

LAWS ON WOMEN

A Compilation
Volume II



NATIONAL COMMISSION ON THE ROLE OF FILIPINO WOMEN

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A Compilation
Volume II

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Produced by
National Commission on the Role of Filipino Women
In cooperation with the Office of
Senator Teresa Aquino-Oreta

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As Chair of the Senate Committee on Youth, Women and Family Relations, I am pleased to introduce to you this first ever, compilation of laws on women.

As a woman legislator, I have taken it upon myself to ensure that the laws that we craft in the Congress are gender-responsive and takes into account the difference between the needs of women from men.

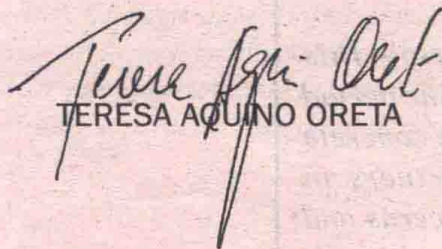
This book, which covers laws enacted from 1900 to the present, studies the gender dimension and provides us a gender analysis of about 14,958 statutes.

A milestone for women was achieved when we espoused in the 1987 Philippine Constitution that **the State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men.**

However, much is yet to be attained in terms of ensuring that our laws are non-discriminatory and gender-responsive.

I hope that this compilation shall serve as a useful tool to its readers and users who believe that the twenty-first century belongs to the women.

Let us continue to relentlessly work together towards the empowerment of women and to advocate equity and equality of women and men.


TERESA AQUINO ORETA



Senator Teresa Aquino Oreta
Chairperson
Senate Committee on Youth,
Women and Family Relations

Message

The 1987 Philippine Constitution gives due recognition to the role of women in nation-building. Article 11 Section 14 declares that the State shall ensure the fundamental quality before the law of women and men. Patriarchal forces, however, have made women's contribution in history invisible. This invisibility has caused discrimination and marginalization of the women's paid and unpaid work in all aspects of our national life. The halls of congress is another significant area where the struggle for justice and equality is continually being fought to achieve gender equality and women's empowerment.

The National Commission on the Role of Filipino Women, established in 1975 as the Philippine machinery for the advancement of women, is mandated to advise the President and assist the Cabinet on policies and programs affecting women. Being the **oversight authority** on women's concerns, the Commission serves as the government's conscience affecting women's status and advancement. The **NCRFW as the national resource center** for women saw the need to compile all the laws and policies on women that have accrued through the years. Laws are a powerful medium by which women can be empowered. Included in this publication are pieces of milestone legislation that endeavor to address women's issues and concerns. This publication is, therefore, intended as a valuable reference material to benefit legislators, policy-makers, and other stakeholders who are promoting the women agenda through legislation contextualized within the vision of a gender-fair society.

NCRFW takes pride in documenting this *Compilation on the Laws on Women* covering the period of 1900 to first semester of 2000. This is a concrete product of years of hard work by our partners in legislation, who have fought for women's concerns and labored to include women's issues and needs in the



Dr. Amelou Benitez Reyes
Chairperson

Introduction

***H**istorical studies on the role and status of Filipino women prior to colonial rule, showed that they enjoyed a significant position in the family and community. They held positions of power as chief of barangay or served as priestesses, and were allowed to engage in business and hold properties.*

Unlike her Asian sisters, the Filipino woman had never been forced to hide herself behind veils, to have bound feet, or walk several places behind her male companion. The arrival of the Spaniards and the introduction of their Civil Code institutionalized the inequality between the sexes by the imposition of various restraints on women's behavior. She was subjected to her father, brother or husband's power not only with respect to property matters but also as to what actions she could take. The stereotyped role assigned to women as daughter, sister, wife and mother was the basis for legal measures placing them in a position subordinate to men.

The American rule from 1898 to 1946, introduced the principles of the English common law and influenced public law. They introduced a paternalistic attitude by considering women as special targets of protective legislation. The original Philippine Constitution with its Bill of Rights, provision for judicial review, and its tripartite organization of government, was drawn from the American model. The Japanese occupation of 1941-1944, paved the way towards liberalizing divorce. Early domination of the southern portions of the country by the followers of Mohammad has resulted in a continued observance of Islamic law. A codification of these Muslim laws was undertaken in 1973. Hence, Philippine law has become an unusual blend of local custom and the legal worlds of the civil law, common law, canon law, and Muslim law.

