



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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CONSIDERATION OF REPORTS SUBMITTED BY STATESPARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States parties

Addendum

PHILIPPINES

C O N T E N T S

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UN CONVENTION ON THE ELIMINATION OF ALL FORMS
OF DISCRIMINATION AGAINST WOMEN

Second Periodic Report
PHILIPPINES, 1987

Part I.

- (a) Describe the actual, general, social, economic, political and legal framework within which the Philippines approaches the elimination of discrimination against women in all its forms, as defined in the Convention.
- (b) Legal and other measures adopted to implement the Convention or absence as well as any effect which ratification has had on the State Party's actual, general, social, economic, political and legal framework since the entry into force of the Convention.

The Republic of the Philippines is an archipelago of 7,100 islands covering about 300,000 sq. km. Its population, counted at 48,090,460 in 1980, was estimated at 54,668,332 in 1985 at an average annual growth rate of 2.47%. Women form 49.8% of the total.

The country is geopolitically divided into 13 regions; each region is composed of provinces; each province is divided into towns and chartered cities which in turn are divided into the smallest political units called barangays.

A province is headed by a governor, a municipality and a city by a mayor, and a barangay by a captain - all elected by their constituents. Legislative positions from the barangay council to the Senate are other elective posts, in addition to those of the president and the vice president and other vice executive positions in the country's local governments.

Women participate in the administration of both the local and national governments not only as voters but also as officials in responsible positions. For the first time since the Philippines gained its independence in 1946, a woman head of state - President Corazon C. Aquino - was elected to the highest post in the country in February 1986. Other women are now holding high ranking positions in the government.

The recent national elections witnessed the birth of an all-women political party called KAIBA, an acronym for Kababaihan para sa Inang Bayan (Women for the Motherland). One of the five candidates fielded in the last elections won a seat in the House of Congress.

Women's status in society traces its beginnings to Philippine pre-colonial times. According to historians, women held positions equal to men in the family and in the community. Daughters could succeed to become chiefs of barangays,* engage in business, and wield power as priestesses.

Women played important roles in the Philippine Revolution against Spain. They took arms with the men and fought beside them. In the Katipunan, a revolutionary organization of patriotic Filipinos, women served in responsible positions and suffered untold hardships. A number of them emerged as heroines of the Revolution.

Colonial rule changed women's status. Spanish laws relegated them to subordinate positions. The Americans opened to women equal access to education but also introduced measures which, though intended to protect working women, resulted in discriminatory practices against them.

But this proved to be no serious handicap to Filipino women's participation in community and national activities. They formed organizations and worked for political rights. With the support of all-male legislatures, they secured an amendment to the paraphernal law to enable married women to manage and dispose of their property; they won the right to vote and be voted for, exercising suffrage for the first time in 1937. The first women's civic organization was formed in 1905, and the first coalition of women's groups was born in 1950.

In more recent history, women led movements against foreign imperialism and domestic feudalism. During the dark days of martial law, over a hundred women's groups protested against the administration's handling of national and local affairs. Significantly, women's groups played a major role in the EDSA Revolution of 1986 which ended the twenty-year rule of Ferdinand Marcos.

*Originally composed of the captain of the boat called "balangay", members of his family and relatives who settled in the islands now making up the Philippines.

On the legal front, efforts to expunge the statute books of discriminatory provisions registered tremendous gains in 1987. For the first time, the new Constitution explicitly provides for the fundamental equality between women and men and cites the women's role in nation-building (Art. II Sec. 14); recognizes women's maternal and economic roles (Art. XIII, Sec. 14), and women's special health needs (Art. XIII, Sec. 11); declares as natural-born citizens children born of Filipino mothers (before the 1973 Constitution) and who elect Philippine citizenship at the age of majority; and allows Filipino women married to aliens to retain their citizenship if they choose to do so (Art. IV), thereby correcting the inequitous provisions in the earlier laws.

Closely following the ratification of the new Constitution was the signing on July 17, 1987 of Executive Order 227 entitled "The New Family Code of the Philippines", a product of some eight years of work by eminent lawyers, jurists and legal scholars. The new Code eliminates many of the discriminatory provisions in the Spanish colonial law-based Civil Code of the Philippines.

It is too early to assess the impact of these new provisions upgrading the status of Filipino women. How much would be translated to reality remains to be seen. Lessons from the past indicate that the laws granting equality rights to women de jure were not necessarily followed in practice. Until the present, Philippine society is still deeply-steeped in traditional attitudes and stereotypes which pervade the home, the school, the workplace, and even the government. The men, as much as the women, adhere to beliefs that the men are the stronger of the sexes and ascribe roles for each. These stereotypes are highly manifest in the employment positions that women have, the school courses that they take, the training they go into, and the salary they receive.

The government of Mrs. Aquino, while it has spelled out its commitment to women through the constitutional mandate, has laid down its priorities centering on the economic and the political - the rebuilding of the economy and the restoration of peace and order throughout the archipelago. The major economic issues demanding immediate attention are the country's \$28 billion debt, the agrarian reform program, unemployment and industrial unrest, and widespread economic poverty. Threats to the country's peace and stability mainly come from the New People's Army (NPA) insurgents, from the Muslim Mindanao and Cordillera secessionists, from the discontented and fractious military, and from other lawless elements which take advantage of the situation. The bulk of the work of pushing women's advancement is left to the government bodies assigned for this purpose such as the National Commission on the Role of Filipino women, the Bureau of Women and Young Workers under the Department of

Labor, the Home Economics Division of the Bureau of Agricultural Extension, and the newly created Bureau of Women in the Department of Social Welfare and Development.

- (c) Institutions or authorities which have as their task to ensure that the principle of equality between men and women is complied with in practice, and what remedies are available to women who have suffered discrimination.

By constitutional mandate, the State is bound to "ensure the fundamental equality before the law of women and men." (Art. II Sec. 14)

Private companies are required by law, under the Labor Code of the Philippines (Presidential Decree No. 442 amended), to implement the policy of nondiscrimination in employment. Article 135 of the Code states:

"No employer shall discriminate against any women with respect to terms and conditions of employment. Equal remuneration shall be paid to both men and women for work of equal value."

Terms and conditions of employment are also covered by the Labor Code. Through self-organization and unionizing, workers negotiate for better terms of employment by way of collective bargaining. Settling labor disputes is one of the objectives of collective bargaining.

Article 211 states as among the policies of the State the promotion of "free collective bargaining, including voluntary arbitration, as a mode of settling labor or industrial disputes."

There are no known mechanisms in both government and private entities which have for their purposes solely the settlement or hearing of cases connected with sex-based discrimination or any form of discrimination for that matter. On the other hand, the Code explicitly requires the State to "provide an adequate administrative machinery for the expeditious settlement of labor or industrial disputes." (Art. 211 (e)). Under the Department of Labor are offices that take care of industrial disputes: The National Labor Relations Commission, the Bureau of Labor Relations, and the Regional Labor Arbiters.

Workers in government are covered by the Civil Service Law (Presidential Decree No. 807). This Law tacitly requires all government departments to observe equality in terms of recruitment, selection, promotion, and even in imposing discipline.

Article VIII Sec. 19 (1) of the PD states very clearly:

"Opportunity for government employment shall be open to all qualified citizens and positive efforts shall be exerted to attract the best qualified to enter the service. Employees shall be selected on the basis of fitness to perform the duties and assume the responsibilities of the positions."

Letter of Instructions No. 974 strengthens government stance against discrimination in both the public and private sector.*

Similar to the private sector, complaints against discrimination are considered together with all other forms of complaints of employees. Employees have the right to complain or present their grievances

"to management and have them adjudicated as expeditiously as possible in the best interest of the agency, the government as a whole, and the employee concerned. Such complaint or grievances shall be resolved at the lowest possible level in the department or agency, as the case may be, and the employer shall have the right to appeal such decision to higher authorities."

"Each department or agency shall promulgate rules and regulations governing expeditious, fair, and equitable adjustment of employees' complaints or grievances in accordance with the policies enunciated by the Commission." (Article VIII Sec. 35).

Monitoring of efforts of the various government and private enterprises to ensure compliance of the principle of equality between men and women is among the functions of the National Commission on the Role of Filipino Women. The Commission itself does not implement programs; on the other hand, it serves as an "advisory arm to the President in formulating policies and implementing programs on increased contribution by women in national development." It also makes proposals or policy recommendations to afford women opportunity to enjoy "full equality with men before the law in all fields where it does not exist."

*This will be discussed further in Part II.

- (d) The means used to promote and ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms in all fields on a basis of equality with men.

The National Commission on the Role of Filipino Women (NCRFW) is a government agency concerned primarily with women. Its mandate encompasses the full integration of women for economic, social, cultural and political development at national, regional and international levels.

NCRFW was created in 1975 at the outset of International Women's Year. For more than ten years, its work focused on organizing women in rural areas for livelihood, educational and cultural endeavors. It funded projects of women, trained and consistently motivated them to sustain their activities. During this period, the Commission was also able to form and maintain links with other GOs, NGOs and other individuals, conduct researches, and set up an information center.

In 1986, with the massive government restructuring, the NCRFW was reorganized. One of the first major decisions made by its new officials was that it should redirect its work to influencing policy and leave all implementation activities to the other line departments. The Commission had to face the problem of the lack of "women-consciousness" in government, a very serious obstacle if it were to make the issues of equality and nondiscrimination alive in all sectors.

Advocacy, especially in government, was therefore, considered imperative. With outside financial assistance,* the Commission negotiated for a series of consultation workshops on gender analysis in project development to be undergone by key government planners and technical personnel. Representation meetings have also been held with other government offices starting with those with women's programs. The next thing that the Commission did was the holding of a series of consultation workshops with women NGOs in these areas:

- a) women workers
- b) women professional community organizers

*From the Canadian International Development Agency (CIDA)

- c) rural women
- d) women in law, policy and action
- e) prostitution and sexual exploitation
- f) women and education
- g) women and health
- h) women and family
- i) women in media
- j) women in arts and culture
- k) women and research

These consultations were intended to help women NGOs study the issues from a feminist perspective and to help them spell out their share in solving the same. Ultimately, NGOs are expected to help the Commission in pushing for a greater concern and political will from government by -

- a) participating in regional planning
- b) their conduct of their own programs to complement government efforts
- c) monitoring government's implementation of women's programs in all levels
- d) acting as pressure/lobby groups for government to act on issues affecting women.

Some strides have also been made in terms of influencing the Philippine Development Plan for 1987-1992. While women have been mentioned overtly only in the Social Sectors, representation with the planning body continues in order for their concerns to become more pervasive in the Plan, and concomitantly, in all government programs and projects.

The Plan's specific targets and policies on Women in Development are enumerated as follows:

- a. Promoting women as equal partners in development
- b. Protecting women and upholding their rights
- c. Recognizing women's contributions to economic productivity
- d. Improving the data base for planning and policy formulation (p. 264).

It should be noted that the PDP previously classified women as among the most disadvantaged groups alongside the children and the poor (PDP 1978-1982, Digitized by UN Library Geneva)

Very recently, NCRFW started work towards a Philippine Development Plan for Women. In partnership with the various government departments, with technical support from the planning body, endorsement from the Cabinet Assistance System (CAS), a forum of all department undersecretaries supportive of the Cabinet, and with financial assistance from UNIFEM, the Plan is expected to an improved situation of women in all areas of concern.

Years before the Convention, government agencies were already looking after women's concerns. As early as 1960, there was in the Department of Labor and Employment, a Bureau of Women and Minors (now a Bureau of Women and Young Workers or BWYW) primary objective of which has been the promotion of the general welfare of all women and young workers in the country.

In the Department of Agriculture, there is a Home Economics Program Division in the Bureau of Agricultural Extension which has been supporting agriculture and development by bringing about effective involvement of rural women in the uplift of the family and the community. For this purpose, the Division formulates policies, programs and plans, and develops standards, guidelines and innovative approaches relative to foods and nutrition, income generation, food production, family life, early childhood enrichment, malnutrition prevention, home management, population, family planning and cooperatives.

Very recently, the Department of Social Welfare and Development also set up a Bureau of Women which will take care of the needs of women at the bottom 30% (poor) of the population.

The Commission has been instrumental in revitalizing the programs of the BWYW and the BAEx. It has also assisted in raising the consciousness of women social workers in the DSWD.

- (e) Describe whether the provisions of the Convention can be invoked before and directly enforced by, the courts, other tribunals or administrative authorities, or whether the provisions of the Convention have been implemented by way of internal laws or administrative regulations in order to be enforced by the authorities concerned.

Section 2, Article II of the 1987 Philippine Constitution provides:

"The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international laws as part of the law of the land, and adheres

to the policy of peace, equality, justice, freedom, cooperation and amity with all nations." (Underscoring supplied)

Every State is, by reason of its membership in the community of nations, bound by the generally accepted principles of international law, which are considered to be automatically part of its own laws. By virtue thereof, and since it is expressly affirmed by the Constitution, the provisions of the UN CEDAW which embody the generally accepted rules of international law, can be invoked before Philippine courts. In fact, the Philippine Supreme Court has applied the rules of international law in the decision of a number of cases notwithstanding that such rules had not been previously converted into statutory enactments. In one such case (*Kuroda vs. Jalandoni*), the petitioner questioned the jurisdiction of the military commission trying him, arguing that the Philippines was not covered by the Hague Convention under which he was being prosecuted, since the Philippines was not a signatory to this agreement. The Supreme Court, however, rejected his contention, maintaining that the country was bound by that Convention because it embodied generally accepted doctrines of international law binding upon all states.

In cases where there appears to be a conflict between international law and domestic law, efforts should first be exerted to reconcile them so as to give effect to both. In view of this, it is presumed that domestic law is enacted with due regard and in consonance with the generally accepted rules of international law.

Further, the Philippines, being a signatory to the Convention, is bound to adhere to the principles embodied therein, not to mention that the Convention is one of the sources of generally accepted tenets of international rules, thus making its provisions part of Philippine law.

Nevertheless, a clarification is called for. The provisions of the Convention on the Elimination of All Forms of Discrimination Against Women are programmatic in nature; hence, in most cases, internal legislation may have to be passed for their proper enforcement. The possibility that in the absence of implementing rules, contradictory decisions may be handed down by judges, can not be discounted.

PART II

Article 2*

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to this end undertake:

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b) To adopt appropriate legislative and other measures, including sanctions, where appropriate, abolishing all discrimination against women;
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g) To repeal all national penal provisions which constitute discrimination against women.

(a) and (b) Principle of Equality and Prohibition of Discrimination

"The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men." (1987 Philippine Constitution, Article II, Sec. 14)

*For this particular article, only general policies on equality, i.e., Constitutional, will be reported in full citing complete texts. Provisions specific to a particular sector such as health, employment, etc. shall be dealt with in depth in the subsequent articles. The same is true for statutory and administrative provisions on non-discrimination such as those found in the Labor Code and Civil Service Laws and Rules which will be cited in full under relevant articles that follow.

This provision of the 1987 Constitution explicitly sets down the country's general policy on the fundamental equality between men and women. Although it took six years from the time the Convention entered into force in the Philippines (3 September 1981) before such general principle of equality could be adopted, it does not mean that no efforts were made to implement the provisions of this Convention during the interim period. As reported for subsequent articles and in our first report covering 3 September 1981 - 31 August 1982, there had been many action programs, researches and proposed legislations addressing specific sex-based discrimination.

However, the adoption of this present Constitutional provision is a major step towards a more sweeping and concerted effort at eliminating all forms of discrimination, both in law and in practice.

As a general policy, Article II Section 11 of the present Constitution also provides that the "State values the dignity of every human person and guarantees full respect for human lives." In the Bill of Rights (Article III, Sec. 1), the Constitution further states that "no person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws." The egalitarian concept in public policy is further articulated by section 3 of Article XIII on Labor where it is stated that the "State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all." The same section stipulates that the "State shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law."

Specifically referring to women workers, Article XIII Section 14 provides that the "State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation."

Feminist lawyers have noted this particular provision on women workers as still reflective of the protective and paternalistic approach towards women. While it gives recognition to women's biological functions, it is very welfare-oriented and, therefore, may, like other protective measures for women, serve to price women out of the job market. Such unintended effect (which is already manifest as reported under Article 11 of this Convention) can be immediately

checked through affirmative action programs for women wherein employers get substantial privileges from government for employing women. It is in this area of policy and action where much remains to be done by government to truly effect equity and equality in the economic sector.

While the basic principles of equality has been properly lodged in its Constitution and other legislation, the country is just starting to put into place the groundwork for the institutionalization of women concerns in all departments of government and possibly in evolving affirmative action programs. The NCRFW is presently working very closely with the national planning body (National Economic and Development Authority) in this regard.

Two other Constitutional provisions having direct significance on the equality issue are as follows:

Article IV Section 4. Citizens of the Philippines who marry aliens shall retain their citizenship, unless by their act or omission, they are deemed under the law, to have renounced it.

Article XIII Section 11. The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women and children. The State shall endeavor to provide free medical care to paupers.

The unequal treatment in relation to women's citizenship and its transmission to their children was remedied under the 1973 Constitution and made even better under the present Constitution. Those born of Filipino mothers who elect Philippine citizenship pursuant to the 1973 Constitution are also deemed natural-born citizens under the present Constitution, unlike previous Constitutions which did not consider children of Filipino mothers and alien fathers who had to elect Philippine citizenship natural-born citizens despite their having Filipino mothers, thus extending the discrimination to children of Filipino women married to aliens.

Just barely five months after the ratification of the 1987 Constitution, the New Family Code of the Philippines was signed on 17 July 1987 (Executive Order No. 209, as amended by Executive Order No. 227) eliminating the often cited discriminatory provisions against women found in the Civil Code of the Philippines. Consistent with the Constitutional policy of equality, the new Family Code provides, among other things, for joint responsibility of both

husband and wife in the management of the household, in the administration of the community property, in the choice of family domicile, in the support of the family, and in the exercise of parental authority over minor children. For the specific texts of these provisions and others pertaining to family relations, please refer to the report under Article 16.

Since the re-convening of Congress on July 27, 1987, a number of bills (both in the House of Representatives and in the Senate) directly concerning women have been filed. In the Senate is a committee on Women, headed by a woman senator who was once a commissioner of the National Commission on the Role of Filipino Women. A rundown of the specific bills on women in Congress follows:

- Senate Bill No. 65: An Act Amending Article 135 of the Labor Code, as amended, by strengthening the prohibition on discrimination against women with respect to terms and conditions of employment.
- House Bill No. 561: An Act Increasing the Minimum Compensation of household and domestic helpers.
- House Bill No. 538: An Act Expanding the Services of the Social Security System to include domestic workers.
- Senate Bill No. 64: An Act Amending Article 340 of the Revised Penal Code, as amended, by providing for other persons who may be held liable for the offense of corruption of minors and for other purposes.
- House Bill No. 882: An Act Amending Section 6 of Presidential Decree No. 1567 for the establishment of a day-care center in every barangay and appropriating funds therefor.
- Senate Bill No. 20: An Act to Declare unlawful the practice of matching Filipino women for marriage to foreign nationals on a mail order basis and other similar practices, including the advertisement, publication of brochures, fliers, and other propaganda materials in furtherance thereof, and providing penalties therefor.
- Senate Bill No. 18: An Act Providing for stronger deterrence against the prostitution and/or sexual exploitation of minors, defining the acts constituting prostitution and exploitation, providing legal presumptions, and penalties for its violation.

Women of the Philippines are lucky to have elected two women senators who both have direct work experience for the cause of women. Much is expected from them to bring legislation in line with the equality demand of the Constitution.

The Philippines is party to international conventions affecting the status of women such as the Convention on Political Rights of Women, Convention on Consent to Marriages, International Covenant on Economic and Cultural Rights, Convention for the Suppression of Traffic in Persons and of the Exploitation of Others, and Convention Against Discrimination in Education (CEDAW Report to the World Conference to Review and Appraise the Achievement of the UN Decade for Women: Equality, Development and Peace. A/Conf./116 113, 5 June 1985). As provided for by the present Constitution, such covenants become part of the law of the land (Article II Sec. 2) and can be invoked in courts.

One specific case invoking the Constitutional provision on equality is *Zialcita v. Philippine Air Lines, Inc.* (Case No. R04-5-3-3399-76) where a flight stewardess sued the PAL for discharging her because she had gotten married. It was the policy of the airline company that flight attendants' employment would be automatically terminated in the event they get married. The Secretary of Labor, assuming direct jurisdiction over the case, decided in favor of the complainant because the aforementioned company rule contradicted the Constitution and the Labor Code.

It is a slow process for women to become aware of discrimination against them and to be able to invoke the law and policies assuring them equality of treatment with men. However, with the present advocacy work being done by NGOs such as the Center for Women Resources (CWR), PILIPINA Legal Resources Center, and Pilipinas for Education, Research, Law reform, Advocacy and Service (PERLAS), and on the government side, the National Commission on the Role of Filipino Women (NCRFW) and the Bureau of Women and Young Workers of the Department of Labor, a faster pace in the efforts to eliminate discrimination against women in all aspects of life is expected.

(c) Legal Protection through Special Tribunals/Other Institutions

By Constitutional mandate, the State is bound to extend the same protection of the courts to women as to men.

There are no mechanisms in both government and private entities which have for their purposes solely the settlement or hearing of cases on sex-based discrimination or any form of discrimination for that matter.

In cases of rape, for example, a crime which is definitely gender-based, the victim who has undergone the trauma of sexual abuse has to contend with the rigidity of the required special rules of evidence in rape cases in the same regular courts handling all kinds of criminal cases. The legal procedures are not concerned with sympathy for and understanding of the victims that most often, they decide not to pursue their cases. Sad to say, this is one area where the country has yet to succeed in modifying existing laws which prove to be oppressive to women and to institute more appropriate legal procedures. This is a necessary stepping stone towards the establishment of ready and special means of redress for women.

Relative to this, the NCRFW recently sponsored a consultation among lawyers and non-lawyers on "Women, Law, Policy and Action" where sex-related offenses like rape and other crimes against chastity formed a major topic. The NCRFW hopes to effect more necessary changes in the laws and administrative policies of the land through the concerted efforts of both GOs and NGOs such as those lawyers and media people who attended this particular consultation.

The Civil Service Law (Presidential Decree 807) which governs all workers in government requires all departments and instrumentalities of government to observe equality in terms of recruitment, selection, promotion and even in imposing discipline. Article VIII Section 19 (1) of the PD clearly states that "opportunity for government employment shall be open to all qualified citizens and positive efforts shall be exerted to attract the best qualified to enter the service. Employees shall be selected on the basis of fitness to perform that duties and assume the responsibilities of the positions."

If ever there are complaints against discrimination, they are considered together with all other forms of complaints of employees, as the same PD provides in Article VIII Section 35:

"Employees have the right to complain or present their grievances to management and have them adjudicated as expeditiously as possible in the best interest of the agency, the government as a whole, and the employee concerned. Such complaint or grievances shall be resolved at the lowest possible level in the department or agency, as the case may be, and the employer shall have the right to appeal such decision to higher authorities.

Each department or agency shall promulgate rules and regulations governing expeditious, fair, and equitable adjustment of employees' complaints or grievances in accordance with the policies enunciated by the Commission."

Monitoring compliance with constitutional, statutory and treaty obligations to eliminate all forms of discrimination against women, both in government and in private sector, is among the functions of the National Commission on the Role of Filipino Women. The Commission also serves as an "advisory arm to the President in formulating policies and implementing programs on increased contribution by women in national development." It also makes proposals or policy recommendations to afford women opportunity to enjoy "full equality with men before the law in all fields where it does not exist."

The Labor Code of the Philippines (Presidential Decree No. 442 as amended) requires private companies to implement the policy of non-discrimination in employment. Article 135 of the Code states that "no employer shall discriminate against any woman with respect to terms and conditions of employment, and that equal remuneration shall be paid to both men and women for work of equal value."

Terms and conditions of employment are also covered by the Labor Code. Through self-organization and unionization, workers negotiate for better terms of employment by way of collective bargaining. Settling of labor disputes is also one of the objectives of collective bargaining. These are covered by Article 211 stating that it is the policy of the State to "promote free collective bargaining, including voluntary arbitration, as a mode of settling labor or industrial disputes."

Moreover, the Code (Art. 211e) explicitly requires the State to "provide an adequate administrative machinery for the expeditious settlement of labor or industrial disputes." Hence, under the Department of Labor are offices that take care of industrial disputes: The National Labor Relations Commission, the Bureau of Labor Relations, and the Regional Labor Arbiters.

- (d) Refrain from discriminatory acts and ensure that public authorities and institutions act in conformity, and
- (e) Positive measures to eliminate discrimination against women by NGOs

Letter of Instructions No. 974 entitled "Integration of Women in National Development" was issued on January 5, 1980. Although it preceded the Convention, it can be invoked in cases of sex-based discrimination in both the government and private sectors.

This LOI directs all ministries, offices, agencies, instrumentalities, local governments, and government-owned and controlled corporations to:

- take affirmative steps to implement the constitutional, treaty and statutory mandates for the promotion, regardless of sex, of equality in employment, equal pay for work of equal value;
- afford women opportunity to participate in planning, policy and decision-making;
- eliminate in government or private enterprises, subject to the offices' jurisdiction or with which they deal or transact business, practices, which, contrary to the provision of the Constitution, laws and international Conventions and other agreements entered into by the Philippines, discriminate against women where no reasonable bases for classification on the basis of sex exists.

It is to be noted that the implementation of treaty obligations like those assumed under this Convention is explicitly mentioned in this LOI.

However, in terms of specific sanctions in case of discrimination, none are known to have been provided as yet.

As a positive measure to get NGO support in giving equal opportunities to women, the NCRFW sponsored a public forum on the provisions of this Constitution on April 27, 1984. The forum served to heighten awareness and develop a sense of involvement among participants on the obligations of the Philippines as a party to the Convention.

Participants to the forum included men and women from both government and private sectors who reported and shared inputs on the actual situation of women in their respective agencies vis a vis the provisions of the Convention. One of the numerous recommendations which evolved from the forum is the importance of educating/developing among students right attitudes on gender equality at the early stage possible. This is a big concern in the face of long-standing well accepted socio-cultural practices

The NCRFW has also done much work on advocacy among both GO and NGOs in terms of raising consciousness and sensitizing policy and technical level persons on the women perspective.

- (f) Modify, abolish discriminatory laws, regulations and customs, and
- (g) Repeal national penal provisions discriminatory to women

The signing of the new Family Code of the Philippines on July 17, 1987 abolished the discriminatory provisions in the Civil Code of the Philippines that are listed below. This section focuses only on repealed provisions as new replacement provisions are reported in detail in relevant articles that follow. i.e.. Articles 15 and 16.

Repealed provisions of the Civil Code:

1. Different age requirements for a valid marriage, 16 for male and 14 for female (Article 54).
2. Double standard on grounds for legal separation: adultery on the part of the wife and concubinage on the part of the husband. (Article 106). In this connection, the Revised Penal Code provisions on adultery and concubinage are eliminated.
3. Need for husband's consent (or veto power) over wife's
 - receiving gifts (Art. 114)
 - practice of profession/occupation or engaging in business (Art. 117)
 - fixing of family domicile (Art. 110)
 - purchase of jewelry, precious objects (Art. 115)

4. On property relations

The husband is the administrator of the conjugal partnership (Arts. 112, 165), while the wife is the manager of the household and as such, she may only bind the conjugal property in the purchase of things necessary for the support of the family (Art. 115).

5. Additional restriction on female children

While sons at age 21 are qualified for all aspects of life, a daughter above 21 but below 23 years of age cannot leave the parental home without the consent of the father or mother in whose company she lives, except to become a wife or to exercise a profession, or when the father or mother has married again (Art. 403).

6. The husband is responsible for the support of the wife and the rest of the family (Article 111).

Article 3

States parties shall take in all fields and in particular in the political, social, economic and cultural fields all appropriate measures including legislation to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

This section covers only non-legislative measures which have been taken to ensure full development and advancement of women as those pertaining to legislation have been taken up in the preceding Article, while those specific to socio-cultural, economic and political fields will be reported in full under Articles 5, 11 and 7, respectively.

The National Commission on the Role of Filipino Women (NCRFW) was created in 1975 at the outset of International Women's Year. Its mandate encompasses the full integration of women in economic, social, cultural and political development at national, regional and international levels. As previously mentioned, it also serves as the mechanism for monitoring compliance with constitutional, statutory and treaty obligations to eliminate all forms of discrimination against women. Hence, the Commission conducted two surveys, one in early 1982 and another in late 1983*, to monitor compliance with the earlier mentioned LOI 974, the major policy statement on women regarding their employment, remuneration, and promotion to decision-making positions where they are qualified.

For about ten years from its creation, NCRFW's work focused on organizing women in rural areas for livelihood, educational and cultural endeavors. It funded their projects, trained the women, and consistently motivated them to improve their lot. About the same time, the Commission also formed and maintained linkages with other GOs and NGOs, conducted researches, and set up an information center on women.

