evaluate and field validate the authenticity of the IPO and submit a report of the same including the IPO's application for registration to the NCIP Regional Director who shall, within 15 days issue the Certificate of Registration. The NCIP Regional Director shall furnish the National Office updated lists of all such organizations registered by them.

**Section 3. Monitoring and Reporting.** All registered IPOs and accredited NGOs shall submit to the NCIP Field Offices the following documents annually:

- a) Change of officers or leaders;
- b) Financial and Accomplishment Reports; and
- c) Changes in programs, projects or activities.

**Section 4. Accreditation of NGOs Operating Within Ancestral Domains.** For regulatory and monitoring purposes, non-government organizations with intentions of operating, or already operating, within ancestral domains shall have to be accredited by the NCIP Regional Office where the NGO operates. To be accredited, the NGOs shall submit the following:

- a) Duly accomplished NCIP Accreditation Form for NGOs;
- b) Certified copy of registration with Securities and Exchange Commission (SEC) or other government agency;
- c) Organizational structure and officers of the organization;
- d) Organization's vision, mission, goals and objectives, programs/plans and membership policies; and
- e) Written historical track record of the NGO.

Accreditation shall be renewable every two (2) years.

**Section 5. Suspension and Revocation of PO Registration or NGO Accreditation.** The NCIP may suspend or revoke the Certificate of Registration of any IPO or Certificate of Accreditation of any NGO on the following grounds:

- a) Unauthorized negotiation with natural or juridical persons relative to land development, use, extraction, harvest, and exploitation of natural resources;
- b) Misrepresentation and entering into agreement or compromise with investors to the detriment of the community;
- c) Accepting bribery such as project contracts, gifts or donations in exchange of favors;
- d) Loss of trust and confidence of the members of the community;
- e) Violation of customary processes and community collective decision-making; and
- f) Other analogous circumstances.

The cancellation proceedings shall be initiated by complaint with the NCIP Regional Office, who shall hear and decide the same and if warranted and upon due course order the cancellation of registration. The decision of the NCIP Regional Office may be brought on appeal to the Commission.

The NCIP shall establish a data-base for indexing and monitoring all registered IPOs.

### **Part III. Instrument of Empowerment**

**Section 1.** Inroads into the ancestral domains/lands of ICCs/IPs resulted to their disenfranchisement and marginalization. Policies, plans, development programs and projects which may have been prejudicial to the rights and interests of ICCs/IPs have been adopted and implemented within ancestral domains/lands without the consent of concerned IP communities. Free and prior informed consent, as an instrument of empowerment, enables IPs to exercise their right to self-determination.

**Section 2. General Application.** The provisions herein on free and prior informed consent shall generally be applicable to all the provisions of the Act and these rules requiring the free and prior informed consent of ICCs/IPs.

**Section 3. Free and Prior Informed Consent.** The ICCs/IPs shall, within their communities, determine for themselves policies, development programs, projects and plans to meet their identified priority needs and concerns. The ICCs/IPs shall have the right to accept or reject a certain development intervention in their particular communities.

The acceptance or rejection of proposed policy, program, project or plan shall be assessed in accordance with the following IPs development framework and value systems for the conservation and protection of:

- a) Ancestral domains/lands as the ICCs/IPs' fundamental source of life;
- b) Traditional support system of kinship, friendship, neighborhood clusters, tribal and inter-tribal relationships rooted in cooperation, sharing and caring;
- c) Sustainable and traditional agricultural cycles, community life, village economy and livelihood activities such as swidden farming, communal forests, hunting grounds, watersheds, irrigation systems and other indigenous management systems and practices; and
- d) Houses, properties, sacred and burial grounds.

**Section 4. Scope of ICCs/IPs whose Consent shall be Secured.** The scope of the ICCs/IPs whose free and prior informed consent is required shall depend upon the impact area of the proposed policy, program, projects and plans, such that:

- a) When the policy, program, project or plan affects only the particular community within the ancestral domain, only such community shall give their free and prior informed consent;

- b) When the policy, program, project or plan affects the entire ancestral domain, the consent of the concerned ICCs/IPs within the ancestral domain shall be secured; and
- c) When the policy, program, project or plan affects a whole range of territories covering two or more ancestral domains, the consent of all affected ICCs/IP communities shall be secured.

**Section 5. Procedure and Requirements for Securing ICCs/IPs Consent.** The consensus building process of each particular indigenous cultural community shall be adhered to in securing the ICCs/IPs' Free and Prior Informed Consent. For purposes of documentation and monitoring, the NCIP shall assist, document and witness the process of securing Free and Prior Informed Consent. The basic elements in the consensus building process shall include, at the minimum, information dissemination to all members of the concerned indigenous peoples communities, assessment of the concerns or issues by appropriate assemblies in accordance with customs and traditions and discernment and initial decision by recognized council of elders, affirmation of the decision of the Elders by all the members of the community.

The following minimum requirements shall be strictly complied with:

- a) For every meeting, notices thereof written in English or Pilipino and in the IP language and authorized by community elders/leaders shall be delivered and posted in conspicuous places or announced in the area where the meeting shall be conducted at least two (2) weeks before the scheduled meeting;
- b) All meetings and proceedings where the proponent shall submit and discuss all the necessary information on the proposed policy, program, project or plan shall be conducted in a process and language spoken and understood by the ICCs/IPs concerned;
- c) The minutes of meetings or proceedings conducted shall be written in English or Pilipino and in the language of the concerned ICCs/IPs and shall be validated with those who attended the meeting or assembly before the finalization and distribution of the minutes;
- d) Consent or rejection by the ICC/IP community shall be signified by affixing signatures or thumb marks in a document written in their own language or dialect with corresponding English or Pilipino translation. Signatures or thumb marks shall be considered valid, only when it is affixed on each and every page of the document signifying consent or rejection. In case of rejection, the ICCs/IPs shall state in the document of rejection whether or not they shall entertain alternative proposals of similar nature; and
- e) Any alternative proposal shall be subject to the Free and Prior Informed Consent of the ICCs/IPs in accordance with the foregoing procedures and requirements.

**Section 6. Obligations of the Proponent.** The proponent of any policy, program, project, or activity requiring the Free and Prior Informed Consent of the ICCs/IPs community shall:

- a) Submit to the IP community an undertaking written in a language spoken and understood by the community concerned that it shall commit itself to full disclosure of records and information relevant to the policy, program, project or activity, and allow full access to records, documents, material information and facilities pertinent to the same;
- b) Submit to the IP community and the NCIP in a language understandable to the concerned community an Environmental and Socio-cultural Impact Statement, detailing all the possible impact of the policy, program, project or activity upon the ecological, economic, social and cultural aspect of the community as a whole. Such document shall clearly indicate how adverse impacts can be avoided or mitigated;
- c) Submit an undertaking in writing to answer for damages which the ICCs/IPs may suffer on account of the policy, program, project, plan or activity and deposit a cash bond or post a surety bond with the NCIP when required by the community equivalent to a percentage of its investments, subject to progressive increase, depending upon the impact of the project. The amount of bond shall be determined by the NCIP with the concurrence of the ICCs/IPs concerned; and

d) Underwrite all expenses attendant to securing the free and prior informed consent of ICCs/IPs.

The NCIP shall subsequently issue additional guidelines hereon whenever necessary.

**Section 7. Development and Cultural Activities Subject to Free and Prior Informed Consent (FPIC).** Policies, programs, projects, plans and activities subject to free and prior informed consent shall include but not limited to the following:

- a) Exploration, development, exploitation and utilization of natural resources within ancestral domains/lands;
- b) Research in indigenous knowledge, systems and practices related to agriculture, forestry, watershed and resource management systems and technologies, medical and scientific concerns, bio-diversity, bio-prospecting and gathering of genetic resources;
- c) Displacement and relocation;
- d) Archeological explorations, diggings and excavations and access to religious and cultural sites;
- e) Policies affecting the general welfare and the rights of ICCs/IPs; and
- f) Entry of the Military or paramilitary forces or establishment of temporary or permanent military facilities within the domains.

The NCIP shall prescribe terms and conditions regarding public presentation, display, performance and other forms of utilization of ICCs/IPs' lifeways and material culture.

**Section 8. Memorandum of Agreement.** As a component part of the process of securing the free and prior informed consent of the concerned ICCs/IPs a Memorandum of Agreement (MOA) shall be executed by and between the proponent, host ICC/IP community, and the NCIP, written in the dialect or language of the concerned ICCs/IPs, with corresponding English and Pilipino translation. The MOA shall stipulate, among others:

- (1) Benefits due the host ICCs/IP communities;
- (2) Measures to protect IPs' rights and value systems enumerated in the Section on *Free Prior and Informed Consent* of these Rules and Regulations;
- (3) Responsibilities of the proponent as well as those of the host ICC/IP community and the NCIP;
- (4) In case of change of proponent as a result of partnership, joint venture, reorganization, merger, acquisition, sale, or transfer of rights, the terms and conditions of the MOA shall bind the new proponent without necessarily executing another MOA; and
- (5) Penalties for non-compliance and or violation of the terms and conditions.

For the purposes of validity of the Memorandum of Agreement referred to above, the signatories thereto shall be; a) for corporations, partnerships or single proprietorship entities, the authorized officers, representatives, or partners as per Board resolution; b) for the ICC/IP community, all the authorized community elders or traditional leaders, who are registered with the NCIP in accordance with Section 2, Part III, Rule IV; and c) the NCIP or authorized representative. The NCIP shall keep a copy of the MOA for records and monitoring purposes.

**Section 9. Non-Transferability of Consent** The free and prior informed consent granted by the ICCs/IPs for a particular proposed policy, program, project or plan, as a general rule, shall not be transferable to any other party, except in case of merger, reorganization, transfer of rights, acquisition by another entity, or joint venture: Provided; that there will be no changes in the original plan, program, project or policy and: Provided further; that the same shall not prejudice the interest, rights and welfare of the concerned ICCs/IPs.



## **RULE V: SOCIAL JUSTICE AND HUMAN RIGHTS**

**Section 1. Equal Protection Before the Law.** With due recognition of the ICCs/IPs' distinct characteristics and identity, the State shall accord to members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. The NCIP shall ensure that fundamental human rights and freedom are guaranteed to all members of the ICCs/IPs as already accorded to every member of society.

**Section 2. Rights During Armed Conflict.** The ICCs/IPs have the right to declare their territories as zones of peace and to special protection and security in periods of armed conflict. The NCIP shall ensure that international standards are observed for the protection of civilian populations in circumstances of emergency and armed conflict, particular, the Fourth Geneva Convention of 1949. Accordingly the State shall not:

- a) Recruit children of the ICCs/IPs into the armed forces under any circumstance;
- b) Conscript or recruit ICC/IP individuals against their will to the armed forces, and in particular for use against other indigenous peoples;
- c) Relocate ICC/IP communities to special centers for military purposes;
- d) Force ICC/IP communities, families or individuals to abandon their lands, territories, or means of subsistence; and
- e) Require indigenous individuals to work for military purposes under discriminatory conditions.

In consultation with the ICCs/IPs who are victims of armed conflict, the NCIP in collaboration with national and international specialized agencies shall implement an integrated emergency program for the victim families' and communities' relief and rehabilitation. Such integrated program shall take special attention on the impact of armed conflict activities to the indigenous children's psycho-social functioning and development.

**Section 3. Freedom from Discrimination.** ICCs/IPs are free and equal to all other individuals in their dignity as human beings and shall be free from any kind of adverse discrimination for reason of their indigenous origin or identity. The NCIP shall ensure that every member of the ICCs/IPs is accorded full respect as valuable citizens of the Republic of the Philippines.

The NCIP shall take special measures to ensure the effective protection with regard to the recruitment and conditions of employment of persons belonging to the ICCs/IPs to the extent that they are not protected by laws applicable to workers in general.

### **Section 4. Right to Employment.**

- a) The right of members of ICCs/IP communities to employment includes the right to:
  - (1) Be free from any form of discrimination, with respect to recruitment and conditions of employment;
  - (2) Enjoy equal opportunities for admission to employment, both skilled and unskilled;
  - (3) Just and legal remuneration of work for equal value;
  - (4) Medical and social assistance, occupational safety, social security and any other occupationally related benefits, including housing;
  - (5) Freedom of association and freedom for all lawful trade union activities including the right to conclude collective bargaining agreements with employers;
  - (6) Be informed of their rights and privileges under existing labor laws and to avail for equal protection of these rights;

- (7) Enjoy a wholesome and healthy working environment free from any forms of life hazards and dangers and other conditions hazardous to their health, in particular through exposure to pesticides and other toxic substances;
  - (8) Be free from any coercive recruitment system, including bonded labor and other forms of debt servitude; and
  - (9) Equal opportunities and just treatment in employment for men and women, including protection against sexual harassment;
- b) **Special Measures.** The NCIP in close coordination with the Department Of Labor and Employment and such other related agencies shall adopt special measures to ensure the effective and legal protection of members of ICCs/IPs with regard to the following:
- (1) Recruitment and employment conditions applicable to workers in general;
  - (2) Establishment of an IP Desk at the Department Of Labor and Employment (DOLE);
  - (3) Protection of IPs right to affirmative action with regards to their employment in government and private undertakings by setting up mechanisms for the recruitment and hiring of IPs in proportion to their population in their areas of operation; and
  - (4) Periodic monitoring of IPs employment with GOs, NGOs and private companies.
- c. The NCIP shall develop a Jobs and Employment Program for the appropriate training and placement of IPs, whether professionals, skilled or unskilled. The program shall assess and determine the number of unemployed and underemployed IPs and establish training and placement procedure to assist IPs to meet job/employment demands.

**Section 5. Right to Basic Services.** The ICCs/IPs are entitled to basic services. The equitable delivery of basic services to all ICCs/IPs all over the country shall be the focus of the NCIP's Five Year Master Plan. In close coordination with other government line agencies mandated to deliver basic needs the NCIP shall work towards the establishment of IP Desks with such agencies but not limited to Department of Labor and Employment (DOLE), Department of Health (DOH), Department of Education, Culture and Sports (DECS), Commission on Higher Education (CHED), National Housing Authority (NHA), Social Security System (SSS), Technical Education and Skills Authority (TESDA), National Commission on Culture and the Arts (NCCA), Department of Social Welfare and Development (DSWD), Department of the Interior and Local Government (DILG) and other offices for the delivery of basic services covering employment, vocational training and retraining, housing, sanitation, health, water, education, infrastructure, electrical facilities and social security.

In consultation with ICCs/IPs the NCIP shall prepare a flexible Five Year Master Plan focused on the delivery of basic services by among other things doing the following:

- a) Census of IPs;
- b) Conduct needs assessment consultations with all ICCs/IPs and prepare an inventory of community identified priority basic services;
- c) Formulate and incorporate in the Five Year Master Plan, a special program for meeting the special needs of women, the elderly, youth, children and differently-abled persons;
- d) Provide technical and financial support services for the empowerment of ICCs/IPs to generate their own resources for basic services in their ancestral domains; and
- e) Collaborate with mandated government line agencies to establish IP Desks that will ensure and monitor the equitable, effective and efficient delivery of basic services to ICCs/IPs by the particular agency/or agencies; and support for the sustained utilization of indigenous self-reliant health care services by supporting traditional practices of prolonged breast feeding and use of herbal medicines.

**Section 6. Rights of Women.** In partnership with ICC/IP women's organizations and other GO/NGO support groups, the NCIP shall prepare and develop programs and projects to ensure that women shall fully participate in community and nation building through, among others, the following:

- a) Provision of appropriate support for women's' groups/ organizations to conduct research and document IP women's traditional roles in marriage, family, community, political and economic life to determine gender issues and concerns among ICCs/IPs;
- b) Development of appropriate programs and projects to respond to gender issues and concerns as these relate to the full realization and protection of women's rights for maximum participation in community and nation building; and
- c) Women community-based initiated projects aimed at empowering women shall be given priority in terms of financial and technical support.

**Section 7. Rights of Children and Youth.** The NCIP in consultation with ICCs/IPs shall assess the situation of children and youth both in rural areas and highly urbanized centers with regards to the recognition, promotion and protection of their rights as provided in the Act and the Universal Declaration on the Rights of the Child.

The NCIP shall work closely other government line agencies and international bodies, such as the Department of Education, Culture and Sports (DECS), the Department of Social Welfare and Development (DSWD), Department of Justice (DOJ), Commission on Human Rights (CHR), Department of Labor and Employment (DOLE), International Organizations including the World Health Organization (WHO), the International Labor Organization (ILO) and the United Nations Children's Educational Fund (UNICEF); with NGO support groups; and other agencies mandated to serve the sector and formulate programs and projects intended for their development and rearing of the children and youth belonging to the ICCs/IP communities. The NCIP shall ensure the establishment of an effective mechanism towards the protection of the rights of ICC/IP children and youth and more specifically the achievement of the following:

- a) Production of indigenous education literature about the indigenous culture in order to facilitate efforts at integrating such subject matter into the IP curriculum;
- b) Establishment of appropriate mechanisms in accordance with customary laws, for involving the children and youth in community leadership and decision making and relevant development programs and activities;
- c) Encourage and support the integration of ICCs/IPs IKSPs in both formal and non-formal educational systems for the formation of both male and female children and youth;
- d) Provision of technical training and education and the improvement and strengthening of regional state colleges, universities and technical schools with regards to their role in providing quality education, relevant to the needs, interests and aspirations of ICCs/IPs children and youth; and
- e) Use of IP dialect or language as the medium of instruction in early childhood and primary educational levels.