An examination of Philippine laws on the status of women reveals that substantive gains have been achieved in freeing women from discriminatory laws.

The 1935 and 1973 Constitutions guaranteed women's right to vote, hold public office, to form associations not contrary to law, to express oral or written views on public issues, to peaceably assemble and to petition the government for redress of grievances. Existing legislation exists to assure protection of these rights.

One of the turning points in the fight for women's equality started after the United Nations (UN) proclamation of the observance of an International Women's Year in 1975. On the same year, President Ferdinand E. Marcos issued Presidential Decree No. 633 creating a special commission, responsible for pursuing the objective of achieving for men and women equality before the law.

The Presidential Decree emphasized the need for "full integration of women for economic, social, and cultural development at national, regional, and international levels" to ensure further equality between men and women. The Commission is charged with the duty to see that the "gains which the Filipino preserved and enhanced in the process of modernization."

legislative agenda. **To all of them, the women sector owes a continuing debt of gratitude and appreciation.** The quest for gender equality and justice personified by a woman holding the scales reflects the continuing struggle being advocated by the Commission in partnership with the women's movement and other stakeholders of civil society.

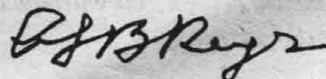
Over the years, the NCRFW has engaged in mainstreaming gender perspectives to achieve gender equality and women's empowerment within government policies and services and monitoring the implementation of the 5% GAD Budget Policy specified in Section 27 of the yearly General Appropriations Act. In various international fora, the Commission has gained a reputation for its mission of gender mainstreaming to achieve women's empowerment, promotion of Herstory as a global movement, prevention of trafficking, and other provisions on mental health, migrant women workers, "south-south cooperation", and a framework on the integration of women in the economy. Several gender tools for capacity building have been completed as additional sources for providing institutional mechanisms to mainstream gender perspectives at all levels of decision-making.

As the development authority and policymaking body for women's advancement, the NCRFW is also tasked to oversee the implementation of national laws, including international treaties and commitments such as the UN Convention on ALL Forms of Discrimination Against Women (UN CEDAW) and Beijing Platform of Action (PFA) and Beijing Plus Five Women 2000 Outcome Document.

This Compilation of Laws on Women is another source book that serves as a concrete reward for our victories in the area of legislation as well as a constant reminder of the challenges for the continued advocacy and work that needs to be done in order to create better responsive laws for women, and to safeguard the few achievements made in the area of gender-sensitive legislation.

In addition, the NCRFW in collaboration with Women's Education, Development, Productivity and Research Organization (WEDPRO), CIDA has published in 1999, a two-volume guidebook – Toward Gender-Responsive Legislation. The introduction of gender-responsive legislation, the reexamination of laws, and a proactive participation in the legislative process to instill gender perspectives are the essential steps in pursuing the interests and welfare of women for them to achieve their full potentials as equal partners of men in development.

We acknowledge with heartfelt appreciation the legislative core group on GAD in the Philippine Congress. We wish to extend our deepest gratitude to Senator Teresa Aquino Oreta whose financial assistance made this work possible. Also, our fondest thanks to our current Commissioner and former Executive Director Teresita S. Castillo, who closely supervised the completion of this work.



DR. AMELOU BENITEZ-REYES

The creation of a national machinery for women in the Philippines was one of the Decade's most significant achievements for it generated a lot of interest in women's issues and focused the attention on women concerns. The ratification of the UN Convention on the Elimination of All Forms of Discrimination Against Women by the Philippines in 1981, legally bound itself as have other State Parties to take positive measures for eliminating all forms of sex discrimination whether in law or in fact.