*The latter survey showed that in terms of representation and promotion, women's status was consistently better in government than in the private sector during the survey period from 1979 to 1982. While female representation in government averaged 48% in 1979 increasing to 50% in 1982, women were definitely a minority in most private sector industry groups except in the Financing/Insurance/Real Estate Industry. Sex-stereotyping of jobs was still very evident both in government and private offices.

The NCRFW then and up to now is composed of the following main divisions:

- Office of the Executive Director
- Research Office and Clearinghouse
- Program Office
- Administrative

In 1986, with the massive government restructuring which accompanied the change in leadership, the NCRFW was reorganized. One of the first major decisions made by its new officials was that it should redirect its work to influencing policy and leave all implementation activities to the other line departments. At present, the Commission has the following powers and functions:

- To advise the President and the Cabinet in formulating policies and implementing programs for fuller integration and mobilization of women in national development on a basis of equality with men;
- To undertake a regular review and evaluation of the extent to which women are integrated in all sectors of social, economic, political, and cultural life at all levels on a basis of equality with men;
- To take measures to obtain the enjoyment by women and men alike of full equality before the law in all fields where they do not exist;
- To periodically prepare women in development plans as part of the Philippine Development Plan to be implemented throughout the Philippines.

In line with the above, the Commission undertakes more specific activities as follows:

- Monitors compliance with and coordinates implementation of provisions of laws granting equal treatment to women;
- Acts as Clearinghouse and Data Bank for information relating to women;
- Performs education and information dissemination functions; and
- Avail of the services of other public or private persons, groups or institutions, through service contracts and/or grants, for the purpose of assisting the Commission in implementing its plans and programs.

A long-standing problem of the Commission is the lack of women-consciousness in government, a very serious deterrent if it were to make the issues of equality and nondiscrimination alive in all sectors. Advocacy was therefore strongly needed. With outside financial assistance*, the Commission negotiated for a series of consultation workshops on gender analysis in project development for key government planners and technical personnel. Representation meetings have also been held with other government offices starting with those which have women's programs. The Commission also held a series of consultation workshops with women NGOs in the following areas:

- Women workers: participated in by women active in their labor unions;
- Women professional Community Organizers: participated in by professional women COs whose training can be traced to the Saul Alinsky approach introduced in the Philippines in 1970 and have been indigenized through praxis since then;
- Rural women: participated in by NGOs with rural women's programs;
- Law, Policy and Action: participated in by women from the academe such as the UP Law Center and women involved in alternative law programs and representatives of programs on health, family, prostitution and sexual violence, education, workers, arts, media and culture;
- Prostitution and Sexual Exploitation of Women: participated in by groups with programs dealing on the problem;
- Education: participated in by teachers and principals from both the public and private schools coming from the primary, secondary and tertiary levels;
- Health: participated in by NGOs with primary health care programs;
- Family: participated in by NGOs with family-oriented programs such as the Christian Parenting for Justice and Peace;
- Arts and Culture: participated in by women in all the arts such as literature, visual art, dance and theater, music, etc.;
- Media: participated in by women in TV, radio and print (comics, newspapers);
- Research: by leading women researchers on women.

*From the Canadian International Development Agency (CIDA). (13 seminars were promised but to date, only one had been conducted).

These consultations were intended to help women NGOs study the issues from a feminist perspective and to help them spell out their share in solving the same. Ultimately, NGOs are expected to help the Commission in pushing for a greater concern and political will from government by:

- participating in regional planning
- conducting their own programs
- monitoring government's implementation of women's programs in all levels
- acting as pressure/lobby groups for government to act on issues affecting women.

On the other hand, NCRFW tries to forge closer working relationships and get policy interventions specific to women accepted and incorporated into the various government departments' programs.

Assisting the Commission in terms of expertise on legal matters is a group of women lawyers coming from women lawyers' associations and other government agencies. Calling themselves PERLAS (Pilipinas for Education, Research, Law reform, Advocacy and Service), the group works very closely with the Commission towards laying down the groundwork for institutionalizing a system whereby all future legislation and policies will be passed only after they have been reviewed by this technical legal group on their possible adverse or discriminatory effects on women.

At present, the NCRFW is awaiting the passage by Congress of a proposed law designed to strengthen its powers as a national machinery for women. The proposal aims to empower the Commission with recommendatory functions for the imposition of sanctions against those found guilty of discriminatory acts.

The Bureau of Women and Young Workers (BWYW) is the primary agency of the Department of Labor and Employment concerned with the administration of policies, plans, programs and laws affecting working women and youths. Created in 1923 as the Woman and Child Labor Section of the Inspection Division of the then Bureau of Labor, it was converted into the Women and Minors Division of the now defunct Bureau of Labor Standards in 1957 to take the lead in the implementation of Republic Act No. 679, otherwise known as the "Woman and Child Labor Law".

Elevated to bureau category in 1960, it was charged with the implementation of the "Woman and Child Law", as amended by Republic Act Nos. 1131, 6237 and Presidential Decree No. 148, all of which have later been incorporated into the

Labor Code of the Philippines.

Similar to the NCRFW, the BWYW undertook some changes in its orientation and concerns following the change in government leadership. At present, it has the following goals:

- to enlighten women and young workers on legislation, policies, standards as well as issues affecting them;
- to enhance the living and working conditions of women and young workers; and
- to strengthen coordination with women and young workers' organizations and government and non-government organizations.

Advocating "welfare beyond protection" for women workers and minors, the BWYW strongly sponsors the notion that women "should be assisted to cope with their responsibilities at home and at their workplaces and must likewise be encouraged to grow in these responsibilities." In this connection, the Bureau gives priority attention to the following concerns of women, children and young workers:

- working conditions (including hours of work, wages, welfare facilities, and occupational health and safety);
- double burden among working women;
- discrimination;
- sexual harassment; and
- unemployment and underemployment.

Article 4

1. Adoption by any States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, 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.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

The creation of a central machinery for women, i.e., the NCRFW, clearly manifests the country's adherence to the provision of this Article; i.e., the need for special temporary measures to help women attain real equality with men.

Through the continued representation of the Commission with the national planning body, the Medium-Term Philippine Development Plan (1987-1992), in its macro policy section, now spell out the State's commitment to women:

"Women, who constitute half of the nation's population, shall be effectively mobilized."

It should be noted that the PDP previously classified women only as beneficiaries of development and treated them as among the most disadvantaged groups alongside children and the poor (PDP 1978-1982, pp. 229-244).

More specifically, the Plan's targets and policies on Women in Development as found in its Social Services and Community Organization Sector (Chapter 9, p. 264) are as follows:

1. Promoting women as equal partners in development

The traditional concept that "women's place is in the home" shall be gradually replaced with the perception that "women and men are equal partners in development." The media, the school and the home shall be instrumental in propagating the participative role of women in development. Measures shall be adopted to raise women's consciousness to improve their self-perception, increase their self-respect and self-confidence, and develop their full potentials to significantly contribute to national development.

2. Protecting women and upholding their rights

Women shall be adequately protected especially in social and industrial settings where they are most vulnerable to abuse. Women's rights as stipulated in various laws and legislation shall be upheld and enforced. Unequal laws which promote discrimination against women shall be identified, modified or repealed.

3. Recognizing women's contributions to economic productivity

The tremendous potential of women to contribute to productive activities shall be harnessed through the creation of employment opportunities for them. Women, particularly in rural areas, shall be tapped to participate in livelihood projects such as swine dispersal, backyard food production, and cottage industries to augment farm incomes. Opportunities for women to develop and excel in traditionally male-dominated fields shall be expanded. Nevertheless, the role of women as homemakers shall continue to be accorded with value to emphasize the critical need for raising healthy and well-rounded children.

4. Improving the data base for planning and policy formulation

Sex-differentiated data shall be collected and processed to provide sound basis for formulating plans and policies to promote the development of women.

Under the same chapter are the following relevant statements:

1. The challenges posed by the adverse effects of insurgency, agricultural modernization, rapid urbanization, increased participation of women in the labor force, and development in general, on the individual, the family and the community will also continue to persist. Thus, the government will have to address increased social dislocation as manifested by uprooted families, broken homes, unwed mothers, drug dependency, juvenile delinquency, malnourished, neglected and abandoned children, exploited children, exploited women and minors, and employed youth and adults.
2. Programs addressed to unwed mothers, exploited women, prostitutes and other special groups of women will have to be provided particularly in high-risk areas. Value orientation programs have to be intensified, and the participation of women as a potential force in the region's development should be given attention.

3. Day-care services shall be expanded and upgraded in view of the increase in the population aged 0-3 and the more active participation of women in the labor force. Initiatives shall be pursued to increase and strengthen day-care services, particularly supplemented nutrition and mental feeding which are crucial to child development.

In the chapter on Health, Nutrition and Family Planning (p. 229), the Plan pays special attention to priority groups, including women, when it states that:

"Sectoral policy/program planning and implementation as well as resource allocation shall focus on the poor, priority groups such as children, women, workers . . . Programs on comprehensive maternal and child health (including nutrition, family planning, and dental health); control of diarrheal diseases; . . . xxx . . . and medical care shall be emphasized to reduce morbidity and mortality rates."

Also in the same chapter are more specific objectives and strategies specifically referring to women:

- To promote women's welfare and enable them to more substantially participate on the task of nation-building, their role as program beneficiaries and implementors shall be enhanced. Wider child spacing and fewer births are expected to produce not only healthier babies but healthier mothers as well. In addition, the savings in time and energy required for child-bearing and child-rearing activities will enable the women to participate and assume a more active role in community activities.
- Maternal and child health program shall be strengthened and expanded. Activities aimed at improving women's socio-economic status and participation in socio-economic activities shall also be supported. Specific participation of women in the delivery of health, nutrition, and family planning services shall be encouraged.
- To provide food or food combinations high in calorie and protein to pre-schoolers and schoolchildren who are severely and moderately underweight and to pregnant and nursing women.

Under Major Implementing Programs and Projects for 1987-1992 (pp.269-270), the Plan enumerates the following objectives for the country's Women in Development projects:

- To conduct consultative fora to explore how community organizations, labor and women in various fields could identify activities in the communities related to women's issues for the formulation of action programs based on expressed needs; to develop tools that will guide workers in promoting positive efforts on female-related issues. Clientele are community workers, organizers, labor unions, women professionals and service delivery workers.
- To collect, process and analyze relevant information regarding programs on women in various government ministries with the end in view of refining data resources useful for policy and program directions.
- To establish strong linkages with NGOs concerned with women and provide technical assistance to these agencies for purposes of realigning program goals and objectives with national thrusts and priorities.
- To upgrade and strengthen the knowledge and skills of potential and existing women leaders for them to assist other women/groups in the realization of the latter's objectives.
- To enforce labor standards/legislations pertaining to women, youth and child workers; to protect the rights and improve the quality of life of the socially disadvantaged women and minors.
- To deepen and enhance the awareness of women on their economic, social and political development and thus increase their participation and involvement in community development as well as ensure their protection and welfare in relation to their maternal roles.

While the foregoing is indicative of the positive strides that have been achieved in terms of influencing the Philippine Development Plan, representation with the planning body continues in order for women concerns to become more pervasive in the Plan and concomitantly, in all government programs and projects. In this connection, the National Commission, in cooperation with

NEDA, is scheduled to work very closely with each of the departments of government in order to come up with a Philippine Development Plan for Women.

Another special measure is contained in the provision of the New Constitution on sectoral representation in the Lower House of the Legislature which mentions women as one of the sectors. The provision reads:

"The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector."
(Art. VI Sec. 5.2)

Apart from the measures discussed in the preceding Article, the National Commission on the Role of Filipino Women is pilot-testing the operation of a Women's Center as a special program. In coordination with active women's groups, the Center is intended to be a place for women to build personal linkages, networking, and support mechanism at the personal and associational levels. It will also serve as venue for women's meetings, women's studies and services like a legal clinic or health and counselling center for women. Upon establishing the viability of such a center, the NCRFW plans to support active women NGOs to put up women's centers in each major city throughout the country.

Projects specifically designed for women are also being undertaken by other government agencies such as the Bureau of Women and Young Workers (in Article 11), National Manpower and Youth Council (in Article 10a), Bureau of Agricultural Extension (Art. 14), and the Department of Social Services and Development (Art. 14). Measures to protect maternity will be discussed under Article 11.

Article 5

States Parties shall take all appropriate measures

(a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Studies have consistently pinpointed that there still prevail in the Philippine educational system materials which tend to reinforce sexist attitudes and sex-role stereotypes. However, efforts are being undertaken to counter traditional attitudes and sex-role biases both by government and non-governmental organizations.

1. Curricular Innovations

No distinction is made between the sexes with regards to the teaching of all subject areas in schools. The Department (formerly Ministry) of Education and Culture (MEC Order # 6, Inclo. # 3) explicitly provides for the teaching of Home Economics and Livelihood Education to both boys and girls, thereby abolishing the old practice of teaching H.E. to girls and Practical Arts to boys.

At the secondary level, the 1989 Proposed Secondary Education Curriculum includes an integrated Practical Arts subject for both boys and girls. Home Management and Technology would be the new name for Practical Arts in the new curriculum. The subject would cover the basic skills and concepts of Home Economics, Fishery Arts, Agricultural Arts, Industrial Arts, Business and Distributive Arts, all to be taken as a unified course.

2. NCRFW-MECS Study to explore the possibility of active intervention in schools for the development of positive sex-role concepts

In 1984, an experiment on the integration of sex-role concepts in school syllabi established the possibility of successfully teaching attitudes/values and unlearning stereo-

typed sex-role related to three major concepts: complementarism of man and woman; equality of man and woman in some aspects of life; and the emerging role of the Filipino woman in family, local, national and international affairs.

3. NCRFW Study on television advertisement portraying women and their perceived effects on the values/attitudes of children, youth and adults

In 1986, NCRFW conducted a research on the perceived effects of (12) t.v. advertisements portraying negative/inferior images of women on values/beliefs/attitudes in three major cities of the country: Metro Manila, CebuCity and Davao City. Specifically, it identified women's perceived roles, the viewers' perception of the use of women and the necessity to include a woman in the ad, its appropriateness and selling effect.

This is intended to influence policymakers and to awaken public awareness on the subject of inquiry and the findings of the study.

4. Innovative response of non-governmental Organizations

Through the assistance and support of non-governmental organizations, three private schools have taken steps to integrate women's issues and eliminate sex-role stereotyping in their respective curricula. These are:

- . Assumption School of Davao
- . Maryknoll College Foundation
- . St. Scholastica's College

Two other private universities have started centers for women's studies: The Women's Programme of the Silliman University at the Center for Women's Studies and Development, and the Development Institute for Women in Asia (DIWA of the PWU).

Based on the experiences of these schools, the crucial factors in counteracting sexist education are the increased consciousness of teachers/school administrators on the "woman" question and the modification of textbooks/instructional materials projecting inferior images of women against men.

5. National Consultation Workshop on Women and Education, 31 March to 2 April 1987

NCRFW, in cooperation with the Social Development Index (an NGO), undertook a three-day consultation workshop to bring together concerned private organizations. This is in line with the efforts of both NGOs and the NCRFW to influence women educators to be more conscious of the issue of sexism in Education.

Recommendations of the workshop includes:

- a) Linkage with NCRFW
- b) Sharing of resources
- c) Production of materials for curriculum development
 - integration of women's concerns in existing courses
 - modules on women's perspective in education
- d) Production of training modules for teachers and parents
- e) Setting up of support systems such as day-care centers, media campaign, and the creation of a mechanism for addressing complaints

6. The series of gender analysis seminars slated to be coordinated by the NCRFW are also intended to raise the level of consciousness of government officials on women's contribution in society (see Art. 3).

- (b) to ensure that family education includes a proper understanding of "maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

The 1987 Philippine Constitution adopts a protective and paternalistic approach towards women and maternity:

Sec. 14, Art. XIII states:

"the State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation."

Sec. 10, Art. XV of the 1973 Constitution mandating achievement and maintenance by the State of population levels has been deleted in the 1987 Constitution to give way to a separate article on the Family (Art. XV) providing that spouses can determine the size of their family and participate in planning and implementation of family programs. While there seems to be no discriminatory provisions against women, there are no safeguards so that husbands could be expected to fully involve themselves and share in all areas of family responsibility.

On the other hand, the Medium-Term Philippine Development Plan (1987-1992) recognizes maternity as a woman's responsibility crucial to the nation's socio-economic development. Through wider childspacing and fewer births, women can have more time to participate and assume a more active role in community activities [Sec. 4.8, Chapter 7].

Parental authority and responsibility as defined by Art. 209 of the Family Code of the Philippines* includes the caring for and rearing of children for civic consciousness and efficiency and the development of their moral, mental and and physical character and well-being. The Code further provides that the father and mother shall jointly exercise parental authority over the common children except in two instances: (1) in case of disagreement between the parents; (2) in case of separation of the spouses whereby all children under seven years of age shall be under the custody of the mother.

*Executive Order No. 209 of July 6, 1987 as amended by Executive Order No. 227 of July 17, 1987.

There are learning areas in the elementary and secondary education curricula which provide the opportunity for discussion of maternity as a social function. In the New Elementary School Curriculum (NESC), Civics as a component of one learning area (History/Geography/Civics):

"...deals with the relationship of man and government, his role, duties and responsibilities and his right and privileges as a citizen. Together with History and Geography, Civics provides many and varied experiences in which the learner develops feelings of pride, identity with and loyalty to his family, tribe or region..."

/Inclo.3, MEC Order No.6, s. 1982/

A formal survey (1979) of the present secondary education program revealed problems of implementation, the most common of which were the perennial inadequacy of materials and the lack of congruence between the educational preparation of teachers and their teaching assignments.*

Activities have been undertaken by organization (both government and private) to heighten public awareness and concern for responsible parenthood/shared parenting.

Activities/Programs/Projects by Organization

A. Government

1. Department of Education, Culture and Sports (DECS)
 - a) Close observance of Family Week, Mother's Day in schools to stress the importance of family life.
 - b) Educational guidance for parents regarding their responsibility for the education and welfare of gifted and handicapped children.
 - c) Membership of both parents in the Parents-Teachers Association.
 - d) The Population Education Program disseminates information on family welfare, delayed marriage, responsible parenthood and family planning, and population development. Teaching guides for the elementary and secondary levels of education have integrated this concept.
2. Department of Social Welfare and Development (DSWD)
 - a) Parent Effectiveness Service - provision of information to parents of their rights, duties/liabilities, and the rights of the child (Pres. Decree No.603), as well as information on parent-child/husband-wife rela-

*Gonzales, Esperanza A. The 1989 Secondary Education Curriculum: A Proposal.

tionship, parenting roles, child growth and development, family life, health education and family community relationships. The service is basically a preventive and developmental strategy for family life enrichment.

- b) Family Counselling Therapy - a form of counselling where there are problems of relationships between husband and wife as well as on child rearing and home management. One useful strategy is task-oriented counselling which uses a specific task in the home as a point of entry and medium for resolving family conflict.
- c) Population Awareness and Sex Education (PASE) - provides the youth with knowledge and awareness of the effect of rapid population growth and its implication to national development. The service is given in 6-8 sessions to out-of-school youths and covers a wide range of topics such as population trends in relation to socio-economic development, human growth, family relations, responsible parenthood, developing skills in planning and decision-making.
- d) Pre-marital counselling - is focused on the stresses and satisfaction of family life and responsible parenthood. It also emphasizes the need for husband-wife communications especially in deciding to accept and practice family planning.

B. Private/non-governmental organizations

	: Geographic : Coverage	: Estimated No. Of : Beneficiaries
1. Christian Family Movement - a movement of Christian families who join efforts to promote the human and Christian values of the family: Its thrust is person-oriented, family-centered and parish-directed.	: nationwide	: 3,000 members pursuing the programs of CFM in the different parishes of the country.
CFM conducts family life enrichment services which include:	:	:
a) Pre-marital guidance service and marriage orientation	:	:
b) family enrichment seminars - one of its modules is on the sharing of experiences as a wife, mother, and career woman: and the concept of shared parenting.	:	:
c) professional guidance counselling	:	:
d) Parent-child relationship	:	:
e) Christian living via family life	:	:

	: Geographic : Coverage	: Estimated No. of : Beneficiaries
f) encounter programs (week-end experiences, dialogues)	:	:
. marriage encounter	:	:
. family encounter	:	:
. 'tipanan' marriage enrichment:	:	:
. sons and daughters encounter	:	:
. engaged couples encounter	:	:
2. Episcopal Commission on Family Life of the Catholic Bishops' Conference Of the Philippines	: nationwide covering 72 dioceses	:
a) Family life value orientation seminars - focused on the subjects of human sexuality, Christian marriage and responsible parenthood.	:	:
The seminar is for three full weeks held three times a year.	:	:
b) Natural Family Planning (NFP) Seminars - always within a value-oriented program involving the values on male and female joint fertility, couple relationship and procreation.	:	:
3. ANAK* - a service agency for alter-native day care. Its programs are aimed to respond to the children's needs through day-care and other child-care arrangement as a starting point in addressing other societal problems such as women's oppression, poverty and the lack of participation in society.	: Quezon City, Pasay City and Davao City	: 200
a) community action	:	:
b) advocacy	:	:
c) resource center	:	:
4. Kahayag Foundation	: Davao City	:
a) ACCESS (Alternative Child Care and Support System) Program - a center for alternative child-care and education model focused on the total development of children; also features advocacy of alternative life styles and shared parenting for peace and and justice.	:	:

*A Tagalog (Filipino dialect) term meaning 'child'.

Article 6

States Parties shall take all appropriate measures including legislation to suppress all forms of traffic in women and exploitation of prostitution of women.

In the Philippines, prostitution has always been prohibited both by written laws and tradition. The Philippines being the only Christian nation in Asia (the major bulk of the population are Roman Catholics), monogamy is the norm among the people especially for women, with the exception of the Muslim population. The people are enjoined to uphold and practice moral virtues; otherwise, they are subjected not only to legal sanctions but also to equally consequential social pressures which take the forms of ridicule and ostracism.

Constitutional Provisions

The 1987 Philippine Constitution which was overwhelmingly ratified by the Filipino people on February 2, 1987 contains provisions which reflect the significance of "morality" and dignity to Philippine society, to wit:

Article II - Declaration of Principles and State Policies

Sec. 11. - The State values the dignity of every human person and guarantees full respect for human rights.
(Underscoring supplied).

Sec. 12. - The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.
(Underscoring supplied).

Sec. 13. - The State recognizes the vital role of the youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their development in public and civic affairs.
(Underscoring supplied).

Article XV - The Family

Sec. 3. - The State shall defend:

xxx

(2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.
(Underscoring supplied).

Penal Sanctions

Revised Penal Code

Suppression of the exploitation of women whether of majority or minority age, is dealt with in various provisions of the Revised Penal Code of the Philippines although such Code precedes the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). Its provisions lay down the criminal liability of anyone involved in prostitution, to wit:

1. Any person found guilty of any of the following offenses shall be punished by arresto menor (one day to 30 days' imprisonment) or a fine not exceeding 200 pesos, and in case of recidivism, by arresto mayor (one month and one day to six months' imprisonment) in its medium period to prisión correccional (six months and one day to six years' imprisonment) in its minimum period or fine ranging from 200 to 2,000 pesos, or both, in the discretion of the court:
 - a) any person having no apparent means of subsistence, who has the physical ability to work and who neglects to apply himself or herself to some lawful calling;
 - b) any person found loitering about public or semi-public buildings or places or tramping or wandering about the country or the streets without visible means of support;
 - c) any idle or dissolute person who lodges in houses of ill fame; ruffians or pimps and those who habitually associate with prostitutes;
 - d) any person who, not being included in the provisions of other articles of the Revised Penal Code, shall be found loitering in any inhabited or uninhabited place belonging to another without any lawful or justifiable purposes;
 - e) any woman who, for money or profit, habitually indulges in sexual intercourse or lascivious conduct (Article 202, Vagrants and Prostitutes).
2. Any person who, in any manner, or under any pretext, shall engage in the business or shall profit by prostitution or shall enlist the services of any other for the purpose of prostitution shall be liable to the penalty of prisión mayor (six years and one day to 12 years' imprisonment) in its medium and maximum periods (Article 341 as amended by BP 186, White Slave Trade).
3. Any person who shall promote or facilitate the prostitution or corruption of persons under age to satisfy the lust of another shall be punished by prisión mayor, and if the culprit is a public officer or employee, including those in government-owned or controlled corporations, he shall suffer the penalty of temporary absolute

disqualification to hold public office (Article 340, Corruption of Minors).

A number of people (among them legislators) have observed that the aforementioned provisions in the Revised Penal Code are not sufficiently strong deterrents to the commission of the crime of exploitation/trafficking of women and minors. The provisions of the Revised Penal Code approved yet on December 8, 1930, are perceived to be outdated and patently inadequate in addressing the problem; hence, the need to enact more effective and relevant laws have been recognized. Towards this end, certain city governments and other executive/legislative bodies have enacted ordinances/regulations providing penalties for prostitution and/or exploitation of minors and for other purposes.

MMC Ordinance

The Metro Manila Commission on October 30, 1985 enacted MMC Ordinance No. 85-04 which provides thus:

1. Any person who shall avail of the services of a minor for prostitution and/or sexual exploitation shall suffer the penalty of imprisonment of not less than one (1) year nor more than four (4) years or a fine of not less than two thousand pesos (₱2,000.00) but not exceeding eight thousand pesos (₱8,000.00) or both such fine and imprisonment at the discretion of the court. The offender shall, in addition, pay ten thousand pesos (₱10,000.00) which shall form part of the funds for the rehabilitation of the offended minor (Sec. 2. - Prostitution and/or sexual exploitation of minors).
2. Any person who shall promote, facilitate or induce the prostitution and/or sexual exploitation of minors thru coercion, deceits or other means for his gain or benefit shall suffer the same penalty provided in Section 2 (Sec. 4. - Corruption of Minors).
3. Any owner, operator, manager, administrator, caretaker or tender of any hotel, motel, apartelle, pension house, inn as well as bars, nightclubs, cocktail lounges, disco clubs, sauna parlors or baths, massage clinics, health clubs and other similar establishments who admits, allows, permits or otherwise neglects to prevent the entry and stay of a minor into said place to facilitate the commission of the acts penalized under Section 2 shall be liable for imprisonment of not less than six (6) months nor more than two (2) years or a fine of not less than one thousand pesos (₱1,000.00) but not more than four thousand pesos (₱4,000.00) or both such fine and imprisonment at the discretion of the court. The offender shall, in addition, pay five thousand pesos (₱5,000.00) which shall form part of the funds for the rehabilitation of the offended

minors. (Sec. 5 - Liability of owner, operator, manager, administrator, caretaker or tender of rest and recreation and other similar establishments).

4. Any person who knows of the sexual exploitation and/or prostitution of a minor but fails, refuses or neglects to denounce, report or inform the proper authorities of said exploitation/prostitution, shall suffer the penalty of imprisonment of not more than one (1) year or a fine not exceeding two thousand pesos (₱2,000.00) or both such fine and imprisonment at the discretion of the court (Sec. 6 - Neglect/failure to report to authorities).
5. Any foreigner found violating any provision of the Ordinance shall, in addition to the penalties provided therein, be deported after service of sentence (Sec. 8 - Offenses committed by a foreigner).
6. The minor shall not be criminally prosecuted but shall be placed under rehabilitation or reformation and committed to the care of his or her parents, relative or family friend, or the Ministry of Social Services and Development (MSSD) subject to such conditions as the Court may impose (Sec. 9 - Rehabilitation of Minors).

It should be noted that while the provisions that refer to prostitution under the Revised Penal Code apply only to women, whether of age or underage, so that the activities of "call-boys", "male pedophiles", and their recruiters procurers/pimps, are not penalized, MMC Ordinance No. 85-04 attempts to correct some of these defects in the Penal Code with respect to the prostitution and/or sexual exploitation of minors. The Ordinance covers not only women minor prostitutes but also their male counterparts. In view of this, all procurers, recruiters and pimps of these exploited minors (whether male or female) are criminally liable for offenses defined in the mentioned statute. In addition, under Section 9, thereof, rehabilitation of the offended minor who is deemed not a criminal but instead a victim of sexual exploitation, is provided for.

Although said Ordinance is a welcome measure in the fight against prostitution and/or sexual exploitation, it covers only the Metropolitan Manila Area. Furthermore, there are still some inadequacies in the statute, namely: it applies only to any person under 18; the penalty is too low (imprisonment of only one year to four years) or a fine of ₱2,000.00 to ₱8,000.00; and the judge has the discretion to impose only the fine.