The NCIP in close coordination with Department of Social Welfare and Development shall take special measures to prepare a culture-sensitive daycare program that ensures the holistic development and formation of IP children and affirms their cultural integrity.

**Section 8. Right to Education.** In consultation with ICCs/IPs the NCIP shall work, in collaboration with the Department of Education, Culture and Sports (DECS), the Commission on Higher Education (CHED) and with private and public schools at all levels towards the development of appropriate programs and projects related to the following:

- a) The curricula and appropriate teaching materials and resources;

- b) The equitable distribution, selection and implementation of scholarship programs;
- c) Appropriate career development;
- d) Training of teachers for IP communities;
- e) Construction of school buildings in IP communities;
- f) Inclusion of IPs resistance to colonization in the academic curricula, in the context of IPs assertion and defense of their freedom, independence and territorial integrity and culture; and
- g) Establish schools for living traditions and cultural heritage.

## **RULE VI: CULTURAL INTEGRITY**

**Section 1. Constitutional and Legal Framework.** The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions, and shall take measures, with the participation of ICCs/IPs concerned to protect their rights and guarantee respect for cultural integrity in order that ICCs/IPs shall at all times benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population.

It shall recognize its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICCs/IPs participation in the direction of education, health, as well as other services to the ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

**Section 2. Conceptual Framework of Cultural Integrity.** Cultural integrity shall refer to the holistic and integrated adherence of a particular ICC/IP community to their customs, religious beliefs, traditions, indigenous knowledge systems and practices and their right to assert their character and identity as peoples.

**Section 3: Right to Cultural Integrity.** The rights of indigenous peoples to cultural integrity shall include:

- a) Protection of indigenous culture, traditions and institutions;
- b) Right to establish and control educational and learning systems;
- c) Recognition of cultural diversity;
- d) Right to name, identity and history;
- e) Community intellectual property rights;
- f) Protection of Religious, Cultural Sites and Ceremonies
- g) Right to indigenous spiritual beliefs and traditions;
- h) Protection of Indigenous Sacred Places
- i) Right to protection of indigenous knowledge systems and practices; and
- j) Right to science and technology.

**Section 5. Protection of Indigenous Culture, Traditions and Institutions.** The NCIP in its coordinative role and through the IP Desks of government line agencies, particularly with the National Economic and Development Authority (NEDA), Department of Trade and Industry (DTI), Department of Tourism (DOT), Department of Justice (DOJ), Department of Education, Culture and Sports (DECS), Commission on Higher Education (CHED), National Commission for the Culture and the Arts (NCCA), and other government agencies or instrumentalities, shall

ensure that ICCs/IPs' culture, traditions, and institutions are considered in the formulation and application of said agencies national programs, plans and policies.

**Section 6. Right to Establish and Control Educational and Learning Systems.** To enable the ICCs/IPs to exercise their right to establish and control their educational systems and institutions, the NCIP shall establish a program to support the following:

- a) Establish, maintain and support a complete, adequate and integrated system of education relevant to the needs of the ICCs/ IPs particularly their children and young people;
- b) Develop and implement school curricula for all levels relevant to the IPs/ICCs using their language, learning systems, histories and culture without compromising quality of education and building the indigenous children's capacity to compete for higher education;
- c) Encourage indigenous learning as well as self-learning, independent, out-of school study programs, school of heritage and living traditions that nurture cultural integrity and diversity and that responds to the needs of IP communities;
- d) Provide adult indigenous peoples with skills needed for civic efficiency and productivity; and
- e) Establish processes and implement affirmative action in the employment of indigenous teachers in schools within indigenous peoples communities and assist indigenous teachers in their professional advancement as this relate to the protection, promotion and protection of IP rights.

**Section 7. Recognition of Cultural Diversity.** The NCIP, in coordination with concerned government line agencies shall ensure that the dignity and diversity of the cultures, traditions, histories and aspirations of the indigenous peoples are appropriately reflected in all forms of education, public information, public services, cultural-exchange programs. In particular, the NCIP shall work closely with the State-owned media to ensure that the ICCs/IPs' cultural diversity are reflected and presented within the proper context.

The NCIP in consultation with ICCs/IPs shall take effective measures to promote affirmative action to systematically eradicate prejudice and discrimination against indigenous peoples and engender understanding and unity among ICCs/IPs and all segments of society. The ICCs/IPs diverse cultures, traditions and beliefs shall not be allowed to sow divisiveness and disunity among them.

Through the IP Desks in government line agencies, the NCIP shall ensure that all policies, programs and services shall promote the recognition and respect for ICCs/IPs' cultural diversity.

**Section 8. Recognition of Customary Laws and Practices Governing Civil Relations.** Marriage as an inviolable social institution shall be protected. Marriages performed in accordance with customary laws, rites, traditions and practices shall be recognized as valid. As proof of marriage, the testimony of authorized community elders or authorities of traditional socio-political structures shall be recognized as evidence of marriage for purposes of registration. Accordingly, the NCIP shall coordinate with the Office of the Civil Registrar General (OCRG) to establish an appropriate procedure for the registration of marriages performed under customary laws to include, among others, the following:

- a) System of facilitating early and late registration of marriages performed under Customary Laws the OCRG shall issue guidelines to their local offices for this purpose;
- b) The OCRG Certificate of Marriage forms for use of authorized tribal leaders/elders solemnizing marriages under Customary Laws shall be translated in the language understood by both parties;
- c) The NCIP, in consultation and coordination with ICCs/IPs, shall cause the registration and regular update of a list of those authorized to solemnize marriages according to customary laws; and

- d) The NCIP field offices in coordination with Local Civil Registrar offices shall ensure that all marriages performed under Customary Laws before the enactment of IPRA shall be registered accordingly and from thereon, marriages performed under Customary Laws shall be registered within fifteen (15) days following the solemnization.

**Section 9. Right to a Name, Identity and History.** The fundamental right of a person to a name and peoples' right to their history shall be recognized and respected. Accordingly, the ICCs/IPs naming systems and customs shall also be recognized and respected and shall have the right to their indigenous names registered with the Civil Registry as their formal appellation to be used in all official documents establishing their identity.

In close coordination with the Office of the Civil Registrar General (OCRG) the NCIP shall take appropriate measures to facilitate the registration of the ICCs/IPs indigenous names. For purposes of effective and efficient civil registration of births and deaths and census taking, the NCIP field offices shall be deputized to register said births and deaths. The paternal or maternal grandfather's name maybe used as surname. All registrations and census shall be submitted to the nearest Office of Local Registrar.

The ICCs/IPs have the right to their histories and to maintain the indigenous names of places within and outside their domains that reflect their unique identity.

**Section 10. Protection of Community Intellectual Property.** The ICCs/IPs have the right to own, control, develop and protect the following:

- a) The past, present and future manifestations of their cultures, such as but not limited to, archeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature as well as religious and spiritual properties;
- b) Science and Technology including, but not limited to, human and other genetic resources, seeds, medicines, health practices, vital medicinal plants, animals, minerals, indigenous knowledge systems and practices, resource management systems, agricultural technologies, knowledge of the properties of flora and fauna, and scientific discoveries; and
- c) Language, Music, Dances, Script, Histories, Oral Traditions, Conflict Resolution Mechanisms, Peace Building Processes, Life Philosophy and Perspectives and Teaching and Learning Systems.

In partnership with the ICCs/IPs, the NCIP shall establish effective mechanisms for protecting the indigenous peoples' community intellectual property rights along the principle of first impression first claim, the Convention on Bio-diversity, the Universal Declaration of Indigenous Peoples' Rights, and the Universal Declaration of Human Rights.

**Section 11. Protection of Religious, Cultural Sites and Ceremonies.** The indigenous artistic and historic wealth, ceremonial objects, cultural properties and artifacts constitutes the cultural treasures of the ICCs/IPs and shall be under their protection and disposition: Provided; that cultural treasures and properties shall not be brought outside of the indigenous peoples' ancestral domains. Towards this end, the initiatives of indigenous peoples to establish museums or centers shall be supported financially and technically by the government.

**Section 12. Right to Indigenous Spiritual Beliefs and Traditions.** The ICCs/IPs have the right to:

- a) Manifest, practice, develop and teach their spiritual beliefs, traditions, customs and ceremonies;
- b) Maintain, protect and have access to their spiritual and cultural sites;
- c) Use and control ceremonial objects; and
- d) Repatriation of human remains and artifacts collected without their free and prior informed consent.

To ensure that indigenous sacred places, including burial sites are preserved, respected and protected, the ICCs/IPs shall regulate access to these sacred sites.

**Section 13. Protection of Indigenous Sacred Places.** Penal sanctions in accordance with Section 72 of the Act and customary laws shall be applicable in case of:

- a) Exploration and/or excavation of archeological sites in ancestral domains/lands for the purpose of obtaining materials of cultural value without the free and prior informed consent of the community concerned; and
- b) Defacing, removing or otherwise destroying artifacts which are of great importance and significance to the ICCs/IPs for the preservation of their cultural heritage.

**Section 14. Right to Indigenous Knowledge Systems and Practices and to Develop Own Sciences and Technologies.** Indigenous knowledge systems and practices (IKSP) are systems, institutions, mechanisms, technologies comprising a unique body of knowledge evolved through time embodying patterns of relationships between and among peoples and between peoples, their lands and resource environment, including such spheres of relationships which may include social, political, cultural, economic, religious, and which are the direct outcome of the indigenous peoples responses to certain needs consisting of adaptive mechanisms which have allowed indigenous peoples to survive and thrive within their given socio-cultural and biophysical conditions.

The infusion of science and technology in the field of agriculture, forestry and medicine to ICCs/IPs is subject to their free and prior informed consent and shall build upon existing indigenous peoples knowledge and systems and self-reliant and traditional cooperative systems of the particular community.

**Section 15. Protection and Promotion of Indigenous Knowledge Systems and Practices (IKSPs).** The following guidelines, inter alia, are hereby adopted to safeguard the rights of IPs to their indigenous knowledge systems and practices:

- a) The ICCs/IPs have the right to regulate the entry of researchers into their ancestral domains/lands or territories. Researchers, research institutions, institutions of learning, laboratories, their agents or representatives and other like entities shall secure the free and prior informed consent of the ICCs/IPs, before access to indigenous peoples and resources could be allowed;
- b) A written agreement shall be entered into with the ICCs/IPs concerned regarding the research, including its purpose, design and expected outputs;
- c) All data provided by the indigenous peoples shall be acknowledged in whatever writings, publications, or journals authored or produced as a result of such research. The indigenous peoples will be definitively named as sources in all such papers;
- d) Copies of the outputs of all such researches shall be freely provided the ICC/IP community; and
- e) The ICC/IP community concerned shall be entitled to royalty from the income derived from any of the researches conducted and resulting publications.

To ensure effective control of research and documentation of their IKSPs, the IPOs' initiatives in this regard shall receive technical and financial assistance from sources of their own choice.

**Section 16. Protection of Manifestations of Indigenous Culture.** Indigenous culture shall not be commercialized or used for tourism and advertisement purposes without the free and prior informed consent of the indigenous peoples concerned. Where consent is alleged, the NCIP will ensure that there is free and prior informed consent.

In instances where the presentation of indigenous culture and artistic performances are held, the IPs shall have control over the performance in terms of its content and manner of

presentation according to customary laws and traditions, and shall have the right to impose penalties for violation thereof .

Indigenous peoples shall also have the right to equitably share in the benefits of such presentation or performance. All funds collected from these activities shall be managed directly by the community concerned through the registered IPO, otherwise, the same shall be held in trust by the NCIP for the benefit of the concerned IP community.

**Section 17. Protection of Biological and Genetic Resources.** The ICCs/IPs may, on their own initiative, make an inventory of biological and genetic resources found inside their domains/lands, for their exclusive use. They shall retain and reserve all rights pertaining to the storage, retrieval, and dissemination of the information, in whatever form and system, gathered as a result of the inventory. A certificate of free and prior informed consent shall be required in case the concerned ICCs/IPs may enter into a joint undertaking with natural or juridical persons for the use of biological and genetic resources for industrial, commercial, pharmaceutical and other profit-making purposes and ventures. Violation hereof shall be strictly prohibited and subject to penalties under customary law and as provided for by the Act. The NCIP shall assist the concerned ICCs/IPs in the enforcement hereof.

**Section 18. Agro-technological Development.** The ICCs/IPs, in coordination with the NCIP may choose to establish cooperatives in accordance with the indigenous concept of cooperative system.

The NCIP shall adopt programs for research and development of the ICCs/IPs' agricultural systems and provide necessary funds therefor.

**Section 19. Funds for Archeological and Historical Sites.** The ICCs/IPs shall initiate proposals for the management and preservation of their archeological and historical sites with the adequate and effective technical and financial support of the appropriate government agencies. All funds allocated for the management of these sites shall be immediately transferred to the IPs concerned through the NCIP. For this purpose, the NCIP shall take the necessary steps to ascertain that these funds are transferred to the communities concerned.

## **RULE VII. THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP)**

### **Part I: Creation, Mandate and Operating Principles of the NCIP**

**Section 1. Creation of NCIP.** The National Commission on Indigenous Peoples shall be established as the primary government agency to implement the policies set forth in the Act.

#### **Section 2. General and Specific Mandates.**

a) **General Mandate.** The NCIP shall protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs and traditions and institutions.

b) **Specific Mandates.**

(1) The promulgation of the Implementing Rules and Regulations as provided by Section 80 of the Act, within sixty (60) days after the appointment of the NCIP Chairperson and Commissioners, the Commission shall cause the preparation of the Implementing Rules and Regulations of the Act in consultation with the Committees on National Cultural Communities of the Senate and House of Representatives; and

(2) The promulgation of rules and regulations governing the hearing and disposition of cases filed before it and those pertaining to internal functions.

#### **Section 3. Primary Objectives and Responsibilities.**

a) To be the primary government agency responsible for the formulation and implementation of policies, plans and programs for, and with its main public clientele, the indigenous peoples;

- b) To promote and protect the rights and well-being of the ICCs/IPs and the recognition of their ancestral domains/lands based on customs, traditions and institutions; and
- c) To serve as the primary government agency through which the ICCs/IPs can seek government assistance and as the medium through which such assistance may be extended.

**Part II: NCIP as an Independent Agency Under the Office of the President.**

**Section 1. NCIP as an Independent Agency Under the Office of the President.** The NCIP is the primary agency of government for the formulation and implementation of policies, plans and programs to recognize, promote and protect the rights and well-being of indigenous peoples. It shall be an independent agency under the Office of the President. As such, the administrative relationship of the NCIP to the Office of the President is characterized as a lateral but autonomous relationship for purposes of policy and program coordination. This relationship shall be carried out through a system of periodic reporting. Matters of day-to-day administration or all those pertaining to internal operations shall be left to the discretion of the Chairperson of the Commission, as Chief Executive Officer.

**Section 2. Annual Reports.** Within sixty (60) days after the close of each calendar year, the Commission shall submit an Annual Report to the Office of the President which shall reflect the status of policy formulation and coordination, and the implementation of plans, programs projects and activities for the best interest of the indigenous peoples. The Annual Report shall be comprehensive in scope and, as much as possible, be prepared in accordance with the following form and contents:

- a) **Message** contains important policies, programs, projects and activities of the Commission; the status of their implementation; and other relevant information that affect the lives and welfare of the ICCs/IPs. It may also contain information on what the ICCs/IPs, in particular, and the general population may expect for the coming year or years. This portion of the Report shall be signed solely by the Chairperson of the Commission;
- b) **Executive Summary** contains significant results of the Commission's operations for the year under review;
- c) **National ICC/IP Situation** provides an overview of the policy and social environment from the perspective of the ICCs/IPs; the socioeconomic and demographic profile; the political and peace and order conditions; development activities conducted by the public and private sector , including voluntary organizations which affect the ICCs/IPs; and , other related information;
- d) **Organization and Management** identifies the offices and personnel of the Commission, including a description of their functions, duties, and responsibilities; and describes the roles of each office and key personnel. For each office, the report of accomplishments shall be focused on key result areas related to policy promotion and enhancement, and delivery of basic services and facilities. The accomplishments shall be expressed in quantitative and qualitative terms to reflect the holistic policy and development framework of the Act. In all cases, physical results shall correspond with financial expenditures. These reports shall include a comparative statement showing actual accomplishments versus target outputs/outcomes;
- e) **Budget Performance and Financial Statements** report on the results of the budgetary and financial transactions of the Commission for the preceding year. Such data shall include an analysis of performance versus approved budget, sources of funds, disbursements, and cash balances; comparative data for the year preceding the year under review; fund generating pattern for three (3) to five (5) years; efficiency and effectiveness of each office in the delivery of basic services and technical/legal assistance vis-à-vis budgetary expenditures on a national/regional/provincial/community and per capita basis. These financial statements shall be duly certified by the COA;
- f) **Plans, Programs, and Accomplishments** describe in narrative and pictorial manner the major plans and programs of the Commission as a whole, and individual offices, and their

accomplishments for the year under review. The presentation is performance-oriented indicating types of services delivered and projects undertaken;

- g) Decisions of the Commission *En Banc* provides digests of all the decisions of the Commission *en banc* for the resolution of cases on ancestral domains/lands; formal queries referred to it on policy matters related to IPRA; action on complaints presented on that level; policy issuances on the interface of customary law and other laws; and other similar rulings

### **Part III: Composition, Appointment, Qualification, Tenure, Compensation and Removal from Office.**

**Section 1. Composition of the Commission.** The Commission shall be composed of seven Commissioners appointed by the President representing each of the ethnographic regions stated below. They shall serve as Commissioners in charge of their respective region. In no case shall one Commissioner serve or represent more than one ethnographic region:

- a) Region I and Cordillera,;
- b) Region II;
- c) The Rest of Luzon;
- d) Island Groups including Mindoro, Palawan, Romblon, Panay, and the rest of Visayas;
- e) Northern and Western Mindanao;
- f) Southern and Eastern Mindanao; and
- g) Central Mindanao.