The Philippine legislatures has come a long way in upholding the rights of women. Recent breakthroughs in the areas of economic, criminal and civil law are included in this compilation of laws. Among them are Republic Act No. 6725 strengthening the prohibition of discrimination against women with respect to terms and conditions of employment. Republic Act No. 7877, also known as the Anti-Sexual Harassment Act of 1995, protects the dignity of women by declaring sexual harassment as unlawful in the employment, education or training environment. The Anti-Rape Law of 1997 was a victory for women who are often victims of violence and sexual abuse. This act expanded the definition of the crime of rape, reclassifying the same as a crime against persons which is punishable by death.

The Philippine Congress has also made significant moves in protecting the rights of women and children. Both houses have created committees on Women and Family to help address the concerns of both women and children. Presently, pressing issues such as the Anti-Trafficking Law is being addressed in the Senate spearheaded by Senator Teresa Aquino-Oreta, who is also the chairperson of the Senate Committee on Women and Family.

This compilation had its beginning when the NCRFW requested Prof. Myrna S. Feliciano whose subsequent work viewed the status of women in a historical-legal perspective, to undertake a research project on "A Gender Analysis of Philippine Laws" which was given by the Senate through the efforts of Senators Leticia Shahani and Santanina Rasul in 1989. The study covered the laws enacted from 1900 to 1989 wherein a total of 14,958 statutes were examined in order to determine whether some laws were discriminatory to women. The framework of analysis was examination of the statutes "on its face" or scrutinizing them for their use of gender terms as well as to determine whether there was discrimination "on their effect and their implementation." The analysis led to changes, instituted by lady senators and representatives themselves and the advocacy of women's groups together with the NCRFW to amend the discriminatory statutes.

The compilation is classified according to the following broad topics: I. Economic/Employment; II. Marriage/Family; III. Political Rights; IV. Health and Social Welfare; V. Education; VI. Criminal Laws; VII. Girl Child; VIII. General Purpose; IX. Executive Orders, Presidential Memos/Directives, Proclamations, and Civil Service Commission Memorandum Circulars.

A short introductory gender analysis is given per category while each law is annotated. An index is found at the end of Volume II in order to facilitate its use.

Although the status of women is not solely determined by law, it is clear that legislation can obstruct or accelerate the achievement of full equality of women with men. In spite of the significant steps taken in the past century, discriminatory provisions still remain on the statute books. And even where laws guarantee equal treatment, they are not necessarily implemented. The reexamination of laws and a proactive participation in the legislative process will be essential in pursuing the interest and welfare of women.

It is our hope that this publication will serve as a reminder of the challenges that lay before us for the continued advocacy work that needs to be done in order to pass gender-responsive laws on women and to guard and protect the few gains made in the area of gender-sensitive legislation. This book will be an essential tool for legislators, gender and development advocates and lay readers in the struggle for gender responsive legislation towards women's empowerment.

Over the years, more and more women have joined the labor force of the country. From doing housework and from rearing children, women have ventured into the field of paid work because of the growing needs of the times to augment the family income as well as the advent of women who have gone to school. Many women have even gone overseas to gain employment and these Filipinas comprise the bulk of Filipino migrant workers all over the world.

The laws passed addressing the concern of women in the labor force have evolved with the changing times. From granting maternity leave to non-discrimination laws. But there are still many reforms that women clamor for such as provision of day care facilities in the employment areas.

Employees in the public sector are governed by the Civil Service Law and its Implementing Rules. Workers in the public sector are regulated by the Labor Code and its Implementing Rules and Regulations.

Note that these standards singularly address the traditional workforce or the "formal sector" but does not apply to the "informal sector" which ranges from homeworkers, self-employed individuals, and to domestic and agricultural workers which is characterized by low wages, absence of job security and of legal protection.



I Economic/ Employment

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[COMMONWEALTH ACT NO. 647]

AN ACT TO GRANT MATERNITY LEAVE TO MARRIED WOMEN WHO ARE IN
THE SERVICE OF THE GOVERNMENT OR OF ANY OF ITS
INSTRUMENTALITIES

SECTION 1. Married women who are permanently or temporarily appointed in the service of the Government, or in any of its branches, subdivisions, agencies, or instrumentalities, including the corporations and enterprises owned or controlled by the Government, shall, in addition to the vacation and sick leave which they may enjoy now, be entitled in case of pregnancy to a maternity leave of sixty days subject to the following conditions :

- (a) Permanent and regular employees who have rendered two or more years of continuous service, shall be entitled to maternity leave with full pay;
- (b) Permanent and regular employees who have rendered less than two years of continuous service, shall be entitled to half pay; and
- (c) Temporary employees shall be entitled to maternity leave without pay and shall be readmitted to the service at the end of their leave. No employee shall be refused readmission to the service on the ground of absence on account of maternity.