Pending Congress Bills

In view of the above, a number of bills on prostitution/sexual exploitation have been filed in Congress, both in the Senate and the House of Representatives, during their First Regular Session (July 27 - October 22, 1987). These bills are as follows:

1. Senate Bill No. 64 - "An act amending Article 340 of the Revised Code, as amended, by providing for other persons who may be held liable for the offense of corruption of minors and for other purposes" (authored by a woman senator).
2. Senate Bill No. 18 - "An act providing for stronger deterrence against prostitution and/or sexual exploitation of minors, defining the acts constituting prostitution, exploitation, providing legal presumptives and penalties for its violation."
3. Senate Bill No. 26 - "An act further amending Article 340 of the Revised Penal Code, as amended, by including the undue commercial exploitation of children in sexually explicit activities in the definition of the crime of corruption of minors and modifying the penalty thereof."
4. House Bill No. 1439 has been filed by a woman member of the House seeking to impose heavier penalties on crimes against minors, particularly child exploitation, sexual abuse, abandonment, corruption, neglect and cruelty. Once approved, it will "further amend the Revised Penal Code, and the Child and Youth Welfare Code."

Other Sources of Policies and Legislation

As a member state of international organizations, the Philippines has accepted and ratified various international conventions whose objective was to elevate the position of women in all aspects of life. Among such conventions is the "Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others" which became enforceable in the Philippines on 18 December 1952, many years before CEDAW. As a party to the Convention, the Philippines is bound to abide by its provisions to the extent permitted by Philippine law, which adopts the generally accepted principles of international law as "part of the law of the land" (Article II, Sec. 2 : 1987 Philippine Constitution).

As a further safeguard against any involvement of foreigners in prostitution, the Philippine Immigration Act (as amended by Republic Act No. 118, 135 and 144) provides for their arrest or exclusion from entry to the Philippines once found guilty of any of the enumerated offenses.

The Bureau of Tourism Services of the Ministry of Tourism has formulated similar regulations, namely:

1. BTS Circular No. 11 issued in 1982 prohibits minors from entering and staying in hotels, motels and other public establishments unless they are properly escorted by their parents or guardian. The establishment gets fined ₱10,000.00 if it allows loiterers in its premises.
2. The Hotel Code requires owners of establishments in the accommodation sector to report prostitutes and "suspicious characters" to the police.

To emphasize the policy of the State to promote the well-being and total development of the Filipino youth and children and to protect them further from exploitation, abuse and hazards, and to recognize the active role of various private and non-government organizations in the crusade against child prostitution and exploitation, pornography and obscenity, the Executive Branch of the government signed Proclamations Nos. 13 and 20 on 3 June and 12 August 1986, respectively, and Executive Order No. 56 on 6 November 1986.

By virtue of Proclamations Nos. 13 and 20, the period from June 1986 to May 1987 was proclaimed as the Year of the Protection of Filipino Exploited Children, and the Task Force composed of government and non-government organizations was created to prepare a national plan of action, mobilize resources for the implementation of said plan, and monitor the implementation of the same.

Executive Order No. 56 authorized the then Ministry of Social Services and Development (MSSD), now the Department of Social Welfare and Development, to take protective custody of child prostitutes and sexually exploited children. The same Executive Order also mandated the MSSD to:

- a) notify the mayors of the municipalities and cities of the business establishments, clubs, or houses used or allowed to be used for prostitution of minors, and petition for the immediate forfeiture of their business licenses and closure of their business establishments;
- b) call upon any ministry, bureau, office, agency or instrumentality of the government for assistance in the implementation of the Executive Order; and
- c) promulgate, in coordination with the Ministry of Justice, the necessary rules and regulations to implement the Executive Order.

Laws on other sex-related offenses against women and minors

Apart from corruption of minors and white slavery, the Revised Penal Code penalizes other sexually-related offenses against women, especially minors.

Thus, under Article 335 thereof, any person found guilty of the crime of rape (defined as having carnal knowledge of a woman under certain circumstances) shall be punished by reclusion perpetua (life imprisonment).

If the woman raped is under 12 years old (statutory rape), there is no need to prove that force or intimidation was used or that the woman below 12 was deprived of reason or otherwise unconscious. Incidentally, the law specifically states the word "woman", implying that there can be no rape of a man.

Before the ratification of the 1987 Constitution which abolished death as a punishment for crime, policy makers and legislators increased the penalty for rape to death if the following circumstances attended or resulted from the commission of the crime:

- a) whenever the rape is committed with the use of a deadly weapon or by two or more persons;
- b) when by reason or on the occasion of the rape, the victim has become insane;
- c) when the rape is attempted or frustrated and a homicide is committed by reason or on the occasion thereof; or
- d) when by reason or on the occasion of the rape, a homicide is committed.

Article 336 penalizes any person who commits any act of lasciviousness upon other persons of either sex under any of the circumstances mentioned in the preceding Art. 335, defining rape by prisión correccional (six months and one day to six years imprisonment).

Article 337 punishes qualified seduction by prisión correccional in its minimum and medium periods; that is, the seduction of a virgin over twelve years old and under 18 years of age, committed by any person in public authority, or a priest, home-servant, domestic, guardian, teacher, or any person who in any capacity is entrusted with the education or custody of the woman seduced. The penalty next higher in degree shall be imposed upon any person who shall seduce his sister or descendant, whether or not she be a virgin or over eighteen years of age.

Article 338 penalizes by arresto mayor (imprisonment from one month and one day to six months) the seduction of a woman who is single or a widow of good reputation, over twelve but under eighteen years of age, committed by means of deceit (simple seduction).

Article 342 penalizes by reclusion temporal the abduction of any woman against her will and with lewd designs (forcible abduction). The same penalty is imposed in every case if the female abducted be under 12 years old.

Article 343 penalizes by prisión correccional in its minimum and medium periods, the abduction of a virgin over 12 and under 18 years of age, carried out with her consent and with lewd designs (consented abduction). Persons guilty of rape, seduction or abduction shall also be sentenced to indemnify the offended woman; to acknowledge the offspring, unless prevented by law from doing so; in every case to support the offspring (Art. 345).

The penalties of prisión correccional in its medium and maximum periods and temporary special disqualification shall be imposed:

- a) upon any public officer who shall solicit or make immoral or indecent advances to a woman interested in matters pending before such officer for a decision, or with respect to which he is required to submit a report to or consult with a superior officer; or
- b) any warden or other public officer directly charged with the care and custody of prisoners or persons under arrest who shall solicit or make immoral or indecent advances to a woman under his custody (Article 245, Abuses against chastity).

With respect to immoral doctrines, obscene publications, exhibitions and indecent shows, the penalty of prisión mayor (six years and one day to 12 years of imprisonment) or a fine ranging from six thousand to twelve thousand pesos or both such imprisonment and fine shall be imposed upon:

- a) those who shall publicly expound or proclaim doctrines openly contrary to public morals;
- b) the authors of obscene literature, published with their knowledge in any form, the editors publishing such literature; and the owners/operators of the establishment selling the same; those who, in theaters, films, cinematography, or any other place, exhibit indecent or immoral plays, scenes, acts or shows, whether live or in film;
- c) those who shall sell, give away or exhibit films, prints, engravings, sculpture or literature which are offensive to morals (Article 201, as amended by PDs Nos. 960 and 969).

Corollary to the above provisions is a pending Senate bill filed by a woman legislator, outlawing pornography and obscenity. The bill was proposed by the Stop Trafficking of Pilipinas (STOP), a NGO formed in 1983 during the celebration of International Day Against the Exploitation of Women and Children.

The proposed Anti-Obscenity and Pornography Act defines "obscene" as "any material or act that is offensive, morally-disgusting, indecent, lewd." It is also something "that generates prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism." Tagged as pornographies are printed or recorded scenes of sado-masochism, necrophilia, sacrilegious acts, and sex between adults and children.

Legislative/Executive Measures Against Exploitation of Filipino Women Overseas

The rising incidence of exploitation of Filipino women overseas, whether as contract workers or as immigrants, has also given rise to a number of legislative and executive measures geared towards arresting the plight of Filipinas.

On mail-order brides

The move to ban advertisements for mail-order brides had already been made even during the former regime. Parliamentary Bill No. 6021 was filed by a then opposition member of the now defunct Batasang Pambansa. The bill sought to punish violators thereof by imprisonment of six to eight years or a fine of ₱5,000 to ₱8,000 or both. However, this bill was never passed into law.

Similar attempts are being made under the new administration to regulate if not control the rising phenomenon of mail-order brides. A number of bills/resolutions have been filed with both the Senate and the House of Representatives during the First Regular Session of Congress (July 27 to October 22, 1987), viz:

1. Senate Bill No. 25 - "An act prohibiting the publication or broadcast of any advertisement that recruits or sells Filipino women as wives to foreigners."
2. Senate Bill No. 20 - "An act to declare unlawful the practices of matching Filipino women for marriage to foreign nationals on a mail-order basis and other similar practices, including the advertisement, publication, printing or distribution of brochures, fliers, and other propaganda materials in furtherance thereof and providing penalty therefor."

3. House Bill No. 182 - "An act to amend Article 66 of the Civil Code of the Philippines in order to prescribe additional requirements for male citizens or subjects of a foreign country desiring to marry a Filipino woman."
4. House Resolution No. 13 - "Resolution directing the appropriate committee to conduct an inquiry in aid of legislation into the alleged mail-bride operations, under the guise of friendship clubs, luring and victimizing Filipino women into marrying foreigners, and to recommend such remedial measures as may be necessary to protect our women from falling into such arrangements."

Moreover, in a revision of the Family Code approved 17 July 1987 (E.O. No. 227), divorce is now recognized in mixed marriages in Art. 26 of the Code providing that "where a marriage between a Filipino citizen and a foreigner is validly celebrated and a divorce is thereafter validly obtained abroad by the alien spouse capacitating him or her to remarry, the Filipino spouse shall likewise have capacity to remarry under Philippine law." However, the divorce is recognizable only if the one who files for divorce is the foreigner-husband.

On Filipina overseas workers

In response to the mounting reports about abuse and exploitation of Filipino women overseas workers and pursuant to the Presidential directive to look into the plight of said workers and to review and recommend ways and appropriate policies to address their problems, the Cabinet Assistance System (CAS) created the Committee on the Plight of Filipino Women Workers Overseas in June 1987. It was composed of senior officials from various government agencies such as the National Commission on Women (NCW), Department of Labor and Employment (DOLE), Philippine Overseas Employment Administration (POEA), Commission on Immigration and Deportation (CID), etc.

After a series of meetings and acting on the data and information gathered, the Committee, through the Cabinet Secretary, submitted its report and recommendation on the plight of the Filipina workers overseas at the 22nd Cabinet Meeting on 29 July 1987. The report identified the most urgent concern as being that of protecting Filipino overseas workers against illegal recruitment, unjust contracts, maltreatment, poor working conditions, inadequate protection, unfair regulations and sexual exploitation.

The following policy decisions resulting from the Committee's recommendations were adopted by the Cabinet:

1. The creation of a permanent inter-agency committee to monitor and coordinate efforts towards the protection of overseas women workers.

2. The strengthening of pre-employment services to prevent illegal exactions, undocumented or irregular departures, and illegal recruitment.
3. The strengthening of on-site services to Filipino overseas workers, particularly women.
4. Establishment of a program for returning contract workers, particularly women, to enable them to reintegrate faster into the national economy.

In regard to the aforementioned issues, the following agreements were reached:

- a. The Department of Labor and Employment (DOLE), Department of Foreign Affairs (DFA), Department of Justice (DOJ), and Department of National Defense (DND) will review exit requirements for women workers bound for countries where incidence of abuse and exploitation are predominant. The same agencies likewise agreed to undertake massive information drive against illegal recruitment through print and broadcast media.
- b. DFA will provide consular and related services during weekends and holidays when workers have the time to avail of such services. DOLE and the Department of Social Welfare and Development (DSWD) likewise agreed to develop a clear-cut, on-site welfare program to include legal, medical and repatriation assistance and to improve welfare services by assigning trained welfare personnel in areas where women in vulnerable occupations are preponderant. Towards this end, the Committee agreed that part of the Welfare Fund be rechanneled to finance these activities.
- c. DOLE and the National Economic Development Authority (NEDA) will provide advisory services in entrepreneurship and skills training to returning migrant workers.

Accordingly, a review of the policy on the deployment of female workers was concluded by POEA (the Chair agency of the permanent inter-agency committee created to monitor and coordinate efforts towards the protection of women overseas workers) resulting in new guidelines in the deployment of Filipino household and related workers, foremost of which is the authentication and verification of any contract by the labor attaché or Philippine Embassy representatives at the worksite prior to submission to POEA for processing. Moreover, the DOLE also provides on-site assistance and services to overseas workers through the following:

- a. the Labor Attachés - posted in Saudi Arabia, Kuwait, Iraq, Abu-Dhabi, Hongkong, Singapore, Japan, Rome, Germany, USA, Brunei, Guam, Libya;
- b. the Regional Labor Center for the Middle East and Africa - based in Riyadh and Jeddah; and

c. the Filipino Workers Social Centers in Singapore and Riyadh.

The policy on the deployment of entertainers is still under review. Initially, however, a requirement for entertainers to undergo a pre-employment seminar to acquaint them with policies, conditions of work, and other relevant matters in their countries of destination was adopted.

The members of the House of Representatives of Congress have filed a number of resolutions/bills for the protection of overseas women workers, to wit:

1. House Resolution No. 34 - "Resolution directing the Committee on Labor to conduct an inquiry in aid of legislation into the reports that Filipino domestics abroad continue to be victimized not only by such unfair illegal practices as contract substitution, wage discrimination but also plain maltreatment, sexual harassment and even rape and to recommend such measures as may be necessary with the view to giving them due protection."
2. House Resolution No. 43 - "Resolution Providing for an inquiry in aid of legislation, into the plight of Filipina migrant workers in Japan."
3. House Resolution No. 61 - "Resolution for immediate legislative inquiry in aid of legislation into the continuing illegal recruitment and other illegal practices of licensed and unlicensed placement agencies, service contractors and overseas construction contractors, including illegal exaction of placement fees, contract substitution, sexual harassment and sub-human living conditions of Filipino overseas workers."
4. House Resolution No. 176 - "Resolution Urging the Committee on Labor to look into the cases of jailed and stranded Filipino workers in the Middle East, Hongkong, Japan and other countries employing Filipinos in their workforce."
5. House Bill No. 155 - "An Act Providing for credit assistance for overseas workers."
6. House Bill No. 172 - "An Act Further amending the provisions of Presidential Decree No. 442 on illegal recruitment and providing for the filing of illegal recruitment cases in the place of residence or work of the complainant victim."
7. House Bill No. 195 - "An Act Prohibiting officials and employees in the foreign service, their spouses and relatives within the fourth degree, either by consanguinity and/or affinity, to engage directly or indirectly in recruitment and placement of Filipino contract workers abroad, providing penalty therefor, and for other purposes."

To date, all bills mentioned earlier, be they from the Senate or the House of Representatives, have not yet passed the Second Reading stage of the legislative process.

Types of Programs and Services and Agencies Involved to Fight Trafficking of Filipino Women

The mounting incidence of trafficking of Filipino women here and abroad has given rise to a number of programs and services aimed at arresting prostitution and exploitation of Filipinas.

In the Philippines today, there is a wide range of programs and services being undertaken and implemented both by government and the private sector which are either preventive and developmental or intervening and rehabilitative. As the root of this problem is basically due to poverty and moral decadence, programs undertaken by concerned agencies/organizations are directed towards poverty alleviation and moral/value re-orientation.

A. Preventive and Developmental

<u>Types of Programs/Services</u>	<u>Agencies Involved</u>
1. Provision of employment and employment-related opportunities	Department of Labor and Employment, Department of Social Welfare and Development, National Manpower and Youth Council, Department of Agrarian Reform, Department of Foreign Affairs
2. Practical skills development for economic sufficiency and productivity; i.e., agri-business, food production, cottage industry, home management, handicraft	
3. Capital/loan assistance and cooperative development	Balikatan sa Kaunlaran, Inc., Soroptimist Club, Rotary Club, National Commission on Women, Kapatiran-Kaunlaran Foundation, Institute of Rural Reconstructions, Philippine Business for Social Progress, Self-Employment Assistance Foundation, Inc., STOP Trafficking of Pilipinas, Center for Overseas Workers, RGS Commission on Ministry to Women
4. Skills training for overseas employment; i.e., transport equipment operators and laborers	
5. Consciousness raising activities; i.e., re: hazards of the trade, value re-orientation, other information/education services	

(Please refer to Article 14 for more details on economic programs and beneficiaries.)

B. Intervention and Rehabilitation

An organization against trafficking was formed in the Philippines during the celebration of the International Day Against the Exploitation of Women on November 25, 1983 - "STOP" or STOP Trafficking of Pilipinas. This is an intersectoral body composed of 19 government and non-government organizations representing the NCRFW, the police force/military, the civic workers, students, foreign affairs, labor, tourism, religious sector, women's groups and several other concerned sectors.

STOP is directed primarily against the pimps, protectors, agents, recruiters, managers, brothel owners, and all actors behind the trafficking of girls (and boys, too) and women both locally and internationally.

STOP has programs on Child Prostitution, Women Exploitation, and Pornography.

Among its significant accomplishments was the creation of an Inter-Agency Task Force that attends to cases against prostitution dens, illegal recruitment, and exploitation of women. This Task Force is composed of the military and the Western Police District, the Justice Department, the National Bureau of Investigation, the Commission on Immigration and Deportation, the Tourism Department, and the Department of Social Welfare and Development. Examples of cases that the Task Force has handled:

- a) Illegal recruitment and sexual abuse of children in Baguio City by a foreigner who posed as a journalist-photographer and who purportedly sought to put up a Haven Village for Children. The case was referred to DSWD where his application for a license was denied. The children were placed with the Good Shepherd Sisters for rehabilitation.
- b) A group of foreigners took video tapes of Filipino women dancing naked in one locally-known hotel room with some members playing with the women's body parts. CID was alerted and this led to the apprehension of the group at the airport.

- c) Representation of STOP with the Manila Mayor's Office and the Western Police District, which led to the closure of prostitution dens in Quiapo, Manila.

Another major accomplishment of the STOP campaign was the creation of another Task Force on the Advancement of Women Working Abroad. Composed of the Departments of Foreign Affairs and Tourism, the NBI and some foreign embassies, this group seeks to help women attend to their problems as overseas workers. It has linked up with the Philippine Overseas Employment Administration for a more effective orientation program for Filipino women intending to work overseas and has made representations with foreign countries to provide orientation on the social, cultural and religious adjustments that mail-order brides are to face in their countries of destination. Moreover, the Center for Overseas Workers also conducts complete pre-departure orientation seminars and counselling for both workers and their spouses, not to mention its crisis intervention program for workers including their family members.

STOP has also figured in many protest rallies and has continuously taken up issues against pornography, causing the filing of more than 10 cases on pornography against publishers in 1983.

STOP has likewise conducted a seminar-workshop in 1985 which resulted to its establishing linkages with other agencies organizations to facilitate implementation of its action programs and to determine possible areas of coordination and cooperation among concerned agencies/organizations. This same workshop also paved the way for the formal organization of eight STOP provincial chapters in the country.

While not catering to prostitutes alone, several rehabilitation schemes are being implemented by both government and non-government organizations. Among the most active organizations include the DSWD, Caritas Morning Glory, Tahanan Outreach Projects and Services, Inc., Kapatiran-Kaunlaran Foundation, Inc. and many more.

Rehabilitation schemes utilized by the above organizations include the following services:

- a) Temporary shelters - These are provided to those rescued from prostitution or those prostitutes voluntarily coming to rescue houses. Examples of these houses are the Lingap Center, Caritas (Manila), Marillac Hills, Jose Fabella Center, Nayan ng Kabataan.
- b) Economic services focused on livelihood opportunities, job skills training, income-generating and loan schemes. In the majority of cases, these services are given to the subjects during their stay in temporary shelters. In other cases, such as the Kapatiran-Kaunlaran Foundation, Inc., training on alternative occupations is given to subjects who are not housed in any temporary shelter.
- c) Education services/social and psychological services/values reorientation - These are extended to those who are housed in rescue houses and also given to outside groups during workshops or other occasions of interaction with individual women. Examples of agencies which provide such services are: Baguio Drop-In Center, Buklod Center, Alliance Against Institutionalized Dehumanization.

Data on the number of beneficiaries of the above-mentioned programs are not readily available due to the immensity of organizations/agencies and programs dealing with the problem.

Law Enforcement on Crimes Against Chastity/Morals

Statistics on tables 1 to 6 indicated an uptrend on the number of cases apprehended by the police authorities for offenses on/related to prostitution and crimes against chastity/morals.

From a low of 12 raids conducted on prostitution from May 1983 to April 1984 (a one-year period), the number increased to 134 during a mere six-month period from January to June 1987. Consequently, the number of arrested persons for and cases filed on prostitution increased from 67 to 333 in the same period.

Likewise, reports on raids conducted, number of persons apprehended, and cases filed on pornographic/indecent shows registered increases from January-December 1986 to January-June 1987.

Further, data on crimes against chastity/morals such as rape, seduction, lascivious acts, seduction, prostitution and vagrancy show an almost 500% upturn in the total number of offenses reported and cleared by arrest (on the aforementioned crimes) during the period October 1986-September 1987. Corollary to these findings are the registered increases in the number of persons arrested for such offenses. However, in the October 1985-September 1986 period, there were more male (150) than female (95) offenders while during the October 1986-September 1987 period, the opposite occurred with more female (634) than male (546) offenders arrested for crimes vs. morals and public order (vagrancy and prostitution).

Table 1

Raids Conducted, Arrests and Cases on Prostitution
Manila, 1983-1987.

Category	:May 1983 to :April 1984	:May 1984 to :April 1985	: January to :December 1986	:January to: :June 1987 :	Total
Raids Conducted	: : 12	: : 3	: : 14	: : 134	: : 363
Arrested	: : 67	: : 7	: : 226	: : 333	: : 633
Cases filed	: : 67	: : 3	: : 226	: : 333	: : 629

Table 2

Raids Conducted, Arrests and Cases on Pornography/Indecent Shows
Manila, 1986-1987.

Category	: January to December 1986 :	: January to June 1987 :	Total
Raids Conducted	: : 27	: : 27	: : 54
Arrested	: : 38	: : 65	: : 103
Cases filed	: : -	: : 64	: : 64

Source: Research and Planning Division, Western Police District, (Manila).

Table 3

Cases Handled by the Police Department

(October 1985 to September 1986)

CRIMES Vs. CHASTITY/MORALS	:	No. of Offenses Reported	:	No. cleared by arrest	:	No. not cleared
Rape	:	25	:	18	:	7
Abduction	:	3	:	3	:	0
Lascivious acts	:	11	:	9	:	2
Seduction	:	-	:	-	:	-
Prostitution	:	1	:	-	:	1
Vagrancy	:	207	:	207	:	0
TOTAL	:	247	:	237	:	10

Table 4

(October 1986 to September 1987)

CRIMES Vs. CHASTITY/MORALS	:	No. of Offenses Reported	:	No. cleared by arrest	:	No. not cleared
Rape	:	39	:	25	:	14
Abduction	:	1	:	1	:	0
Lascivious acts	:	21	:	17	:	4
Seduction	:	2	:	2	:	0
Prostitution	:	87	:	87	:	0
Vagrancy	:	1,036	:	1,036	:	0
TOTAL	:	1,186	:	1,168	:	18

Source: Research and Planning Division, Western Police District (Manila).

Table 5

Number of Persons Arrested by Sex and
Nature of Offense

(October 1985 to September 1986)

CRIMES Vs. CHASTITY/MORALS	:	Male	:	Female
Rape	:	26	:	-
Abduction	:	2	:	-
Lascivious Acts	:	8	:	2
Vagrancy	:	114	:	93
TOTAL	:	150	:	95

Table 6

October 1986 to September 1987)

CRIMES Vs. CHASTITY/MORALS	:	Male	:	Female
Rape	:	35	:	-
Abduction	:	1	:	-
Lascivious Acts	:	19	:	-
Seduction	:	2	:	-
Vagrancy	:	489	:	544
Prostitution	:	-	:	87
TOTAL	:	546	:	634

Source: Research and Planning Division, Western Police District (Manila).

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c) to participate in non-governmental organizations and associations concerned with the public and political life of the country.

a) Right to vote and be eligible for election to publicly elected bodies

Philippine law guarantees Filipino women equal footing with men as regards political and civil rights. No distinction on the basis of sex is made on the granting and exercise of rights in the political and public life of the country.

The 1987 Philippine Constitution grants to men and women the right to vote and to run for and hold public office. Article V, Section 1 states that:

"Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election. No literacy, property or other substantive requirements shall be imposed on the exercise of suffrage."

In the same manner, qualifications for public offices do not consider the sex of the aspirant. For instance, under Article VI, Section 3, the Constitution provides that a Senator must be "a natural born citizen, at least 35 years of age, able to read and write, a registered voter and a resident of the Philippines for not less than two years immediately preceding the day of the election."

An example of government's manifestation of encouraging women's participation in all levels of activity, particularly in the holding of honest, clean and orderly elections, and to commemorate the women's suffrage movement in the Philippines, was the declaration in 1984, under Proclamation No. 2346, of

April 30 of every year as Women's Suffrage Day.*

Further, Article II, Section 26 guarantees both male and female citizens of the Philippines "equal access to opportunities for public service, and prohibit political dynasties as may be defined by law." Such provision not only ensures equal opportunity to enter the political arena but also to be appointed to public offices.

Long before the signing of the UN CEDAW, the Philippines has been a party to the UN Convention on the Political Rights of Women. Under the Convention, the Philippine government has agreed, among others, that: women shall be entitled to vote in all elections on equal terms with men, without any discrimination; women shall be eligible for election to all publicly elected bodies established by national law; and women shall be netitled to hold public office and to exercise all public functions.

Women as Voters

Filipino women have been active at the polls. They have exercised their right of suffrage nine times since 1981, in five elections (four national and one local elections) and four plebiscites/referenda.

Election Years from 1981 to 1987

Election Year		:	Event
April	7	1981	: Plebiscite
June	16	1981	: Presidential Election
May	17	1982	: Barangay (village) Election
January	27	1984	: Plebiscite (for constitutional amendments)
March		1984	: Referendum (for autonomy of Region 9)
May	14	1984	: National Assembly Elections
February	7	1986	: Presidential Election
February	2	1987	: Plebiscite (ratification of 1987 Philippine Constitution)
May	11	1987	: Congressional Elections

Source: Records and Statistics Division, Commission on Elections, 1987. Filipino Women in PublicAffairs (Manila: NCRFW, 1985).

*Under the proclamation, the National Commission on the Role of Filipino Women and the League of Voters of the Philippines, Inc. are directed to coordinate activities for the fruitful and meaningful celebration of the Women's Suffrage Day. The Golden Jubilee of Women's Suffrage Day was celebrated on April 30 1987 and the celebration was highlighted by the awarding of the first women elected/appointed in certain public posts/offices.

The degree of women's participation in elections as voters when compared to men and the total population can be measured by the voters' turn-out rate. This is the ratio of actual to the total number of registered voters for a particular group, i.e., male, female, and combined male and female.

During the last five elections, women comprised, on the average, 49.4% of the eligible voting population. Although a decline in the exercise of voting rights is discernible from the turn-out of the 1982 local and 1986 national elections, female turn-out (67% to 90%) continued to surpass the male rate (66% to 89%). (Please see the following table).

Election Year	:	Voters' Turn-Out Rate in %		:	Difference in %	
	:	Men	:	Women	:	Men/Women
1981	:	80.55	:	81.36	:	.83
1982	:	65.89	:	66.80	:	.91
1984	:	88.74	:	90.15	:	1.41
1986	:	78.04	:	79.64	:	1.60
1987	:	85.23	:	85.99	:	.76

Source: Records and Statistics Division, Commission on Elections, 1987.
Filipino Women in Public Affairs (Manila: NCRFW, 1985).

While the preceding data show that women performed commendably as voters, a look into the number of women in elective positions would reveal that women still shied away from direct participation as political candidates. Perhaps this stems from the socio-cultural factors which consider politics as men's domain. This is supported by a study (1981-1983) conducted by the UP College of Education on values of Filipino women and their attitudes towards five institutions: church, government, school, mass media and family. The study reported that there is a large proportion of women (6 out of 10) who cited voting as their way of getting involved in political affairs. Outside voting, only a small proportion of the women were involved in activities directly associated with government elections.

Women as Elective Officials

Elective officials assume a wide range of decision-making functions which entail the initiation, formulation and implementation of laws for national, local and even international matters.

The participation of women in decision-making positions thru their share of elective offices continues to be limited as reflected in the following:

1) National Level

Women's Participation in the Legislative Race
1984 and 1987

	: 1984	:	1987
	: Parliament	: Senate	: House of Representatives
No. of positions contested	: 184	: 24	: 204
Total number of candidates	: 993	: 132	: 1,896
Number of Women candidates	: 52	: 14	: 109
Number of Women Elected	: 10	: 2	: 18*

* 1 was appointed sectoral representative

Source: Records and Statistics Division, Commission on Elections, 1987.
Filipino Women in Public Affairs (Manila: NCRFW, 1985).