**Section 2. Appointment of Commissioners.** In constituting the NCIP, the President of the Philippines shall appoint seven (7) Commissioners, one of whom shall be Chairperson, according to the following mandatory considerations as provided by the Act:

- a) They shall come from one of the seven ethnographic/cultural areas;
- b) Representation of indigenous women in the Commission shall be assured by the appointment of a minimum of two women;
- c) Appointment of at least two Members of the Philippine Bar, preferably with a working knowledge of customary law;
- d) The Commissioners shall likewise be favorably recommended by authentic ICCs/IPs in their respective ethnographic region. For purposes of these rules, recommendation by authentic ICCs/IPs shall be a certification from community elders/leaders, indigenous peoples' organizations or IP sectoral groups, that vouches for the exemplary experience of the recommendee in ethnic affairs and his proven honesty and integrity; and
- e) The principle of rotation of tribal representation in the composition of the NCIP shall be observed by the authentic ICCs/IPs in their recommendation.

The ICCs/IPs shall pro-actively participate in the selection of Commissioners and Chairperson through such mechanisms as may be provided by them.

**Section 3. Qualifications.** The seven Commissioners shall possess the following qualifications and submit the required documents to the Office of the President as indicated :

- a) He/She must be natural born Filipino citizen;
- b) He/She must be at least thirty five (35) years of age at the time of appointment;

- c) He/She must be bona-fide member, by consanguinity, of the ICCs/IPs as certified by his/her tribe, through the attestation of the Council of Elders, community barangay leaders, or IPOs. The aspirant must likewise submit anthropological proof of bona-fide ICC/IP membership, through the submission of his/her genealogy, at least, to the fourth generation in the ascending order, duly certified by traditional leaders in the role of key informants;
- d) He/She must submit a sworn statement containing his/her experience in ethnic affairs for at least ten (10) years with an ICC/IP community and/or any government agency involved with ICCs/IPs;
- e) He/She must be of proven honesty and integrity, and must not be convicted of any crime involving moral turpitude, graft and corruption or administrative charges. To this effect, the aspirant must submit clearances from the Ombudsman and/or National Bureau of Investigation; and in the case of aspirants in the public service, clearances from all liabilities and misconduct from the Commission on Audit and Civil Service Commission;
- f) All documents submitted by the aspirant-Commissioner shall be verified by the Office of the President through field validation; and
- g) Any act of public or ethnic misrepresentation by an aspirant shall be penalized according to the customary law of the aggrieved tribe and/or other related laws.

**Section 4. Appointment and Authority of the Chairperson.** The Chairperson shall have the authority to preside over the Commission *en banc*. He/She shall likewise be the Chief Executive Officer of the NCIP as an independent agency under the Office of the President. Any delegation of authority by the Chairperson to other Commissioners and to the Executive Director shall be done in writing.

**Section 5. Tenure.** The members of the Commission shall hold office for a period of three (3) years , and may be subject to re-appointment for another term. In no case shall a Commissioner serve for more than two (2) terms, or six consecutive years. Appointment to any vacancy shall only be for the unexpired term of the predecessor and in no case shall a member be appointed or designated in a temporary or acting capacity.

**Section 6. Compensation.** The Chairperson and the Commissioners shall be entitled to compensation in accordance with the Salary Standardization Law.

**Section 7. Removal from Office.** Any member of the NCIP may be removed from office for cause, after due notice and hearing, by the President on his own initiative or upon recommendation by any ICC/IP community before the expiration of his term and after complying with the due process requirement of law.

**Section 8. Requirements for Removal of Commissioners from Office.** The removal for cause of any Commissioner shall require the following:

- a) A formal petition or complaint shall be filed by any indigenous community to the Office of the President in Manila or any of its regional field offices; and
- b) The petition or complaint shall include, but not be limited to, a narration of facts and circumstances describing the crime, illegal act/s, or other act/s contrary to customary law which subject the indigenous community to unnecessary risks that threaten their territorial and cultural integrity, which were committed by the Commissioner/s. The petitioners shall attach the necessary documents supporting the petition or complaint.

**Section 9. Inhibitions Against Members of the Commission.** All prohibitions governing the conduct of national public officers relating to prohibited business and pecuniary interests so provided in Republic Act 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, and other laws, rules and regulations shall also be applicable to the NCIP Commissioners, officers and employees.

## **Part IV: Powers and Functions of the NCIP**

**Section 1: Policy Review, Formulation and Implementation.** In relation to its function of policy review formulation and implementation, the NCIP shall have the following responsibilities:

- a) Review and assess the conditions of ICCs/IPs including existing laws and policies pertinent thereto and to propose relevant laws and policies to address their role in national development;
- b) Formulate and implement policies, plans, programs and projects for economic, social, political and cultural development of the ICCs/IPs and to monitor the implementation thereof;
- c) Convene periodic conventions or assemblies of ICCs/IPs to review, assess, as well as propose policies or plans;
- d) Submit to the Legislature/ Congress appropriate legislative proposals intended to carry out the policies under the Act; and,
- e) Study areas of cooperation and complementation with other organizations in the public and private sectors for appropriate interface and agreements to enhance policy coordination.

**Section 2: Managerial Functions.** In relation to managerial functions, the NCIP shall have the responsibility to:

- a) Prepare and submit the appropriate annual budget to the Office of the President;
- b) Request and engage the services and support of experts from other agencies of the government or employ private experts and consultants as may be required in the pursuit of its objectives subject to existing laws, rules and regulations;
- c) Advise the President of the Philippines on all matters relating to the ICCs/ IPs and to submit within sixty (60) days after the close of each calendar year, a report of its operations and achievements;
- d) Prepare and submit the staffing pattern to the Department of Budget and Management and the Civil Service Commission for approval; and implement the approved staffing pattern in accordance with these Rules and Regulations;
- e) Design and implement an appropriate human resource development program to ensure proper staff motivation and sensitivity in the discharge of their functions;
- f) Institute an organization development program that enhances organizational effectiveness in the shaping of the desired holistic policy environment for the implementation of the Act; and
- g) Exercise such other powers and functions as may be directed by the President of the Republic of the Philippines on matters relating to ICCs/IPs.

**Section 3: Functions Pertaining to Ancestral Domains/Lands.** In relation to its functions pertaining to Ancestral Domains and lands, the NCIP shall have the following responsibilities/ roles:

- a) **Titling of Ancestral Domains/Lands.** To issue certificates of ancestral land/ domain titles in accordance with the procedures prescribed in these Rules and Regulations;
- b) **Registration of CADTs/CALTs.** To register all CADTs and CALTs with the appropriate Register of Deeds pursuant to these Rules and Regulations;
- c) **Issuance of Certification as a Precondition.** To issue appropriate certification as a precondition to the grant or renewal of permit, concession, license, lease, production sharing agreement, or any other similar authority for the disposition, utilization, management and appropriation by any private individual, corporate entity or any government agency,

corporation or subdivision thereof on any part or portion of the ancestral domain taking into consideration the free and prior informed consent of the ICCs/ IPs concerned.

- d) **Action on Fraudulent Claims.** To take appropriate legal action for the cancellation of illegally acquired titles and for the reconveyance of the areas to the ICCs/IPs concerned as provided for in these Implementing Rules and Regulations; and
- e) To take appropriate legal action for the enforcement of the rights of ICCs/ IPs provided under the Act.

**Section 4: Fund Sourcing and Allocation.** In relation to fund sourcing and allocation, the NCIP shall have the following powers and responsibilities:

- a) Subject to existing laws, to enter into contracts, agreements, or arrangement, with government or private agencies or entities as may be necessary to attain the objectives of the Act, and subject to the approval of the President, to obtain loans from government lending institutions and other lending institutions to finance its programs; and
- b) To negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and from whatever source, local and international, subject to the approval of the President of the Philippines, for the benefit of ICCs/ IPs and administer the same in accordance with the terms thereof; or in the absence of any condition, in such manner consistent with the interest of ICCs/ IPs as well as existing laws.

**Section 5: Power to Represent IPs.** To represent the Philippine ICCs/IPs in all international conferences and conventions dealing with indigenous peoples and other related concerns. The NCIP shall likewise authorize the attendance of a non-NCIP official or employee to international gatherings, conferences, convention, training, and similar undertakings who shall present the Philippine position in such activities. Such authorized individual or groups shall submit a written post-action report, and conduct briefings or re-echo seminars to the NCIP within thirty (30) days upon arrival.

## **Part V: Accessibility and Transparency**

**Section 1. Accessibility and Transparency.** Subject to such limitations as may be provided by law or by rules and regulations promulgated pursuant thereto, all official records, documents and papers pertaining to official acts, transactions or decisions, as well as research data used as basis for policy development of the Commission shall be made accessible to the public.

**Section 2. Exercise of Right to Information.** In recognition of the right of the people to information on matters of public concern, the NCIP shall make accessible to the public all official records, documents and papers pertaining to official acts, transactions, as well as research data used as basis for policy development of the Commission. The exercise of the right to information includes, but shall not be limited to the following:

- a) Installation of an information monitoring system to serve the information needs and requirements of the ICCs/IPs, POs, NGOs, government agencies and the general public; and
- b) Periodic reports to the information users on the following areas;
  - (1) Transfer of personnel, assets, projects, funds and records corresponding to the reorganization of the ONCC/OSCC,
  - (2) Establishment and strengthening of the NCIP organizational structure from the service centers to the national office,
  - (3) Management of the Ancestral Domains Fund,
  - (4) Formation and operationalization of the consultative body, and people empowerment programs, including processes and indicators in the exercise of free and prior

informed consent and other mandatory consultations with respect to communal and individual IP rights,

(5) Compliance with established standards, guidelines, systems and procedures, grants, aids and subsidies given to the NCIP, and

(6) Other relevant information.

## **Part VI: Offices of the National Commission on Indigenous Peoples**

**Section 1: Offices within the NCIP.** The NCIP shall have the following offices which shall be responsible for the implementation of the policies, plans and programs herein provided.

- a) Ancestral Domains Office
- b) Office on Policy, Planning and Research
- c) Office on Education, Culture and Health
- d) Office on Socio-Economic Services and Special Concerns
- e) Office of Empowerment and Human Rights
- f) Administrative Office
- g) Legal Affairs Office
- h) Office of the Executive Director
- i) Regional and Field Offices
- j) Other Offices

**Section 2. Ancestral Domains Office.** The Ancestral Domains Office shall be responsible for the identification, delineation and recognition of ancestral lands/domains. Accordingly, it shall perform the following functions:

- a) Determine and define the boundaries of ancestral domains and ancestral lands in accordance with the procedure prescribed in these Rules and Regulations, provide cartographic services and upon the final and official delineation of the ancestral domain/land, endorse the same to the Commission for the issuance of the appropriate titles thereto;
- b) Conduct, upon the request of ICCs/IPs concerned, surveys of ancestral lands, verify and approve parcellary or subdivision surveys of the same;
- c) Issue, upon the free and prior informed consent of the ICCs/IPs concerned, certification prior to the grant of any license, lease or permit for the exploitation of natural resources affecting the interest of the ICCs/IPs and their ancestral domains;
- d) Assist the ICCs/IPs in protecting the territorial integrity of each and every ancestral domain;
- e) Coordinate and ensure the enforcement of policies and laws protecting the rights of ICCs/IPs to their ancestral domains and land, including the application of customary laws governing property rights and relations in determining ownership procedures and standards therefor; and for the purpose, seek the assistance of appropriate government and non-government agencies;
- f) Be responsible for conducting census of the ICCs/IPs within an ancestral domain;
- g) Keep a registry of CADTs and CALTs or any formal certificate of recognition which officially and formally acknowledges the existence of ancestral domain rights over the area;
- h) Compile information on the location, size, and number of people living within the ancestral domains;
- i) Review all government grants, reservations, franchises and projects, licenses, leases, concessions and titles which affect ancestral domains and recommend to the Commission the cancellation of the same or segregation of such portions within ancestral domains in order to reconvey the same to the ICCs/IPs concerned as part of the ancestral domains;

- j) Formulate and implement such procedures for the cancellation of officially documented titles which were acquired through spurious or illegal means and those for the redemption of lands lost through the ICCs/IPs vitiated consent or through sale for an unconscionable price;
- k) Establish its own, or in cooperation with other government agencies a Geographic Information System that would assist ICCs/IPs in formulating Ancestral Domains Sustainable Development and Protection Plans;
- l) Assist ICCs/IPs in the management of ancestral lands/domains in accordance with a master plan as well as the implementation of the Ancestral Domain Rights of the ICCs/ IPs as provided in Chapter III of the Act;
- m) Conduct research and documentation on indigenous peoples property rights regimes, property relations, ownership systems and other related aspects of ancestral domains management; and
- n) Perform such other functions as the Commission may deem appropriate and necessary.

**Section 3. Office on Policy, Planning and Research.** The Office on Policy, Planning and Research shall:

- a) Compile and update listing of authentic IP organizations and leaders/ elders;
- b) Formulate appropriate policies and programs for ICCs/ IPs such as, but not limited to a Five-Year Master Plan for the ICCs/ IPs. The NCIP shall review the plan periodically and make modifications in accord with the changing situations;
- c) Undertake the documentation of customary law and shall establish and maintain a Research Center that would serve as a repository of ethnographic information for monitoring, evaluation and policy formulation;
- d) Develop and maintain the management information system of the Commission;
- e) Conduct a population census of the ICCs/IPs including a sex-desegregated data base system in coordination with the National Statistics Office;
- f) Assist the Congress in the formulation of appropriate legislation beneficial to the ICCs/IPs;
- g) For purposes of policy coordination, the Commission shall create a Policy Desk to serve as the organic linkage of the NCIP to the Office of the Regional Governor and Office of the Speaker of the Regional Legislative Assembly. This desk shall provide technical assistance to the ARMM on such policy matters as:
  - (1) Pertaining to the exercise of residual powers of the national government affecting the ICCs/IPs, such as, but not limited to: the protection of community intellectual rights; nationwide ethnographic research projects; census of ICCs/IPs, and the like,
  - (2) Formulation of policies, plans, and programs transcending the geographical boundaries of the ARMM and contiguous ethnographic regions, and
  - (3) Other policy issues as may be the subject of Memorandum of Agreement with the Office of the Regional Governor and the Office of the Speaker of the Regional Legislative Assembly; and
- h) Perform such other functions as the Commission may deem appropriate and necessary.

**Section 4: Office on Education, Culture and Health.** This office shall be responsible for the effective implementation of the education, cultural and health related rights as provided in the Act. It shall:

- a) Undertake studies, plans, and programs and implement the same for the development of an indigenous curriculum and preservation of the historical and cultural heritage of the ICCs/IPs;

- b) Establish and maintain a Museum, library and audio-visual arts center as a repository for the arts and culture of the IPs;
- c) To assist, promote and support community schools, both formal and non-formal, for the benefit of the local indigenous community, especially in areas where exiting educational facilities are not accessible to members of the indigenous group;
- d) Administer all scholarship programs and other educational projects intended for ICC/IP beneficiaries in coordination with the Department of Education, Culture and Sports and the Commission on Higher Education;
- e) Provide for health programs and services to the ICCs/IPs and promote indigenous health practices and the use of traditional medicine;
- f) Undertake a special program which includes language and vocational training, public health and family assistance program and related subjects. It shall likewise generate the necessary funds and technical support from other sources to augment the available appropriation;
- g) Identify members of ICCs/IPs for training in health profession and encourage and assist them to enroll in schools of medicine, nursing, medical technology, physical therapy and other allied courses;
- h) Deploy a representative in appropriate government offices who shall personally perform the foregoing tasks and who shall receive complaints from the ICCs/IPs and compel action from the concerned agency; and
- i) Monitor the activities of the National Museum and other similar government agencies generally intended to manage and preserve historical and archeological artifacts of the ICCs/IPs and shall be responsible for the implementation of such other functions as the Commission may deem appropriate and necessary.

**Section 5: Office on Socio-Economic Services and Special Concerns.** The Office on Socio-Economic Services and Special Concerns shall serve as the office through which the Commission shall coordinate with pertinent government agencies especially charged with the implementation of various basic socio-economic services, policies, plans and programs affecting the ICCs/ IPs to ensure that the same are properly and directly enjoyed by them. It shall also:

- a) Formulate and implement a program of action which will bring agro-technological development among the ICCs/IPs, building upon existing customary practices and traditions;
- b) Facilitate the delivery of socio-economic services to the ICCs/IPs communities including, but not limited to infrastructure, extension, credit, financing, marketing, and other social services;
- c) Coordinate and collaborate with other government agencies for the formulation of policies, plans and programs that will ensure the alleviation, if not eradication, of poverty among ICCs/IPs;
- d) To promote and encourage cooperatives in accordance with the beliefs, traditions and customs of the ICCs/ IPs;
- e) To assist ICCs/IPs and coordinate disaster and relief operations in ICC/IP communities affected by natural calamities, disasters or catastrophes;
- f) Provide the indigenous women, youth and elderly with programs/projects for the improvement of their socio-economic conditions; and
- g) Perform such other functions as the Commission may deem appropriate and necessary.

