

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 5496

**Introduced by AKBAYAN Representatives Ana Theresia Hontiveros-Baraquel,
Loretta Ann P. Rosales, and Mario “Mayong” Joyo Aguja**

EXPLANATORY NOTE

More than a decade since the Philippines committed itself to ‘take measures to ensure women’s access to and full participation in power structures and decision-making’ during the Fourth World Conference on Women in Beijing, China, government action and programs pale in comparison with its official rhetoric on women representation. The face of Philippine politics and governance is still primarily male, with most political institutions, the police and military, and the bureaucracy dominated by men.

Representation of women in Congress, for instance, is still restricted: women comprise only 13% of the current Senate and 16% of the House of Representatives. At the local level, the lack of gender balance in elective posts is also evident: for this term, women are only 19% and 15% of Governors and Mayors, respectively. Only 7% of Vice-Governors, 16% of provincial Board members, 14% of Vice-Mayors, and 17% of municipal and city councilors are women.

The same pattern can be seen in the judiciary, where three-fourths of judges are men. In Shari'a Courts and the Court of Tax Appeals, there are no women judges at all. In the bureaucracy, while female public sector workers exceed their male counterparts in general, the executive level positions are still an almost exclusive club for men, with women occupying a mere 4.4% of the top posts. The inaccessibility of high-level decision-making structures for women can also be gleaned from the current composition of key Cabinet posts – only two out of 19 are women, and male Cabinet secretaries continue to control portfolios that are stereotyped as male arenas, such as defense, trade and finance. Furthermore, the military and the police, from the top level down to the level of rank-and-file employees, are still male-dominated.

This lack of gender balance means that major policies that affect the nation in general, and even those that affect women in particular, are mostly decided by men.

Policy reforms can be introduced to correct the uneven representation of men and women in politics and governance. One example, which this bill seeks to introduce, is the adoption of a provisional quota system that progressively widens representation for women in power structures and decision making mechanisms. Countries that have achieved a critical mass in women's political representation at the local and national levels have adopted gender quotas:

Political parties in Scandinavian countries like Sweden, Denmark and Norway have implemented quotas for many years, resulting in a high representation for women in politics. In Finland, meanwhile, a law requiring that at least 40% of each sex can be appointed in public decision-making bodies led to an increase in women's membership from 25% in 1980 to 48% in 1996.

South Africa jumped to No. 14 in the Inter-Parliamentary Union's ranking of national legislatures in terms of gender balance after the African National Congress instituted a quota which reserves 30% of parliamentary and 50% of local government candidacies to women.

In India, where the Panchayat Raj Act reserves 33% of the three-tiered panchayats for women (village council, council of cluster villages, and the district council), there are now close to a million elected women leaders at the village level.

This bill proposes the introduction of a similar quota system in the country, with 30% of appointive and elective positions allocated to women

beginning 2007. In line with our own Millennium Development Goal target on women's participation, this shall increase to 40% by 2010 and to 50% starting 2013. The goal is not simply to give flesh to the country's commitments to various women and human rights-related international agreements, but more importantly, to have a critical mass of women in political decision-making institutions that will significantly strengthen the push for women's agenda. Gender quota mechanisms are internationally-recognized methods to fast track meaningful and relevant political participation for women.

The immediate approval of this bill is earnestly sought.

Hon. Ana Theresia Hontiveros-Baraquel
Akbayan Representative

Hon. Loretta Ann Rosales
Akbayan Representative

Hon. Mario "Mayong" Joyo Aguja
Akbayan Representative

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HOUSE BILL No. _____

**Introduced by AKBAYAN Representatives Ana Theresia Hontiveros-Baraquel,
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AN ACT
STRENGTHENING WOMEN'S PARTICIPATION AND REPRESENTATION IN
ELECTIVE AND APPOINTIVE POSITIONS IN THE GOVERNMENT, INCLUDING
GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS, THE ARMED
FORCES OF THE PHILIPPINES, THE PHILIPPINE NATIONAL POLICE AND
OTHER LAW ENFORCEMENT AGENCIES, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Gender Balance Act of 2006".

SEC. 2. Declaration of Policy. – It is the policy of the State to ensure the fundamental equality of women and men in the exercise of enjoyment of all economic, social, cultural, and civil political rights pursuant to the Article II, Section XIV of the Constitution and international agreements on women's rights to which the Philippines is a signatory such as the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and the 1995 Beijing Declaration and Platform for Action.

Towards this end, the State shall institutionalize and implement policies and programs with specific targets and mechanisms that would bring in women in all elective and appointive positions in government, including the judiciary, government owned and controlled corporations, the AFP, PNP, and other law enforcement agencies.

SEC. 3. Purposes. – The purposes of this Act are as follows:

- (1) To promote the women's active participation in the electoral process;
- (2) To ensure women's access to political representation and decision-making; and,
- (3) To institutionalize reforms in the recruitment, selection, and appointment of women in all levels of the government bureaucracy.