There have been a number of significant developments not only in the history of Filipino women but of the country as well which have caught the attention of the world. The most important of these was the almost bloodless Philippine February Revolution in 1986 when the first woman president in Southeast Asia was installed by the so-called people power. Other Filipino women have also achieved positions of responsibility and influence as President of the Constitutional Commission (the body that drafted the 1987 Philippine Constitution), as Chairperson of the Civil Service Commission (a constitutional body), and as members of the Cabinet.

Also of interest and significance is the fact that in the 1984 Batasang Pambansa elections, while women registered only 5.4% representation out of the 181 elective seats, the successful women candidates garnered the highest or second highest number of votes in the province or city they represented. For instance, in a line-up of six winning candidates in Manila, a woman candidate topped the list of successful contenders; in Ilocos Norte (Region I), a lone woman candidate garnered the first of two slots; in Pampanga, first place of four slots; in Tarlac, first of two slots. In Quezon City, a woman candidate placed second among four elected; in Cavite, second place of three seats. Also, women won the only seat allotted in another city and in two other provinces.

In the 1987 Senatorial race, one of the two women elected in the 24-member

Senate placed seventh, garnering 11,089,340 votes as of July 25, 1987 (National Board of Canvassers).

2) Local Level

The local elections in 1971 were the last elections to be held before Martial Law was declared in the country. The elected officers continued in office during the martial law period until another election was held nine years after (1980) for the provincial and city/municipal levels; then followed by the election of barangay officials in 1982. The OICs appointed in 1986 but who have indicated their intention of running in the 1988 local elections, have been replaced by caretakers for the provincial and municipal/city governments. Since the tenure of such caretakers would last only till the proclamation of the winners, statistics on women appointed to such positions are deemed unnecessary for reportage.

Elections in the provincial and municipal levels will be held in January 1988 and a number of women candidates have been reported to have joined the political contest.

In the 1971, 1980 and 1982 local elections, women were elected to all seats although they constituted only a small percentage of those elected.

The number of women provincial officials elected from 1971 to 1980 did not show any marked increase. The percentage of women governors and provincial board members even went down by some degree. Some increases were, however, noted at the municipal level, particularly in the mayoral positions.

Position	:	1971	:	% Women	:	1980	:	% Women
Provincial:	:		:		:		:	
Governor	:	6 of	68:	8.8	:	5 of	73:	6.8
Vice Governor	:	5 of	63:	7.9	:	6 of	73:	8.2
Board Member	:	14 of	185:	7.6	:	28 of	446:	6.3
(Provincial Council)	:		:		:		:	
	:		:		:		:	
Municipal/City:	:		:		:		:	
Mayors	:	44 of	1,488:	2.9	:	79 of	1,106:	4.7
Vice Mayors	:	61 of	1,430:	4.3	:	90 of	1,160:	5.4
Councils	:	662 of	11,110:	5.9	:	1,000 of	11,900:	8.4

Source: The Women's Decade in the Philippines (Manila: NCRFW, 1985).

There are some 32,578 women holding responsible positions in the barangays. The number of women elected as barangay captains increased by 50% between the two barangay elections of 1971 and 1982. (Unfortunately, no comparable sex disaggregated data are available for other barangay officials elected in 1971). The representation of women officials follows:

Positions	Total	M	F	% F
Barangay Captain	39,443	36,943	2,500	6.3
Barangay Council	240,371	212,321	28,050	11.7
Barangay Secretary	4,043	4,036	907	18.3
Barangay Treasurer	5,055	3,034	1,121	22.2
Total	288,912	256,334	32,578	11.3%

Source: Filipino Women in Public Affairs (Manila: NCRFW, 1985).

- b) Right to participate in policy formulation and implementation thereof and to hold public office and perform all functions at all levels of governments

Next to an elective seat, appointment to top-level and middle-management positions in the government affords women opportunities for participation in planning, policy and decision-making.

To give effect to the provisions relating to the elimination of discrimination against women and their integration in partnership with men in the national development efforts, as embodied in the Philippine Constitution and laws and in international conventions and other agreements to which the Philippines is a party, Letter of Instructions No. 974 entitled "Integration of Women in National Development" was issued in January 1980. Under the LOI, all ministries, offices, agencies, instrumentalities, local governments and government-owned and controlled corporations are directed, among others, to afford women opportunity to participate in planning, policy and decision-making in their respective offices by appointing or recommending for appointment and promotion qualified women to local, national or international positions with planning, policy and decision-making functions.

The 1987 Philippine Constitution guarantees equal rights between men and women with regard to appointments in public administration positions. Article IX (b), Section 2(2) stipulates that "appointments in the civil service shall be made only according to merit and fitness, to be determined, as far as practicable, and except to positions which are policy-determining, primarily

confidential, or highly technical, by competitive examinations."

Furthermore, PD 807, Sec. 19(1) grants to all citizens the right to enter the civil service for the purpose of employment as working members of the public administration. The law provides that "opportunity for government employment shall be open to all qualified citizens and positive efforts shall be exerted to attract the best qualified citizens to enter the service. Employees shall be selected on the basis of fitness to perform the duties and assume the responsibilities of the positions."

Women as Appointive Officials

Women have been appointed by the President of the Philippines to the following positions:

1) Cabinet

The Cabinet consists of the heads of the line departments. In 1984, only two of the 18 ministers were women - the Minister of Human Settlements and the Minister of Social Services. In 1987, the President appointed three women out of 20 department heads - the Secretary of Education, Culture and Sports, the Secretary of Social Welfare and Development, and the Director General of the National Economic and Development Authority (the central planning body of the country).

2) Constitutional Commissions

The three Constitutional Commissions include the Commission on Elections (COMELEC), the Commission on Audit (COA), and the Civil Service Commission (CSC), each headed by a Chairperson and two to six Commissioners. One (CSC) of the three Chairpersons and one (from COMELEC) of the 10 Commissioners are women.

3) Legislative

As mentioned earlier, the legislative power is vested in Congress which consists of the Senate and House of Representatives (Art. VI, Sec. 1 of the 1987 Philippine Constitution). The Senate is composed of 24 Senators elected at large by qualified voters of the country. The House of Representatives, on the other hand, is composed of not more than 250 members, who are elected from legislative districts and those who are elected/selected through a party-list system of registered national, regional and sectoral parties or organizations. To date, the

President has appointed four of the 50 (maximum) sectoral representatives to the House of Representatives, one of whom is a woman representing the disabled.

4) Judiciary

The judiciary is one of the three independent, coequal, and coordinate departments of government. "Judicial power," mandates the Constitution, "shall be vested in one Supreme Court and in such lower courts as may be established by law." (Art. VIII, Section 1(1), 1987 Constitution).

Structurally, the Philippine Judicial System is a unified institution, operating on four levels, viz., the Supreme Court, the Court of Appeals, the Regional Trial Courts, Metropolitan Trial Courts in Metro Manila, and Municipal Trial Courts in other cities and towns. All these Courts are under the administrative supervision of the Supreme Court.

In addition to the four tiers of regular courts, there are three specialized courts; namely, the Sandiganbayan, the Court of Tax Appeals, and the Sharia Courts, which are likewise under the administrative supervision of the Supreme Court.

As of February 1, 1987, the reorganization of the Philippine judiciary under the new administration was completed. Of the 1,639 judicial positions, 157 or 9.58% went to women, their highest representation being in the highest judicial body, the Supreme Court (2 out of 15).

The distribution of officials by sex follows:

Level	:	Men	:	Women	:	Total	:	% Women
Supreme Court	:	13	:	2	:	15	:	13.33
Court of Appeals	:	41	:	6	:	47	:	12.76
Regional Trial Courts	:	596	:	76	:	672	:	11.30
Metropolitan Trial Courts	:	175	:	23	:	198	:	11.61
MTC/MCTC	:	641	:	50	:	691	:	7.23
Sandiganbayan	:	9	:	0	:	9	:	0
Court of Tax Appeals	:	3	:	0	:	3	:	0
Office of the Court Administrator	:	4	:	0	:	4	:	0
TOTAL	:	1,482	:	157	:	1,639	:	9.58%

Source: Office of the Court Administrator, Supreme Court, Manila (1987).

In 1984, before the installation of the present administration, women judges represented 7.50% of all the positions, a small improvement during the two periods - 1984 and 1987. The representation of

women in the different courts in 1984 is given below:

Level	:	Men	:	Women	:	Total	:	% Women
Supreme Court	:	13	:	1	:	14	:	7.1
Intermediate Appellate Court	:	31	:	6	:	37	:	9.0
Regional Trial Courts	:	553	:	47	:	600	:	7.8
Metropolitan Trial Courts	:	59	:	14	:	73	:	19.2
Municipal Trial/Circuit Courts	:	799	:	50	:	849	:	5.9
TOTAL	:	1,455	:	118	:	1,573	:	7.5%

Source: Filipino Women in Public Affairs (Manila: NCRFW, 1985).

In the then Ministry (now Department) of Justice, there were only five women out of the 56 state prosecutors as of August 1984 while in the Office of the Tanodbayan, which receives and investigates complaints relative to public office, there were seven (7) women out of 27 prosecutors.

5) Diplomatic Service

The diplomatic service is perhaps one area where women's participation is fairly encouraging. As of October 1987, 30.5 percent of all foreign service and home employees are women. Of the 107 women members, 15 have ambassadorial ranks, the same number are minister-counsellors, and the rest are distributed in the different levels of foreign service assigned here and abroad.

A comparison of data between 1984 and 1987 shows considerable increases in women's participation in the diplomatic service, especially in the ranks of Chief of Mission, Minister-Counsellor, and Foreign Service Officer I, III and IV, as can be seen below.

Position	1984			1987		
	No. of women:	% Women	out of total:	No. of women:	% Women	out of total:
Chief of Mission	3	33	9.0	4	34	11.8
Class I	:	:	:	:	:	:
Chief of Mission	5	48	10.4	11	67	16.4
Class II	:	:	:	:	:	:
Minister-Counsellor	9	40	22.5	15	48	31.2
Foreign Service Officer	13	36	36.1	19	52	36.5
Class I	:	:	:	:	:	:
Foreign Service Officer	15	41	36.6	17	54	31.5
Class II	:	:	:	:	:	:
Foreign Service Officer	14	44	31.8	15	44	34.0
Class III	:	:	:	:	:	:
Foreign Service Officer	24	60	40.0	25	47	53.2
Class IV	:	:	:	:	:	:
TOTAL	83	302	27.5	107	351	30.5

6) Women in the Civil Service

A study of women in Philippine bureaucracy (Tapales, 1984) revealed that 73.88% of the 8,401 top administrators in the country's career executive service were men. Figures from the Civil Service Commission show that the percentage of women in the third level of the civil service rose from 26 percent in 1980 to 37 percent in 1984. But when compared to the total number of women in the career service in 1984, they only comprised less than one percent. (Please refer to table below).

Government Personnel by Class, Level and Sex
as of December 1984

Employment by Category Level	Men	Women	Total	% Women
I. Career Service	489,309	568,022	1,057,331	43.33%
1. First Level	237,675	132,525	370,200	35.80
2. Second Level	243,621	430,745	674,366	63.87
a. Non-Teachers	173,283	141,739	315,022	44.99
b. Teachers	70,338	289,006	359,344	80.43
3. <u>Third Level</u>	<u>8,013</u>	<u>4,752</u>	<u>12,765</u>	<u>37.23</u>
II. Non-Career Service	172,962	80,496	253,458	31.76%
TOTAL	662,271	648,518	1,310,789	49.48%

Source: Civil Service Commission, 1984.

It could be gleaned from the above table that generally, women are fairly well represented in the government service. They comprised almost one-half of the 1,310,789 personnel employed in government in 1984.

c) Right to participate in non-governmental organizations and associations concerned with the public and political life of the country

There are no legal restrictions on the participation of women in non-governmental associations and organizations concerned with the public and political life of the country. In fact, the role of people's organizations is recognized under Article II, Sec. 23 of the 1987 Constitution which provides

that "The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation."

The rise in the number of women's organizations spanning the ideological spectrum is one of the developments on women and politics in contemporary Philippine society. The years of repression during the martial law years crystallized movements involving women whether in the parliament of the streets, the media, the church, the underground, the schools, etc. Most of the cause-oriented groups swelled with women in their ranks whose concerted efforts effected many significant changes in the history of the country. Above all these is the woman (now the country's Chief Executive) who galvanized the nation in toppling a dictatorship.

There are at present an array of women's organizations and coalitions/alliances of women's groups concerned with the public and political life of the country. These organizations/coalitions have been involved in various issues/activities of national interest. The oldest among them is the Civic Assembly of Women in the Philippines (CAWP).

As of 1986, there were 74 women's organizations affiliated with CAWP. As the umbrella organization, CAWP operates through its six commissions, the members of which represent common areas of concern. Examples of women's organizations affiliated with the CAWP are the four women lawyer groups in the Philippines, FIDA, WILOCI, WLAP and DCI Women Lawyers' Club.

Several politically-oriented women's groups and alliances have also been organized especially after the assassination of the late Senator Benigno S. Aquino, Jr. in 1983. Among such organizations are the following:

- 1) GABRIELA (General Assembly Binding Women for Reforms, Integrity, Equality, Leadership and Action). It is a broad coalition of women's organizations and institutions which counts with 42 affiliates in Metro Manila alone including WOMB, KALAYAAN, SAMAKA, SAMAKANA, KMK. In Mindanao, there are 33 affiliate-organizations which are coordinated by the GABRIELA Mindanao Council. To date, there are 28,000 members and eight (8) officers coordinating current programs and activities of the alliance. The alliance has figured in a number of mass actions in the struggle of workers, peasants and the urban poor to attain economic well-being, calling attention to national issues such as the US Military Bases.

2) PILIPINA - Kilusan ng Bagong Pilipina is a nationwide movement of women from all sectors who believe that the full participation of women is an integral part of the country's development. It was organized in Manila in February 1981 and since then, chapters have been formed in Metro Manila, Davao, Cagayan de Oro, Cebu and Naga. PILIPINA is concerned with issues in the law, education, media, labor unions, family life, research, health, arts, religion, agriculture, business and other fields in so far as they benefit women or make them suffer. Among its programs and activities are the following:

- a) social credit for poor self-employed women in public markets;
- b) legal resources for women;
- c) alternative child care, education and support structures with emphasis on non-sexist child rearing and shared parenting;
- d) community health with focus on women's health.

The organization's goals/objectives for the 1983-1988 period are the following:

- a) economic justice and equity for women;
- b) women's right to be free from sexual harassment, abuse and rape; and
- c) shared parenting toward non-sexist and alternative child rearing.

At present, PILIPINA has 300 members all over the country.

3) On March 8, 1987, the founding Congress of the Women Involved in the Nation (WIN) was held. WIN is an alliance composed of women organizations, chapters and individual women who believe in the centrist ideology of the Middle Forces in Philippine society. Its long-term goals are to facilitate the participation of women in national development and to establish links with other women's movements in the world for mutual friendship and assistance. The alliance has the following immediate goals:

- a) to formulate a sound centrist ideology that can serve as an alternative to the extreme left and right;
- b) to organize women organizations, individuals and groups comprising the middle forces, in need of consolidation and long-term

commitment;

- c) to maintain the middle force to be ready to respond to any call for action in relation to its concerns;
 - d) to initiate or support any immediate and urgent activity for the continued stability of the country; and
 - e) to tap women as catalyzers and movers of the concerted action.
- 4) KALAYAAN (Katipunan ng Kababaihan Para sa Kalayaan) was founded on July 6, 1983 whose geographic coverage includes both the Philippines and Japan. It has 40 members in Metro Manila, 30 in Iligan City and 50 in Japan. Its program of action includes servicing and organizing women in any occupation or social status by: enhancing and instituting education programs for women and men to transform the feudal-patriarchal society; providing opportunities to women for leadership training and awareness of women's rights, options, responsibilities and social goals in regular study-sharing sessions, workshop-seminars and similar consciousness-raising activities; and waging campaigns against the stereotyping and sexist distortion of women's role.
- 5) Concerned Women of the Philippines (CWP) has 12 members of the Executive Board and 78 individual members as of July 1985. Its activities are focused on four major issues: human rights, social concern, economic issues and political problems. In 1985, the CWP provided legal and financial assistance to political detainees; supported the movement for the abolition of oppressive and repressive decrees; and attended hearings at the defunct Batasang Pambansa concerning nuclear energy issue, the bill regulating demonstrations and rallies; and the revision of the electoral reform bill. The organization also attended hearings on the Aquino Double Murder case, and conducted fora and dialogues on constitutional reforms.
- 6) Another organization is the Katipunan ng Bagong Pilipina (Association of the New Filipina) which has some 20,000 members, among them peasants, agricultural workers, sewers, embroiderers, domestic outworkers, and vendors. It has five broad aims: equality, development, peace, freedom and happiness of children.

It conducts multi-level training programs on the national, provincial, town and community levels. The Association has helped develop primers on nationalism, on the World Bank and IMF, on peace and poverty.

The KBP has been very active in mass educational campaigns against the US Bases, military prostitution, Bataan nuclear plant, on peace and disarmament, and on the declaration of Philippine cities, towns and provinces as nuclear-free zones. It has always believed in peace based on justice and supported the peace talks between government and insurgents.

- 7) The League of Women Voters of the Philippines, Inc. (LWVP), in cooperation with other NGOs and government offices such as the COMELEC, DCI Women Lawyers' Club, sponsored seminars and symposia on the proper exercise of suffrage, on features of the Election Code, on Rights and Duties of Citizens; and observes "Women's Suffrage Day" every 30th of April as part of its information, dissemination and education program.
- 8) The Women's Rights Movement of the Philippines urges women to exercise their rights and assert proper influence in public life. It also initiates and supports appointments and election of women to responsible positions.

Four coalitions - Lakas ng Kababaihan, Women's Caucus, Civic Assembly of Women of the Philippines and Gabriela - with a total membership of at least 150 organizations, participated in the drafting of the Gender Equality Provisions proposals to the 1986 Constitutional Commission, the body that wrote the 1987 Philippine Fundamental Law.

Under the leadership of the then Deputy Minister of Foreign Affairs, who was also the Secretary General of the 1985 World Conference ending the UN Decade of Women, and assisted by the NCRFW, the resolution on Gender Equality Provisions was signed by some 2,000 representatives from about 200 women's organizations in the country during a Day of Unity for Women on July 17, 1986, a first-ever event which brought together women's groups crossing social and ideological boundaries. Although such provisions, which aimed to change work and family structures that have been proven oppressive to women, have been watered down and not fully adopted/included in the Constitution, the resolution submitted by the different women's organizations to the Con-Com resulted in a landmark provision for women in the draft Constitution. Such realization among the women's groups effected their stand to campaign for the ratification of the proposed Constitution,

which eventually was overwhelmingly confirmed by the people on February 2, 1987.

The last leg of the restoration of democratic processes and normalcy in the country since the removal of the dictatorship is the holding of elections, both national and local. The two elections were initially scheduled in 1987: May for the Congressional polls and November for the local elections. In view of this, the first all-women political party in the country and Asia was launched in October 1986, attended by 500 women leaders from all over the country. The women's political party, christened as Kababaihan para sa Inang Bayan (KAIBA) or Women for the Motherland, registered an initial membership of 1,000. KAIBA's objectives are to pursue a democratic and sovereign Philippines; insure a representative and consultative pro-Filipino government; promote a program of public service that is guided by the principles of social justice, self-reliance and accountability; encourage leadership that is responsive to social change; and uphold and defend the human rights of all Filipino women. The formation of the party was hailed as a milestone and turning point in the Filipina's struggle for equality. (Philippine Daily Inquirer, October 13, 1986).

On April 23, 1987, barely less than a month prior to the May Congressional polls, the Consultation with Women Candidates on Setting a Legislative Agenda for Women was conducted. This was a joint project of the following alliance/coalitions of women's groups and women's organizations; Lakas ng Kababaihan, Pilipina - Kilusan ng Bagong Pilipina, Civic Assembly of Women of the Philippines, Gabriela, Kalayaan, Women Involved in Nationbuilding, and Forward Looking Women.

The Consultation was held to enable women candidates for the Senate and House of Representatives to dialogue with organized women on urgent issues affecting Filipino womanhood, particularly in problems that could best be remedied by legislative action. Position papers on agricultural women, industrial women, child prostitution/sexual exploitation and maternal and child health were presented. Priority provisions in the Civil Code and the Labor Code and Penal Codes that needed to be revised or amended were also discussed and pointed out.

Arising from the above consultation, the Legislative Advocates for Women (LAW) Coalition was founded with the following Committees: on Overseas Women Workers, Sex Tourism, Family and Mail-Order Brides. Each of the foregoing committees serves as a watchdog to the different committees in Congress corresponding to their areas of concern. The members attend Congressional hearings and make representations on bills concerning women.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

There are no legal barriers restricting women's participation in the international level although there exist traditional attitudes/practices which hinder women's wider representation in international activities and organizations.

Women in Diplomatic/Foreign Service

The Philippine experience reveals that the foreign service is one area where women have achieved a relatively fair representation. As of 1987, more than a quarter (25.7%) of the diplomatic members in foreign service, specifically those assigned abroad, are women. They have attained the ranks of ambassador, consul-general, and consul and have been posted in key assignments.

Comparing the data for the years 1984 and 1987, considerable increases were noted in women's representation in foreign service positions, as can be seen from the following table:

RANK	1984			1987		
	No. of women	% Women		No. of women	% Women	
	out of total			out of total		
Chief of Mission,						
Class I	3	27	11.1	3	23	13.0
Chief of Mission,						
Class II	1	37	2.7	8	53	15.1
Minister-Counsellor	3	22	13.6	12	36	33.3
Foreign Service						
Officer I	10	24	41.7	11	31	35.5
Foreign Service						
Officer II	5	28	25.0	14	48	29.2
Foreign Service						
Officer III	10	34	29.4	8	27	29.6
Foreign Service						
Officer IV	9	29	31.0	5	19	26.3
TOTAL	43	201	21.4	61	237	25.7%

Source: Office of Personnel and Management Services,
Department of Foreign Affairs, 1987,
Filipino Women in Public Affairs (Manila: NCRFW 1985).

Women occupying high positions in foreign service such as Chief of Mission (Class I and Class II), Minister-Counsellor, Foreign Service Officer II and III, registered increases of from .2 to 19.7% between the period 1984-1987.

Women as Government Representatives in International Activities

Female Participation in the Field of Women in U.N.

Filipino women are known to play significant roles in the efforts for universal recognition of the rights of women to equality in all spheres of life. They have been continuously participating in United Nations bodies working on the improvement of the status and condition of women such as the Commission on the Status of Women, the Committee on the Elimination of All Forms of Discrimination Against Women, and the UN Development Fund for Women.

Since the declaration of the UN International Women's Year in 1975, and the subsequent Women's Decade (1975-1985), the Philippines has actively participated and has been represented at the highest levels in the major conferences of the decade.

The convening of the first inter-governmental conference on women in Mexico City which highlighted the International Women's Year brought together more than 1,000 representatives, about 70 percent of them women, from more than 130 countries. The then First Lady headed the 17-member Philippine delegation to the Mexico Conference in 1975 which drafted the World Plan of Action. The Chairperson of the Philippine delegation was elected as one of the vice-presidents of the Conference and the delegations vice-chairperson presided at the preconsultation meeting and later on chaired the drafting group which formulated the draft declaration.

The Philippine delegation to the World Conference for the UN Decade for Women held in Copenhagen in 1980 was composed of 17 members (14 women out of 17 delegates) and was again headed by the former First Lady. The Vice-Chairperson of the delegation was elected as one of the Conference's Vice Presidents and a member of the country's representatives was requested to participate (representing Asian states) in the writing of the World Programme of Action.

The 1985 World Conference to Review and Appraise the Achievement of the United Nations Decade for Women held in Nairobi was actively participated in by outstanding Filipino women (seven women out of eight delegates). In fact, the Conference Secretary-General was a distinguished Filipina who was then the concurrent UN Assistant Secretary-General for Social Development and Humanitarian Affairs. Previously, she was Chairperson of the UN Commission on the Status of Women and the first Philippine Ambassador to Romania and Philippine Ambassador to Australia.

Another outstanding Filipina who was the country's ambassador to the European Economic Community also chaired the UN Commission on the Status of Women in 1984 and 1985.

Another Filipino woman also occupied significant positions in UNESCO as member of the Executive Board from 1983-1985.

Also, a woman ambassador who was then the Assistant Minister for UNIO represented the Philippines in the General Assembly during its 40th session (1985) which adopted the Forward Looking Strategies for Women up to the year 2000.

Filipino Women's Participation in International Conferences

Some eight (8) ministries* and 12 other offices/bureaus** of the government had, as a general policy, been sending women delegates to international conventions/conferences to represent the Philippine government. Figures from the United Nations and International Organizations reveal that of the 12 international conferences monitored by one Division from February to July 1987, a little over one-fourth (25.8%) of the total number of Filipino delegates were women.

Problems/Obstacles to Women's Participation in International Activities

One of the perceived problems of women in the foreign service is their lack of significant representation in the policy-making bodies of the DFA, viz., the Board of Foreign Service Examiners. As of early 1986, there were only two women members out of a total of 16, in the BFS Administration. If the proportion of women in the Department was to be followed, there should be five women members of the Board.

Notes:

* Ministry of Finance, Ministry of Public Works and Highways, Ministry of Agrarian Reform, Ministry of Natural Resources, Ministry of Agriculture, Ministry of Tourism, Ministry of Human Settlements (Lung Center), Ministry of Trade and Industry (Bureau of Foreign Trade).

** Office of the Prime Minister, Central Bank, Office of Media Affairs-National Media Production Center, National Commission on the Role of Filipino Women, Cultural Center of the Philippines, Land Registration Commission, Bureau of Prisons, National Food and Agriculture, National Nutrition Council, Securities & Exchange Commission, Bureau of Internal Revenue, Bureau of Customs.

Futhermore, existing traditional attitudes (i.e., the foreign service is a male preserve) can be considered as a major obstacle in the more significant participation of women at the international level.

Achievements

Efforts to increase the participation of women at the international level have effected significant achievements, although much remains to be done in this area.

It should be noted that most women officers in the foreign service have been generally recruited through the merit system and that almost all are career professionals.

Furthermore, almost all substantive offices of the DFA have deputized women career officials and they continue to contribute to the functions of the DFA, notably in the fields of overseas economic and development promotion; effective image-building and information campaign; promotion of overseas workers; tourism; and technical development assistance.

In practice, at least a woman delegate is included in the Philippine delegation to important international conferences.

Moreover, the practice barring husband and wife from being assigned to the same post has been eliminated, hence, spouses can now be assigned to one post.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They 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.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Under Philippine law, jus sanguinis or citizenship by virtue of blood relationship is the rule in acquiring Philippine citizenship.

The adoption of the 1987 Constitution has completely removed discriminatory provisions imposed on women marrying aliens.

The new Constitution ensures fundamental equality between women and men to acquire, change, or retain their nationality. Thus it says:

"Citizens of the Philippines who marry aliens shall retain their citizenship, unless by their act or omission they are deemed, under the law, to have renounced it." (Art.IV, Sec. 4)

Under this provision, both male and female citizens shall remain Filipinos despite marriage to foreigners except only when they may be deemed by their act or omission to have renounced their Philippine citizenship. This specific provision has further modified the rule in the 1973 Constitution which only referred to female citizens. The reference to sex has been omitted.

On the other hand, if an alien woman marries a Filipino, whether native-born or naturalized, she becomes ipso facto a Filipina provided she is not disqualified to be a citizen of the Philippines by naturalization under Sec.4 of Commonwealth Act 473. Similarly, a woman foreigner who marries an alien who is subsequently naturalized as Filipino follows the Philippine citizenship of her husband the moment he acquires his Filipino citizenship provided that she herself is not disqualified from becoming naturalized.

Moreover, the present Constitution under Art. IV, Sec. 1 states who are citizens of the Philippines, while Section 2 thereof defines natural-born citizens:

Section 1:

The following are citizens of the Philippines:

- (1) Those who are citizens of the Philippines at the time of the adoption of this Constitution;
- (2) Those whose fathers or mothers are citizens of the Philippines;
- (3) Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
- (4) Those who are naturalized in accordance with law.

Section 2:

"Natural-born citizens are those citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. Those who elect Philippine citizenship in accordance with paragraph (3), Section 1 hereof shall be deemed natural-born citizens."

As regards the nationality of children, Art. IV, Sec.1 (2) provides that children born of Filipino fathers or mothers are citizens of the Philippines and, therefore, natural-born. Those born of Filipino mothers before January 17, 1973 and elect Philippine citizenship upon reaching the age of majority shall be deemed natural-born citizens unlike under the 1973 and 1935 Constitutions which do not consider those who elect Philippine citizenship as natural-born citizens despite their having Filipino mothers. Only children born to Filipino fathers were considered natural-born citizens under the Commonwealth (1935) and 1973 Constitutions. Children born to an alien father and a Filipino mother followed the citizenship of the father and acquired at best only an inchoate Philippine citizenship which could be perfected by election upon reaching the age of majority (21).

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education...