SEC. 2. The proper department head or chief of bureau or office shall, subject to the requirements of the public service, avoid the assignment of strenuous and fatiguing work to married women under their charge who are in a state of pregnancy.

SEC. 3. Any savings in the appropriation, allotment, or fund for salaries and wages, authorized for any fiscal year for the department of the government concerned, or for any of its branches, subdivisions, agencies or instrumentalities, including corporations and enterprises owned and controlled by it, may be used for the temporary employment of substitute officers or employees to take the place of those who are granted maternity leave, if the duties of the latter cannot be dispensed with without detriment to the service, and the same cannot be designed to, or distributed among, the other employees already in the service.

SEC. 4. This Act shall take effect upon its approval.

Approved, June 14, 1941.

[PRESIDENTIAL DECREE NO. 148]

AMENDING FURTHER CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED SIX HUNDRED SEVENTY-NINE, AS AMENDED, COMMONLY KNOWN AS THE WOMAN AND CHILD LABOR LAW

WHEREAS, under Section 9, Article II of the New Constitution, the State shall among other policies, afford protection to labor, promote full employment and equality in employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers;

WHEREAS, there is an urgent need to translate these policies into meaningful reality consistent with the demands of national development particularly in so far as the employment of women and minors is concerned;

WHEREAS, to effect those objectives, it is necessary to amend further Republic Act No. 679, commonly known as the Woman and Child Labor Law;

Sec. 3. Section 3 of the same Act is repealed and in lieu thereof, a new Section is inserted to read as follows:

“Sec. 3. *Additional coverage.* -- Any woman who is permitted or suffered to work, with or without compensation in any nightclubs, cocktail lounges, bars, massage clinics, or in any similar places, shall be considered as employees of such establishments for purposes of this and other existing labor and social legislations.”

Sec. 4. Section 7 of the same Act is further amended by amending paragraph (b) to read as follows:

“(b) No woman, regardless of age, shall be allowed to work, with or without compensation, in any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day, except for activities which may be allowed by the Secretary of Labor through implementing rules and regulations.”

Sec. 5. Section 8 of the same Act is further amended to read as follows:

Sec. 8. *Maternity Leave Benefits.* --

(a) Every employer shall grant to any pregnant woman employee who has rendered an aggregate service of at least six months for the last twelve months, maternity leave of at least two weeks prior to the expected date of delivery and another four weeks after normal delivery or abortion, with full pay based on her regular or average weekly wages. The employer may require from any woman employee applying for maternity leave the production of a medical certificate stating that delivery will probably take place within two weeks.

- (b) The maternity leave shall be extended without pay on account of illness medically certified to arise out of the pregnancy, delivery, abortion, or miscarriage, which renders the woman unfit for work, unless she has earned unused leave credits from which such extended leave may be charged.
- (c) The maternity leave provided in the preceding paragraph shall be paid by the employer only for the first four deliveries by a woman employee after the effectivity of this Decree.
- (d) The Secretary of Labor may by regulation require an employer to establish a nursery in his workplace for the benefit of his women employees.
- (e) Establishments which are required by law to maintain a clinic or infirmary shall provide free family planning services to their employees which shall include, but not limited to, the application or use of contraceptive and/or intra-uterine devices.
- (f) In coordination with the other agencies of the Government engaged in the promotion of family planning, the Department of Labor shall develop and prescribe incentive bonus schemes to encourage family planning among the married workers in any establishment or enterprise."

Sec. 6. Section 9 of the same Act is further amended by amending paragraph (b) and by adding thereto paragraph (c) to read as follows:

- "(b) It shall be the duty of every employer to give his employees not less than sixty minutes time-off for their regular meals, unless otherwise prescribed by the Secretary of Labor."
- "(c) The Secretary of Labor shall also establish standards that will insure the health and safety of women employees."