**Section 6: Office of Empowerment and Human Rights.** The Office of Empowerment and Human Rights shall ensure that indigenous socio-political, cultural and economic rights are respected and recognized. It shall:

- a) Ensure that capability building mechanisms are instituted and ICCs/ IPs are afforded every opportunity, if they so choose, to participate in all levels of decision-making;
- b) Ensure that the Basic Human Rights and such other rights as the NCIP may determine, subject to existing laws, rules and regulations are protected and promoted;
- c) To assist ICCs/IPs work out an appropriate interface between customary political structures and self-governance with the mainstream machinery for governance including the establishment and administration of tribal barangays and support for autonomous regions;
- d) To ensure that the basic elements of free and prior informed consent are present and are complied with in all instances when such must be secured;
- e) To study and establish models for appropriate interface in tribal and non-tribal governance;
- f) Facilitate the participation of ICCs/IPs in all national and international fora where their effective representation is required;
- g) Conduct researches on the IP women and youth situation including their basic human rights situation and recommend programs for their development in accordance with indigenous practices;
- h) Empower ICCs/IP communities through community organizing; and
- i) Perform such other functions as the Commission may deem appropriate and necessary.

**Section 7. Administrative Office.** This office shall provide the NCIP with economical, efficient and effective services pertaining to personnel, finance, records, equipment, security, supplies and related services. It shall:

- a) Study and recommend the organizational and functional set up of the Commission, and to upgrade and develop personnel skills through a comprehensive program, taking into special consideration issues of ethnicity and divergence in ethnic origins of the staff and the diversity of cultures of its ICC/IP clientele;
- b) Develop systematic records management including systems for participating in the electronic communications highway;
- c) Develop and maintain a personnel program which shall include recruitment, selection, appointment, transfer, performance evaluation and employee relations;
- d) Administer the Ancestral Domain Fund; and
- e) Perform such other functions as the Commission may deem appropriate and necessary.

**Section 8. Legal Affairs Office.** The Legal Affairs Office shall :

- a) Advise the NCIP on all legal matters concerning ICCs/IPs;
- b) Provide ICCs/IPs with legal assistance in litigation involving community interest;
- c) Act as the general counsel of the NCIP in all cases, in collaboration with the Office of the Solicitor General;
- d) Conduct preliminary investigation on the basis of complaints filed by the ICCs/ IPs against natural or juridical persons believed to have violated ICCs/IPs rights. On the basis of its findings, it shall initiate the filing of appropriate legal or administrative action to the Commission;
- e) Initiate legal or administrative action as the case may be, against any person or government agency believed to be have violated any of the rights of ICCs/IPs;

- f) Investigate and hear administrative cases filed against officers and employees of the NCIP; and
- g) Perform such other functions as the Commission may deem appropriate and necessary.

**Section 9. Office of the Executive Director.** The Office of the Executive Director shall serve as the secretariat of the Commission. It shall be headed by an Executive Director who shall be appointed on a permanent basis by the President of the Philippines upon recommendation of the Commission. He/she shall be under the supervision of the Commission through the Chairperson and shall hold office regularly during business hours on all working days and shall perform the following functions:

- a) Advise and assist the Chairman in the formulation and implementation of the objectives, policies, plans, and programs of the Commission;
- b) Serve as the principal assistant of the Chairman in the overall supervision of the administrative business of the Commission;
- c) Ensure an effective and efficient performance of the functions of the Commission and prompt implementation of the programs;
- d) Propose effective allocation of resources for the projects stated under approved programs;
- e) Oversee all the operational activities of the Commission;
- f) Coordinate programs and projects of the Commission and be responsible for the economical, efficient and effective administration;
- g) Submit periodic reports to the Commission on the progress and accomplishment of programs and projects;
- h) Prepare regular and annual reports of all the activities of the Commission;
- i) Accept all pleadings and papers authorized or required to be filed in the Commission, except in cases where the matter, question or controversy before the Commission is being held elsewhere;
- j) Keep in his care the seal of the Commission, books necessary for recording the proceedings of the Commission, records, files and exhibits;
- k) Prepare the Calendar of hearings and sessions of the Commission;
- l) Attend the hearings and sessions by himself or his deputies or assistants and enter the proceedings in the Minutes Book;
- m) Serve all notices, orders, resolutions, decisions, subpoenas and other processes issued by the Commission;
- n) Keep a general docket of all cases brought before the Commission and compile all final orders, decisions and resolutions of the Commission;
- o) Implement the Commission's directives, orders and decisions;
- p) Issue certified copies, under the Seal of the Commission, of all papers, documents, orders, record, decisions, and resolutions of the Commission;
- q) Exercise supervision and control over the various staff, regional and field offices and determine and assign matters to appropriate offices;
- r) Have administrative responsibility for correspondence/communications coming from the various government line agencies and corporations;

- s) Exercise primary authority to sign papers by authority of the Chairperson;
- t) Provide technical, consultative, research, fact-finding and advisory service to the Commission;
- u) Serve as the information arm of the NCIP; and
- v) Perform such other functions and duties as the Commission may direct.

## **Part VII. Regional, Field and Other Offices**

**Section 1. Regional Offices and Field Offices.** The Commission shall operate and maintain sub-national offices such as the regional and field offices consistent with its mandate and organizational objectives, the NCIP shall operate and maintain Regional Offices.

- a) The regional offices shall be distributed according to equitable number of the clientele population. Regional centers shall be physically located in strategic geographical sites to maximize the delivery of basic services and technical support to ICCs/IPs. The distribution of resources shall be proportionate to the number of clientele and requirements of the ancestral domains/lands of ICCs/IPs located in each region. The distribution of the regional offices is as follows:
  - (1) Ilocos Region - to serve the indigenous peoples in the Provinces of Ilocos Norte, Ilocos Sur, La Union, and Pangasinan;
  - (2) Cordillera Region - to serve the IPs in the City of Baguio and the Provinces of Abra, Benguet, Mountain Province, Ifugao, Kalinga and Apayao;
  - (3) Caraballo and Cagayan Valley Region - to serve the IPs in the Provinces of Batanes, Cagayan, Isabela, Quirino, and Nueva Viscaya;
  - (4) Pinatubo and Northern Sierra Madre Region - to serve the IPs in the Provinces of Bulacan, Aurora, Nueva Ecija, Tarlac, Pampanga, Zambales, and Bataan;
  - (5) Southern Sierra Madre and Bicol Region - to serve the IPs in the Provinces of Rizal, Quezon, National Capital Region, Camarines Sur, Camarines Norte, Albay, and Sorsogon;
  - (6) Western Islands Region - to serve the IPs in the island Provinces of Palawan, Oriental Mindoro, Occidental Mindoro, and Romblon;
  - (7) Central Philippine Islands Region - to serve the IPs in the island provinces of Antique, Aklan, Capiz, Iloilo, Guimaras, Cebu, Negros Occidental, Negros Oriental, and Bohol;
  - (8) Zamboanga Peninsula Region - to serve IPs in the provinces of Zamboanga del Norte, Zamboanga del Sur, and Basilan;
  - (9) Northwestern Mindanao Region - to serve the IPs in the provinces of Misamis Occidental, Misamis Oriental, Bukidnon and Camiguin;
  - (10) Northeastern Mindanao Region - to serve the IPs in the Provinces of Surigao del Norte, Surigao del Sur Agusan del Norte, Agusan del Sur;
  - (11) Southern and Eastern Mindanao Region - to serve the IPs in the provinces of Davao Oriental, Davao del Sur, Compostela Valley, Davao del Norte, South Cotabato, Sarangani, and the cities Davao, Tagum and Island Garden City of Samal; and
  - (12) Central Mindanao Region - to serve IPs in the provinces of Lanao del Norte, North Cotabato, Sultan Kudarat, and the cities of Cotabato, Iligan and Marawi;

- b) Field Offices at the provincial and community levels shall likewise be created. These shall be known respectively as Provincial Offices and Community Service Centers.
- c) Existing regional offices shall continue to function within the purview of reorganization, revitalization and strengthening of the NCIP structure. The Commission shall determine the number and scope of regional, provincial and community service centers based on the management principles of economy, efficiency and effectiveness.
- d) Other field offices shall be created wherever appropriate and the staffing pattern thereof shall be determined by the NCIP: Provided; that in provinces where there are ICCs/IPs but without field offices, the NCIP shall establish appropriate field offices thereat.

**Section 2. Other Offices.** The NCIP shall have the power to create additional offices as it may deem necessary subject to existing rules and regulations, such as, but not limited to, the following:

- a) **Finance Management Office.** For purposes of setting clear directions on financial policies, and institutionalize checks and balances in the management of the financial resources and other assets of the Commission, there is hereby created the Finance Management Office which shall provide efficient and effective services relating to budgeting, accounting and internal audit.. It shall:
  - (1) Prepare the annual budget of the Commission in coordination with the Office on Policy, Planning, and Research, Department of Budget and Management and the Office of the President;
  - (2) Develop, maintain and administer the accounting and financial management and auditing systems of the Commission ;
  - (3) Exercise supervision and control over the implementation of internal auditing rules and regulations within the Commission, including all funds received by the Commission from whatever source for the implementation of its programs, projects and activities. and,
  - (4) Prepare the budget performance and financial statements for inclusion in the annual and other periodic reports of the Commission for submission to the Office of the President.
- b) **Ancestral Domains Fund Division.** A special division under the Administrative Office shall be created to manage the ancestral domains fund. It shall perform the following functions and responsibilities, viz:
  - (1) To determine the priority areas for funding;
  - (2) To equitably allocate funds to the various priority areas for the delineation and development of ancestral domains, in coordination with the Ancestral Domains Office;
  - (3) To prepare a consolidated report of expenditures on a quarterly basis, in coordination with the Finance Management Office; and
  - (4) To monitor the implementation of programs funded by the ancestral domains fund; and
  - (5) To perform such other functions relative hereto or as may be assigned by the Commission.
- c) **Office for Foreign Assisted Programs and Projects.** This office shall be responsible for the completion of the necessary technical requirements for program and project development. It shall develop programs and projects for foreign assistance, complete requirements for the approval thereof , and follow up proposals with the respective institutions; supervise and manage foreign-funded programs and projects being implemented by the NCIP; assist people's organizations and NCIP offices in the development, implementation and management of foreign-funded projects; and perform such other functions as may be defined by the Commission.

- d) **International Relations Office.** This unit shall be responsible for all matters and concerns involving international bodies and foreign countries and affecting the enjoyment and realization of all human rights of the ICCs/IPs. To accomplish this mandate, it shall have the following specific functions:
- (1) Assist the NCIP in representing the Philippine ICC/IPs in all international conferences and conventions dealing with indigenous peoples and other related concerns;
  - (2) Monitor the implementation and promotion of international conventions, treaties and other international instruments affecting the ICCs/IPs to which the Philippines is a party or a signatory or which are generally considered part of customary international law and practice.
  - (3) Maintain and manage, in coordination with the Department of Foreign Affairs, an Attaché Service for ICCs/IPs at the United Nations in New York and Geneva and in such other places as may be determined by the NCIP, for coordination with the United Nations, foreign governments and other international organizations in such matters affecting the ICCs/IPs.
  - (4) Conduct research and training in new developments in international law, trade and world affairs, with special emphasis on the effects of globalization on the ICCs/IPs and maintain a data base and serve as a repository of relevant international materials;
  - (5) Pursue and maintain international linkages and ensure the proper dissemination abroad of accurate information about ICCs/IPs in the Philippines; and
  - (6) Perform such other services and functions that the NCIP may deem necessary.

#### **Part VIII. Composition of and Guidelines for the Convening of the Consultative Body**

**Section 1. Definition and Composition.** Pursuant to Section 50 of the Act, the NCIP shall convene the consultative body which is defined as:

- a) A body consisting of the traditional leaders, elders and representatives from the women and youth sectors of the different ICCs/IPs shall be constituted by the NCIP from time to time to advise it on matters relating to the problems, aspirations and interests of the ICCs/IPs.
- b) A grassroots consensus building process, and/or multi-level mechanism of people's participation in the implementation of the provisions of the Act and the objectives of the NCIP.

**Section 2. Guidelines for the Convening of the Consultative Body.** In convening the Consultative Body as provided in Section 50 of the Act, the following guidelines shall be applicable:

- a) The Consultative Body shall be composed of tribal leaders and indigenous peoples representatives from the elderly, women, youth and children sectors, who shall be accredited for this purpose, and where applicable, in accordance with the principle of equitable representation of all ICCs/IPs at each level;
- b) The Consultative Body shall be constituted from time to time at the ancestral domain, barangay, municipal, provincial, regional and national levels, to advise the NCIP on matters relating to the problems, aspirations and interests of the ICCs/IPs;
- c) On matters pertinent to the formulation of development plans and monitoring of programs and projects, including those concerning poverty alleviation/reduction, the Commission shall convene the Consultative Body at the national level, preferably on a quarterly basis;
- d) Regional representation to the national consultative body shall be selected through an ascending multi-level process emanating from the community level, and shall be rotated among the different ICC/IP communities;

- e) The national consultative body shall be composed of regional representatives not exceeding a total of thirty five (35), at the participation rate of five (5) representatives from each of the seven (7) ethnographic regions as allocated under Section 40 of the Act;
- f) The consultative body shall promulgate its own internal rules of procedure, and whenever possible, it shall use consensual and other traditional decision making processes during sessions, assemblies or meetings; and
- g) The Commission shall provide the funds necessary to ensure the viability of the Consultative Body.

## **RULE VIII. DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS**

### **Part I. Delineation and Recognition of Ancestral Domains/Lands**

**Section 1. Principle of Self Delineation.** Ancestral domains shall be identified and delineated by the ICCs/IPs themselves through their respective Council of Elders/Leaders whose members are identified by them through customary processes. The metes and bounds of ancestral domains shall be established through traditionally recognized physical landmarks, such as, but not limited to, burial grounds, mountains, ridges, hills, rivers, creeks, stone formations and the like.

Political or administrative boundaries, existing land uses, licenses, leases, programs and projects or presence of non-ICCs in the area shall not limit the extent of an ancestral domain nor shall these be used to reduce its area.

**Section 2. Procedure on Ancestral Domain Delineation.** The Ancestral Domains Office (ADO) shall be responsible for the official delineation of ancestral domains and lands. For this purpose the ADO, at its option and as far as practicable, may create mechanisms to facilitate the delineation process, such as the organization of teams of facilitators which may include, among others, an NGO representative chosen by the community, the Municipal Planning and Development Officer of the local government units where the domain or portions thereof is located, and representatives from the IP community whose domains are to be delineated. The ADO will ensure that the mechanisms created are adequately supported financially and technically to enable the efficient and expedient delineation of the ancestral domains.

The identification, delineation and recognition of ancestral domains shall be in accordance with the following procedure:

- a) **Filing of Petition for Delineation.** A majority of the members of the ICCs/IPs in a specific area, through their own recognized Council of Elders/Leaders, may file a petition with the NCIP through the Provincial Office for the identification, delineation and recognition of their ancestral domain. No other entity shall file said petition and to ensure the legitimacy of the Petition, the same shall be signed by all members of the concerned ICCs/IPs' Council of Elders or popularly recognized and accepted leadership body.
- b) **Delineation Proper.** Upon receipt of a Petition for Delineation, the ADO through the NCIP Provincial Office shall proceed as follows:
  - (1) Community-wide information dissemination and consultation with the ICCs/IPs concerned shall be conducted to inform them about the delineation process and to establish the genuineness of the Petition.
  - (2) The Council of Elders/Leaders of the IPs concerned, in accordance with customary law and/or community history, shall convene to identify the landmarks indicating the boundaries of their ancestral domains in a topographic map and submit the same to the NCIP Provincial Office;

- (3) Whenever applicable, the Council of Elders/Leaders shall likewise identify all parts of the domains which may no longer be exclusively occupied by them but from which they traditionally had access to for their subsistence and traditional activities, including but not limited to, sacred sites, worship areas, hunting, gathering, collecting and fishing grounds;
  - (4) The NCIP Provincial Office, based on the indicative map, shall approximate the land area of the territory in hectares; and
  - (5) The ICCs/IPs concerned, with the assistance of the NCIP Provincial Office shall conduct a census of its community members, the results of which shall be attached as part of the record.
- c) **Submission of Proof.** To prove its ancestral domain claim, the concerned ICCs/IPs shall submit to the NCIP Provincial Office the following:
- (1) the testimony of the community elders who participated in the identification of physical boundaries and who took part in giving the oral historical accounts; and
  - (2) any one (1) of the following proofs:
    - i) Written accounts of the ICCs/IPs customs and traditions;
    - ii) Written accounts of the ICCs/IPs political structure and institutions;
    - iii) Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
    - iv) Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with other ICCs/IPs;
    - v) Survey plans and sketch maps;
    - vi) Anthropological data;
    - vii) Genealogical surveys;
    - viii) Pictures and descriptive histories of traditional communal forests and hunting grounds;
    - ix) Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; and
    - x) Write-ups of names and places derived from the native dialect of the community.
- d) **Notice of Ocular Inspection.** The NCIP Provincial Office shall notify the applicant community through its Council of Elders/ Leaders, adjoining communities through their elders or leaders, and other affected entities, five (5) days in advance, that an ocular inspection of the ancestral domain claim of applicant community shall be conducted on such a date and time and that their presence is required especially in the verification of the metes and bounds thereof.
- e) **Ocular Inspection.** The NCIP Provincial Office, in cooperation with the ICCs/IPs concerned and representatives of adjoining communities shall conduct an ocular inspection of the area being claimed in order to verify the landmarks indicating the boundaries of the ancestral domain and the physical proofs in support of the claim.
- f) **Evaluation and Appreciation of Proof.** The NCIP Provincial Office shall evaluate the proofs submitted. If the claim is found to be patently false or fraudulent after diligent inspection and verification, notice of such rejection which includes the reasons for the denial shall be sent to the ICC/IP claimant. The ICC/IP claimant, may bring the denial on appeal with the NCIP on the grounds of arbitrary and/or erroneous appreciation of facts.
- In addition to the proof submitted, the NCIP Provincial Office may require additional proof for purposes of substantiating the claim.
- g) **Survey and Preparation of Survey Plans.** Based on its appreciation of proofs, the NCIP Provincial Office shall request the Regional Surveys Division to conduct a perimeter survey and prepare survey plan of the area with the necessary technical description, including the significant natural features and landmarks found therein.