The Education Act of 1982 (Batas Pambansa Blg. 232) provides for the establishment and maintenance of an integrated system of education. This act applies to and governs both formal and non-formal systems in public and private schools in all levels of the entire educational system. Sec. 3.3 (2nd para.), Chapter 2 declares that the State shall promote the right of every individual to relevant quality education regardless of sex, age, creed, socio-economic status, physical and mental conditions, racial or ethnic origin, political or other affiliation. The State shall, therefore, promote and maintain equality of access to education as well as the enjoyment of the benefits by all its citizens.

The 1987 Philippine Constitution, specifically in its Article XIV, contains provisions guaranteeing equal rights of all citizens to educational/scientific/sports opportunities.

Sec.1. The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.

Sec.2. The State shall:

- (2) ~~xxx~~Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age;
- (3) Establish and maintain a system of scholarship grants, student loan programs, subsidies and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged;
- (5) Provide adult citizens, the disabled and out-of-school youth with training in civic, vocational efficiency, and other skills.

Sec.5.

- (3) Every citizen has a right to select a profession or course of study, subject to fair, reasonable and equitable admission and academic requirements.

Sec.11.~~xxx~~ Scholarships, grants-in-aid, or other forms of incentives shall be provided to deserving science students, ~~xxx~~ and especially gifted citizens.

Sec. 19

- (1) The State shall promote physical education and encourage sports programs xxx to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.
(All emphasis supplied)

As expressly mandated in sec.1 (a), Art. II and Art. III of the Freedom Constitution (new government), Executive Order No.117 was issued in January 1987 reorganizing the Ministry of Education, Culture and Sports (MECS) in order to promote efficiency and effectiveness in the delivery of public services. The Executive Order reaffirms the policy of the Philippine government "to promote and maintain equality of access to education and enjoyment of the benefits thereof by all citizens".

EO 117 further states that MECS (now DECS) is primarily responsible for the formulation, planning, implementation and coordination of the policies, plans, programs and projects in the areas of formal and non-formal education at all levels, supervise all education institutions, both public and private, and provide for the establishment and maintenance of a complete, adequate and integrated system of education relevant to the goals of national development.

Formal education are of the following levels:

- (1) elementary education, which is the first stage of compulsory, formal education primarily concerned with providing basic education and usually corresponding to six or seven grades including pre-school programs;
- (2) secondary education, which follows elementary education, concerned with continuing basic education and expanding it to include the learning of employable gainful skills usually corresponding to four years of high school; and
- (3) tertiary education, which is post-secondary schooling leading to a degree in a specific profession or discipline.

Sec.2 (2), Art. XIV of the 1987 Philippine Constitution provides for the establishment and maintenance by the State of "a system of free public education in the elementary and high school levels". At present, pre-school education is integrated in the public elementary school system. However, there are private kindergarten schools/child-learning centers servicing the need for pre-school education in the country. Efforts are also being taken by DECS to institutionalize pre-school education in the public school system.

As early as 1986, a kindergarten curriculum [Minimum Learning Competencies for Pre-School Education] has been drafted and revised through a series of consultative meetings with policy-makers and the private sector. In February 1986, MECS Order No. 8 was issued standardizing the organization and operation of kindergarten schools. Policy guidelines on the operation of pre-schools are presently being revised.

The State recognizes its responsibility to provide services to meet special needs of certain clientele. These specific types which shall be guided by the basic policies of the States are:

- (1) technical/vocational education: post-secondary but non-degree programs leading to one, two or three-year certificates in preparation for a group middle-level occupation;
- (2) special education: the education of persons who are physically, mentally, emotionally, socially or culturally different from the so-called normal individuals that they require modifications of school practices/services to develop them to their maximum capacity;
- (3) non-formal education: any organized, school-based educational activity undertaken by DECS and other agencies aimed at attaining specific learning objectives for a particular clientele especially the illiterates and the out-of-school youths and adults, distinct from and outside the regular offerings of the formal school system. At present, the Bureau of Non-Formal Education (DECS) provides trainings in functional literacy and livelihood skills development; and
- (4) physical education and school sports to develop human resources through mass-based sports education.

- (a) and in particular to ensure, on a basis of equality of men and women the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational trainings;

Literacy

Literacy rate, education's key impact indicator, has generally been on the rising trend from the 1960 to 1980. Actual literacy data generated every ten years by the National Census and Statistics Office (NCSO) show the following trend:

<u>Year</u>	<u>Both Sexes (%)</u>	<u>Male (%)</u>	<u>Female (%)</u>
1960	72.0	73.6	70.6
1970	82.6	84.3	80.9
1980	83.3	83.9	82.8

There is a very minimal difference in the 1980 average literacy of the population 15 years of age and over by sex: male, 83.9%, and female, 82.8%. However, there is a wide disparity in the 1980 literacy rates in the urban and rural areas for both sexes. Literacy rates in the urban areas are higher as compared to the national average figures. Female literacy figures are lower than the national averages; and females in the rural areas have the lowest literacy rate.

<u>1980</u>	<u>Total</u>	<u>Urban</u>	<u>Rural</u>
Both sexes	83.3	83.9	82.9
Male	83.9	94.0	77.6
Female	82.8	92.3	76.1

Elementary/secondary education

Women attain equal, if not higher education as men. Enrolment figures show women to be almost equally represented at the elementary and secondary levels.

<u>Year</u>	<u>Level</u>	<u>% Female</u>
1982-83 *	Elementary	49
	Secondary	51

There is a slight difference in the incidence of over-age children by sex. In the elementary, 4% of female and 5% of males enrolled are over-age. In the secondary level, 44% of females enrolled compared to 47% of males are over-age.

For SY1982-83, sex-disaggregated enrolment performance indicators reveal females to be at par and even better off than their male counterparts.

	<u>Elementary</u>		<u>Secondary</u>	
	<u>M(%)</u>	<u>F(%)</u>	<u>M(%)</u>	<u>F(%)</u>
Repetition rate	2.84	1.76	-	-
Drop-out rate	3.26	2.27	8.80	6.00
Rate of failure	3.28	2.11	5.79	3.14

For SY1985-86, enrolment performance indicators are no longer disaggregated by sex: however, they show a significant proportion of the school age population not availing of basic education.

	<u>Elementary</u>	<u>Secondary</u>
Participation rate	88.9%	28.7%
Cohort-survival rate	64.1%	69.7%
Transition rate	92.3%	56.5%
Retention rate	91.1%	85.8%

* Latest data (SY1985-86) are no longer disaggregated by sex.

NOTES:

Participation rate - proportion of enrolment to school-age population
 Cohort survival rate - percentage of the enrolment of a certain cohort of pupils/students in the beginning grade who reached the final year of the required number of years for the level.

Transition rate - proportion of enrolment in Grade IV of the school year to enrolment in Grade V of the succeeding schoolyear.

Retention rate - percentage of the enrolment in the beginning of the school year who finished schooling at the end of the said schoolyear.

Technical/Vocational education

From 1976 to 1980, there was an increasing stress on vocational-technical education as part of the secondary level curriculum*. Two factors contributed to its growth: one was the finding of the Presidential Commission to Survey Philippine Education (PCSPE) in 1972 that the country severely lacked middle-level manpower to fill the need of industries; the other was the institutionalization of the National College Entrance Examination (NCEE) in 1974 which automatically prevented a certain percentage of high school graduates from pursuing college courses and therefore were forced to get into vocational/technical education. Subsequently, the Presidential Study Committee on Vocational Technical Education instituted reforms to rationalize and make more effective the system and structure of the vocational-technical education, including non-formal education in the Philippines, as support mechanism for national development.

In pursuance of these objectives, the Bureau of Technical and Vocational Education (BTVE)** was created as a staff bureau of MECS (now DECS) on September 1982 and mandated to focus its program thrusts to post-secondary non-degree programs of both public and private post-secondary technical schools as well as those at the state colleges and universities.

Actual data from the BTVE reveal an unstable growth rate of enrollees in technical/vocational education:

<u>SY</u>	<u>No. of Schools</u>	<u>Actual Enrolment</u>	<u>Growth Rate</u>
1983-84	639	226,929	
1984-85	675	248,421	9.4%
1985-86	692	238,948	(3.8%)

It is difficult to be definitive about women's participation in technical/vocational education courses because disaggregated data by sex are still being processed by BTVE. However, a closer look at the enrolment figures of a typical technical/vocation school*** reveals that technical/vocational courses are highly sex-typed. If ever, only a small percentage of women train under these courses.

* BTVE 1986 Bulletin of Information

** This is further evidenced by the presence of three specific types of technical/vocational high schools: trade/home industries and craftsmanship high schools, agricultural high schools, and fisheries high schools.

*** Pablo Borbon Memorial Institute of Technology, Rizal Avenue. Batangas City.

Pablo Borbon Memorial Institute of Technology
Enrolment for SY 1987-88
by type of technical/vocational courses

		<u>No. of Enrollees</u>	
		<u>Male : Female</u>	
I.	One year courses:		
	Automechanics	76 :	-
	Electricity	92 :	-
	Machine shop practice	31 :	-
	Refrigeration and air-conditioning	59 :	-
	Electronics	44 :	-
	Welding	52 :	-
II.	Two-year courses:		
	Technical education	875 :	43
III.	Three-year courses:		
	Automotive technology	57 :	-
	Electrical technology	81 :	-
	Electronics technology	64 :	1
	Mechanical technology	78 :	-
IV.	Other courses (200 hrs.)		
	GVC-Foods	- :	12
	Dressmaking/embroidery	- :	98
	Furniture and cabinet making	- :	13
TOTAL		1,509 :	167
		90%:	10%

The National Manpower and Youth Council (NMYC) for its part launched in 1980 an experimental project in training women in non-traditional skills. Girls and women were trained in male-dominated courses such as welding, refrigeration and airconditioning, building wiring electricity, home appliances servicing and others. An evaluation of the experiment showed that women willingly get into industrial trades because of pressing economic needs.

In the first quarter of 1987, NMYC served a total of 10,249 female trainees which constitutes almost 56% of all training beneficiaries. Findings of the experiment are:

- . Very low participation rates of females are noted in refrigeration/air-conditioning (.44%), commercial arts (1.35%), electricity (2.48%) auto transport (3.40%), electronics (3.69%) and printing (4.68%)

- . Very high participation rates of female trainees are noted in household services (100%), cosmetology (97.47%), food trades (90.20%), garment trades (89.49%), financial management (84.61%), and office clerk training (84.54%).
- . Only 19.23% of the trainees in the trainors' training are females.
- . There is no female trainee in foremanship development, machine shop, welding and construction/related trades.

This phenomenon according to Lazo (1984)^{*} could be the result of women's natural attraction to female 'vocational courses' as well as the absence of strong social and government intervention to encourage women's participation in 'non-traditional' and less stereotyped female-oriented vocational training. Lazo further remarked that this traditionalism in women's training participation could lead to their getting lesser income, since the male trades and vocations are generally better paid.

Tertiary education

This refers to post-secondary schooling leading to a degree in an specific profession or discipline. There are 13 major areas of curricular provisions to categorize tertiary education: agriculture, chemistry, commerce and business administration, engineering and technology, maritime education, food and nutrition, law and foreign service, liberal arts and sciences, medical science, teacher training, technical/vocational, masters, and doctorate.

Enrollment data show females to be equally represented in the tertiary level. In the SY1977-78, females accounted for 54% of total tertiary enrollment; in the SY1984-85, 56%.

In the SY1977-78, females predominated in food/nutrition (99%), medical science (87%), chemistry (78%), teacher education (78%), and commerce (67%).

^{*} Lazo, Lucita S. 'Work and Training Opportunities for Women in the Philippines' ILO-APSDP, Islamabad, Pakistan: 1984.

In 1983, data on professionals registered with the Professional Regulations Commission (PRC) indicate women's gradual entry into traditionally male-dominated professions.

	<u>% Female</u>
1. Engineering	
. agricultural	23
. civil	16
. electronics & communications	10
. geodetic	19
. sanitary	15
2. Architecture	23
3. Forestry	22
4. Geology	21
5. Law	22

However, the following continue to be 'traditionally-female' professions.

	<u>% Female</u>
1. Chemistry	81
2. Nursing	92
3. Nutrition	100
4. Pharmacy	95
5. Social Work	97
6. Teaching/education*	81

* Civil Service Commission, 31 December 1983.

- (b) ...access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

The public school system including state colleges and universities have always adopted coeducation of boys and girls. However, there is no law in the Philippines which prohibits the establishment of private exclusive schools for boys and girls. The disparity in education is actually between the public and private schools.* The latter is well known for their quality/high standards of instruction, highly qualified teaching staff, and modern/well-maintained facilities. Private schools never avail of books which are used in the public sector, compounding even more the disparity in the quality of instruction.

According to baseline information from DECS-National Capital Region Office, private exclusive schools in Metro Manila account for 16% and 28% of total private schools offering elementary and secondary education, respectively. Of the total private exclusive schools, 40% are for boys and 60%, for girls, in both the elementary and secondary levels. Data from other regions of the country are not available.

	<u>Elementary</u>	<u>Secondary</u>
No. of private exclusive schools in M.M.	44	55
For boys	17 (40%)	22 (40%)
For girls	27 (60%)	33 (60%)

All in-school and out-of-school youths wanting to pursue a four-year college education need to pass the National College Entrance Examination (NCEE). Since 1974, this test has been held every year to identify a given percentage of examinees who can be accommodated in a four-year college course in line with the government's policy of developing manpower for technical/vocational types of jobs. In 1983, there were more female than male examinees in the NCEE.

	<u>Total Examinees</u>	<u>% Female</u>
In-school	620,331	53
Out-of-school	124,501	59

* September 7, 1987. Senate Committee hearing on Education, Culture and Sports chaired by Senator Ernesto Maceda.

Results of the NCEE from 1982 to 1985 further show that female mean scores consistently enjoyed an edge over those of the males and are even higher than the national mean scores.

	<u>National Mean Scores</u>	<u>Mean Scores by Sex</u> <u>Male : Female</u>	
1982	499.62	499.07	: 502.07
1983	499.59	499.19	: 502.56
1984	498.76	497.43	: 500.34
1985	499.70	499.80	: 500.06

In the University of the Philippine System,* there were approximately ten female applicants for every seven males, as shown by the following data for three consecutive school years:

	<u>Total</u>	<u>Female</u>
SY 1982-1983	27,345	15,999
SY 1983-1984	26,268	15,691
SY 1984-1985	24,636	14,925

Hence, in terms of acceptance, more females were taken in than males, especially in SY1983-84 when two new females were accepted for every new male freshman.

	<u>Total</u>	<u>Female</u>	<u>F Percentage</u>
SY 1982-83	4415	2473	56
SY 1983-84	5156	3415	66
SY 1984-85	3947	2345	59

* One of the prestigious state university's in the country comprising four autonomous campuses: U.P. Diliman and its regional units, U.P. Los Baños, U.P. Manila and U.P. Visayas.

- (c) ...the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programme and the adoption of teaching methods;

The public school system including state colleges and universities have always adopted coeducation of boys and girls, and there are a number of private educational institutions which have done the same. Based on DECS-National Capital Region data for SY 1986-87 in Metro Manila, 84% and 72% of the total private schools offering elementary and secondary education, respectively, are coeducational / Refer also to Art. 10 (b) /.

	<u>Elementary</u>	<u>Secondary</u>
No. of private schools in Metro Manila	<u>278</u>	<u>193</u>
No. of exclusive schools	44 (16%)	55 (28%)
No. of coeducational institutions	234 (84%)	138 (72%)

Measures have been taken by both government and private institutions to eliminate stereotyped concepts of the roles of men and women either through curricular innovations or researches to influence policy / Refer to Art. 5 (a) /

Instructional materials development

The fifth Philippine World Bank loan known as the Program for Decentralized Educational Development (PRODED) is a six-year (1982-88)* investment program of DECS with a total development expenditure of US\$448 million for a period of four years (1982-1986), with the US\$100 million (22%) as World Bank Loan and the remaining 78% as government counterpart. There are five components of PRODED, one of which is the instructional materials development.

Approximately 50% of the US\$100 million sector loan is the publishing program under the Instructional Materials Corporation (IMC) to support the New Elementary School Curriculum (NESC). This program is the second phase of

* Originally scheduled for four years (1982-1986) but was extended for two more years.

textbook development, production and distribution carried out by IMC. Just like the first phase of the Textbook Project under the third world Bank Loan, the instructional materials component of PRODED aims to maintain the government's targetted ratio of one textbook for every two elementary school pupils in each subject area and grade level.

Elviña (1987) analyzed two PRODED textbook series written in Pilipino which are currently used in public and private schools from Grades 1-6. Sibika at Kultura (Civics and Culture) textbooks are used from Grades 1-6 in private schools, while the Araling Panlipunan (Social Studies) series is used in the public schools from Grades 4-6. The themes of sex-role stereotyping, female dependency, and male dominance were found in both the illustrations and narrations of these textbooks. There was a one-dimensional projection of women's image - that of a homemaker.

There are, however, positive prospects for the development of non-sexist textbook writing. Textbooks are subject to periodic review by the Instructional Materials Council*, suggestions can be accommodated and new dimensions can be explored in each review. / Refer also to Art. 5 (a), no. 5 /

* Responsible for approving textbooks and supplementary/reference materials appropriate for the curricula in elementary and secondary schools (both public and private) and for supporting educational publishers in the private sector by introducing measures to encourage participation. The Council has an expanded Board of Directors chaired by the Secretary of DECS and with representatives from publishers in the private sector.

- (d) ...the same opportunities to benefit from scholarships and other study grants;

The National Scholarship and Study Loan Center (NSSLC) is an office created under the DECS by Executive Order No. 805 on May 1982. Its main task is the administration of student financial assistance programs like scholarships, study grants, educational loans and other similar schemes.

To date, NSSLC administers five major, government-funded programs with less than 20,000 on-going beneficiaries with females accounting for 62% of the total.

SY 1987-88 NSSLC Awardees
by Type of Program

Program	Schoolyear of inception	No. of on- going awardees	Estimated no. of female awardees
1. State Scholarship Program	1969-70	1,560	967
2. National Integration Study Grant Program	1973-74	4,300	2,666
3. Work Study Program for Southern Phils.	1976-77	3,350	2,077
4. Selected Ethnic Groups Educational Assistance Program	1977-78	700	434
5. Study Now Pay Later Plan	1976-77	8,979	5,567
		18,889	11,711 (62%)

The State Scholarship Program, the National Integration Study Grant Program, and the Selected Ethnic Group Educational Assistance Program currently serve only about 9% of those who should actually enjoy such privileges. Approximately 91% 'poor and deserving students' are left out because of funding constraints.

At present, initial steps towards the full and complete integration of NSSLC into the Bureau of Higher Education as prescribed by section 19(d) of EO 117 are being undertaken.

- (e)the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f)the reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely:

In 1982, the National Education Testing Center (NETC) of the DECS, in cooperation with the Educational Development Project Implementing Task Force (EDPITAF), conducted a study on the literacy retention and/or retrogression among drop-outs from the Philippine elementary schools. The respondents of the study were classified into two groups: the first group numbering 8,009 was composed of those drop-outs who applied to take the Philippine Educational Placement Test (PEPT) in 1979 in view of their desire to go back to school. The second group numbering 1,420 was made up of drop-outs who had been selected randomly and were persuaded to take the PEPT in 1980 as research subjects.

Below is a comparison of the grade levels completed by sex. Data show there were more males than females for every grade level completed and confirm the priority for schooling extended by Filipino families to their male children.

Grade Level :	1st Group		2nd Group	
completed :	% Male	% Female	% Male	% Female
I	55.6	44.4	66.7	33.3
II	60.7	39.3	72.9	27.1
III	56.1	43.9	57.2	42.8
IV	57.2	42.8	54.6	45.4
V	60.2	39.8	54.7	45.3
VI	53.7	46.3	66.7	33.3
NO.	4432	3577	812	588
% Total	53.3	44.7	59.0	42.0

Other salient findings of the study are:

- . Four out of five drop-outs left school between Grades III and V. Female drop-outs left school between Grades IV and VI.
- . The highest frequency of dropping-out occurs at Grade IV. This corresponds to the fact that there are large numbers of barrios in the country where elementary schooling goes only up to Grade IV.

- . Grade III is the threshold of retrogression below grade I level. One out of every five among those who dropped out of school reverted to a literacy level below grade I.
- . As the grade level completed increases, the percentage of the retrogression below grade I level decreases.

Applying these probabilities on the actual numbers who do in fact drop-out of the formal education system will definitely register hundreds of thousands of illiterates in the country. In response to this problem, the Bureau of Continuing Non-formal Education (DECS) has two major programs: functional literacy and the livelihood skills development program. In these programs, female participation has always been higher than that of their male counterparts.

	<u>& Female of Total Enrollment</u>	
1986	OSY	: Adults
Functional literacy	52	: 52
Livelihood skills development	58	: 54
<u>1987, 2nd quarter</u>		
Functional literacy	56	: 60
Livelihood skills development	66	: 69

The following data on the total number of beneficiaries indicate the extent of BNFE programs for the CY 1986.

	<u>Total Enrollment : Total Graduates/% F</u>	
Functional literacy		
. Out-of-school youths	41,699	: 27,479 (55%)
. Adults	57,335	: 40,318 (58%)
Livelihood skills development		
. Out-of-school youths	174,933	: 127,020 (55%)
. Adults	191,934	: 146,118 (52%)

The Continuing Learning Delivery System (CLDS) is a new program of the BNFE designed for both men and women to meet the needs of those who would like to avail themselves of the opportunity to raise their educational level and finish the secondary level of education without going through the formal classroom system. Started in 1983-85, the system is modular in approach with a series of tests administered to assess the students' improved learning abilities. A student who finishes all the four-year level courses and passes the required examinations is awarded a certificate attesting that he/she is a graduate of the secondary curriculum and therefore qualified to take the NCEE.

At the project level, BNFE has also started "Project Stay and Balik-aral (PSBA)" in 1981-83 to keep male and female potential learners in schools until they finish Grade VI and to retrieve those who have left school for more than a month.

Problems and difficulties met by the Bureau in the full implementation of its programs are:

1. Lack of funds
2. Inadequate training of teachers
3. Lack of materials needed by the programs
4. Remoteness of places of residence which makes the functional literacy program inaccessible to rural folks.

Aside from the BNFE, out-of-school programs are offered by other government (GO) and non-government organizations (NGOs). Below are selected programs with brief descriptions, and comments on women's participation, whenever data permit:

1. The School on Wheels or Mobile Schools, another project of the MECS, is designed to reach the remote barrios or villages and bring non-formal education to the people who cannot go to school on account of the remoteness of their places of residence. The school uses a van furnished with facilities for vocational skills training. The other program areas are integrated with skills training. Courses offered are dress-making, tailoring, cosmetology, automechanics and typing.
2. The Distance Learning Delivery System is designed for secondary school learners who, for one reason or another, were not able to finish their secondary courses. Instruction is provided using modules in the five major subjects in the secondary level. The student learns his lessons at his own pace. Upon finishing the modules for a certain year level and passing an examination, he gets the modules for the next level until he successfully completes the four years of module learning. A secondary education certificate is then awarded to those who pass the final examination.

3. Another program for school drop-outs is the NETC Accreditation and Equivalency Program, which is a system of accrediting and validating knowledge and skills in academic areas gained through formal, non-formal and informal ways and placing them in the appropriate level of the formal system if they so desire. It also accredits and validates work experience for purposes of job promotion, entry to job training, employment or self-fulfilment.
4. The Practical Skills Development (PSD), job placement and self-employment program of the Department of Social Welfare and Development which started in 1977, includes nine courses: cosmetology, dressmaking, tailoring, beauty culture, massage, cooking, animal industry, cottage industry, and practical electricity/electronics. An effectiveness audit done in 1980 showed that courses in tailoring (24.9%), dressmaking (20.8%), and cottage industries (20.5%) had the most trainees. Heavily attended by women (74%), most of the trainees were single (55%), young (16.25 mean age), and had gone to high school (Lazo, 1984). At the time of audit, 70 percent of those trained were working while 30 percent were not. Although the PSD program is open in principle to both men and women, it appears that women are more drawn to it by the nature of the courses.
5. The Civic Assembly of Women of the Philippines (CAWP), through its 74 affiliate organizations, undertakes education and training projects directed mainly to women and children. Projects include vocational training, depending on perceived demands within a given period and locality, leadership training, and adult education.
6. Functional literacy is probably one of the best covered areas of non-formal education by the NGOs. Easily, one can come up with a long list of organizations actively involved in its delivery. The Philippine Literacy Forum, Inc., with its annual convention attended by all interested literacy workers, serves as an effective forum for sharing experiences, pooling resources, and solving common problems concerning the delivery of literacy programs. Although not intentional, literacy programs appear to be "women's" domain (PLF) Conference, 1984) probably because of the reluctance of men, in the villages to accept the fact of their illiteracy or ignorance.

Worthwhile mentioning here is the NCRFW-supported literacy projects which were specifically designed for special groups of Muslim women whose literacy levels were known to be way below the national average. The "Matiya Tanu" and the "Magbassa Kita" projects were successfully implemented in ten provinces of Mindanao.

7. The Balikatan sa Kaunlaran, Inc. (BSK) undertakes development projects based on identified local needs concerning women. Examples include skills training, income-generating projects for additional income, educational programs for value formation, personal development and attitudinal change, programs in nutrition and health to meet health problems, cultural programs, and others.
8. The Popularizing the Law Program of the University of the Philippines Law Center began in 1977 under former UP College of Law Dean, Dr. Irene R. Cortes, and the Law Center Director Froilan M. Bacungan. A pilot project as well as a curricular program was designed and implemented by Professor Purificacion V. Quisumbing in 1977 and 1978 in cooperation with several "grassroot" organizations, particularly the Katipunan ng Bagong Pilipina, Aniban ng mga Manggagawang Agrikultura and SIKAP (a youth organization). As requested by these organizations, the project's target was to "equip the participants with the basic knowledge and skills for a purposeful citizenship participation in community and national affairs."

The general objectives are basic, namely: (1) to develop awareness of the various human rights guaranteed by Philippine laws and the correlative obligations of citizen; (2) to provide participants with a basic knowledge of the law as an instrument for the enforcement and implementation of human rights; (3) to acquaint them with the fundamental procedures of the judicial and administrative system; and (4) to develop a sense of involvement in the efforts toward community and national development.

The curriculum is focused on the Philippine Constitution on rights and obligations and the UN Covenants on Human Rights. Lectures on economic rights, for example, included agrarian reform, consumers' protection, workers' rights. Social and cultural rights were discussed in terms of family law, property relations, family planning, the child and the law. In all cases, both substantial and procedural aspects of the law were explained.

- (g) ...the same opportunities to participate actively in sports and physical education;

For quite a long time now, the structure of the sports system in the country has hinged on the activities of the DECS school programs and the various private associations. In 1983, the Bureau of Sports Development (BSD) was formally established making physical education and sports an integral part of the total development of boys and girls. In fact, the learning continuum in the intermediate grades has a concept on the enhancement of the physical capabilities of men and women through appropriate training and environment despite their physiological differences.* In the new elementary school curriculum, physical education starts at Grade III to Grade VI. In the new secondary education development program to start in 1989, the proposed subject is physical development and expressive arts.

Today, Filipino girls are giving the boys a tough competition in sports. They have bloomed into sprinters, swimmers and softball, volleyball, tennis, and bowling champions.

On the other hand, physical education in schools, while supposedly being carried out nationwide, has suffered from a lack of coaches and trainees (with the Physical Education teachers often made to handle academic courses), lack of sports facilities and of support from the community, and few incentives for school athletes.

The DECS, through its regular program, already started taking measures to fill in these needs two years ago. The DECS blueprint calls for the use of regional training centers, tapping existing facilities to provide proper impetus to sports that are more popular in each region of the country.

In January 1987, sec. 16 of EO 117 calling for the reorganization of the Department of Education, Culture and Sports renamed as BSD the Bureau of Physical Education and School Sports. With a current annual budget of 9.8 million, the Bureau's main thrust for 1987 is program planning and standards development for the development and promotion of a National Sports and Physical Fitness Program.

*Sutaria, Minda C. Report on Measures/Programs/Projects of MECS Relevant to the Elimination of All Forms of Discrimination Against Women, 27 October 1984.

- (h) ...access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

In the new elementary school curriculum introduced in the SY1983-84, health is integrated in the science and health subjects. This learning areas aims to help the children (both girls and boys) gain a functional understanding of science concepts and principles linked with real-life situations and acquire science skills as well as scientific attitudes and values needed in solving everyday problems pertaining to health and sanitation, nutrition, food production, and the environment and its conservation.

Population education is a selective course in the secondary level. The health education subject contains a unit on family planning which is currently taught to fourth year high school students (both girls and boys). In the new secondary education development program to start in 1989, health concepts will be assigned for learning in the science and home technology courses.

In a way, population education is integrated in the school curricula officially.