SEC. 4. Participation in Executive Level Positions. –

a) Public Officials. – At least thirty-percent (30%) of the following appointive positions shall be reserved for women by the year 2007, without prejudice to security of tenure:

- (1) Cabinet-level positions;
- (2) Undersecretaries, assistant secretaries, directors, chiefs of divisions and positions of comparable salary grade in every line department or government agency, government-owned and controlled corporations, government financing institutions, state colleges and universities, and local government units;
- (3) Ambassadors and consular officers in the foreign service;
- (4) Justices of the Supreme Court;
- (5) Judges to be appointed in the Regional Trial Courts, Municipal Trial Courts, Metropolitan Trial Courts and Metropolitan Circuit Trial Courts and other appointive positions in the judiciary; and,
- (6) Prosecutors in the Department of Justice and those to be appointed in component cities, highly urbanized cities and municipalities.

The appointive positions reserved for women as enumerated above shall be increased to forty percent (40%) by the year 2010. There shall be equal representation of women and men beginning 2013.

The Commission on Appointments (CA) and the appointing authorities designated by law, where proper, shall implement this provision.

b) Rank and file employees. – The Civil Service Commission (CSC) and the appointing authorities designated by law, where proper, shall promulgate the necessary rules toward the attainment of gender balance in all government departments and agencies, including government-owned and controlled corporations, for rank and file employees, without prejudice to security of tenure: *Provided*, that at least forty percent (40%) of the positions shall be reserved for women.

SEC. 5. Participation in Political Parties. –

a) All political parties shall reserve thirty percent (30%) of its official candidates to women in national and local elections at the provincial, regional, city and municipal levels. The percentage of women candidates in a political party's slate shall increase by forty percent (40%) by 2010 until candidates are equally represented by both women and men beginning 2013.

b) Political parties shall reserve at least thirty percent (30%) of the positions for their respective officers or leadership to women.

c) Political parties shall allocate a minimum of thirty percent (30%) of their budget for gender-related programs particularly for capacity-building or training for prospective women candidates, party leaders and members.

The Commission on Elections (COMELEC) shall enforce this provision.

SEC. 6. Women in the Military, Police Force and Other Law Enforcement Agencies. -

a) All military, police, and other law enforcement institutions such as the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), National Bureau of Investigation (NBI), the Philippine Military Academy (PMA), the Philippine National Police Academy (PNPA), and other similar military and law enforcement institutions, shall reserve at least thirty percent (30%) of its table of organization, from the rank-and-file to the top positions, to women: *Provided*, that they meet the minimum qualification standards set forth by existing laws.

The percentage of women in the military, police and other law enforcement agencies shall increase by forty percent (40%) by 2010 and by fifty percent (50%) beginning 2013;

b) Women in the AFP, PNP, NBI, and other military and law enforcement agencies shall be allowed combat and security-related assignments;

c) All police units/stations shall establish an all-female unit to attend to victims of rape, battering, incest and other crimes against women.

The Armed Forces of the Philippines, Philippine National Police, National Bureau of Investigation, and other military and law enforcement agencies shall enforce this provision.

SEC. 7. Capacity Development. – At least thirty percent (30%) of scholarships, grants, fellowships, and trainings in the national and local government, either in the Philippines or abroad, shall be reserved for qualified women: *Provided*, that they meet the qualifications and standards set by the Civil Service Commission and the National Economic Development Authority (NEDA).

All departments, bureaus, agencies, local government units, and government-owned and controlled corporations, shall include gender and development orientation, trainings and seminars in their gender resource programs.

The Civil Service Commission, National Economic Development Authority, and all departments, bureaus and agencies shall enforce this provision.

SEC. 8. Monitoring and Oversight Mechanism. -

a) The National Commission on the Role of Filipino Women (NCRFW) shall monitor the proper implementation of this Act. It shall submit an annual report to Congress and the Office of the President on the compliance of government departments and agencies, including the military, police, and other law enforcement agencies, to the provisions of this Act. For this purpose, the NCRFW may avail of the assistance of women's organizations and non-government organizations;

b) There shall be a Legislative Oversight Committee composed of three representatives each from the Committees on Women of the House of Representatives and the Senate, to be constituted and co-chaired by the Chairs of both committees. Said committees shall automatically take into consideration the annual reports of the NCRFW and other reports submitted to it by all concerned agencies, women's organizations, and non-governmental organizations.

SEC. 9. Penalties. –

a) Any person found guilty of violating any provision of this Act, including its rules and regulations, shall be sentenced to pay the amount of not less than Five Hundred Thousand Pesos (P500, 000.00), without prejudice to any criminal and administrative sanctions or penalties that may be imposed upon him as provided by law;

b) Any political party found guilty by the Commission on Elections of violating Sec. 5 of this Act shall be disqualified to participate in the immediate national or local elections.

SEC. 10. Enforcement. –

a) Any person may file a complaint or the proper case with the concerned government agency. Provided, however, that in the event that any concerned agency fails to act on the complaint within ninety (90) days from the filing, the complainant may file the complaint with the Office of the Solicitor General or the Department of Justice for proper investigation and prosecution, if warranted;

b) All government agencies, including government-controlled and owned corporations, the AFP, PNP, and other law enforcement agencies, shall provide the necessary assistance to the NCRFW in ensuring the proper implementation of this Act.

c) The NCRFW may, on its own, notify any government agency, including government-controlled and owned corporations, the AFP, PNP, and other law

enforcement agencies, for any infraction or violation of this Act and its rules and regulations. The NCRFW may also file any complaint and avail of the assistance of the prosecuting arms of the government.

SEC. 13. Separability Clause. – If any part or provision of this Act is held unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 14. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations, or parts thereof, inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 15. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,