- h) **Boundary Conflicts.** In cases where there are boundary conflicts among ICCs/IPs, the NCIP Provincial Office shall refer the matter for settlement at the community level. If no settlement is reached, the NCIP Provincial Office shall cause the contending parties to meet and come up with a preliminary resolution of the conflict to pave the way for the delineation without prejudice to its full adjudication pursuant to the pertinent provisions of the Act and these Rules and Regulations.
- i) **Preparation of Report of Investigation and Other Documents.** The NCIP Provincial Office shall prepare an official report of investigation which shall include its findings during the ocular inspection; evaluation and appreciation of proofs submitted, and a preliminary report on the census of community members, the minimum contents of which shall be the number of ICC/IP and non-ICC/IP households in the community; a list of community-recognized indigenous leaders/elders; and a description of the community-recognized PO in the area.
- j) **Validation of Map.** The NCIP Provincial Office shall present the survey plan prepared pursuant to item (g) above, to the applicant ICC/IP community for validation. If not validated, proper corrections may be made or another survey may be conducted.
- k) **Basic Documents of the Delineation Process.** The approved and validated survey plan of the Ancestral Domain Claim and the Petition for Delineation shall constitute the basic documents of the delineation process.
- l) **Notice and Publication of Ancestral Domain Claim.** The following shall constitute the procedure for notice and publication:
  - (1) The NCIP Provincial Office shall prepare a copy of the basic documents of the ancestral domain claim, including a translation thereof in the native language of the ICCs/IPs concerned;
  - (2) These documents shall be posted in a prominent place within the ancestral domain which may be, but not limited to, the tribal hall, the market place or places of worship and the Service Center, Provincial and Regional Offices of the NCIP for at least fifteen (15) days;
  - (3) The basic documents shall also be published in a newspaper of general circulation in the area once a week for two consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of last publication; and
  - (4) In areas where no newspapers exist, broadcasting in a radio station could be a valid substitute for publication. In case of broadcast, the same shall be made twice in a week and any opposition may be filed within 15 days from date of last broadcast. If both newspaper and radio station are not available, the mere posting of the basic documents as in stated in sub-paragraph (b) above shall be deemed sufficient and any opposition thereto must be filed within 15 days from last day of posting.
- m) **Endorsement of the Ancestral Domain Claim to the NCIP.** Within fifteen (15) days after publication, the NCIP Provincial Office shall endorse the ancestral domain claim to the NCIP Regional Office for verification. If the Regional Office deems the claim to have been sufficiently proven, it shall endorse the same to the Ancestral Domains Office with its corresponding recommendation.
- n) **Review by the Ancestral Domains Office.** Within fifteen (15) days from receipt of the endorsement by the NCIP Regional Office of the ancestral domain claim, the Ancestral Domains Office, shall review the documents. If the ADO finds the claim to have been sufficiently proven, it shall prepare its report to the NCIP endorsing a favorable action thereon. In case the ADO finds the proof insufficient, it shall require the submission of additional evidence. If the application is found to be patently false or fraudulent, the same shall be rejected with notice sent to the applicant stating the reasons therefor.
- o) **Preparation and Issuance of CADT.** Upon receipt of the report of the ADO, the Commission shall meet *en banc* to discuss the merits of the claim based on the documents

accompanying the endorsement. If it approves the claim, the Commission shall direct the ADO to prepare the Certificate of Ancestral Domain Title (CADT) in the name of the claimant IP community in a specific location, together with all its necessary annexes. The CADT shall be issued by the Commission and signed by all the Commissioners. No CADT shall be issued in the name of a person family, clan or organization.

- p) **Submission of Maps.** The official map of the ancestral domain shall be submitted to the appropriate government agency for records and control purposes.

#### **Section 5. Validation of Prior Delineation of Ancestral Domains**

- a) **Validation of Certificates of Ancestral Domain Claims (CADCs)** ICCs/IP communities whose ancestral domains have been satisfactorily delineated pursuant to DENR Special Order No. 31, Series of 1989, as amended, and Administrative Order No. 2, Series of 1993, may apply for the issuance of a Certificate of Ancestral Domain Title (CADT) over the area without going through the process prescribed in the Act. Such application shall be made through the filing of a duly accomplished application form with the NCIP Provincial Office for the purpose.
- b) **Turn-Over of Pertinent Records.** The NCIP shall cause the turn-over, by the DENR or other concerned government agency, of all records pertinent to approved applications for CADCs immediately upon approval of these Rules and Regulations, without prejudice to the prerogative of the NCIP to enter into a Memorandum of Agreement with DENR or other concerned agency, to ensure a continuous and satisfactory delineation of ancestral lands/domains. Upon receipt of such records, the NCIP shall require the Provincial Office to review the same in order to establish the correctness of the delineation made, sufficiency of proof and regularity of the process undertaken for the purpose.
- c) **Endorsement to NCIP.** Upon favorable findings, the NCIP Provincial Office shall endorse to the ADO, through the Regional Office, the documents supporting the validation of the CADC and the subsequent issuance of a CADT.
- d) **Re-delineation of Areas Covered by CADCs.** In case of irregularity in the delineation process of CADCs granted under DENR DAO No. 2, Series of 1993, the NCIP Provincial Office shall refer the matter to the NCIP Regional Office for a field investigation and appropriate re-delineation, if necessary, in accordance with the process hereinabove described.
- e) **Other Tenurial Instruments.** The NCIP shall conduct a study of other tenurial instruments issued to members of ICC/IP communities such as, but not limited to, Certificates of Land Ownership Awards (CLOA) of the Department of Agrarian Reform (DAR), and Certificate of Stewardship Contracts (CSC) of the DENR, in order to determine the feasibility of their conversion to CADTs or CALTs, and the case may be.

**Section 6. Turn-over of Areas within Ancestral Domains.** Once an area is certified as an ancestral domain, the Chairperson of NCIP shall issue a notice to concerned government agencies, such as but not limited to, the DENR, DAR, DILG, DECS, DOT, DTI, DND, DOH, or DOE, having jurisdiction over these areas, that the same is within ancestral domains and therefore falls under the jurisdiction of the concerned ICCs/IPs by operation of law.

The ICCs/IPs and the concerned government agencies may enter into agreements on the exercise of joint management responsibilities over such areas. Such agreements shall, whenever possible, incorporate a plan for the eventual transfer of full management powers and responsibilities to the ICCs/IPs. The NCIP shall exercise visitorial and monitoring powers to safeguard the rights of the ICCs/IPs under the agreement.

**Section 7. Delineation of Ancestral Lands.** The procedures for delineation of ancestral lands shall be undertaken by the NCIP Service Center where the land is located, in accordance with the following procedures:

- a) **Identification of Ancestral Lands within Ancestral Domains.** The ICCs/IPs, through their

POs and/or Council of Elders, shall be responsible for identifying and establishing ancestral lands within their respective ancestral domains based on their own customs and traditions. With the free and prior informed consent of its members, the community may also allocate portions of the ancestral domain to individuals, families or clans in accordance with their customary laws and traditional practices.

- b) **Application for Issuance of Certificate of Ancestral Land Title (CALT) over Ancestral Lands within Ancestral Domains.** Individuals, families or clans belonging to the concerned ICCs/IPs within certified ancestral domains may apply for Certificate of Ancestral Land Titles over their identified ancestral lands, without going through the formal delineation process and in spite of the issuance of any tenurial instrument issued over the same area before the effectivity of the Act by filling up the appropriate NCIP Form and filing it with the NCIP Service Center.
- c) **Application for Issuance of Certificate of Ancestral Land Title of Ancestral Lands outside Ancestral Domains.** Claimants of ancestral lands located outside certified ancestral domains may have such ancestral lands officially established by filling up the appropriate NCIP Form and filing it with the NCIP Service Center which has jurisdiction over the land. It shall be accompanied by a testimony under oath of the elders of the ICC/IP who are knowledgeable of such claim and any other documentary proof showing continuous occupation, utilization or possession of the area since time immemorial which shall be any of the following:
- (1) Written accounts of the ICCs/IPs customs and traditions;
  - (2) Written accounts of the ICCs/IPs political structure and institutions;
  - (3) Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
  - (4) Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with other ICCs/IPs;
  - (5) Survey plans and sketch maps;
  - (6) Anthropological data;
  - (7) Genealogical surveys;
  - (8) Pictures and descriptive histories of traditional communal forests and hunting grounds;
  - (9) Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; and
  - (10) Write-ups of names and places derived from the native dialect of the community.
- d) **Notice and Publication .** Upon receipt of the application the NCIP Service Center shall cause the publication of such application in accordance with the following procedure:
- (1) The NCIP Service Center shall prepare a copy of the petition and survey or sketch plans, these being the basic documents of the ancestral land claim, including a translation thereof in the native language of the ICCs/IPs concerned;
  - (2) These documents shall be posted in a conspicuous or prominent place within the ancestral land which may be, but not limited to, the tribal hall, the market place or places of worship and the Service Center, Provincial and Regional Offices of the NCIP for at least fifteen (15) days;
  - (3) Whenever available, the basic documents shall also be published in a newspaper of general circulation in the area once a week for two consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of last publication; and

- (4) In areas where no newspapers exist, broadcasting in a radio station could be a valid substitute for publication. In case of broadcast, the same shall be made twice in a week and any opposition may be filed within 15 days from date of last broadcast. If both newspaper and radio station are not available, the mere posting of the basic documents as in stated in sub-paragraph (b) above shall be deemed sufficient and any opposition thereto must be filed within 15 days from last day of posting.
- e) **Ocular Inspection and Appreciation of Proof.** Within fifteen (15) days after such publication, the NCIP Service Center shall conduct an ocular inspection and investigation thereof. Notices shall be sent to the applicant and owners of adjoining properties at least five days before the scheduled date of ocular inspection.
- If the NCIP Service Center finds the same meritorious, it shall request the NCIP Regional Office, for a technical survey of the area. However, it may reject any application for CALT which it finds patently false or fraudulent upon investigation and shall give the applicant due notice of the action taken including the grounds for the denial. Such denial is appealable to the NCIP in accordance with the procedure prescribed herein.
- f) **Resolution of Conflicting Claims.** In case of conflicting claims, the NCIP Service Center shall refer the same to the Council of Elders/Leaders in the community for settlement. In case of failure of settlement thereat, the NCIP Service Center shall endeavor to cause the contending parties to meet and help them come up with a preliminary resolution of the conflict. Upon the exhaustion of all possible remedies, the same conflict may however be submitted for full adjudication under Section 62 of the Act, in which the Director of Lands may take part to represent the interest of the Republic of the Philippines.
- g) **Parcellary Survey.** -Upon the recommendation of the NCIP Service Center, through the NCIP Provincial Office, the Surveys Division of the NCIP Regional Office shall conduct a parcellary survey of the area. Upon the completion of the survey and approval thereof, the survey returns and the approved survey plan shall be returned to the NCIP Service Center through the Provincial Office.
- h) **Report of Investigation.** The NCIP Service Center shall prepare a report of its findings, together with the record and the approved survey plan and submit the same to the NCIP Provincial Office. In case of insufficient proof, additional evidences may be required from the applicant.
- i) **Review by the NCIP Provincial Office.** Upon review by the NCIP Provincial Office and finding the application to be sufficiently proved, the same shall be endorsed to the NCIP Ancestral Domains Office through the NCIP Regional Office.
- j) **Issuance of Certificate of Ancestral Land Title (CALT).** The ADO shall, within fifteen (15) days from receipt thereof, submit all records of the application to the NCIP which shall in turn, evaluate the application and report submitted, and if it finds the application to be meritorious, issue the corresponding CALT.

**Section 8. Registration of Certificates of Ancestral Domain Title (CADTs) and Certificates of Ancestral Land Title (CALTs).** The NCIP, through the Ancestral Domains Office (ADO), shall register all CADTs and CALTs with the Register of Deeds in the place where the properties are located. The NCIP together with the Land Registration Authority shall formulate the procedure for such registration. Awardees of CADT and CALT themselves may opt to personally cause such registration..

**Section 9. Reconveyance of Fraudulently Transferred Ancestral Lands.** Within two years from the effectivity of the Act, the NCIP shall take appropriate legal action for the cancellation of illegally acquired titles ensuring however that the rights of possessors in good faith are protected. Procedures for reconveyance to the ICCs/IPs concerned shall be undertaken by the ICCs/IPs with the assistance of NCIP if requested.

This provision shall not prejudice the right of ICCs/ IPs to redemption of lands transferred under vitiated consent and/or unconscionable consideration as provide for in Chapter III, Section 8 of the Act and these Rules and Regulations.

## **Part II. Ancestral Domain Development and Protection**

**Section 1. Right to Manage and Develop Ancestral Domains.** The ICCs/IPs shall have the right to freely pursue their economic, social, political and cultural development. In the exercise of this right, the ICCs/IPs shall formulate and pursue their own plans for the sustainable management and development of the land and natural resources as well as human resources within their ancestral domains based on their indigenous knowledge systems and practices and on the principle of self-determination. Such plans may be consolidated into an Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) which shall be the basis of the Five Year Master Plan defined under these Rules and Regulations.

**Section 2. Preparation and Adoption of Ancestral Domains Sustainable Development and Protection Plans (ADSDPP).** With the assistance of the NCIP, the ICCs/IPs concerned shall prepare their own ADSDPP in accordance with their customary practices, laws and traditions. The ADSDPP shall contain the following basic information:

- a) Manner by which the ICCs/IPs will protect the domains;
- b) Kind or type of development programs adopted and decided by the ICCs/IPs, in relation to livelihood, education, infrastructure, self governance, environment, natural resources, culture and other practical development aspects;
- c) Basic community policies covering the implementation of all forms of development activities in the area; and
- d) Basic management system, including the sharing of benefits and responsibilities among members of the concerned ICC/IP community.

All ADSDPPs shall be disseminated among community members in any mode of expression appropriate to the customs and traditions of the ICCs/IPs including, but not limited to, writings in their own language, oral interactions, visual arts, and analogous modes.

The ICCs/IPs shall submit to the municipal and provincial government unit having territorial and political jurisdiction over them their ADSDPP in order for the said LGU to adopt and incorporate the same in the Municipal Development Plan, Municipal Annual Investment Plan, Provincial Development Plan, and Provincial Annual Investment Plan.

**Section 3. Basic Steps in the Formulation of an ADSDPP.** For purposes of ensuring the authenticity and effectiveness of the Plan, the community members, through their PO and/or Council of Elders, and with the assistance of the NCIP, shall follow the following basic steps in the formulation process:

- a) **Information Dissemination.** The Council of Elders/Leaders, with the assistance of the NCIP, shall conduct of intensive information-dissemination on the Indigenous Peoples Rights Act (IPRA) among the community members. For the purpose of information-dissemination, the NCIP may engage the services of an authorized NGO or IPO;
- b) **Baseline Survey.** The Council of Elders/Leaders, with the assistance of the NCIP, shall conduct a participatory baseline survey of the ancestral domain focusing on the existing population, natural resources, development projects, land use, sources of livelihood, income and employment, education and other concerns. For the purpose of the baseline survey, the NCIP may engage the services of an authorized NGO or IPO;
- c) **Development Needs Assessment.** The Council of Elders/Leaders, with the assistance of the NCIP, shall conduct workshops in every village within the ancestral domain to determine the will of the community members regarding the kind of development the community should pursue in terms of livelihood, education, infrastructure, self-governance, environment, natural resources, culture and other aspects. For the purpose of the Development Needs Assessment, the NCIP may engage the services of an authorized NGO or IPO;

- d) **Formulation of Ancestral Domain Sustainable Development and Protection Plan (ADSDPP).** The concerned ICC/IP, through its IPO and/or Council of Elders, and with the assistance of the NCIP, shall formulate its Ancestral Domain Sustainable Development and Protection Plan;
- e) **Validation of ADSDPP.** With the assistance of the NCIP, the IPO and/or Council of Elders shall conduct assemblies among the ICC/IP members for the validation and approval of the ADSDPP.
- f) **Submission of ADSDPP to NCIP.** Upon validation and approval, the IPO and/or the Council of Elders shall submit the ADSDPP to the NCIP for their information and concurrence. The ADSDPP shall form part of the data base on ICC/IP communities in the country, in relation to development projects, programs and activities within the ancestral domain, which the NCIP is mandated to establish.
- g) **Conversion of Ancestral Domain Management Plans (ADMPs) to Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs).** ICCs/IP communities have the option to convert or modify their existing Ancestral Domain Management Plans prepared and completed pursuant to DENR-DAO 96-34 into Ancestral Domain Sustainable Development and Protection Plan in accordance with these rules.