At present, there are two major national health programs of the government with information education campaigns built-in in their implementation. These are:

1. Philippine Food and Nutrition Program (PFNP)

This program continues to address itself to the improvement of the nutritional status of the population, especially the infants, pre-schoolers, school children, pregnant and nursing mothers, through various programs in cooperation with NGOs.

The School Health Guardian Program of PFNP provided health protection services to 5.9 million in 1982. Activities included immunization, deworming, and provisions for dental, medical and nursing services.

Other services like the provisions for iron supplements to anemic pregnant women, and the distribution of salt and administration of iodized oil injections to goiter cases in endemic areas, were also undertaken. The goiter control pro-

jects had an outreach of 104,756 pregnant and lactating women in 1982, while the anemia surveillance project examined and treated 6,507 pregnant and nursing women.

In 1982, a total of 1.1M homemakers were served through 90,000 homemakers classes and 256,892 home visits conducted by field workers of both government and private agencies. Aside from the interpersonal approach, mass media through print, broadcast, and audiovisual presentation were likewise used as vehicles to disseminate nutrition information to increase the level of nutrition awareness of the population. A total of 534 information/educational materials like brochures, pamphlets, posters, newsletters, flipcharts and calendars were developed and distributed. Thirty-three radio messages were produced and aired while 19 Nutribuses equipped with video-tape recorders were fielded in 11 regions to reach people in 1,530 barangays.

2. The Philippine Population Program

The Philippine Population Program has shifted from a largely clinic-based approach to a community-based, people-centered program. Today, family planning does not merely relate to the regulation of the number of children born, but to the spacing and timing of births so that children are conceived at the least risk to the mother's life and health, are wanted, and can be adequately cared for.

Information education campaigns set up by concerned-government offices include:

- . production of educational materials in cooperation with selected communications/media agencies as such radio/TV sports, jingles, multi-media packages, puppetry, stage plays and contests;
- . production of audio-visual aids such as flip charts, booklets, calendars and comic books;
- . production of short motivational films with themes on responsible parenthood, delayed marriage and community self-reliance.

The results of family planning activities may be deduced from the number of acceptors of the various family planning methods.

No. of Reported Acceptors by Method
of Family Planning

	<u>1982</u>	<u>% Increases/Decreases in 1985</u>
Total	412,871	(.9)
Sterilization	63,606	35
Female	61,382	31
Male	2,224	163
IUD	48,231	(6)
Pills	188,285	(2)
Condom	90,670	(65)
Rhythm	15,625	82
Injectible	4,385	10
Others	2,069	1276

Except for the use of condom and sterilization, most of the above family planning methods are female-oriented in approach. Recent studies on family planning methods reveal that the use of male-oriented approached is less expensive and involved less health risks.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships; advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures;

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 11

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment and to ensure on the basis of equality with men . . .

- (a) the right to work as an inalienable right of all human beings;

Status Before the Law

1. Constitutional Provisions

State policy, as enunciated in Sections 14 and 18 of Art. II of the 1987 Philippine Constitution, provides for the promotion of women's employment.

Sec. 14.

The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men;

Sec. 18.

The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

These provisions are further enforced by Sec. 3, Art. XIII on Labor:

Sec. 3.

The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the rights of all workers in self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, and to expansion and growth.

2. Specific Policies

Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines, further contains basic policies of the State to promote women's employment thereby eliminating discriminatory practices against women.

Art. 3, Chap. 1 of the Preliminary Title states:

"The State shall afford protection to Labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work."

Art. 12, Book One also provides among others the following:

- (a) To promote and maintain a state of full employment through improved manpower training, allocation and utilization;
- (b) To protect every citizen desiring to work locally or overseas by securing for him the best possible terms and conditions of employment;
- (c) To facilitate a free choice of available employment by persons seeking work in conformity with the national interest;
- (d) To facilitate and regulate movement of workers in conformity with the national interest.

Art. 135, Chap. 1 of Title III Working Conditions for Special Groups of Employees of the Labor Code prohibits discrimination against any woman with respect to terms and conditions of employment on account of her sex. It further provides for equal remuneration to both men and women for work of equal value.

Senate Bill No. 65 filed on August 1987 provides for the amendment of the above article. It seeks to amend Article 135 of the Labor Code to make it an unlawful act, penalized under Article 289 of the Code, to discriminate against women with respect to the terms and conditions of employment.

To date, the Philippines has ratified more than 20 ILO Conventions, two of them pertaining to the promotion of women's employment.

ILO Convention No. 100 recognizes the need to promote and ensure the application of the principle of equal remuneration for work of equal value without discrimination based on sex.

ILO Convention No. 111 requires the ratifying country to pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view of eliminating any discrimination. The ILO Committee of Experts has repeatedly pointed out the discriminatory provision of the Civil Code of the Philippines against women, more particularly in the exercise of their professions or calling, allowing their husbands to interpose objections although, their consent to such exercise is not a sine qua non condition.

Section 1(a) of the Implementing Regulations of Book One [Pre-Employment] of the Labor Code gives the Minister (now Secretary) of Labor power and authority to organize and establish, as the need arises, new public employment offices in addition to or in place of the existing ones for the efficient, systematic and coordinated recruitment and placement of workers for local and overseas employment. As such, in 1 May 1982, Executive Order No. 797 was issued reorganizing the Ministry (now Department) of Labor and Employment and creating the Philippine Overseas Employment Administration to formulate and undertake, in coordination where necessary with the appropriate entities concerned, a systematic program for promoting and monitoring the overseas employment of Filipino workers taking into consideration domestic human resources requirements, and to protect their rights to fair and equitable employment practices.

For the past three years, there have been mounting complaints about abuses and exploitation of Filipino women workers overseas especially in the Middle East [Refer also to Article 6 for related text]. In view thereof, POEA issued a series of memorandum circulars imposing restrictions on the deployment of female workers abroad.

(a) Memo Circular No. 21, series of 1985

A job order concerning group hirings of female household workers (cooks, domestics, babysitters, tutors, etc.) to Kuwait, shall be approved only if said job order has the favorable endorsement of the Philippine Embassy in Kuwait and provided that the minimum monthly salary of US\$250 is adhered to.

(b) Memo Circular No. 22, series of 1985

In order to protect the interest of workers and in consideration of existing employment practices in the United Arab Emirates where entry visas are issued only at the port of entries, all job orders covering hiring of domestic helpers or household workers submitted to this Administration for approval shall require the endorsement of the Philippine Embassy in UAE.

(c) Memo Circular No. 28, series of 1985

All placement agencies and recruitment entities are advised of the predicament of hiring female family drivers for UAE. Complaints received by the Philippine Labor Attaché based at UAE reveal that these females are later required to work as housemaids due to the difficulty of obtaining driver's licenses at the said country. In such a situation, the female workers should be repatriated to the Philippines at employer's and/or agency's expenses unless said workers decide to stay and work as domestic helpers instead under the same terms and conditions as initially agreed upon and with the approval of the POEA or the Labor Attaché or the Philippine Embassy or Consulate at the site of employment.

(d) Memo Circular No. 5, series of 1986

Relative to Memo Circular No. 21, series of 1985, restriction is hereby expanded to include not only female household workers bound for Kuwait but all female contract workers (except medical workers and flight attendants) bound for all Middle East countries.

Memo Circular No. 5-A provides that the above restriction is to take effect on 1 June 1986.

Memo Circular No. 17 further provides for clarificatory guidelines, to wit:

- . The regulation shall not apply also to hotel workers, female domestic workers for diplomatic households, and female clients of Balik-Manggagawa Assistance Center;
- . The regulation shall take effect on 30 September 1986.

(e) Memo Circular No. 6, series of 1986

The Philippine Embassy in Kuwait recommends 22 basic information/guidelines on the deployment of domestic helpers in the said country.

(f) Memo Circular No. 22, series of 1986

Provides for the temporary suspension in the deployment of female domestic workers in Kuwait. Lifting of the suspension shall be contingent on the passage of a Kuwaiti law affecting such workers and subsequent arrangements to be pursued by the Philippine government to protect and control the deployment in consultation with the Kuwaiti government.

(g) Memo Circular No. 07, series of 1987

Provides new guidelines on the deployment of female workers to Singapore, to wit:

- . Job orders shall be considered for job pooling purposes only and shall not be the basis for deployment unless individual employment contracts are properly verified and authenticated by the Labor Attaché and consequently approved by POEA. Verification by the Labor Attaché shall no longer be required in cases where the work permit or in-principle approval letter by the Work Permit Department of the Singapore Ministry of Labor is already available.

- . Minimum acceptable wage rate for a domestic helper in Singapore shall be US\$300/month, with free board and lodging as well as free round trip airfare.
- . Any violation shall place the agency or employer on the watchlist and upon recommendation of the Labor Attaché if circumstances so warrant, it may be recommended for inclusion in the blacklist without prejudice to other penalties provided by law.

One of the very serious problems the Philippine government encounters in its overseas employment program is illegal recruitment. Illegal recruitment has flourished despite the existence of laws curtailing the same, subjecting the capability of government to afford protection to its citizens to a severe test.

POEA records show that in 1983, there were 2,618 workers victimized by illegal recruiters. In 1984, there were 2,400; in 1985, 3,428; and in 1986, 2,349. Money and property lost stand at ₱1.7 million in 1984 and ₱17.5 million in 1986.

The series of laws on illegal recruitment started with LOI #324 issued in 1976 which directed the launching of massive efforts among government agencies to eradicate the menace. On May 1980, PD #1693 widened the scope of activities constituting illegal recruitment as defined under PD #1412. It also institutionalized the task force on illegal recruitment. On May 1984, PD #1920 was issued strengthening further the campaign against illegal recruitment. Executive Order #1022 expanded the power of the then Minister of Labor and directed the intensification of the campaign in the areas of information dissemination, arrest and prosecution, and special operations. But with the ratification of the New Constitution, the Secretary of Labor or the POEA Administrator has lost the power of arrest, seizure and closure granted under PD #1920 - a big setback in the government's campaign against illegal recruiters.

A program aimed at improving the system for processing complaints for illegal recruitment and integrating all efforts by various agencies in order to simplify the process and speed the same is proposed. It endeavors to strengthen existing POEA regulatory machinery for licensed agencies. It involves the creation of an inter-agency task force to carry out the mandates of LOI #324 and EO #1022. The body shall be the Anti-Illegal Recruitment Committee (AIR-COM) which will be composed of government agencies involved in the processing of documents of contract workers or in the rendering of

services to them or in prosecuting illegal recruiters. The functions of the AIR-COM will be along the areas of: Public Assistance, Prosecution, Special Operations, and Information and Education. It will have satellite units in the different regions of the country. The lead agency for the implementation of the program is the Department of Labor and Employment.

General Employment Data*

In 1984, there were 8.025 million women members of the labor force with all labor force participation rate of 48%. Female employment rate is lower in the urban areas although females not considered as members of the labor force are greater in number in the rural areas because of the large number of housewives/housekeepers in these communities.

	Urban	Rural	Total
	(In Thousand)		
Population: 15 yrs. of age and over	6785	9839	16,624
In the Labor force	3268	4757	8,025
Employed (fully and partially)	89%	93%	92%
Unemployed	11%	7%	8%
Not in the labor force	3516	5082	8,598

Women comprised 37% of the total employed and 52% of the total unemployed persons in 1984. They form the majority (74%) of those persons not in the labor force.

	Women	Men	Total
	(In Thousand)		
Total employed	7346	12,327	19,673
	(37%)	(63%)	
15-24 years	1872	3,117	
25-44 years	3384	5,711	
45-64 years	1827	2,952	
65 years and over	263	547	
Total unemployed	52%	48%	1,296
Total not in the Labor Force	74%	26%	11,714

Of the total women who were reported working during the third quarter of 1983, only 47% were considered fully employed. All the rest were considered partially employed during the said reference period.

*Latest published employment data by the National Census and Statistics Office (NCSO) with sex disaggregation was in 1984. There were also special tabulations made by NCSO for NCRFW using third quarter 1983 data for the report: Women Workers in the Philippines presented at the 1985 Nairobi Conference.

The underutilization of women's labor is more apparent in the rural than in the urban areas. In 1983, for instance, about 75% of the urban women working force were fully employed while only 34.3% were fully utilized in the rural areas during the same period. It should be noted that most women who were employed in the rural areas were own-account and unpaid family workers mostly found in the agriculture and wholesale industries. Culture and practices dictate that husbands are entered as self-employed and the wives as unpaid family workers in family-run enterprises.

- (b) Right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) Right to free choice of profession and employment . . .

Women workers in the Philippines pursue a wide range of professions and occupations. Article 10 contains information on the entry of women in various professions including the non-traditional areas. Article 7 also contains information on women in the diplomatic service.

While there are very few women who may be considered as occupying key positions in the employment fields, majority of the women working population are concentrated in these areas: in the government service; in the informal sector; in factories/production sites and overseas.

Women in Industries

As of the third quarter of 1983, statistics show that women account for 38% of total employed in all industries. They are significant in number in the following industry groups:

	Total Employed (in 000's)	% Women
Agriculture, fishery and forestry	9880	30%
Manufacturing	1887	47
Wholesale/retail trade	2197	66
Finance, insurance and real estate	356	40
Community, social and personal services	3184	57

By Occupation

There are three occupational groups where women were reported to be the majority during the third quarter of 1983: These are:

	Total Employed (in 000's)	% Women
Professional, technical and related workers	1139	63%
Sales workers	2171	66
Service workers	1505	61

Nearly 3 million or 30% of the total agricultural workers are women. These women comprised 40% of total employed women in the labor force.

To women are associated jobs like sales, service and production which require manual dexterity and little use of decision-making and technology. The foregoing data, however, indicate that women also dominate the professional/technical fields. Also, their participation in the executive/managerial positions increased from 1978 to 1983 from 18% to 25%.

By class of workers

Wage and salary workers

Most employed women (40%) are wage and salary workers and they pre-dominate in the following industries:

	% to Total Employed Females per industry group in 1983
Manufacturing	53%
Finance, insurance and real estate	98
Community, social and personal services	90

The retrenchment policy of business establishments at the beginning of the economic crisis (1982-present) affected the women wage and salary workers more than the men in the production group.

Wage/Salary workers in the Production Group	% Increase (Decrease) from 1978 to 1983
Men	17.4%
Women	(5.8)

NCSO statistics in 1983 shows that 28% of women wage and salary workers are in the service sector. They are employed as domestic helpers, laundry women, beauticians or hairdressers.

Proposed at Congress are bills to regulate the wages and provide social security benefits to local domestic helpers /Refer to Article II/. Nine out of ten in the domestic help category are women.*

Women in Government** (see also Article 7, Women in the Public Sector)

Worthy of attention is the growing number of women employees in the government sector which was hastened by the establishment of new offices during the past regime.

The 1983 survey to monitor implementation of LOI No. 974** revealed that the government system somehow provides working women the opportunity to pursue professional advancement, although these opportunities tend to be concentrated in departments/offices the functions of which are considered extensions of home responsibilities. Such offices as the Departments of Education, Culture and Sports, Health, Labor and Employment, and Social Welfare and Development have many women in the technical/supervisory/managerial positions.

*Eviota, Elizabeth, Peter Smith. "The Migration of Women in the Philippines." March, 1979.

**Issued in January, 1980 by the past government, it directed all government offices, ministries and other instrumentalities including government-owned or controlled corporations to afford equal opportunities to women in terms of employment, remuneration and promotion to decision-making positions where they are qualified.

The following statistics as of December 1983 show that a large number of women government employees occupy career service position.* However, more men occupy the first and third levels while women predominate in the second level.

	Total Government Personnel	% Women
Philippines, Total	1,205,422	49.4%
I. Career Service	981,582	53.4
a) first level (lowest)	347,139	35.8%
b) second level (middle)	622,540	63.6
c) third level (highest)	11,903	36.2
II. Non-career Service	223,840	31.5

Own-Account Women Workers

Of the total employed women, 31% are own-account (self-employed/employers) workers. Based on empirical studies, own-account women workers are engaged in business in the informal sectors such as variety store operator**, vendors and hawkers, dumpsite scavengers***, and domestic outworkers****

*Positions in the Civil Service are classified into career and non-career service.

The career service is characterized by: (1) entrance based on merit and fitness to be determined as far as practicable by competitive examinations, or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and (3) security of tenure. Classes of positions in the career service are grouped into three levels:

- a) First level - clerical, trades, crafts and custodial service positions.
- b) Second level - professional, technical and scientific positions.
- c) Third level - career executive service positions.

The non-career service is characterized by entrance on bases other than those of the usual tests of merit and fitness for a period specified by law, or by being coterminous with that of the appointing authority or subject to her or his pleasure, or by being limited to the duration of a particular project for which purpose employment is made.

**Jurado, Gonzalo, et.al. "The Manila Informal Sector: In Transition?" in Sethuraman, S.V. (ed.). The Informal Sector in Developing Countries: Employment, Poverty and Environment (Geneva, 1981).

***Cruz, Victoria Paz. "Scavengers at the Inayawan Dumpsite": A Report prepared for the Solid Waste Management Study (Central Visayas Urban Project), December, 1982.

****Ofreneo, Rosalinda. "Subcontracting in the Philippines: Domestic Out-work for Export-Oriented Industries." Philippine Labour Review, Vol. 7, No. 2, 1982.

The informal sector refers to employment with the following characteristics: (1) non-permanent and casual activities; (2) lack of company and/or government regulations; (3) small-scale and less capitalized establishments; and (4) self-employment.

More than half of small stores do not hire workers and are often manned by unpaid family members or relatives, mostly women. If they do hire workers, the average employment size including its owner is just about three persons. Wages are low and hours of work are long. Since board and lodging are free, the stores are usually attached to the owner's residence.

Unlike their hired workers, storeowners realize earnings higher than the minimum daily wage.

Vendors, hawkers and scavengers tend to concentrate in commercial and business districts, in areas of fairly high population density, at transportation nodes or areas adjacent to public markets. On the basis of their pervading presence in cities and poblacions throughout the country alone, one can safely posit that they are numerous. Many of them have only six years or less of schooling and have no previous employment. Working hours average nine or more especially for women scavengers who average 14 hours. They engage in these occupations primarily because they know no other way to earn a living or they lack skills for other jobs.

Domestic outworkers are those who are contracted to manufacture or process parts of a particular product and who do the contract jobs outside of the factory, usually within the premises of their homes. They are not considered employees of the contracting or subcontracting firm and, therefore, fall outside of the formal structure of the firm. Implementing regulations of articles 153-155 of the Labor Code provide for their terms/conditions of payment, to wit:

- . the domestic outworkers shall be paid within one week after the contractor/sub-contractor has collected the goods or articles.
- . no contractor/sub-contractor shall make any deduction from the outworker's earnings for the value of materials which have been lost, destroyed, soiled or damaged unless it can be clearly shown that the outworker is responsible for such loss or damage, and that the amount to be deducted is fair and reasonable and does not exceed 20% of the outworker's earnings in a week.

Domestic outworkers have been increasing in number as a result of sub-contracting arrangements now being widely made in the garments, handicraft and footwear industries. In the garments industry, for instance, it has been estimated that the industry in 1981 grew into some 900-1000 establishments, some 2000 manufacturers employing directly or indirectly 450,000-500,000 homesewers on contractual basis and 214,000 factory and outworkers. It has also been reported that subcontracting with garment firms in Batangas, Bulacan, Laguna and Negros Occidental account for around 40% of total production and that further down the line, groups of families with 15-20 sewing machines are subcontracted for piecework.

Most of domestic outworkers-garment-makers, embroiderers, footwear upper-makers, hat weavers - are women and housewives.* It may not be surprising, therefore, why they welcome contract jobs despite many constraints. They are able to earn supplementary income without having to sacrifice their family and household responsibilities and without having to incur transportation and meal expenses normally incurred when working outside their homes.

Overseas Women Workers

/Refer also to Article VI/

To a beleaguered Philippine economy, the export of contract workers seems to provide a ray of hope - bringing in much needed foreign exchange as well as relief from the pressures of widespread unemployment. To individual workers and their families, a job overseas represents a chance to break away from the vicious cycle of poverty and unemployment and enables them to provide for the future.

While a boon to a troubled economy and a seeming godsend to individual families, it has become increasingly apparent that the export of Filipino workers has its human costs. Aside from the immediate problems of illegal recruitment, unjust contracts, maltreatment, poor working conditions, inadequate protection, unfair regulations and sexual exploitation, a long-term negative impact of the overseas employment program on Philippine society

*Ofreneo, Rosalinda, "Subcontracting in the Philippines: Domestic Out-work for Export-Oriented Industries." Philippine Labour Review, Vol. 7, No. 2, 1982, p. 122.

has gradually appeared, particularly on:

- . the Filipino family as an institution;
- . the status and image of Filipino women around the world;
- . the Philippine cultural values; and
- . the Philippine national dignity and self-respect.

While the human costs of overseas employment affect both men and women, the latter are the more vulnerable.

Profile

For the period January-March 1987, the Philippine Overseas Employment Administration (POEA) has registered 42,709 legitimate women contract workers, 43% of the total landbased contract workers. POEA statistics are quite conservative since it does not include large number of illegally-deployed workers who leave the country as "tourists".

In determining the estimated number of Filipino workers in a particular country, actual estimates given by Philippine embassies and consulates tend to approximate reality. For women workers, the following estimates* have been reported from countries where women are highly visible:

Hongkong	-	30,000	(mostly domestics)
Singapore	-	16,000	(mostly domestics)
Japan	-	28,000	(mostly entertainers)
Italy	-	30,000	(mostly domestics)
Spain	-	10,000	(mostly domestics)
USA	-	7,000	(mostly nurses)
Middle East-		70,000	(domestics, nurses, entertainers, service workers)
		<hr/>	
TOTAL		191,000	female workers

*POEA report to the Cabinet Assistance System, June, 1987.

Compensation levels of Filipino workers in most areas' have declined due to economic conditions in receiving countries and because of severe competition. In countries employing Filipino women workers, the current structures of monthly salaries and wages as identified by POEA are as follows:

	<u>Domestics</u>	<u>Entertainers</u>	<u>Nurses/Paramedics</u>
Hongkong	US\$250	US\$411-1378	-
Singapore	125-185	500-1901	-
Japan	250	350-1500	-
Italy	200	350-1000	-
Spain	350	-	-
USA	624	-	US\$1000-1500
Middle East	150-200	420	300-1000
Greece	-	500-1091	-
Brunei, Sabah, Malaysia	175	500	400-600

Translated into foreign exchange returns generated by the above workers, conservative estimates can easily reach US\$462.6 million annually.

Problems encountered and measures taken

Problems reported by women workers start from pre-employment to repatriation stage. Excessive placement fees and non-payment of salaries rank highest. Cases of socio-psychological problems have also been reported.

POEA has recently issued guidelines restricting deployment of female household and related workers, foremost of which is the authentication and verification of any contract by the labor attaché or Philippine Embassy representatives at the worksite prior to submission to POEA for processing. The Department of Labor and Employment also provides on-site assistance and services to overseas workers through the following:

- a) the Labor Attachés - posted in Saudi Arabia, Kuwait, Iraq, Abu-Dhabi, Hongkong, Singapore, Japan, Rome, Germany, USA, Brunei, Guam, Libya.
- b) the Regional Labor Center for the Middle East and Africa - based in Riyadh and Jeddah.
- c) the Filipino Workers Social Centers in Singapore and Riyadh.

The present number of labor attachés is inadequate considering the number of countries where Filipino workers are employed. Except in Saudi Arabia where there are three labor attachés (posted in Riyadh, Jeddah and Al-Khobar under the Regional Labor Center), there is normally only one (1) labor attaché posted in a country. Because of funding problems, these attachés operate alone and are unable to hire local personnel for their offices.

There are needed additional labor attachés in critical worksites such as Jordan, Bahrain, Oman, Qatar.

The Regional Labor Center similarly lacks funding support. While it now employs about seven personnel (distributed in Riyadh, Jeddah, and Al-Khobar), the Center is unable to hire additional personnel, particularly interpreters and local lawyers who can effectively assist in handling cases of Filipino workers at various jobsites and countries in Middle East and Africa.

The Filipino Workers Social Center is a recent project of the Overseas Workers Welfare Administration and is designed to be a social and recreational center for Filipino workers.

(c) . . . right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeship, advanced vocational training and recurrent training;

The Labor Code of the Philippines guarantees that the State shall afford protection to labor, promote full employment, and ensure equal work opportunities regardless of sex, race or creed. Art. 43, Chap. 1 of Title 1 /National Manpower Development Program/ of the Code provides for the development of human resources, the establishment of training institutions, and the formulation of plans and programs that will ensure efficient allocation, development and utilization of the nation's manpower.

Promotion

For lack of data, it is difficult to ascertain women's promotion in their chosen careers and professions. Some facts from the private and government sector are presented for some ideas.

	<u>Percentage of Women Employed</u>	
	<u>1978</u>	<u>1983</u>
Professional, technical and related workers	59%	63%
Administrative, executive and managerial workers	18	25

The Philippine Long Distance and Telephone Company (a private corporation belonging to the top 1000) reported at the 1984 Public Forum for the UN Convention on the Elimination of Discrimination Against Women that uniform criteria are being used for selection in matters of employment. These selection criteria (based on job specifications) are closely adhered to regardless of sex. Of the total employees of the company in 1984, 34% of women workers are in telephone operation and 66% are handling administrative/staff functions. One of the top company officers is a woman and 13% of middle-level managers are women.

Equal opportunities for promotion with concomitant remuneration and benefits are also offered to women workers of PLDT. The company utilizes a sophisticated and streamlined scheme of selecting the most qualified workers for promotion to higher positions and a job classification scheme where remuneration is graduated on the basis of job responsibility/complexity. Despite these measures, greater weights are still given to male candidates for positions that require travelling alone to different parts of the country or doing physically strenuous jobs.

In the government service, the following statistics reveal some changes in the positions women occupy:

	Percentage of Women Employed	
	1973	1983
Career Service	49%	53%
First Level	35%	36%
Second Level	59	64
Third Level	25	36
Non-Career Service	27	32

Although there has been a significant increase in the percentage of women occupying third level positions, majority tend to remain in the second level posts.

An NCW survey, conducted in 1983 to monitor the implementation of LOI No. 974, provides additional facts. Promotions made during the period 1979-1982 were mostly horizontal in nature; that is, movement within the same position levels. Promotions to the first and second levels were dominantly of women, while promotions to all other positions were male-dominated. 1982 figures for women's promotions to third-level positions, however, indicate a significant improvement when compared to 1979 figures.

Promotions to Third-Level Positions
(as Percentage of Total)
1979 and 1982

	:	Sex	:	2nd - 3rd levels	:	3rd - 3rd level
1979	:	M	:	64%	:	78%
	:	F	:	36	:	22
1982	:	M	:	33	:	49
	:	F	:	67	:	51

Some of the problems affecting women's efficiency in government relate to their household responsibilities. Absenteeism and tardiness are most common. Single working women are usually absent due to the pursuit of graduate studies; while married/nursing working women are usually late and absent due to the absence of maids and surrogates to take care of the children. Elder working women are always absent due to deteriorating health conditions.

Government offices encounter the most problems with married/nursing working women. The tendency of most mothers to bring their children to their places of work disrupt regular office functions and results in low levels of performance among the working mothers.

Training

The National Manpower and Youth Council as created by article 45, Book Two of the Labor Code takes charge of the development of human resources and the establishment of training institutions. It formulates such integrated plans, policies, programs and projects as can accelerate the development and optimum utilization of the nation's human resources, thereby promoting employment for economic and social growth.

NMYC has seven training program classification schemes for each of the following groups of workers:

- (1) professional, technical and related workers
- (2) administrative, executive and managerial workers
- (3) clerical and related workers
- (4) sales workers
- (5) service workers
- (6) agricultural, animal husbandry and forestry workers, fisherman and hunters
- (7) production and related workers

NMYC conducts these training programs in two levels: basic and up-grading. The former is aimed at providing the labor force with skills to meet the entry requirements of the job, while the latter is designed to enhance further existing skills, apparently to make the workers more effective in their respective fields or to make them more competitive. These programs, however, apply to both male and female workers.

In 1986, women trainees constituted 49.9% of the total trainees in the Basic Skills Training Program (BSTP), bringing the ratio of men to women trainees to almost 1:1 compared to the 1982 men-women ratio of 4:3 [Refer also to Article 10(a)]. More women, therefore, are becoming cognizant of the value of skills training to be able to engage in more productive activities.

Looking at the kind of training that youth go into, it appears, however, that a significant number of men get trained in program classifications 1,2, 6, and 7, while the women concentrate in programs 3,4 and 5. Still, there is a manifestation of the tendency to subscribe to "traditionally" men and women type of work.

More than 74% of NMYC enrollees are trained in Program 7 of which 58% are men and 42% are women. Men take up industrial courses while women trainees give priority to cottage courses.

To help improve women's capability, NMYC proposed the WIT (Women in Trades and Technology) Project. The project aims to enskill women in non-traditional fields and train them in appropriate technologies to prepare them for higher levels of employment, responsibility and pay.