Sec. 7. Section 10 of the same Act is hereby repealed.

Sec. 8. Section 12 of the same Act as amended, is further amended by amending paragraph (c) to read as follows:

- "(c) It shall be unlawful for an employer to require as a condition of employment or continuation of employment that a woman employee shall not get married, or to stipulate expressly or tacitly that upon getting married a woman employee shall be deemed resigned or separated, or to actually dismiss; discharge, discriminate or otherwise prejudice a woman employee merely by reason of her marriage."

Approved: March 13, 1973.

[PRESIDENTIAL DECREE NO. 442]

Labor Code of the Philippines

Book Three, Title I, Chapter VI - (Administration and Enforcement)

ART. 128. *Visitorial and enforcement power.* — (a) The Secretary of Labor and Employment or his duly authorized representatives, including labor regulation officers, shall have access to employer's records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary to determine violations or which may aid in the enforcement of this Code and of any labor law, wage order or rules and regulations issued pursuant thereto.

(b) Notwithstanding the provisions of Articles 129 and 217 of this Code to the contrary, and in cases where the relationship of employer-employee still exists, the Secretary of Labor and Employment or his duly authorized representatives shall have the power to issue compliance orders to give effect to the labor standards provisions of this Code and other labor legislation based on the findings of labor employment and enforcement officers or industrial safety engineers made in the course of inspection. The Secretary or his duly authorized representatives shall issue writs of execution to the appropriate authority for the enforcement of their orders, except in cases where the employer contests the findings of the labor employment and enforcement officer and raises issues supported by documentary proofs which were not considered in the course of inspection. (As amended by Republic Act No. 7730, June 2, 1994).

An order issued by the duly authorized representative of the Secretary of Labor and Employment under this Article may be appealed to the latter. In case said order involves a monetary award, an appeal by the employer may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the Secretary of Labor and Employment in the amount equivalent to the monetary award in the order appealed from. (As amended by Republic Act No. 7730, June 2, 1994).

(c) The Secretary of Labor and Employment may likewise order stoppage of work or suspension of operations of any unit or department of an establishment when non-compliance with the law or implementing rules and regulations poses grave and imminent danger to the health and safety of workers in the workplace. Within twenty-four hours, a hearing shall be conducted to determine whether an order for the stoppage of work or suspension of operations shall be lifted or not. In case the violation is attributable to the fault of the employer, he shall pay the employees concerned their salaries or wages during the period of such stoppage of work or suspension of operation.

(d) It shall be unlawful for any person or entity to obstruct, impede, delay or otherwise render ineffective the orders of the Secretary of Labor and Employment or his duly authorized representatives issued pursuant to the authority granted under this Article, and no inferior court or entity shall issue temporary or permanent injunction or restraining order or otherwise assume jurisdiction over any case involving the enforcement orders issued in accordance with this Article.

(e) Any government employee found guilty of violation of, or abuse of authority, under this Article shall, after appropriate administrative investigation, be subject to summary dismissal from the service.

(f) The Secretary of Labor and Employment may, by appropriate regulations, require employers to keep and maintain such employment records as may be necessary in aid of his visitorial and enforcement powers under this Code.

ART. 129. *Recovery of wages, simple money claims and other benefits.* — Upon complaint of any interested party, the Regional Director of the Department of Labor and Employment or any of the duly authorized hearing officers of the Department is empowered, through summary proceeding and after due notice, to hear and decide any matter involving the recovery of wages and other monetary claims and benefits, including legal interest, owing to an employee or person employed in domestic or household service or househelper under this Code, arising from employer-employee relations: *Provided*, That such complaint does not include a claim for reinstatement: *Provided further*, That the aggregate money claims of each employee or househelper does not exceed Five thousand pesos (P5,000.00). The Regional Director or hearing officer shall decide or resolve the complaint within thirty (30) calendar days from the date of the filing of the same. Any sum thus recovered on behalf of any employee or househelper pursuant to this Article shall be held in a special deposit account by, and shall be paid on order of, the Secretary of Labor and Employment or the Regional Director directly to the employee or househelper concerned. Any such sum not paid to the employee or househelper because he cannot be located after diligent and reasonable effort to locate him within a period of three (3) years, shall be held as a special fund of the Department of Labor and Employment to be used exclusively for the amelioration and benefit of workers.