**Section 4. Management of Joint Undertakings Within Ancestral Domains.** The ICCs/IPs shall have priority rights in the harvesting, extraction, development or exploitation of the natural resources within the ancestral domain. Should the ICCs/IPs give their free and prior informed consent to any development activity, project, program or plan to be implemented by any government or private entity, they shall have the following rights:

- a) The right to an informed and intelligent participation in the formulation and implementation of the project;
- b) The right to receive just and fair compensation for any damage or loss which may be sustained as a result of such project;
- c) The right to benefit sharing; and
- d) The right to exercise visitorial powers and take appropriate action to safeguard the rights of the community under the same contract.

**Section 5. Existing Property Rights Regimes.** Property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, shall be recognized and respected.

**Section 6. Existing Contracts, Licenses, Concessions, Leases, and Permits Within Ancestral Domains.** Existing contracts, licenses, concessions, leases and permits for the exploitation of natural resources within the ancestral domain may continue to be in force and effect until they expire. Thereafter, such contracts, licenses, concessions, leases and permits shall not be renewed without the free and prior informed consent of the IP community members and upon renegotiation of all terms and conditions thereof. All such existing contracts, licenses, concessions, leases and permits may be terminated for cause upon violation of the terms and conditions thereof.

**Section 7. Right To Manage Protected and Environmentally Critical Areas.** The ICCs/IPs, through their POs and/or Council of Elders, shall determine the terms and conditions for the exploration of natural resources within the ancestral domain for the purpose of ensuring ecological balance, environmental protection and conservation. Accordingly, the ICCs/IPs, with the assistance of the NCIP, shall:

- a) **Inventory of all Portions of Ancestral Domains.** Conduct an inventory of all portions of ancestral domains which have been determined by appropriate government agencies as necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover or reforestation, national parks, or natural parks for purposes of evaluating the same under their own parameters;

- b) **Environmentally Critical Areas.** All areas found by the concerned community as environmentally critical areas as determined in paragraph (a) above shall be maintained, developed, protected and conserved in accordance with their indigenous knowledge systems and practices (IKSPs) and Customary Laws;
- c) **Turn-over of Funds to Community.** Funds previously allocated by government for the management of the area shall be turned over, through the NCIP, to the community to be used for the same purpose; and
- d) **Transfer of Management Responsibility.** Should the community decide, on the basis of free and prior informed consent, to transfer management responsibility over the area to another entity, such decision shall be made in writing to be signed by all members of the community's Council of Elders. Provided, that all forms of exploitation of the natural resources in the area shall not be allowed and that appropriate technology transfer aimed at speeding up the reversion of management of the area to the community is effected. The process of transfer of Management Responsibility shall be witnessed by the NCIP, without prejudice to its visitorial and monitoring powers.

**Section 8. Five Year Master Plan.** Based on the Ancestral Domain Sustainable Development and Protection Plans (ADSDPP) of the various ICCs/IPs and other relevant information, the Office on Policy, Planning and Research shall formulate a Five-Year Master Plan for the delivery of appropriate support services to the ICCs/IPs.

Such support services, which includes infrastructure, health and educational services, training, credit facilities, community production and marketing facilities, organizational support services and the like, shall be identified by the ICCs/IPs themselves through traditional and customary consultative processes facilitated by the community-recognized POs and/or Council of Elders.

The allocation of funds for and delivery of such support services shall be made with utmost transparency and with the involvement of the community POs, Councils of Elders and community members. Any violation of this provision shall be subject to administrative sanction and be punishable under Section 72 of the Act.

The Five-Year Master Plan shall also indicate the priorities for development of the ICCs/IPs affecting their lives, beliefs, institutions, spiritual well-being and ancestral domains or lands pursuant to Section 17 of the Act.

**Section 9. Certification Precondition Prior to Issuance of any Permits or Licenses.**

- a) **Need for Certification.** No department of government or other agencies shall issue, renew or grant any concession, license, lease, permit, or enter into any production sharing agreement without a prior certification from the NCIP that the area affected does not overlap any ancestral domain.
- b) **Procedure for Issuance of Certification by NCIP.**
  - (1) The certification, above mentioned, shall be issued by the Ancestral Domain Office, only after a field based investigation that such areas are not within any certified or claimed ancestral domains.
  - (2) The certification shall be issued only upon the free, prior, informed and written consent of the ICCs/IPs who will be affected by the operation of such concessions, licenses or leases or production-sharing agreements. A written consent for the issuance of such certification shall be signed by at least a majority of the representatives of the all households comprising the concerned ICCs/IPs.
- c) **When the Areas Affected are within Ancestral Domains.** When the areas affected are certified to be within ancestral domains, all licenses, leases, permits or the like may henceforth be issued only upon compliance with the procedures for securing of free and prior informed consent, pursuant to these Rules and Regulations.

The NCIP, upon complaint of the ICCs/IPs, or on its own initiative, shall issue compulsory processes to stop or suspend any project that has not satisfied the consultation process and the requirements of Free and Prior Informed Consent of the ICCs/IPs or upon violation of any of the terms and conditions of the contract, lease, permit or production sharing agreement.

The NCIP in collaboration with the ICCs/IPs concerned shall closely monitor the implementation of the Project and for this purpose may gain access to the premises, facilities, records and documents of the project to ascertain that their rights are adequately protected.

**Section 10. Right to Stop and Suspend Projects.** The NCIP, may *motu proprio* or upon the instance of ICCs/IPs, shall have the right to stop and suspend the implementation of any development program, project, policy or plan, and after due investigation and proof that consent was obtained due to manipulation, coercion, intimidation and deceit or where proponent has violated any or all of the terms and conditions stipulated in the Memorandum of Agreement. Whenever applicable and after due notice, the cash bond deposited or surety bond posted by the proponent shall be confiscated and forfeited to answer for compensatory measures shall be imposed upon the proponent.

**Section 11. Exemption from Taxes.** All lands certified as Ancestral Domains shall be exempt from the payment of real property taxes, special levies, and other forms of exaction except such portions of the ancestral domains as are actually used for large-scale agriculture, commercial forest plantations and residential purposes or upon titling by private persons.

All exaction shall be used to facilitate the development and improvement of the ancestral domains. For this purpose the NCIP shall coordinate with the appropriate government offices to facilitate the transfer of such revenues to the concerned ICC/IP community.

For purposes hereof, residential houses refer to buildings or structures used as the personal residence of an individual and shall not include any indigenous houses that are used communally, such as, but not limited to, houses of worship and other similar structures for ritual purposes.

**Section 12. Temporary Requisition Powers.** Prior to the establishment, organization and staffing of its survey divisions and/or units through which it can effectively fulfill its mandate, and within three (3) years after its creation, the NCIP may request the Department of Environment and Natural Resources, or engage private survey companies, to conduct the survey of ancestral lands/domains, under a Memorandum of Agreement. Such Memorandum of Agreement shall stipulate among others, a provision on technology transfer to the NCIP. The Secretary of the DENR shall accommodate any such request within one (1) month from its issuance.

**Section 13. Expropriation.** Pursuant to Section 64 of the Act, expropriation of lands under existing laws may be resorted to for purposes of resolving conflicts of interest in relation to ancestral domains or for the promotion of the “common good”.

## **RULE IX. JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF RIGHTS**

**Section 1. Primacy of Customary Law.** All conflicts related to ancestral domains and lands, involving ICCs/IPs, such as but not limited to conflicting claims and boundary disputes, shall be resolved by the concerned parties through the application of customary laws in the area where the disputed ancestral domain or land is located.

All conflicts related to the ancestral domains or lands where one of the parties is a non-ICC/IP or where the dispute could not be resolved through customary law shall be heard and adjudicated in accordance with the Rules on Pleadings, Practice and Procedures Before the NCIP to be adopted hereafter.

All decisions of the NCIP may be brought on Appeal by Petition for Review to the Court of Appeals within fifteen (15) days from receipt of the Order or Decision.

**Section 2. Rules of Interpretation.** In the interpretation of the provisions of the Act and these rules, the following shall apply:

- a) All doubts in the interpretation of the provisions of the Act, including its these rules, or any ambiguity in their application shall be resolved in favor of the ICCs/IPs.
- b) In applying the provisions of the Act in relation to other national laws, the integrity of the ancestral domains, culture, values, practices, institutions, customary laws and traditions of the ICCs/IPs shall be considered and given due regard.
- c) The primacy of customary laws shall be upheld in resolving disputes involving ICCs/IPs.
- d) Customary laws, traditions and practices of the ICCs/IPs of the land where the conflict arises shall first be applied with respect to property rights, claims and ownership, hereditary succession and settlement of land disputes.
- e) Communal rights under the Act shall not be construed as co-ownership as defined in Republic Act No. 386, otherwise known as the New Civil Code of the Philippines;
- f) In the resolution of controversies arising under the Act, where no legal provisions or jurisprudence apply, the customs and traditions of the concerned ICCs/IPs shall be resorted to; and
- g) The interpretation and construction of any of the provisions of the Act shall not in any manner adversely affect the rights and benefits of the ICCs/IPs under other conventions, international treaties and instruments, national laws, awards, customary laws and agreements.

**Section 3. Appeals to the Court of Appeals.** Decisions of the NCIP is appealable to the Court of Appeals by way of a petition for review within fifteen (15) days from receipt of a copy thereof.

**Section 4. Execution of Decisions, Awards, and Orders.** Upon expiration of the period herein provided and no appeal is perfected by any of the contending parties, the Hearing Officer of the NCIP, on its own initiative or upon motion by the prevailing party, shall issue a writ of execution requiring the sheriff or the proper officer to execute final decisions, orders or awards of the Regional Hearing Officer of the NCIP.

**Section 5. Jurisdiction and Quasi-judicial Functions of the NCIP.** In relation to its quasi-judicial powers, the NCIP shall :

- a) Through its regional offices, have jurisdiction over all claims and disputes involving the rights of ICCs/IPs;
- b) Promulgate rules and regulations governing the hearing and disposition of cases filed before it as well as those pertaining to its internal functions and such rules and regulations as may be necessary to carry out the purposes of the Act;
- c) To administer oaths, summon the parties to a controversy, issue subpoenas requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, agreements and other documents of similar nature as may be material to a just determination of the matter under investigation or hearing conducted in pursuance of the Act;
- d) To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor; and
- e) To enjoin any or all acts involving or arising from any case pending before it which, if not restrained forthwith, may cause grave and irreparable damage to any of the parties to the case or seriously affect social or economic activity.

**Section 6. No Restraining Order or Preliminary Injunction.** No inferior court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary

injunction against the NCIP or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or interpretation of the Act and other pertinent laws relating to ICCs/IPs and ancestral domains.

## **RULE X. ANCESTRAL DOMAIN FUNDS**

**Section 1. Sourcing and Appropriation.** The NCIP shall endeavor to realize the amounts intended for the Ancestral Domain Fund appropriated under Section 71 of the Act. It shall augment this fund by actively seeking additional government funds and soliciting donations, endorsements and grants from various sources, including foreign funds made available for the ICCs/IPs through the Government of the Philippines under the national implementation scheme. Only the Chairman of the NCIP or his duly-designated representatives, shall have the authority to receive such donations, endowments or grants, which shall be fully documented and disseminated to all concerned.

**Section 2. Allocation and Disposition.** For purposes of delineation and development of ancestral domains, Ancestral Domain Funds shall be allocated equitably, to be computed on a per linear/kilometer basis. Where the POs and/or Councils of Elders have sufficiently expertise for purpose of delineation and ancestral domain development activities, the NCIP shall grant these funds directly to the POs and/or Council of Elders, who shall be held accountable for such funds, without prejudice to the NCIP's visitation and monitoring powers; Provided, otherwise, that the NCIP shall manage and supervise the delineation and development, while ensuring the transfer of technology to the ICCs/IPs concerned.

**Section 3. Reporting and Audit.** The Ancestral Domain Fund shall be subject to the usual government accounting and auditing procedures. A consolidated report of expenditures under this fund shall be prepared and presented to the NCIP *en banc* regularly on a quarterly basis. The same report shall also be presented to the Consultative Body when it is in session and made available to any indigenous cultural community PO or Council of Elders upon request.

## **RULE XI. PENALTIES AND SANCTIONS**

### **Part I. Unlawful Acts**

**Section 1. Punishable Acts Related to Ancestral Lands/Domains. Any person found guilty of any the following acts shall be penalized:**

- a) Unlawful or unauthorized intrusion into ancestral domains/lands;
- b) Misrepresentation in obtaining the free and prior informed consent of ICCs/IPs;
- c) Usurpation of real rights in property;
- d) Forcible displacement or relocation of ICCs/IPs from their ancestral lands/domains;
- e) Pollution of the air and bodies of water within the ancestral domain/land;

**Section 2. Punishable Acts Related to Employment.** Any person who commits any of the following acts are subject to punishment as prescribed in the Act:

- a) Exposure to hazardous working conditions;
- b) Non-payment of salaries, wages and other work benefits;
- c) Violation of the freedom of association and trade union activities;
- d) Exploitation of child labor;
- e) Sexual harassment; and

- f) Other analogous circumstances

**Section 3. Punishable Acts Related to Cultural Integrity.** Commission of any of the following acts or violation of any of the following rights are punishable under the Act:

- a) Exploring, excavating or making diggings on archeological sites of the ICCs/IPs for the purpose of obtaining materials of cultural value without the free and prior informed consent of the community concerned; and
- b) Defacing, removing or otherwise destroying artifacts which are of great importance and significance to the ICCs/IPs for the preservation of their cultural heritage.

## **Part II. Persons Liable**

**Section 1. Persons Liable.** The following are liable for punishment for violation of the rights of ICCs/IPs enumerated in the Act:

- a) Any individual, whether a member of the same or different ICC/IP community or not;
- b) Any individual who is non-IP, whether a Filipino or alien;
- c) In case of violation of rights committed by juridical persons, the Manager, President, Chief Executive Officer, or any of the officers of such juridical persons; and
- d) Government officials, officers or employees.

## **Part III. Penalties**

**Section 1. Imposable Penalties in Accordance With Customary Law.** The ICC/IP community whose rights have been violated may penalize any violator in accordance with their customary law, except:

- a) Where the penalty is cruel, degrading or inhuman; or
- b) Where the penalty is death or excessive fine

**Section 2. Penalties Imposed by the Act.** All violators shall be punished, as follows:

- a) Imprisonment for not less than nine (9) months but not more than twelve (12) years;
- b) Fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00); or
- c) Both such fine and imprisonment at the discretion of the court.

**Section 3. Accessory Penalties.** In addition to the penalties referred to in the preceding article, the following may be imposed:

- a) For all violators, payment of damages suffered by the ICCs/IPs as a consequence of the unlawful act;
- b) For corporations or other juridical persons, cancellation of their registration certificate or license; and
- c) For public officials, perpetual disqualification to hold public office.

## **RULE XII: MERGER OF THE ONCC/OSCC**

### **Part I: Reorganization Process**

**Section 1. Definition and Policy.** Merger refers to the reorganization of the ONCC and OSCC to establish the NCIP as the primary government agency that is efficient, effective and fully responsive to the needs and requirements of the indigenous peoples, its main public clientele. The reorganization shall lead to a revitalized and strengthened structure to achieve the objectives of the NCIP.

**Section 2. Reorganization Procedures.** The procedures for the merger are the following:

- a) **Revitalization and Strengthening.** To achieve this purpose, the NCIP shall:
- 1) Form a common staff support system which shall be organized along the various offices and functions of the Commission as provided in Sections 46 to 49 of the Act;
  - 2) Maintain a multi-level structure from the national to sub-national and community levels, to ensure a responsive, competent organization. Sub-national offices are categorized as regional and provincial offices. The basic unit of organization is the Community Service Center. These offices shall perform according to the operating principles cited in these Implementing Rules and Regulations;
  - 3) Relocation and establishment of Service Centers in strategic sites intended to serve the most number of constituents in contiguous ancestral domains/lands for greater efficiency, effectiveness and economy: Provided; that officers and employees assigned to Service Centers shall receive compensation and incentives commensurate to the risks and hardship of these Service Centers: Provided further; that the NCIP shall assign the most qualified, experienced personnel, possessing of proven inter-disciplinary skills to facilitate a people-centered development program;
  - 4) Reorientation of the work ethic and values of all officers and employees through regular and intensive human resource and organization development programs in the context of the IPRA; and
  - 5) Cultivation of a policy of preferential option for IPs in the personnel policies of the NCIP.
- b) **Retirement of Officials and Employees of the ONCC and OSCC.** Pursuant to the rules of government reorganization, all officials and employees of the ONCC and OSCC are deemed retired and shall be on holdover status upon the effectivity of the Act, until the issuance of a thirty (30-day) notice of termination;
- c) **Notice of Termination.** Incumbent ONCC/OSCC officials and employees shall be individually served a notice of termination of service thirty (30) days before such termination;
- d) **Staffing Pattern.** The NCIP shall prepare a staffing pattern composed of newly created positions subject to the approval of the Department of Budget and Management and the Civil Service Commission and shall implement the same; and
- e) **Criteria for Filling Up of the Newly Created Positions.** The newly created positions shall be filled up according to the:
- 1) Qualifications and standards set by the Civil Service; and
  - 2) Criteria of retention and appointment prepared by the consultative body convened for this purpose, for the implementation of the Placement Committee.