The WIT Project has three components. The first component is training women alongside men in six standard courses initially. These are: electricity, automotive trades, welding, refrigeration and airconditioning, plumbing and machine shop. Other areas outside of the six standard courses may include: furniture and cabinet-making, repair and maintenance of home and office equipment, industrial sewing, machine servicing, masonry and carpentry.

Training in appropriate technology for women, as the second component of the project, will be tackled in (2) ways: as part of the livelihood training scheme for household technologies, and/or integrated into the rural vocational training for economic productivity technologies.

The third component is a trainors' training for women. The component will ensure better participation of women in male-dominated training as this answers the pressing need for role models.

NMYC also coordinates apprenticeship and learnership programs offered by the private sector. Articles 60-61 [Book Two] of the Labor Code was amended by Executive Order #111 on 26 March 1987 ordering the immediate review of existing list of apprenticeable jobs by the Labor Secretary, limiting them strictly to highly technical industries, and limiting also the apprenticeship period to not more than six months. As such, only employers in the highly technical industries may employ apprentices and only in apprenticeable occupations approved by the Labor Secretary.

Learners, on the other hand, are persons hired as trainees in semi-skilled and other industrial occupations which are non-apprenticeable and which may be learned through practical training on the job in a relatively short period of time which shall not exceed three months. Learners may be hired only when these three conditions exists: (1) when no experienced workers are available; (2) when the employment of learners is necessary to prevent curtailment of employment opportunities; and (3) when the employment does not create unfair competition in terms of labor costs or impair or lower working standards.

Both apprentices and learners are paid wage rates below the legal minimum wage but which in no case should be below 75% of the applicable minimum wage. Any person or enterprise offering apprenticeship programs may avail of a tax incentive* if her/his or its apprentices are paid the minimum wage.

At present, the Department of Labor has not come out with a detailed accounting of how many women are employed under apprenticeship/learnership programs. However, an NCW-Institute of Labor and Manpower Studies (ILMS) research project on "Women in Transnational Corporations" in 1982 revealed that women apprentices/learners are in the following industries receiving the corresponding wage rates per day:

	Apprentice	Learners
Electronics	₱ 12.00	-
Leather products	14.90	₱ 10.00
Handicrafts	-	17.50

In 1982, ₱1 = US\$.12

*equivalent to one-half of the value of labor training expenses but should not exceed 10% of direct labor wage.

Most of the trades in which workers are trained seem to be relatively simple and easy. This observation is borne out by the finding that apprentices/learners comprised only a small proportion of the total workforce of the Bataan Export Processing Zone (the study site), and that the rest of the workers undergo a training period of less than one month. This, of course, raises the issue of whether skills development and technology transfer have occurred to any significant extent at the zone.

(d) . . . the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

In terms of real earnings per quarter (1978 as base year), men in general received higher average real earnings.

Quarterly Earnings
by Class of Workers

	1978		1983	
	Women	Men	Women	Men
All Classes	₱ 937	₱ 1,489	₱ 826	₱ 1,071
Employers	3,131	3,165	3,517	2,784
Self-employed	648	1,175	546	687
Wage & Salary	1,006	1,525	914	1,184
. Private	792	1,445	740	1,096
. Government	1,662	1,995	1,423	1,549
. Own-family enterprise:	1,057	76	722	617

The consumer price index (CPI) used in the above data is 190.5 which means that given 1978 as the base year, the prices of 1983 for the same commodities is 90.5% higher. Thus, we find that for the self-employed and wage and salary workers, men or women, the real income decreased substantially. With the exception of women employers, and wage and salary in own-family enterprise, real earnings of men are generally higher than women although the gap has narrowed down from ₱552/quarter in 1978 to ₱245 in 1983.

Whether in agriculture or non-agriculture, differences in the average earnings of female-male workers depend on the type of industry. For every peso earned by a male agricultural worker, the woman gets 26 centavos; and for every peso earned by a male non-agricultural worker, the corresponding earning of the woman is 57 centavos.

Average Quarterly Earnings
of All Classes of Workers
from Primary Job
3rd Quarter (1983)

	Male	Female
Agriculture	₱ 795	₱ 207
Non-Agriculture	3,040	1,732

There is now greater attention given to and recognition of the relationship of equal pay to the whole question of equal treatment and opportunities for women workers. The first Minimum Wage Law, Republic Act 602 enacted in 1951, embodied this principle. The Philippine Government has ratified ILO Convention on Equal Remuneration (1951) (No. 100) and has tried its best to implement the same. Within the public sector, it can be said that there is formally equal remuneration or pay for men and women. But adherence to the principle of equal remuneration is not a guarantee that the income and earnings of men and women from paid jobs will be equal. In fact, there are reports of violations of the principle.* Unfortunately, no serious study of the real extent of the violations has been undertaken.

The issue of lower wages of women must be seen in the light of the overall employment situation of women:

- . Women tend to occupy the lowest category of jobs - domestic helpers, factory workers, waitresses, salesgirls - where the pay is low.
- . Women tend to work for shorter hours.
- . Women have, generally, a lower level of skills training and work experience and, therefore, tend to be paid less.

*The Bureau of Labor Relations reported 10% of total strikes/lockouts declared in 1984-85 are due to violation of wage laws.

- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

The Government Service

The Government Service Insurance System (GSIS) is a social institution in charge of administering the funds and the laws that govern the social security and insurance benefits of all permanent employees of the Philippine government.

Beneficiaries of the GSIS are the permanent government men and women employees (known as the members) and their respective dependents (known as survivors) in cases of their incapacity or death. As of the third quarter of 1983, women government employees account for 10% of the total employed women; and as of December 1983, those with permanent positions accounted for 88% of the total employed women in the government. Compared with men, women comprised 53% of all permanent government employees.

Among the benefits of GSIS members and/or their legal dependents are:

1. Compulsory and/or optional life insurance benefits. The life of the civil servant is insured with the GSIS. Proper life insurance benefits such as death and disability benefits is provided to the member or his/her survivors. Likewise, the member is also provided by his/her insurance coverage with other benefits that come in the form of maturity or cash surrender value.
2. Disability benefits (work or non-work related). For work related injury or sickness, the GSIS, through the Employee Compensation Fund, pays for the hospitalization expenses of the civil servant and provides him with income benefits to substitute for his last income for the duration of his ailment.

A member who suffers a non-work connected sickness or injury resulting in temporary total disability is also entitled to sickness income benefits under Sec. 20 of the New GSIS Law (Presidential Decree #1146 dated 31 May 1987).

3. Funeral benefits. A funeral benefit of ₱1,000 is provided by the system to beneficiaries upon the death of a member or ₱2,000* for the person who spent for the funeral services of the member.

*1986 GSIS Annual Report.

4. Medicare benefits. The GSIS medicare fund shoulders approximately 30% of the hospitalization expenses not only of the civil servant but also of his/her dependents. The ailment/sickness of the civil servant or his/her dependents need not be work-connected to qualify him/her for medicare benefits.
5. Retirement benefits. Retirement insurance ensures that the civil servant is well provided for during the time when he/she can no longer work (due to old age) for his/her daily needs. Through the payment of gratuities and pensions, the GSIS provides its members with much needed resources that can either be used for the basic needs of the individual or rechanneled to a more productive concern that could generate income for the retiree.
6. Survivorship benefits. Survivorship benefits are provided by the system to beneficiaries/dependents of deceased civil servants. Benefits may come in the form of lump sum or pensions depending on the respective qualifications of survivors. In both cases, the survivor is assured of financial support from the GSIS.
7. Salary loan. When the civil servant is in need of additional financial resources to augment his/her regular income, the GSIS provides him/her with a salary loan up to a maximum amount equivalent to his/her three (3) months salary. Where the civil servant suffers financial losses due to natural calamity, he/she is granted a maximum loan equivalent to his/her (5) months salary.
8. Policy loan. The civil servant may draw on his/her equity in the life insurance fund of the System through a policy loan which is equivalent to 90% of the cash value of his/her policy at the time of the loan application.
9. Educational Assistance loan. Any deserving student (not necessarily children of GSIS members) entering college may avail of the GSIS "Study Now, Pay Later" Plan. This is in line with the national government's social development program.
10. Fly PAL, Pay Later Loan. Any civil servant who plans to travel within the Philippines may avail of the GSIS "Fly PAL, Pay Later" loan. This is given in the form of Philippine Airlines (PAL) tickets.
11. Mass Housing loan. The civil servant may acquire a house and lot in any GSIS housing project. This mass housing loan system has a "deferred payment plan". Under this plan, the housing unit is turned over to the buyer for occupancy; the buyer signs the deed of conditional sale; he/she pays the monthly amortization; and upon full payment, the buyer is issued a deed of absolute sale. No down payment is required.

The Private Sector

Republic Act No. 1161, also known as the Social Security Act of 1954, provides for a sound and viable tax-exempt social security service. To carry out the purposes of the Social Security Act, the Social Security System was created in 1957, and the Act was subsequently amended by PD #24 in 1972 which substantially increased SSS benefits, introduced new benefits and a new social security program, expanded the category of beneficiaries, and liberalized the eligibility conditions for benefits.

The Social Security Act only covers wage and salary workers and excludes agricultural labor, domestic service, unpaid family work, overseas employment, and employment in the government [Sec. 8(j)]. This means that only 32% of the 6.6 million employed women in the private sector are protected.

In January 1987, Executive Order No. 102 took effect. This amends further certain sections of the Social Security Act upgrading the base of contributions and adjusting the benefit structures provided by the Act so that the amounts of the benefits would be more meaningful and responsive to the needs of its members and their families especially in times of economic crisis.

Social Security Benefits.

The SSS now pays 7 out of 9 social security benefits recommended by the International Social Security Association. These are sickness, maternity, hospitalization, employment injury/occupational disease, disability, retirement and death benefits. Per Presidential directive, the feasibility of including family allowance and unemployment insurance into social security scheme has been studied.

A member with at least 3 monthly contributions within the last 12 months prior to his/her sickness is entitled to a daily sickness allowance equal to 85% of his/her daily wage but not less than ₱7.50 nor more than ₱75.00. He/she is also entitled to a maximum of 120 days a year and another 120 days in the succeeding year if it is of the same reason for confinement. If the confinement lasts for more than 240 days, the same may be deemed as permanent disability.

Maternity benefit was integrated into SSS operations in January 1978. A woman member with at least three monthly contributions within the last 12 months prior to childbirth, miscarriage, or abortion is entitled to a daily maternity allowance equal to 100% of her average daily wage for a period of 45 days. Maternity benefit accounts for 1-2% of total benefits paid by SSS.

A member who becomes permanently disabled, either totally or partially, is entitled to a monthly pension or a lump sum amount depending on the number of contributions paid. The minimum lump sum amount in case of total disability is ₱1,000.

A member who reaches age 60 with*or without employment or age 65 even if still employed is entitled to a lifetime pension if he/she has paid at least 120 monthly contributions; otherwise, he/she receives a lump sum amount equal to all his/her contributions, including those paid by his/her employer on his/her behalf, plus interest. In addition, a dependent's pension equal to 10% of the monthly pension is paid to each of the 5 (maximum) dependent children of the old age pensioner. In the event of death, 80% of the member's pension is transferred to his/her primary beneficiaries who are usually the legitimate spouse and minor children.

As primary beneficiaries, a member's surviving spouse and minor children are entitled to a lifetime pension if the member has paid at least 36 monthly contributions; otherwise, a lump sum amount is given. If the member is not survived by primary beneficiaries, a lump sum benefit is granted to the secondary beneficiaries regardless of the number of contributions. In addition, a funeral benefit of ₱2,000 is paid to the beneficiaries or to any person who actually shouldered the burial expenses of the deceased member or pensioner.

Medical Care Benefits.

All persons subject to compulsory SSS coverage are automatically covered under the Medicare Law. A member or his/her legal dependent confined in a hospital due to illness or injury is entitled to such benefits as hospitalization expenses, surgical expenses, medical expenses for professional services and even sterilization expenses if he/she has paid at least 3 monthly contributions within the last 12 months. However, for self-employed members, payment of such Medicare contributions should be made three months or earlier before the first day of confinement.

Employees' Compensation Benefits.

A member who suffers work-connected sickness or injury resulting in disability, or his/her beneficiaries in the event of death of the member, are entitled to benefits under the Employees' Compensation Program.

*must be receiving less than ₱300./month.

Integrated into SSS operations in January 1975, the benefits under the program include medical services; appliances and supplies; rehabilitative services consisting of medical, surgical and hospital treatment including a balanced program of remedial treatment for the handicapped; and income cash benefits which may be in the form of daily allowances or pension benefits depending on the nature of the contingency.

Service Loans.

The SSS not only provides social security benefits but also assists its members directly in meeting certain financial needs through its service loan facilities granting housing, salary, educational and community hospital loans as well as loans under the Study-Now-Pay-Later Program. The SSS service loans carry preferential interest rates ranging from 5% for salary loan and 6% to 9% for housing loans, and depending on the kind of loan are payable from one to 25 years.

Book Five /Labor Relations/ of the Labor Code provides for the promotion of free collective bargaining including voluntary arbitration as a mode of settling labor or industrial disputes. Collective bargaining is a process by which representatives of labor meet with those of management for the purpose of negotiating an agreement on the rates of pay, hours of work, and other terms and conditions of employment.

A review of Collective Bargaining Agreements (CBAs) of 30 local unions with women presidents registered for the period January 1979 to December 1982 was conducted by the Bureau of Labor Relations (National Capital Region). More than 50% of the women workers received benefits. These benefits include welfare, maternity leave, separation/retirement pay, paternity, emergency leave, death assistance (P100-2,500), vacation and sick leaves and, union business leaves.

1(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

The 1986 Philippine Constitution contains a specific policy for the protection of women workers:

Sec. 14, Art. XIII

The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

Similarly, the Labor Code provides for specific protective provisions for women such as the night work prohibition, facilities for women, and in the employment of househelpers.

Night Work Prohibition

Night work for women is prohibited during the following periods: 10:00 p.m. to 6:00 a.m. of the following day in industrial undertakings; 12:00 midnight to 6:00 a.m. of the following day in commercial firms; and in agriculture, no woman shall be required to work unless she is given a rest period of not less than nine consecutive hours. Such prohibition is based on the Philippine ratification of ILO Conventions No. 4 (1979) and No. 89 (1948).

However, Art. 131 of the Labor Code also provides for the following exceptions from night work:

- a) in cases of actual or impending emergency caused by serious accident, fire, flood, typhoon, earthquake, epidemic or other disaster 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 employers 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;
- g) under other analogous cases exempted by the Minister (now Secretary) of Labor and Employment in appropriate regulations.

These exceptions make it easy for employers to go around the night work prohibition. To be able to have women working at night in a manufacturing firm, an employer simply files an application citing one of the reasons enumerated as exceptions. It is said that because of poor inspection, many violations go unnoticed.

Lately, the subject of night work prohibition for women has been discussed in national and regional meetings of policy planners. Instead of producing favorable results, however, these discussions are turning out to be disadvantageous to women because employers tend to prefer hiring men to avoid the prohibition and compliance with the additional requirements even when women applicants are fit for the jobs. There is no consensus yet among government, employers and workers' circles as to allowing women to freely choose whether to undertake night work or not.

There are presently three schools of thought on the subject. One favors removal of restrictions on the employment of women at night as a means of eliminating obstacles in the way of equal employment opportunities; another is for a more limited relaxation of existing restrictions and greater flexibility in national laws and practices; and the third favors general regulation of night work for men and women alike as a means of safeguarding the health of all workers and/or promoting the welfare of the family as a whole.

The Philippine government cannot easily change its policy on night work prohibition for women considering its having ratified the ILO Convention on the subject. It did not make use of the opportunity to repudiate the Convention after 20 years and must, therefore, wait until the ILO places the subject of night work in the agenda of a future conference.

Facilities for women

Art. 132 of the Labor Code provides for the establishment of the following standards that will ensure the safety and health of women employees:

- (a) Provision of seats proper for women and permitting 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) Establishment of separate toilets and lavatories for men and women and a dressing room for women;
- (c) Establishment of a nursery in the workplace for the benefit of the women employees therein; and
- (d) Determination of appropriate minimum age and other standards for retirement or termination in special occupations of women such as that of flight attendants.

Art. 134 of the Code also provides for the following family planning services:

- (a) Free family planning services to employees which shall include, but not limited to the application or use of contraceptive pills and intra-uterine devices;
- (b) Incentives and bonus schemes to encourage family planning among women employees in the establishment or enterprise to be developed and prescribed by the Ministry (now Department) of Labor and Employment in coordination with other agencies of government engaged in the promotion of family planning.

Nurseries for Children.

Of all the existing welfare facilities provided by employers pursuant to the requirements of the Labor Code, the requirement of establishing a "nursery" for children aged two years old and below continues to be the most controversial. First of all, it is the most violated provision. Many employers have not put up nurseries under the charge of a nurse or midwife for the reason that very few women with children of nursery age avail or make use of this facility even if one exists in the work place. In a survey (1982) conducted by the Bureau of Women and Minors jointly with the Institute of Labor and Manpower Studies utilizing the case study method, it was seen that of all facilities, the nursery is the only one set up merely to comply with the law.

This was the reason given by the companies/firms which have set up nurseries. Of the fifteen (15) firms surveyed, only two (2) had nurseries, and both nurseries have remained unused. The unpopularity of the nursery amongst working mothers is attributed by many to the extended family system still prevailing in the Philippines, whereby elder family members are available to take care of the children while the parents are out working. Also, in the few cases where some mothers would like to avail of the nursery in their respective workplace, the problem of transportation has hindered them from taking their babies to the worksite. It was more convenient and safer for them to leave their young children at home.

In factories or trade processing zones where the women live nearby and the nurseries are available for use, mothers still leave their infants at home and prefer to take their children to study at nursery and kindergarten schools.

But non-use of nurseries at the workplaces does not mean that these are not necessary or useful to working mothers. The question is: Where should these nurseries or day-care centers be placed? The answer seems to be that they should be near the homes of the working mothers. And who should be responsible for setting up and maintaining these nurseries?

It is slowly being realized by parties concerned that the proper care of the young children of working parents is an obligation of the community. The government through the Department of Social Welfare and Development has set up day-care centers in urban communities and these centers are slowly becoming popular with women workers. Voluntary organizations like the National Federation of Women's Clubs have also adopted the setting up of day-care centers (with kindergarten or nursery classes) as a major project. Trade unions are beginning to give serious and continuing attention to the problem of childcare and are putting it forward as a basic right for workers.

Medical and other Services

Another problem which is shared by both workers is the inadequacy of medical service. This is true particularly in electronic firms where the clinics are not adequate to meet the need to control or treat the illness acquired by workers. These clinics are at best generally serviceable only for simple emergency cases.

There is also no time for recreation or sports afforded the workers because the assembly process is a continuous one and, therefore, also demands continuous work to enable workers to meet their quotas. Other services are cheaper meals made available in canteens, transportation provided to commuters, and dormitory-typed facilities for stay-ins. Much, however, remains to be done to adequately meet all the requirements for satisfactory working conditions for both men and women workers.

Employment of househelpers

The most visible group in the services sector are the servants and household helpers. Nine out of ten in the domestic help category are women,* probably because this is one of the very few jobs available to unskilled and low-skilled women.

Art. 141 of the Labor Code defines "Domestic or Household Service" to mean services in the employer's home which is usually necessary or desirable for the maintenance and enjoyment thereof and includes ministering to the personal comfort and convenience of the members of the employer's household including services of family drivers.

The Labor Code provisions on minimum wage of domestic helpers is ₱60.00 a month for Metro Manila areas; ₱45.00/mo. for first class municipalities and other chartered cities; and ₱30.00/mo. for other areas.** Pending in Congress are proposals to raise and standardize their salaries. (Please refer to Article 4).

*Eviota, Elizabeth, Peter Smith. "The Migration of Women in the Philippines". March 1979.

**Despite the ruling which was promulgated in 1974, househelps are now paid from a minimum of ₱100. to as much as ₱500. monthly depending on the economic status and generosity of the household head.

The Labor Code contains provisions regulating the working conditions of househelpers such as the following:

- (a) No househelper shall be assigned to work in a commercial, industrial or agricultural enterprise at a wage or salary rate lower than that provided for agricultural and non-agricultural workers;
- (b) If the househelper is under 18 years old, the employer shall give her the opportunity to get at least an elementary education. The cost of such education shall be part of the househelper's compensation unless there is a stipulation to the contrary;
- (c) The employer shall treat the househelper in a just and humane manner. In no case shall physical violence be used upon the househelper; and
- (d) The employer shall furnish the househelper free of charge suitable and sanitary living quarters as well as adequate food and medical attendance.

The Civil Code of the Philippines also has special provisions on household service, to wit:

ART. 1689. Household service shall always be reasonably compensated. Any stipulation that household service is without compensation shall be void. Such compensation shall be in addition to the house helper's lodging, food, and medical attendance.

ART. 1690. The head of the family shall furnish, free of charge, to the house helper, suitable and sanitary quarters as well as adequate food and medical attendance.

ART. 1691. If the house helper is under the age of eighteen years, the head of the family shall give an opportunity to the house helper for at least elementary education. The cost of such education shall be a part of the house helper's compensation, unless there is a stipulation to the contrary.

ART. 1692. No contract for household service shall last for more than two years. However, such contract may be renewed from year to year.

ART. 1693. The house helper's clothes shall be subject to stipulation. However, any contract for household service shall be void if thereby the house helper cannot afford to acquire suitable clothing.

ART. 1694. The head of the family shall treat the house helper in a just and humane manner. In no case shall physical violence be used upon the house helper.

ART. 1695. House helpers shall not be required to work more than ten hours a day. Every house helper shall be allowed four days' vacation each month, with pay.

ART. 1696. In case of death of the house helper, the head of the family shall bear the funeral expense if the house helper has no relatives in the place where the head of the family lives, with sufficient means therefor.

ART. 1697. If the period for household service is fixed neither the head of the family nor the house helper may terminate the contract before the expiration of the term, except for a just cause. If the house helper is unjustly dismissed, he shall be paid the compensation already earned plus that for fifteen days by way of indemnity. If the house helper leaves without justifiable reason, he shall forfeit any salary due him and unpaid, for not exceeding fifteen days.

ART. 1698. If the duration of the household service is not determined either by stipulation or by the nature of the service, the head of the family or the house helper may give notice to put an end to the service relation according to the following rules:

- (1) If the compensation is paid by the day, notice may be given on any day that the service shall end at the close of the following day;
- (2) If the compensation is paid by the week, notice may be given, at the latest, on the first business day of the week, that the service shall be terminated at the end of the seventh day from the beginning of the week;
- (3) If the compensation is paid by the month, notice may be given, at the latest, on the fifth day of the month, that the service shall cease at the end of the month.

ART. 1699. Upon the extinguishment of the service relation, the house helper may demand from the head of the family a written statement on the nature and duration of the service and the efficiency and conduct of the house helper.

Likewise, Art. 110 of P.D.#603 (The Child and Youth Welfare Code) also provides for free elementary education to a domestic under sixteen years of age.

However, household helpers are not entitled to social security, medicare, and overtime pay.

Occupational health and safety
by major industry groups

1985 data indicate that injury-frequency rates are high in four industry groups, namely: commerce/services, agriculture, construction and manufacturing. Except for construction, these industries significantly employ women.

Industry Groups	Injury-Frequency Rates /a	Employed Females (%)
All industries	13.1	100
Agriculture	22.0	51
Mining/quarrying	2.2	*
Manufacturing	12.8	10
Construction	17.7	4
Electricity, gas, water	1.6	*
Transport, storage, communication	2.8	4
Commerce/service	25.7	19

Moreover, injury-severity rates /b are highest in commerce/services and the manufacturing sectors at 914 and 538, respectively.

*Notes:

- /a 1. Injury-frequency rates = (no. of disabling injuries/no. of employee-hours of exposure) x 1,000,000.
2. Rates were based on data of reporting establishments only.
3. Data on employed females is based on the 3rd quarter (1983).
4. *, less than 1% of employed females.

/b Injury-severity rate = (days lost or charged/no. of employee-hours of exposure) x 1,000,000.

In general, workers in the Philippines are not safety and health conscious. While at work, they refuse to wear/use safety devices claiming these interfere with their work; hence, industrial accidents happen and occupationally-acquired sickness and diseases occur. In an electronics firm visited, where ten thousand women work under one roof, many were seen not wearing the reglementary eye-glasses and nose protection. In this firm, cases of women with defective eye-sights are common.

In the semi-conductor industry, the Center for Labour Studies observed that:

"Work in the electronics industry is repetitious, physically static, boring, requiring great deal of concentration and precision. The seven-and-a-half hours of work daily result in migraines, headache, eye strain, watery eye and blurred vision."

Example: Worker A entered work with 20-20 vision.
After one year of work at an electronic company, she had 400-400 vision.

Bright light is added to enable workers to see miniature chips better. The light becomes hot with continuous usage and burns the workers' front while their backs are exposed to extremely cold environment; thus the common diseases acquired are burns and respiratory illness.

Example: After four years of work, worker B
at age 25 had lung cancer.

Assembly processes are done seating down then manually operated, producing back strain, leg pains, varicose veins, excessive fatigue or tiredness. If automated equipments are used, workers perform their work standing while operating the machines. The workers are prohibited to sit down, and cramps and stomach spasms are common amongst them.

Corroborating these findings is a study conducted by the National Institute of Occupational Safety and Health which states that the third most hazardous industry in terms of exposure of workers to cancer causing substances is the electronics industry. Throughout the production process, electronics workers in the Philippines are exposed to acids, solvents, and gases which have varying damaging effects on the body like eye defects, cancer, lung disease, liver and kidney troubles.

In assembly-line factories, women are seen standing most of the time although there are seats for their use because of that "provision in law that women workers may use these seats if their use will not interfere with their work and reduce their productivity."

In the agricultural sector, harmful effects of the chemicals used for crops such as skin rashes, respiratory ailments, and ecological disorders also pose a problem.

(2) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissal on the basis of marital status;
- b) To introduce maternity leave with comparable social benefits without loss of former employment, seniority or social allowances;

A. The Government Sector

1. Civil Service Rule, Rule XVI, sec. 12.

Guidelines and/or conditions for granting maternity leave. - Married women who are permanently, provisionally, 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 leaves which they may enjoy now, be entitled in case of pregnancy to 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 60 days with full pay. The two or more years of service should be under regular and permanent appointment exclusive of service under provisional or temporary status.
- b) Permanent and regular employees who have rendered less than 2 years of continuous service shall be entitled to 60 days with half pay.
- c) Provisional or temporary employees who have rendered two or more years of continuous service shall be entitled to 60 days with half pay.

- d) Provisional or temporary employees who have rendered less than 2 years of continuous service shall be entitled to a number of days of maternity leave with pay based on the ratio of 30 days of maternity leave to two years of continuous service.
- e) Provisional or temporary employees who had passed civil service examination given before the date of the application for maternity leave but the results of which examinations were released after such date of application, shall be entitled to the maternity leave granted to regular employees as of the date when said examinations were given: Provided, That the eligibility is appropriate for appointment to the position and the salary attached thereto.

For purposes of granting maternity leave, only a gap of not more than three months between the separation and the reemployment of a regular, provisional or temporary employee may be disregarded without violating the legislative intent, especially when the interruption was not of the employee's own choosing.

- 2. Presidential Decree No. 1910 (1984) which covers women in the Armed Force of the Philippines contains a ruling which discriminate against women.

Sec. 1. That any female commissioned officer or enlisted woman who contracts marriage while in the active service shall be automatically separated from the service, unless she has, at the time of said marriage, already completed at least three (3) years of continuous active military service in the Armed Forces of the Philippines; Provided, That any female member of the AFP who was previously separated or discharged honorably by reason of marriage may be called to active duty subject to the above condition and in accordance with rules and regulations as the Chief of Staff, AFP, may prescribe.

B. The Private Sector

The Labor Code contains these provisions:

1. Discrimination Prohibited

Labor Code, Art. 135. No employer shall discriminate against any woman with respect to terms and conditions of employment on account of her sex. Equal remuneration shall be paid to both men and women for work of equal value.

2. Stipulation Against Marriage

Labor Code, Art. 136. 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 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.

3. Prohibited Acts

Labor Code, Art. 137. (a) It shall be unlawful for any employer:

- (1) to deny any woman employee the benefits provided for in this Chapter or to discharge any woman employed by him for the purpose of preventing her from enjoying any of the benefits provided under this Code;
- (2) to discharge such woman on account of her pregnancy, while on leave or in confinement due to her pregnancy; or
- (3) to discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant.

4. Maternity Leave Benefits

4.1 Art. 133. (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 presentation 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 deliveries by a woman employee after the effectivity of this Code.

4.2 Social Security Law (Rep. Act No. 1161, as amended by Presidential Decree No. 1202 /1977/ and Presidential Decree No. 1636 /1979/).