Any decision or resolution of the Regional Director or hearing officer pursuant to this provision may be appealed on the same grounds provided in Article 223 of this Code, within five (5) calendar days from receipt of a copy of said decision or resolution, to the National Labor Relations Commission which shall resolve the appeal within ten (10) calendar days from the submission of the last pleading required or allowed under its rules.

The Secretary of Labor and Employment or his duly authorized representative may supervise the payment of unpaid wages and other monetary claims and benefits, including legal interest, found owing to any employee or househelper under this Code. (As amended by Section 2, Republic Act No. 6715, March 21, 1989).

Title III, Chapter I – (Employment of Women)

ART. 130. *Nightwork prohibition.* — No woman, regardless of age, shall be employed or permitted or suffered to work, with or without compensation:

(a) In any industrial undertaking or branch thereof between ten o'clock at night and six o'clock in the morning of the following day; or

(b) In any commercial or non-industrial undertaking or branch thereof, other than agricultural, between midnight and six o'clock in the morning of the following day; or

(c) In any agricultural undertaking at nighttime unless she is given a period of rest of not less than nine (9) consecutive hours.

ART. 131. *Exceptions.* — The prohibitions prescribed by the preceding Article shall not apply in any of the following cases:

(a) In cases of actual or impending emergencies caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disasters or calamity, to prevent loss of life or property, or in cases of *force majeure* or imminent danger to public safety;

(b) In case of urgent work to be performed on machineries, equipment or installation, to avoid serious loss which the employer would otherwise suffer;

(c) Where the work is necessary to prevent serious loss of perishable goods;

(d) Where the woman employee holds a responsible position of managerial or technical nature, or where the woman employee has been engaged to provide health and welfare services;

(e) Where the nature of the work requires the manual skill and dexterity of women workers and the same cannot be performed with equal efficiency by male workers;

(f) Where the women employees are immediate members of the family operating the establishment or undertaking; and

(g) Under other analogous cases exempted by the Secretary of Labor and Employment in appropriate regulations.

ART. 132. *Facilities for women.* — The Secretary of Labor and Employment shall establish standards that will ensure the safety and health of women employees. In appropriate cases, he shall, by regulations, require any employer to:

(a) Provide seats proper for women and permit them to use such seats when they are free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency;

(b) To establish separate toilet rooms and lavatories for men and women and provide at least a dressing room for women;

(c) To establish a nursery in a workplace for the benefit of the women employees therein; and

(d) To determine appropriate minimum age and other standards for retirement or termination in special occupations such as those of flight attendants and the like.

ART. 133. *Maternity leave benefits.* — (a) Every employer shall grant to any pregnant woman employee who has rendered an aggregate service of at least six (6) months for the last twelve (12) months, maternity leave of at least two (2) weeks prior to the expected date of delivery and another four (4) weeks after normal delivery or abortion with full pay based on her regular or average weekly wages. The employer may require from any woman employee applying for maternity leave the production of a medical certificate stating that delivery will probably take place within two weeks.

(b) The maternity leave shall be extended without pay on account of illness medically certified to arise out of the pregnancy, delivery, abortion or miscarriage, which renders the woman unfit for work, unless she has earned unused leave credits from which such extended leave may be charged.

(c) The maternity leave provided in this Article shall be paid by the employer only for the first four (4) deliveries by a woman employee after the effectivity of this Code.

ART. 134. *Family planning services; incentives for family planning.* — (a) Establishments which are required by law to maintain a clinic or infirmary shall provide free family planning services to their employees which shall include, but not be limited to, the application or use of contraceptive pills and intrauterine devices.

(b) In coordination with other agencies of the government engaged in the promotion of family planning, the Department of Labor and Employment shall develop and prescribe incentive bonus schemes to encourage family planning among female workers in any establishment or enterprise.

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