**Section 3. Order of Priority and Preferential Rights.** The exercise of priority rights in the appointment of the retired ONCC/OSCC personnel shall be in the following order:

- a) Former ONCC/OSCC officers and employees who are IPs and have held permanent appointments to positions comparable to vacant or new position; or in case there are not enough comparable positions to positions next lower in rank; Provided that the Civil Service rules and regulations and guidelines approved by the Placement Committee shall apply in case of conflict between two equally qualified former officers/employees who are IPs; Provided, further, that those with CESO rank shall have priority in employment to comparable positions in the new staffing pattern; and
- b) Bona fide IP applicants over non-IP applicants with equal qualifications.

**Section 4. Reappointment of Former ONCC/OSCC Personnel.** Former officers and employees of the ONCC and OSCC may be re-appointed to the NCIP after meeting the qualifications and standards set by the Civil Service and Placement Committee, in accordance with the criteria set by the Consultative Body.

**Section 5. Payment of Gratuity and Retirement Benefits.** Personnel of the ONCC/OSCC who may be retired or separated from service as a result of the reorganization shall be entitled to gratuity or retirement benefits at the rate of one and a half (1 1/2) months pay for every year of service, as provided in Section 74 of the Act; Provided, that the computation of the retirement benefits or gratuity shall begin upon the effectivity of the notice of termination; Provided further, that the same gratuity and retirement benefits shall be refunded by the former ONCC/OSCC personnel upon his/her reappointment to the NCIP.

**Section 6. Placement Committee.** Pursuant to Section 77 of the Act, the Commission shall create a Placement Committee to assist in the judicious selection and placement of the NCIP personnel.

**Section 7. Composition of the Placement Committee.** The NCIP Chairperson shall be the Chairperson and Presiding Officer of the Committee. It shall prepare and approve its own Rules of Procedures.

- a) At the national level, it shall be composed of the following:
  - (1) The seven Commissioners of the NCIP; Provided, that majority, or four (4) Commissioners shall suffice to constitute the NCIP representation;
  - (2) An IP representative from each of the first level employees association of the ONCC and OSCC;
  - (3) An IP representative from each of the second level employees association of the ONCC and OSCC;
  - (4) Representatives of accredited non-government organizations (NGOs) with national constituencies, and with at least five years in community work among the IPs. The exact number of NGO representatives shall be determined by the NCIP, but in no case shall it exceed three. They shall be informed of their appointments five (5) days before the initial meeting of the Committee; and
  - (5) Representatives of accredited indigenous peoples' organizations (IPOs) with regional constituencies representing the seven ethnographic regions, and with at least five years of existence or proven track records. The exact number of IPO representatives shall be determined by the NCIP but in no case shall it exceed three. They shall be informed of their appointments five (5) days before the initial meeting of the Committee.
- b) At the Regional Level, the Placement Committee shall be composed of the following:
  - (1) The Chairperson of the Commission or his duly authorized representative; the Commissioner representing the ethnographic area of the Region or his/her duly authorized representative;

- (2) An IP representative from each of the first level employees association of the ONCC or OSCC in the region, as the case maybe;
- (3) An IP representative from each of the second level employees association of the ONCC or OSCC in the region;
- (4) Representatives of accredited non-government organizations (NGOs) with regional constituencies, and with at least five years in community work among the IPs. The exact number of NGO representatives shall be determined by the NCIP, but in no case shall it exceed two (2). They shall be informed of their appointments five (5) days before the initial meeting of the Committee; and
- (5) Representatives of accredited indigenous peoples' organizations (IPOs) based in the region. The exact number of IPO representatives shall be determined by the NCIP but in no case shall it exceed two (2). They shall be informed of their appointments five (5) days before the initial meeting of the Committee

**Section 3. NGO Accreditation to the Placement Committee.** To qualify for appointment to the Placement Committee, the non-government organizations must submit their accreditation papers to the Chairperson of the NCIP, not later than seven days after the effectivity of these Rules and Regulations. The documents shall consist of the following:

- a) Certificate of Registration with the Securities and Exchange Commission;
- b) Organizational Profile and Record of Accomplishments related to community work among three regional IPOs, or one IPO with a national constituency, five years prior to the enactment of the IPRA; in the case of accreditation for regional level Placement Committee accreditation, Organizational Profile and Record of Accomplishments related to community work among three (3) community IPOs;
- c) Record of Advocacy for IP rights, particularly their constructive roles in the passage of the IPRA; and
- d) Letter of Intent of the NGO to participate in the performance of the various tasks and functions of the Placement Committee and the formal nomination of its representative and alternate, to sit as member of the Placement Committee. The nomination shall be accompanied by the representative's bio-data.

**Section 4. IPO Accreditation to the Placement Committee.** To qualify for appointment to the Placement Committee, the indigenous peoples' organizations must submit their accreditation papers to the Chairperson of the NCIP, not later than seven days after the effectivity of these Rules and Regulations, consisting of the following:

- a) Organizational Profile and Record of Accomplishments in community organizing and social development related to the protection and recognition of ancestral domains/lands, five years prior to the IPRA;
- b) Favorable endorsement from at least three different communities in an ethnographic region or where the IPO is based, or operating; in the case of accreditation for regional level Placement Committee, favorable endorsement from two IP communities of the region.
- c) Report on their role in support of the enactment of IPRA; and
- d) Letter of Intent of the IPO to participate in the performance of the various tasks and functions of the Placement Committee, and the nominations of the IPO representative and alternate.

**Section 5. Operational Guidelines of the Placement Committee.** Within three (3) days from receipt of the resolution of the Placement Committee, the NCIP Chairperson shall issue an

administrative order implementing the Operational Guidelines on personnel appointment. The Operational Guidelines shall be effective immediately.

**Section 6. Incorporation of the Placement Committee's Operational Guidelines** The Placement Committee Operational Guidelines shall be incorporated in the Merit and Promotion Plan of the NCIP, any amendments to the Criteria and Guidelines shall be made in coordination with the consultative body called for this specific purpose. The recommendations of the consultative body shall be submitted to the Commission for consideration.

**Section 8. Principles In Formulating the Criteria of Appointment.** The consultative body shall apply, but not be limited to, the following principles in the formulation of the criteria and guidelines for retention and appointment:

- a) Adoption of qualifications and standards set by the Civil Service Commission as the minimum set of qualifications and standards;
- b) Adoption of evaluation measures to determine the applicant's working knowledge on the IPRA; and
- c) Actual accountability and performance records of former ONCC/OSCC personnel who are seeking appointment.

### **Part III: Transition Period**

**Section 1. Definition of Transition Period.** This term shall refer to the following stages of reorganization leading to the establishment of the NCIP:

- a) Winding up of the ONCC/OSCC This period covers six months, beginning from the date of effectivity of the Act, on November 22, 1997, and ending on May 22, 1998, during this period, the ONCC/OSCC shall conduct an audit of their finances, and prepare Terminal Reports of their accomplishments including financial audit which shall be submitted, on or before May 22, 1998, to the offices and agencies of government listed below:
  - 1) Office of the President
  - 2) NCIP; and
  - 3) Commission on Audit.
- b) The NCIP main clientele, and the general public may exercise their Rights to Accessibility and Transparency as provided in Section 45 of the Act, to obtain all official records, documents and papers pertinent to the financial audit and Terminal Report of the ONCC/OSCC.
- c) The NCIP shall initiate a transition mechanism during the transition period which shall consist of the following:
  - 1) Creation of the Transition Staff composed of a skeletal force from among the former personnel of the ONCC/OSCC, who shall be selected based on the criteria set by the Commission. The Transition Staff shall assist the Commission in the performance of the following tasks:
    - i) Preparation of the NCIP CY 1999 Budget;
    - ii) Inventory of the transferred assets/properties of the ONCC/OSCC to the NCIP in accordance to Section 76 of the IPRA; and the review of all transferred contracts, records, and documents as to their status, and evaluation of the same for purposes of continuance, termination, modification or amendment, pursuant to Section 76 of the Act;

- iii) Provision of staff support as the Commission may require in preparation for the full functional operation of the new offices created under Sections 46 to 50 of the Act;
- iv) Preparatory policy planning and research activities for institutional development of the NCIP and formulation of development programs in line with the IPRA framework;
- v) Activities in response to special concerns affecting IPs as may be brought to the attention of the Commission; and,
- vi) Setting up of mechanisms of technical/financial cooperation with foreign funding agencies and Civil Society, for the implementation of its policies, programs and projects; and
- vii) Such other tasks pertinent to the implementation of the IPRA, as may be required by the NCIP.

### **RULE XIII. FINAL PROVISIONS**

**Section 1. Special Provision.** The provisions of the Act relating to the civil, political, social and human rights and those pertaining to the identification, delineation, recognition, and titling of ancestral lands and domains are applicable throughout the entire country: Provided; That lands within the Baguio Townsite Reservation shall not be reclassified except through appropriate legislation: Provided further; That all land rights and titles acquired or recognized in Baguio City through judicial, administrative or other processes before the effectivity of the Act shall remain valid: Provided finally; That the City of Baguio shall not dispossess claimants of their undocumented private lands as guaranteed under Act No. 1963, as amended by Act No. 2711, C.A. No. 143 and R. A. No. 329.

The undocumented private lands of claimants in Baguio City may be titled in accordance with C.A. No. 141, as amended; P. D. No. 1529; and the Act, whichever is applicable. In case of titling pursuant to the provisions of the Act, the procedure prescribed in Rule VIII of these rules shall apply.

The Ancestral Domains Office shall organize and operationalize a Coordinating Desk for Baguio Ancestral Domain/Land Rights. This desk shall serve the indigenous peoples of Baguio City to uphold and protect their rights over their ancestral domains/lands. Its specific functions shall be, but not limited to, the following:

- a) Accept the Terminal Report of the status of all Ancestral Domains/Land Claims in the City of Baguio from the DENR-CAR, including a final and validated list of claims and claimants and complete records of all claims filed, processed and the actions taken thereon, if any;
- b) Within a period of one and one-half (1 1/2) years from the effectivity of these rules, process and validate all Ancestral Domains/Land Claims filed with the Department of Environment and Natural Resources pursuant to the provisions of Special Order No. 31, Series of 1989, as amended, and Department Administrative Order No. 02, Series of 1993, adopting procedures provided in the Act; and
- c) Present to a consultative body to generate a consensus on the following matters: procedures on the disposal of all ancestral domain/land claims; representation of the IPs in the quarterly national consultations; and resolution of all other matters that may arise within the premises.

**Section 2. Separability Clause.** In case any clause, sentence, Section, or provision of these rules and regulations or any portion hereof is held or declared unconstitutional or invalid by a competent court, the other Sections or provisions hereof which are not affected thereby shall continue to be full force and effect.

**Section 3. Repealing and Amending Clause.** All Administrative Orders, rules and regulations, memoranda, circulars, and other orders inconsistent herewith or contrary to the

provisions of these rules and regulations are hereby repealed or modified accordingly. The Commission shall have the authority, among others, to amend, revise, add to, supplement, interpret, clarify, delete, or make exemptions to any provision of these rules and regulations with the end in view of ensuring that the provisions of the Act are properly implemented and enforced, and the goals and objectives adequately achieved.

**Section 4. Effectivity.** These rules shall take effect fifteen (15) days upon its publication in any two newspapers of general circulation.

APPROVED this 9th of June, 1998.

**MAI T. TUAN**  
Commissioner

**ERLINDA M. DOLANDOLAN**  
Commissioner

**CASTILLO B. TIDANG, JR.**  
Commissioner

**MIGKETAY VICTORINO L. SAWAY**  
Commissioner

**DAVID A. DAOAS, CESO I**  
Chairperson

**RA**

**9710**

**MAGNA CARTA  
OF WOMEN**

**IMPLEMENTING RULES  
AND REGULATIONS**

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**REPUBLIC ACT NO. 9710**

*The Magna Carta of Women*

**IMPLEMENTING RULES  
AND REGULATIONS**



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# Republic of the Philippines

## Congress of the Philippines

### Metro Manila

#### Fourteenth Congress

#### Second Regular Session

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



## [REPUBLIC ACT NO. 9710]

### AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN

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

## **CHAPTER IV RIGHTS AND EMPOWERMENT**

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, states 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

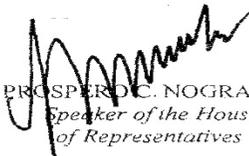
Gender Equality (House of Representatives) and with the participation of representatives from nongovernment organizations (NGOs) and civil society groups with proven track record of involvement and promotion of the rights and welfare of Filipino women and girls identified by the PCW, formulate the implementing 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,

  
PROSPERO C. NOGRALES  
*Speaker of the House  
of Representatives*

  
JUAN PONCE ENRILE  
*President of the Senate*

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

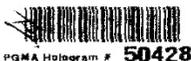
  
MARILYN B. BARUA-YAN  
*Secretary General  
House of Representatives*

  
EMMA LIRIO-REYES  
*Secretary of the Senate*

Approved: **August 14, 2009**

  
GLORIA MACAPAGAL-ARROYO  
*President of the Philippines*

O.



PGMA Hologram # **50428**



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;

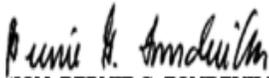
NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Chairperson and the Members of the Board of Commissioners of the Philippine Commission on Women, to approve and adopt the rules and regulations implementing RA 9710, otherwise known as the “Magna Carta of Women”

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



HON. MYRNA T. YAO

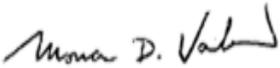
Chairperson, Philippine Commission on Women



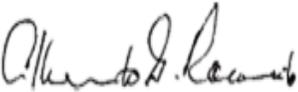
HON. BERNIE G. FONDEVILLA  
Secretary, Department of Agriculture



HON. JOAQUIN LAGONERA  
Secretary, Department of Budget  
and Management



HON. MONA D. VALISNO  
Secretary, Department of Education



HON. ALBERTO G. ROMULO  
Secretary, Department of Foreign Affairs



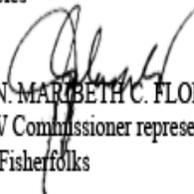
HON. REMEDIOS O. BICOMONG  
PCW Commissioner representing Media and the Arts



HON. FLORENZIA P. CABATINGAN  
PCW Commissioner representing Labor Sector

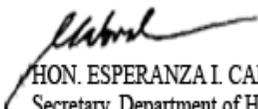


HON. EVELYN S. DUNUAN  
PCW Commissioner representing the Indigenous  
Peoples



HON. MARI BETH C. FLORALDE  
PCW Commissioner representing Peasants  
and Fisherfolks

REPUBLIC OF PHILIPPINES  
OFFICE OF THE SECRETARY  
FOR SIGNATURE: S-05-10-0173  
DATE: 03/30/2010 10:45



HON. ESPERANZA I. CABRAL  
Secretary, Department of Health



HON. GERALDINE S. PADILLA  
PCW Commissioner representing the Health Sector



HON. RONALDO V. PUNO  
Secretary, Department of Interior  
and Local Government

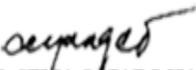
HON. ISABELITA SY-PALANCA  
PCW Commissioner representing Business  
and Industry Sector



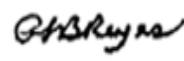
HON. MARIANITO D. ROQUE  
Secretary, Department of Labor



HON. TERESITA U. QUIRINO  
Representing National Council of Women



HON. CELIA CAPADOCIA-YANGCO  
Secretary, Department of Social Welfare  
and Development



HON. AMELIA LOURDES B. REYES  
PCW Commissioner representing Culture



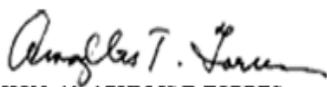
HON. JHELLI A. LAPUS  
Secretary, Department of Trade and Industry



HON. APOLONIA A. TOLENTINO  
PCW Commissioner representing the Urban Poor



HON. AUGUSTO E. SANTOS  
Acting Director General, National Economic  
and Development Authority



HON. AMARYLLIS T. TORRES  
PCW Commissioner representing the Academe



HON. ELSIE B. DE VEYRA  
PCW Commissioner representing the Elderly  
and Disabled



# 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 MISP 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 inter-local 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 co-operators 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, non-discrimination 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 non-teaching 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 non-convertible 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 non-bank 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

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
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 non-government 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, programing, 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.

# APPENDIX

## 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 Office	City/Municipal Social Welfare and Development Office
CEDAW Discrimination Against Women	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 <i>Office on Muslim Affairs</i> )
NEDA	National Economic and Development Authority
NFARMC Management Council	National Fisheries and Aquatic Resources
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 Authority	Technical Education and Skills Development
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





Office of the President

**PHILIPPINE COMMISSION ON WOMEN**

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Office of the President  
of the Philippines  
Malacañang

LEGISLATIVE OFFICE

4 April 2001

**HON. ERNESTO M. DE CHAVEZ**

College President  
Pablo Borbon Memorial Institute of Technology  
Batangas City

Dear President De Chavez:

We are transmitting herewith a certified true copy of RA No. 9045, entitled:

*AN ACT CREATING THE BATANGAS STATE UNIVERSITY (BSU) BY INTEGRATING THE (1) PABLO BORBON MEMORIAL INSTITUTE OF TECHNOLOGY, INCLUDING ITS BRANCHES IN BARANGAY ALANGILAN, BATANGAS CITY, IN THE MUNICIPALITIES OF BALAYAN, BAUAN, LOBO, SAN PASCUAL, ROSARIO, TAYSAN, PADRE GARCIA, LEMERY, CALACA, TAAL, TANAUAN, SAN JUAN AND LIPA CITY, (2) JOSE P. LAUREL POLYTECHNIC COLLEGE IN MALVAR, (3) APOLINARIO R. APACIBLE SCHOOL OF FISHERIES IN NASUGBU, AND (4) POLYTECHNIC UNIVERSITY OF THE PHILIPPINES CAMPUS IN STO. TOMAS, APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES*

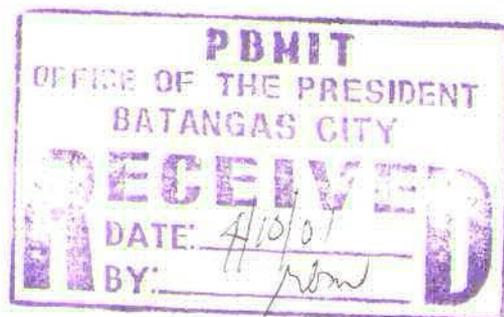
approved and signed by Her Excellency, President Gloria Macapagal-Arroyo.

Best regards.

Very truly yours,

  
JOSE T. TALE

Deputy Executive Secretary  
for Legal Affairs



AFC/rv

H. No. 6218  
S. No. 2234

Republic of the Philippines  
**Congress of the Philippines**  
Metro Manila  
Eleventh Congress  
Third Regular Session

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

[ REPUBLIC ACT NO. 3045 ]

AN ACT CREATING THE BATANGAS STATE UNIVERSITY (BSU) BY INTEGRATING THE (1) PABLO BORBON MEMORIAL INSTITUTE OF TECHNOLOGY, INCLUDING ITS BRANCHES IN BARANGAY ALANGILAN, BATANGAS CITY, IN THE MUNICIPALITIES OF BALAYAN, BAUAN, LOBO, SAN PASCUAL, ROSARIO, TAYSAN, PADRE GARCIA, LEMERY, CALACA, TAAL, TANAUAN, SAN JUAN AND LIPA CITY, (2) JOSE P. LAUREL POLYTECHNIC COLLEGE IN MALVAR, (3) APOLINARIO R. APACIBLE SCHOOL OF FISHERIES IN NASUGBU, AND (4) POLYTECHNIC UNIVERSITY OF THE PHILIPPINES CAMPUS IN STO. TOMAS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. The Pablo Borbon Memorial Institute of Technology in the City of Batangas, including its branches in Barangay Alangilan of the same City and those in the municipalities of Balayan, Bauan, Lobo, San Pascual, Rosario, Taysan, Padre Garcia, Lemery, Calaca, Taal, Tanauan, San Juan and Lipa City, the Jose P. Laurel Polytechnic College in Malvar, the Apolinario R. Apacible School of Fisheries in Nasugbu, the Campus of the Polytechnic University of the Philippines in Sto. Tomas, are hereby integrated into a state university to be known as the Batangas State University, hereinafter referred to as the University. The main campus of the University in the City of Batangas shall be named as the Pablo Borbon Campus.

SEC. 2. The University shall primarily provide advanced instruction and professional training in scientific, technological and special instructions in the fields of engineering and technology education, business and economics and entrepreneurial technology, agriculture, teacher education, arts and sciences and other related fields, undertake research and extension services, and provide progressive leadership in these areas.

SEC. 3. The University shall offer undergraduate, graduate and short-term technical courses within the areas of specialization and according to its capabilities, as the Board of Regents may deem necessary to carry out its objectives, particularly in order to meet the needs of the province and the region.

The existing high schools of the Pablo Borbon Memorial Institute of Technology, Jose P. Laurel Polytechnic College, and Apolinario R. Apacible School of Fisheries shall be transferred to the jurisdiction and supervision of the Department of Education, Culture and Sports (DECS): *Provided*, That the high schools shall be allowed to remain and operate within the campuses of the University until the students shall have completed their high school education: *Provided, further*, That the University may operate a reasonably-sized laboratory school, if it has a college of education.

SEC. 4. The University shall have the general powers of a corporation set forth in the Corporation Law. The administration

of the University and the exercise of its powers shall be vested exclusively in the Board of Regents.

SEC. 5. The governing body of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- (a) The Chairman of the Commission on Higher Education (CHED), chairman;
- (b) The president of the University, vice chairman;
- (c) Chairman of the Committee on Education, Arts and Culture of the Senate, member;
- (d) Chairman of the Committee on Higher and Technical Education of the House of Representatives, member;
- (e) The Regional Director of the National Economic and Development Authority (NEDA) where the main campus of the University is located, member;
- (f) The Regional Director of the Department of Science and Technology (DOST) where the main campus of the University is located, member;
- (g) The president of the federation of faculty associations of the University, member;
- (h) The president of the federation of student councils or the students' representative elected by the federation of student councils of the University, member;
- (i) The president of the federation of the alumni associations of the University, member; and
- (j) Two (2) prominent citizens who have distinguished themselves in their professions or fields of specialization, chosen from among a list of at least five (5) qualified persons in the Province of Batangas, as recommended by the search committee constituted by the president in consultation with the Chairman of the CHED based on the normal standards and qualifications of the position, members.

The term of office of the president of the federation of faculty associations, the president of the federation of student councils and the president of the federation of alumni associations shall be coterminous with their respective terms of office.

For the purpose of the provisions of this section, the associations of faculty, alumni and student councils in each branch of the University shall organize themselves to form their respective federations, which in turn shall elect their federation officials.

The two (2) prominent citizens shall serve for a term of two (2) years.

In case of vacancy in the office of the president, the officer-in-charge of the University designated by the Board shall serve for the unexpired term only.

SEC. 6. The Board shall promulgate and implement policies in accordance with the declared State policies on education and other pertinent provisions of the Constitution on education, agriculture, science and technology, as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722.

SEC. 7. The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under Section 36 of Batas Pambansa Blg. 68, otherwise known as the Corporation Code of the Philippines:

(a) To enact rules and regulations not contrary to law, as may be necessary to carry out the purposes and functions of the University;

(b) To receive and appropriate all sums as may be provided, for the support of the University in the manner it may determine, in its discretion, to carry out the purposes and functions of the University;

(c) To receive in trust legacies, gifts and donations of real and personal properties of all kinds, to administer and dispose the same when necessary for the benefit of the University, subject to limitations, directions and instructions of donors, if any. Such donations shall be exempt from all taxes and shall be considered as deductible items from the income tax of the donor;

(d) To fix the tuition fees and other school fees and charges, such as, but not limited to, matriculation fees, graduation fees and laboratory fees, as it may deem proper and reasonable to impose after due consultations with the involved sectors.

Such fees and charges, including government subsidies and other income generated by the University, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interests that shall accrue therefrom shall form part of the same fund for the use of the University.

Any provision of existing laws, rules and regulations to the contrary notwithstanding, any income generated by the University from tuition fees and other charges, as well as from the operation of auxiliary services and land grants, shall be retained by the University, and may be disbursed by the Board for instruction, research, extension or other programs/projects of the University; *Provided*, That all fiduciary fees shall be disbursed for the specific purposes for which they are collected.

If, for reasons beyond its control, the University, shall not be able to pursue any projects for which funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of said funds for any reasonable purposes which, in its discretion, may be necessary and urgent for the attainment of the objectives and goals of the University;

(e) To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;

(f) To authorize the construction or repair of its buildings, machineries, equipment and other facilities and the purchase and acquisition of real and personal properties, including necessary supplies, material and equipment. Purchases and other transactions entered into by the University through the Board shall be exempt from all taxes and duties;

(g) To appoint, upon recommendation of the president of the University, vice presidents, deans, directors and heads of departments, faculty members and other officials and employees;

(h) To fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service, and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provisions of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;

(i) To approve the curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;

(j) To set policies on admission and graduation of students;

(k) To award honorary degrees upon persons in recognition of outstanding contribution in the field of education, public service, arts, science and technology or in any field of specialization within the academic competence of the University and to authorize the award of certificate of completion of non-degree and non-traditional courses;

(l) To establish and absorb tertiary institutions within the Province of Batangas as branches, centers, stations, etc., in coordination with the CHED and in consultation with the Department of Budget and Management (DBM), and to offer therein programs of courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;

(m) To establish research and extension centers of the University where such will promote the development of the latter;

(n) To establish chairs in the University and to provide fellowships for qualified faculty members and scholarships to deserving students;

(o) To delegate any of its powers and duties provided for hereinabove to the President and/or other officials of the University as it may deem appropriate so as to expedite the administration of the affairs of the University;

(p) To authorize an external management audit of the institution, to be financed by CHED, and to institute reforms, including academic and structural changes, on the basis of audit results and recommendations;

(q) To collaborate with other governing boards of state universities and colleges within Region IV, where it may be feasible, under the supervision of the CHED in consultation with the DBM, the restructuring of said colleges and universities to become more efficient, relevant, productive and competitive;

(r) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds from which shall be used for the development and strengthening of the same;

(s) To develop consortia and other forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the University;

(t) To develop academic arrangements for institution capability building with appropriate institutions and agencies, public or private, local or foreign, and to appoint experts/specialists as consultants, or visiting or exchange professors, scholars, researchers, as the case may be;

(u) To set up the adoption of modern and innovative modes of transmitting knowledge, such as the use of information technology, the dual system, open-learning, community laboratory, etc., for the promotion of greater access to higher education;

(v) To establish policy guidelines and procedures for participative decision-making and transparency within the University;

(w) To privatize, where most advantageous to the University, management of non-academic services such as health, food, building, grounds or property maintenance and such other similar activities; and

(x) To extend the term of the president of the University beyond the age of retirement but not later than the age of seventy (70), whose performance has been unanimously rated as outstanding and upon unanimous recommendation of the search committee.

SEC. 8. The Board shall regularly convene at least once every quarter. The Chairman of the Board may call a special meeting whenever necessary: *Provided*, That members are notified in writing at least three (3) days prior to said meeting.

A majority of all members holding office shall constitute a quorum for board meetings: *Provided*, That the Chairman of the CHED who is the chairman of the Board or the president of the University is among those present in the meeting. In the absence of the Chairman of the CHED, a commissioner of the CHED, duly designated by him, shall represent him in the meeting with all the rights and responsibilities of a regular member: *Provided*, *however*, That in the said meeting, the president of the University as the vice chairman shall be the presiding officer: *Provided*,

*further*, That the preceding proviso notwithstanding, the Chairman of the CHED is hereby authorized to designate a CHED Commissioner the regular Chair to the Board, in which case said CHED Commissioner shall act as the presiding officer. The members shall serve without compensation, but they shall be reimbursed for necessary expenses incurred in their attendance of meetings of the Board subject to pertinent existing laws and regulations or in connection with their official business authorized by resolution of the Board.

SEC. 9. The administration of the University shall be vested in the president of the University who shall render full-time service. He shall be appointed by the Board, upon recommendation of a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term.

In case of vacancy by reason of death, resignation, removal for cause or incapacity of the president to perform the functions of his office, the Board shall have the authority to designate an officer-in-charge pending the appointment of a new president.

In case of vacancy in the office of the president as mentioned in the immediately preceding paragraph, his successor shall hold office for the unexpired term. If the successor shall serve for a period of more than two (2) years, then such shall be considered as one full term for the successor.

The powers and duties of the president of the University, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the president of a similar university, and those delegated by the Board.

The salary of the president of the University shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that being received by other presidents of similar educational institutions of like standing.

SEC. 10. There shall be an administrative council consisting of the president of the University as the chairman, the vice presidents, deans, directors and other officials of equal rank as members, and whose duty is to review and recommend to the Board policies governing the administration, management and development planning of the University for appropriate action.

SEC. 11. There shall be an academic council with the president of the University as chairman and all members of the instructional staff with the rank of not lower than assistant professor as members.

The academic council shall have the power to review and recommend the curricular offerings and rules of discipline of the University, subject for appropriate action of the Board. It shall fix the requirements for admission of students as well as for graduation and the conferment of degrees subject to review and/or approval by the Board.

It shall have the disciplinary power over the students and shall formulate academic policies and rules and regulations on discipline. Such policies, rules and regulations shall be approved by the Board.

SEC. 12. The Board shall appoint a secretary who shall serve as such for both the Board and the University and shall keep all records and proceedings of the Board. He shall communicate to each member of the Board notice of meetings.

SEC. 13. The Treasurer of the Philippines shall be the *ex officio* treasurer of the University.

SEC. 14. No religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University: *Provided, however,* That no member of faculty shall teach for or against any particular church or religious sect.

SEC. 15. In order to ensure the smooth transition to a University, the incumbent president of the Pablo Borbon Memorial Institute of Technology, if qualified, shall serve as the first president of the University subject to the provision of Section 9 of this Act. The remaining term of the incumbent president of the Pablo Borbon Memorial Institute of Technology shall be counted as his first term as University president.

SEC. 16. All assets, fixed and movable, personnel and records of the Pablo Borbon Memorial Institute of Technology and its branches in Barangay Alangilan, Batangas City, the municipalities of Balayan, Bauan, Lobo, San Pascual, Rosario, Taysan, Padre Garcia, Lemery, Calaca, Taal, Tanauan and San Juan and the City of Lipa, the Jose P. Laurel Polytechnic College in Malvar, the Apolinario R. Apacible School of Fisheries in Nasugbu, and

the Polytechnic University of the Philippines Campus in Sto. Tomas, all in the Province of Batangas, as well as liabilities or obligations, as hereby transferred to the University: *Provided, however,* That the positions, rights and security of tenure or personnel employed therein under existing laws prior to the absorption by the University are not impaired: *Provided, further,* That the incumbents of existing position shall remain in the same status until otherwise provided by the Board. All parcels of land belonging to the government and occupied by Pablo Borbon Memorial Institute of Technology, the Jose P. Laurel Polytechnic College in Malvar, the Apolinario R. Apacible School of Fisheries in Nasugbu, and the Polytechnic University of the Philippines Campus in Sto. Tomas, are hereby declared to be the property of the Batangas State University and shall be titled under that name: *Provided, finally,* That should the University cease to exist or be abolished or should such parcels of land aforementioned be no longer needed by the University, the same shall revert to the provinces, municipalities or cities where they are located.

SEC. 17. Heads of bureaus and offices of the national government are hereby authorized to loan or transfer, upon request of the president of the University, such apparatus, equipment or supplies as may be needed by the University, and to detail employees for duty therein when, in the judgment of the head of the bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without detriment to the public service. The employees so detailed shall perform such duties as required of them by the president of the University, and the time so employed shall be counted as part of their official service.

SEC. 18. The University shall provide a scholarship program and other affirmative action programs to assist poor but deserving students to qualify for admission to the University.

No student shall be denied admission to the University by reason of sex, religion, cultural or community affiliation or ethnic origin.

SEC. 19. The University shall enjoy academic freedom.

SEC. 20. On or before the fifteenth of the second month after the opening of the regular classes each year, the Board shall file with both Houses of Congress a detailed report on the progress, conditions and needs of the University.

SEC. 21. The amount necessary to carry out the provisions of this Act shall be charged against the current year's appropriations of the Pablo Borbon Memorial Institute of Technology, Jose P. Laurel Polytechnic College, Apolinario R. Apacible School of Fisheries, and Polytechnic University of the Philippines Campus in Sto. Tomas. Thereafter, such sums as may be necessary for the continued operation and maintenance of the Batangas State University shall be included in the annual General Appropriations Act.

SEC. 22. Within a period of one hundred twenty (120) days after the approval of this Act, the University shall accomplish the following:

(a) Submit a five (5)-year development plan, including its corresponding program budget, to the CHED, for appropriate recommendation to the DBM;

(b) Undergo a management audit in cooperation with the CHED;

(c) Accordingly set up its organizational, administrative as well as academic, structure, including the appointment/designation of University key officials; and

(d) Set in motion the establishment of at least four (4) separate degree granting units, one of which is the arts and sciences and another, at the graduate level.

SEC. 23. Members of the faculty of the University at the tertiary level shall be exempt from any civil service examination as a requisite for appointment, without prejudice to the right of the Board to impose other professional examination requirements intended to maintain high academic standards.

SEC. 24. The provisions of Republic Act No. 8292, otherwise known as the "Higher Education Modernization Act of 1997" shall form an integral part of this Act and together shall serve as the governing charter of the University.

SEC. 25. All other powers, functions, privileges, responsibilities and limitations to state universities and/or its officials under existing laws shall be deemed granted to or imposed upon the University and/or its officials whenever appropriate.

SEC. 26. All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 27. This Act shall take effect upon its approval.

Approved,

AQUILINO Q. PIMENTEL JR.  
*President of the Senate*

FELICIANO BELMONTE JR.  
*Speaker of the House of Representatives*

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on February 5, 2001 and January 29, 2001, respectively.

LUTGARDO B. BARBO  
*Secretary of the Senate*

ROBERTO P. NAZARENO  
*Secretary General House of Representatives*

Approved: **MAR 22 2001**

  
GLORIA MACAPAGAL-ARROYO  
*President of the Philippines*

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AURORA T. AQUINO  
Director IV  
Malacañang Records Office

2001/03/22