"SEC. 14-A. Maternity leave benefit. - A covered female employee who has paid at least three monthly contributions in the twelve-month period immediately preceding the semester of her childbirth, abortion, or miscarriage and who is currently employed shall be paid a daily maternity benefit equivalent to one hundred percent of her average daily salary credit for forty-five days subject to the following conditions:

"(a) That the employee shall have notified her employer of her pregnancy and the probable date of her childbirth which notice shall be transmitted to the SSS in accordance with the rules and regulations it may provide;

"(b) That payment shall be advanced by the employer in two equal installments within thirty days from the filing of the maternity leave application;

"(c) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided by this Act for the same compensable period of forty-five days for the same childbirth, abortion, or miscarriage;

"(d) That the maternity benefits provided under this Sector shall be paid only for the first four deliveries after 13 March 1973;

"(e) That the SSS shall immediately reimburse the employer of one hundred percent of the amount of maternity benefits advanced to the employee by the employer upon receipt of satisfactory proof of such payment and legality thereof;

"(f) That if an employee should give birth or suffer abortion or miscarriage without the required contributions having been remitted for her by her employer to the SSS, or without the latter having been previously notified by the employer of time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said employee would otherwise have been entitled to, and the SSS shall in turn pay such amount to the employee concerned.

2(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life in particular through promoting the establishment and development of a network of childcare facilities /refer also to no. 11(f)/.

The Department of Social Welfare and Development (DSWD) in cooperation with various agencies (GO/NGO) provide day care services to needy and malnourished children.

This is an arrangement whereby "substitute mothering" is provided temporarily for pre-school children during the part of the day while the mother cannot attend to the child. Within the day care setting, parents (particularly mothers) are further helped to carry out their roles better through nutrition education, information and primary health care, family planning information, etc. Supplemental feeding designed to benefit the malnourished children is also a basic component.

Day care services are of varying types:

- . Family Day Care, whereby non-working mothers within a neighborhood are trained in early childhood enrichment so that they can be licensed to babysit on a part-time basis for at least five children at a time, especially those from 0-2 years of age.
- . Drop-In-Homes, whereby volunteer mothers, grandmothers or young teenagers in a neighborhood are trained to babysit without pay or for a certain fee based on parent's capacity to pay.
- . Rolling Day Care Center, whereby volunteers set up a play center for a group of not more than 10 children who cannot be accommodated in the regular day care centers.
- . Supervised neighborhood plays, manned by volunteers or out-of-school or retired and qualified elderlies who supervise play activities for pre-schoolers in designated places within their neighborhood for a certain number of hours daily.

As of August 1984, a total of 11,000 day care centers have been established throughout the country enabling 1.5 million preschoolers of poor families to avail of the services of these centers. However, 2,465 are now inactive due to the inability of sponsors to finance the salaries of day care workers.

(3) Protective legislations relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

One major concern of the Bureau of Women and Young Workers of the Department of Labor and Employment at present (as of 1987) is to undertake a review and evaluation of policies, legislation and other directives concerning the Bureau's clientele through researches and studies which include:

- a) Study on the Effects of Night Work on Women Workers/ Night Work Prohibition which aims to assist the Bureau in coming up with a recommendation on whether to ratify or denounce the ILO Convention on Night Work Prohibition and possible revision of the Labor Code provision /refer also to no. 1(f)/;
- b) Study on Maternity/Paternity Leave Benefits whose primary objective is to translate the provision towards the protection of the maternal function of women workers and promotion of their welfare;
- c) Study on the Living and Working Conditions of Female Domestic Helpers in Metro Manila. A component of this study is to determine the prevailing wage rates of household helpers, and the findings will be one of the bases for modification of existing legislation.

In pursuance of the above, the Bureau maintains its continuing coordination with the Senate and the House of Representatives on the Legislative Agenda for the protection of women and young workers.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of men and women, access to health care services, including those related to family planning.

2. States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

In the Philippines, national policies and legislation in the field of health care do not discriminate against women and their families.

Constitutional Provisions

The new Constitution, in its provision on the State policy on health, stresses that "The State shall protect and promote the right to health of the people and instill health consciousness among them." (Art. 2, Sec. 15). Another provision of the Constitution guarantees equal access of both men and women to health care and services and gives priority to the health needs of the people especially those of the women and children. Art. XIII, Sec. 11 (Social Justice and Human Rights) provides:

"That State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other services available to all people, at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children. The State endeavors to promote free medical care to paupers."

(Underlining supplied)

Sec. 12, a State policy integrating food, drugs, health manpower, and research, reads:

"The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems."

The State is also very much concerned with the woman's maternal functions, the health of the mother during pregnancy, and the special needs arising from it. This is clearly declared under Art. II, Sec. 12 and Article XIII, Sec. 14.

Sec. 12. "x x x The State shall equally protect the life of the mother and the life of the unborn from conception, x x x." (Art. II)

Sec. 14. "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation." (Art. XIII)

The Philippine Development Plan

The Updated Philippine Plan, 1984-87, in its statement of objectives concerning the health of the population, provides that health policies and programs are "premised on the ultimate goal of eventually attaining and maintaining for the people (both men and women) complete physical, mental and social well-being." To realize this broad goal, one intermediate objective pertains to women and other nutritionally-at-risk groups: "the increase in the levels of food consumption and nutrient intake of pregnant women, lactating mothers, infants, preschoolers, school children and those who have been affected by the economic difficulties." Similarly, its statement of broad programs and projects stresses that "the implementation of programs to minimize problems related to pregnant women, lactating mothers, children and other vulnerable groups will be pursued."

The Plan's section on population and social services echoes this statement: "the improvement of the nutritional status of children and lactating mothers will be a priority concern of day care and supplemental feeding program in the coming years."

To help address the national development goals of alleviating poverty, generating more productive employment, promoting equity and social justice, and attaining sustainable economic growth, the Medium-Term Philippine Development Plan 1987-1992, contains policy statements on population with respect to women:

"To harness the economy's long-run capacity to achieve a better life for all, population policy will continue to promote the attainment of small family size on a voluntary basis and a reduced population growth rate aligned with replacement fertility level by 2010. Responsible parenthood, along with efforts to make available the knowledge, means and opportunity to practice family planning shall be intensified. Likewise, efforts to improve women's education, health and increase their socio-economic opportunities will be pursued to promote the over-all welfare of women and bring about a long-term reduction in fertility, x x x" (PDP, page 40).

More specifically, a chapter on health, nutrition and family planning focuses on specific policies and strategies directly addressed to women to promote the development of a healthy and productive citizenry.

1. Improve provision and utilization of accessible, appropriate and adequate basic health, nutrition and family planning services especially to the poor, unserved, underserved, high-risk groups and other priority groups such as children, women, workers, rebel returnees and the aged/elderly.
2. Strengthen promotion of family planning as a component of comprehensive maternal and child health. (According to the Plan, family planning promotion shall be firmly rooted on one basic principle: respect for the right of couples to determine their family size and voluntarily choose the means of family planning. Therefore, full and sustained information shall be provided in the delivery of medically approved, morally and legally accepted, more effective and affordable family planning methods as the couple's bases for free choice).

3. Enhance the status and role of women as program beneficiaries and program implementors. (This is one special effort of the Plan to promote women's welfare and to participate in their task of nation-building not only as beneficiaries but as active development agents).

Other Statutes

In addition to the Constitution, public policies on health may be found in many other statutes.

1. Statutes relating to health and safety particularly Republic Act No. 3720 which established the standards and quality of the food, drugs, cosmetics, medical services, water, nutrition that will be made available to the people as well as how these standards are made, executed and delivered (22 June 1963).
2. Statutes relating to family planning - P.D. #79 revising Republic Act No. 6365 revising the Population Act of 1971 and further amended by P.D. #166, 803 and 1204. These statutes supplement the national policy on family planning provided for in the 1973 and in the new Constitutions.
3. Executive Order No. 851 ~~+~~ Reorganizing the Ministry of Health and Integrating the Components of Health Care Delivery into its Field Operations, and for other purposes (2 December 1982). This is aimed at making more effective and efficient the delivery of health services to the people.
4. Executive Order No. 119 or the Reorganization Act of the Ministry of Health aims at making the Ministry (now Department) more effective and more responsive to public needs, in the areas of planning, provision, and delivery of health services to the people. (30 January 1987).

Also, there are bills and resolutions that have been filed in both Houses of Congress. Those which fall under Health and Population are enumerated below. It should be noted, however, these bills have to yet pass through the legislative process before they are enforced.

1. Senate Bill No. 87

"An act to ordain and institute a Philippine Health Code and for other purposes".

2. House of Representatives

a) House Resolution No. 40

Resolution Directing the Committee on Population to conduct an inquiry in aid of legislation into the status of population management in the face of high population rate increase of 2.5% which has contributed to urban sprawl, the rise of criminality, unemployment and other social ills and to recommend such measures as may be necessary to place the rate of population increase at manageable levels.

b) House Resolution No. 55

Resolution Providing for an inquiry, in aid of legislation, into the problem of population explosion, its implications on all other components of the national life, and the status of national population program.

c) House Resolution No. 79

Resolution Directing the Committee on Education and the Committee on Health to consider including a short course on the disease AIDS as well as on other sexually-transmitted diseases in curricula in high schools.

d) House Bill No. 57

An Act Providing for the mandatory teaching of primary health care services in the elementary, secondary, and collegiate levels of education.

e) House Bill No. 77

An Act Requiring local officials, barangay officials, private and public employers to maintain a continuing program of education and mobilization of their constituents and employees, respectively, to avail of the Department of Health - Health Care Programs.

f) House Bill No. 885

An Act Establishing a health center in each of the barrios of the Third District of Bohol Province, providing the necessary funds for the project and for other purposes.

g) House Bill No. 964

An Act Proposing the establishment of Health Centers in all barangays in the 23 municipalities of the Province of Eastern Samar and providing funds therefor.

h) House Bill No. 265

"An Act establishing health centers in all barangays throughout the Philippines which are located at least six kilometers away from the nearest hospital and appropriating funds therefor".

Health Care System in the Philippines

It is the responsibility of government to promote and protect the health of the nation. However, for a developing country such as the Philippines, a high population growth rate imposes a tremendous burden on government services and resources.

The Philippine government has adopted the Primary Health Care (PHC) approach in its health care delivery system, making health the responsibility of the individual, the family and the community. This is under the leadership of the Department of Health which oversees the implementation of the program with the support of coordinating committee at different levels from both the government and non-governmental organizations.

One of the essential elements of the country's primary health care system is the maternal and child health including family planning. The others are:

1. education on prevailing health problems and methods for preventing them;

2. promotion of adequate food supply and proper nutrition;
3. basic sanitation and promotion of an adequate supply of safe water;
4. immunization against major infectious diseases;
5. prevention and control of locally endemic diseases;
6. appropriate treatment of common diseases/injuries; and
7. provision of essential drugs.

The following indicators of health and health services provide an idea of the general health condition in the Philippines.

1. Average life expectancy at birth in the Philippines, 1986-1989

<u>Year</u>	<u>Men</u> (in years)	<u>Women</u>
1986	61.6	65.2
1987	61.9	65.5
1988	62.2	65.8
1989	62.5	66.1

(Source: NCSO, Population Studies Division)

2.

	<u>1985</u>	<u>Rate</u>	<u>Total</u> <u>Cases</u>	<u>% F</u>
a) Livebirths		26.3*	1,437,154	48.2%
b) Total deaths		6.1*	334,663	41.1
c) Infant deaths		38.0**	54,613	41.3
d) Maternal deaths		1.0**	1,489	100.0
e) Fetal deaths		6.2**	8,948	-

* per 1,000 population

** per 1,000 livebirths

3. Leading causes of morbidity, 1985

	<u>Rate/ 100,000 population</u>	<u>Total</u>	<u>% F</u>
Bronchitis,			
Emphysema and asthma	1072.7	586,427	49.0%
Diarrhea	956.2	522,762	41.0
Influenza	818.7	447,550	53.4
Pneumonia	375.7	205,387	49.0
All forms of TB	280.6	153,406	47.0
Malaria	223.1	121,975	46.0
All forms of dysentery	176.9	96,684	45.0
Measles	128.5	70,238	40.4
Malignant neoplasms	115.2	62,959	43.5
Whooping cough	44.4	24,270	47.0

(Source: 1985 Philippine Health Statistics, Department of Health)

4. As of 1983, the percentage of women in the various medical and allied medical professions registered in the Professional Regulations Commission (cumulated since 1975) is as follows:

	<u>% F</u>	<u>Total</u>
All Profession	87.4%	103,059
Registered Nurse	93.2	65,115
Physician	50.1	10,315
Midwife	99.5	10,122
Medical Technologist	78.8	7,379
Nutritionist-Dietician	99.6	3,261
Dentist	65.6	2,912
Pharmacist	95.1	1,873
Optometrist	82.9	1,349
Physical Therapist	69.3	388
Sanitary Engineer	9.6	301
Occupational Therapist	88.6	44

5. Number of government health/medical personnel and health personnel to population ratio in 1985:

	<u>No.</u>	<u>Ratio</u>
a) Physicians/doctors	8,511	1: 6,423
b) Nurses	10,423	1: 5,245
c) Midwives	9,793	1: 5,582
d) Nutritionists	634	1:86,228
e) Dentists	1,146	1:47,704
f) Sanitary Inspectors	1,933	1:28,282
g) Barangay Health Workers (BHW)	269,811	1:32 (ratio of BHW to number of households)

(Source: DOH, Planning Service; NCSO, Population Studies Division)

6. The latest official data (1985) on the number of health facilities in relation to the population are as follows:

<u>Year: 1985</u>	<u>No.</u>	<u>Ratio to Population</u>
Hospitals	1,814	1: 30,137
Hospital beds	90,008	1: 607
Rural Health Units (RHU)	1,991	1: 27,458
Barangay Health Stations (BHS)	7,991	1: 6,841
Botika sa Barangays (BSB)	14,500	1: 3 (ratio to Barangay)

(Sources of basic data: MOH, Planning Service; and NCSO Population Studies Office)

7. Budget allocation to the health sector for the period 1976-1985 constituted less than five (5) percent of total public expenditures. For (1987), the budget of the Department of Health is ₱4,279,527,000 which is 5.39% of the total national budget.

8. Coverage of Medicare Program, 1981-1985

Medicare program is a health insurance program for government employees and contributing Social Security System (SSS) members including their legal dependents and the self-employed registered with the SSS. Government retirees are excluded from the program.

Year	Number of Persons covered			Population (000)	Percent of Population covered		
	SSS (Thousand Persons)	GSIS	Total		SSS	GSIS	Total
1981	14,108	4,454	18,562	49,526	28.5	9.0	37.5
1982	14,541	4,618	19,159	50,740	28.7	9.1	37.8
1983	17,190	5,593	22,783	52,055	33.1	10.7	43.8
1984	20,155	6,195	26,350	53,351	37.8	11.6	49.4
1985	20,885	9,179	30,065	54,668	38.2	16.8	55.0

(Sources of basic data: NCSO, Population Studies Division; and Philippine Medical Care Commission)

Existing Major Health Programs on Women and their Lead Agencies

Because of their unique biological function, women have always been acknowledged and recognized as primary beneficiaries of traditional and modern health care practices. In traditional practice, such attention is manifested in the evolution and continued survival of the "hilot" as a traditional health practitioner. In modern public health practice, concern for childbirth is manifested in the central attention given to maternal and child health as a feature of any health program.

Three major health programs in the Philippines are directed towards the welfare of women and children: maternal and child health, population and nutrition programs. Each major program is coordinated by designated government departments/agencies.

1. Maternal and Child Health

The Maternal and Child Health Program is primarily coordinated by the Department of Health, the lead government agency responsible for the formulation, planning, implementation and coordination of policies and programs on health. The Department gives special care and supervision to pregnant and lactating women and to children to minimize known risks associated with pregnancy and childbirth.

The Maternal and Child Health Program is implemented through the various units, hospitals, rural health units, puericulture centers and barangay health stations of the Department in cooperation with private organizations and communities using the Primary Health Care Approach. It aims to reduce infant mortality from 56.6 per thousand livebirths in 1985 to 47.7 in 1992; maternal mortality rate from 0.9 per thousand livebirths in 1985 to 0.7 in 1992.

The Division of Maternal and Child Health (MCH) of the Department of Health is incharge of this comprehensive MCH Program which has the following priority components:

- a) Maternal Care aims to promote maternal health by providing pre-natal, natal, and postnatal care to eligible women. In 1986 for instance, 911,236 or 53% of the targetted pre-natal cases were actually serviced while 594,499 deliveries or 50% of the target were given post-natal care by trained health personnel.

One innovative approach to promote this program is the use of Home-Based Mothers Record (HBMR). This provides a continuing flow of information on the health status of pregnant women.

- b) Hilot Training

Traditional birth attendants in the Philippines (hilot) contribute a significant role in the reduction of maternal and infant mortality rates as they attend to a major proportion of births especially in rural areas. Hence, the government has ventured to give them training and follow-up supervision by nurses and midwives.

In 1986, of the 39,558 hilots identified 79% were trained by the Department of Health.

The main obstacle to reaching all hilots for training is the remoteness of their areas of work and the absence of reasonable means of transportation to establish contact with them.

c) Perinatal and Under Six Clinic (USC)

Mothers and their children are the targets of this program. Children registered in health centers and hospital out-patient departments (OPDs) are given growth charts where their health and nutritional status are recorded during their periodic check-ups and immunization and these are brought home and kept by the mothers. This is to intensify efforts to reduce perinatal deaths.

To date, there are 6,847 USCs operating nationwide. Of the 1986 target of 2,240,000 0-6 years, only 68% were given care.

d) Promotion of Breastfeeding

A program of advocacy for breastfeeding is being undertaken in the country on a national scale with the support of policy-makers, implementors, militant mothers and communities.

After five years of collective efforts by various government and NGOs to promote breastfeeding in the country, President Aquino signed on 20 October 1986, Executive Order No. 51, adopting a national code of breastmilk substitutes, breastmilk supplements and related products. The Philippines has before this signed the International Code of Marketing of Breastfeeding Substitute.

The National Code aims to contribute to the provision of safe and adequate nutrition of infants by the protection and promotion of breastfeeding and by ensuring the proper use of breastmilk substitutes and supplements when necessary. The Code also provides for the regulation of advertising, marketing and distribution of breastmilk substitutes and other related products including bottles and teats.

The Department of Health is principally responsible for the implementation and enforcement of the provisions of this Code, with the National Movement for the Promotion of Breastfeeding (NMPB), an inter-agency committee, serving as the Secretariat.

e) Expanded Program on Immunization (EPI)

In 1976, P.D. #996 provided and initially implemented a program for the compulsory basic immunization of infants and children below eight years of age. This was expanded in 1983 in terms of antigens and areas covered. Its main goal is to prevent and control such diseases as: Diphtheria, Pertussis, Tetanus, Poliomyelitis, Measles, and Tuberculosis by immunizing eligible children and pregnant women with tetanus toxoid yearly.

In 1983, about 453,038 or 67.4% of the 672,110 target pregnant women were reported to have received the first dose of tetanus toxoid; 74.5% received the second dose; and 50.2% were fully immunized.

On 3 April 1986, President Aquino issued Proclamation No. 6 committing the Philippines to the United Nation's Goal of Universal Child Immunization by 1990.

The 1986 EPI Comprehensive Review revealed the following percentage coverage of immunization:

	<u>1986</u>
BCG infants	62.2%
DTP ₃	45.8
Polio ₃	47.6
Measles ₃	43.2
Fully immunized	21.3

Other target groups aside from infants and children are all pregnant mothers who are given two doses of tetanus toxoid immunizations anytime during pregnancy in at least four weeks intervals and booster doses given during succeeding pregnancies regardless of interval. Three booster doses confer a life-long immunity.

2. Nutrition

The Philippine Food and Nutrition Program (PFNP) is an organized national plan of action combining individual and collective efforts of public and private sectors to solve the problem of malnutrition and its underlying causes in the Philippines. Among the policies included in its 1984-1987 Plan (NNC) are:

- (1) nutritional status shall be used as a basis for developing program objectives and targets as well as a criterion in the appraisal of development plans and programs of any agency;
- (2) program planning and implementation shall give priority to areas with high prevalence of severely and moderately malnourished population groups; and
- (3) local executives shall provide the quality leadership for planning, implementation and evaluation of the food and nutrition program as an integral activity in development planning at their respective levels . . .

The PFNP is designed to ensure effective delivery of nutrition and nutrition-related services down to the barangay and family levels. It addresses itself to the improvement of the nutritional status of the so-called vulnerable population particularly the infants, pre-schoolers, school children, and pregnant and lactating mothers.

By virtue of P.D. #491 (1974), otherwise known as the Nutrition Act of the Philippines, the National Nutrition Council coordinates, monitors and evaluates the integrated PFNP programs. Its members are the following:

Department of Agriculture and Food
Department of Education, Culture and Sports
Department of Health
Department of Local Government
Department of Social Services and Development
National Science and Technology Authority
Nutrition Center of the Philippines
Philippine Medical Association

a) Programs and Projects

1. Nutrition Interventions - these are the core of activities in program implementation which include food assistance, health promotion/protection, nutrition information and education and food production.
2. Specific programs - participating agencies either in their individual capacity or in cooperation with others have been implementing various programs and projects in support of the FNP.

Target groups of these projects include severely and moderately underweight preschoolers and school children, pregnant and nursing women, families, disaster victims, farmers, fishermen, communities, agrarian reform beneficiaries and out-of-school youths.

Agency projects and activities in support of nutrition programs are numerous. Tabled in the following are only those which specifically target women.

<u>Type of Intervention</u>	<u>Target Group</u>	<u>Implementing Agency</u>	<u>Project Title</u>
1. Food Assistance	Pregnant and Nursing Women	DOH CRS - SAC	Targetted Food Assistance Targetted Maternal and Child Health Program
2. Health Protection	Pregnant and Nursing	DOH	Immunization for Tetanus Toxoid, Distribution of Iron Tablets, Pre and Post natal Care, Goiter Control
3. Nutri-Information Education and Communication	Pregnant and Nursing Women Mother with severely and moderately underweight pre-schoolers. Homemakers in general	Agencies with Food Assistance Project NFP NCP BFAR BPI BAI MAF - BAEX	Mother's Classes or Home-make classes Palm Project Nutribus VTR showing Lecture Demonstration on Fish Processing Lecture Demonstration on Fruit and Vegetable Preservation Lecture Demonstration Malnutrition Prevention Project Organization and Management Rural Improvement Clubs

Source: 1986 Situation Analysis of Children in the Philippines, UNICEF.

b) Other Data Indicators

Program accomplishments in terms of intervention outreach or number of beneficiaries against the number targetted is provided for in the following:

Program	Target	Outreach (1984)	% Covered
Health Protection	709,200 pregnant women for immunization	351,900 pregnant women	49.6%
Nutrition Information and Education	811,410 homemakers	812,300 homemakers	100.1
Food Production	400,500 families	976,000 families	243.7
Food Assistance	-	246,947 malnourished pre-schoolers and pregnant and lactating mothers	

In the Philippines, nutritional anemia due to iron deficiency mostly affects children and pregnant mothers. The 1982 Food and Nutrition Research Institute nutrition survey shows the prevalence of anemia in the Philippines.

Population Group (1982)	Number Examined	% with Anemia
Below 1 yr.	476	51.3%
1-6 yrs.	3,218	32.0
7-12 yrs.	3,102	31.0
13-59 yrs. (males)	5,193	14.9
13-59 yrs. (females excluding pregnant and lactating)	4,439	27.0
60 yrs. and over	1,106	37.2
Pregnant	276	48.6
Lactating	516	20.2
T O T A L	18,327	26.6

Anemia was, however, observed to have declined by as much as 48% for the total population; 68% among lactating mothers and 43% among preschoolers, if we are to compare the above with the 1978 national survey.

3. Population

Family Planning and other population activities are under the umbrella of the Philippine Population Program with the Population Commission at the core of policy making, planning and funding of population-related activities in coordination with other government and private agencies, particularly the Departments of Health, Labor and Employment, Education, Culture and Sports, and Local Government, Institute of Maternal and Child Health, Population Center Foundation, and Family Planning Organization of the Philippines. Also included as participatory agencies are private institutions, academic institutions, and civic and religious organizations. From a program that was predominantly contraceptive-oriented, the PPP has shifted from a largely clinic-based to a people and family-centered program. (Population policies are further discussed under Art. 16(e)).

The ultimate goal of the program is to achieve overall welfare of the family and society. Specifically, the program aims to reduce population growth rate from an estimated 2.4% in 1982 and 2.0% in 1987 to 1.7% by 1992. Further, it hopes to achieve replacement fertility or an average of two children per family by the year 2000. In 1985, total fertility rate was estimated at 4.3%. This was lower than the reported rates in 1980 (4.7%) and in 1975 (5.2%).

As mentioned earlier, the program is implemented by a number of participating agencies who are actively undertaking programs and projects, each performing either of the following functions: research, training, information/education/communication and service delivery. Some of the population-related activities of these agencies among others are briefly mentioned below:

- a) pre-marriage counselling programs
- b) family planning services;
- c) setting up and operation of Family Planning Clinics and service outlets;
- d) recruitment of Family Planning acceptors;
- e) population awareness and sex education
- f) production of IEC materials (broadcast, audiovisual, print, special media and promotional materials);
- g) conduct and funding of research activities;
- h) conduct and funding of training programs;
- i) assistance to hospitals in the establishment of multi-center program for total maternity care centers which offer sterilization services especially to high risk pregnancies.

Population indicators such as number of acceptors, etc. will be taken in Article 16: Marriage and Family.

Other Programs

In addition to the three reported major health programs directly affecting women and children, there are still a package of ongoing programs on public health services in the Department of Health. These are the Filaria Control Service, Sexually Transmitted Diseases, Schistosomiasis Control Program, Tuberculosis Control Program, National Leprosy Control Program, Dental Health Service, Malaria Control Program, Environmental Sanitation Program and Occupational Health.

Among the proposed and newly launched programs are Acute Respiratory Infection, Cardio-Vascular Disease Control Program, Lying-In Project, Field Epidemiology Training Program, Primary Health Care Operations Research Projects, Cordillera Integrated Health Project, Anti-Smoking Drive Program and the AIDS Prevention Control Program.

The government is very much alarmed with the increasing number of reported cases of AIDS in the Philippines mostly victimizing women. A number of women especially in the entertainment, sauna bath and massage establishments have already been found positive of the AIDS virus. This has prompted the Department of Health to launch a comprehensive national plan of action to control and prevent the spread of infection to the Acquired Immune Deficiency Syndrome (AIDS) making use of the following strategies: surveillance, health education, manpower development, and organization of local AIDS Committees in Angeles, Olongapo and Manila. Other government and health-related NGOs are supporting this program.

While there seems to be no discrimination against women in the delivery of health care services, much remains to be seen in the enforcement of laws and policies as well as in the implementation of health programs and projects. The health status of the population, especially in the rural areas, still needs much improvement. Outreach component should still be expanded to reach the grassroots level. Furthermore, coordination and networking among government and private agencies should still be made effective and efficient.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a) the right to family benefits;
- b) the right to bank loans, mortgages and other forms of financial credit;
- c) the right to participate in recreational activities, sports and all aspects of cultural life.

a) Right to family benefits/assistance

Women in the Philippines, just like the men, have the right to family assistance/benefits and other social services.

In the Philippines, government's efforts towards the upliftment of disadvantaged population are translated by the Department of Social Welfare and Development (DSWD) into major social services. These six basic social services constitute (1) Self-Employment Assistance (SEA), (2) Practical Skills Development and Job Placement, (3) Day Care Services and Supplemental Feeding, (4) Emergency Assistance, (5) Family Planning Counselling and Population Awareness and Sex Education, (6) and Special Social Services.

In 1986, the DSWD (formerly MSSD) assisted 5.6M needy/disadvantaged population. Breakdown is as follows:*

1,392,328 unemployed family heads;
1,569,148 underweight, dependent and neglected pre-school children;
711,844 out-of-school youth/street children/delinquent youth;
1,165,330* disadvantaged women;
224,980 disabled and socially disadvantaged persons;
and
1,796,212* victims of natural and man-made disasters

*Record is based on client calls. Beneficiaries might have been over-estimated.

For the jobless and unemployed heads of families (women and men), DSWD continues to implement the self-employment assistance (SEA) program which aims at the socio-economic development of disadvantaged families and which grants interest-free capital to individuals, groups or disadvantaged family members to start income-generating projects.

SEA utilizes various financing schemes, namely:

- 1.) First level SEA or Bigay Buhay SEA - which grants small capital ranging from ₱300^{*} to ₱500 per client (regardless of sex) and ₱1,500 for a group to start an income-generating project. In 1984, there were 27,513 new enrollees who were given assistance.
- 2) SEA Paluwagan is a scheme for successful SEA grantees who have fully paid their capital assistance under Bigay Buhay and who would like to organize themselves for cooperative financing from which each member can borrow as much as ₱500 at 4% interest rate per annum to enable him/her to expand the project. In 1984, there were 6,870 enrollees and 27,283 family members who enjoyed the benefits of this project.
- 3) SEA Kalusugan - grants capital loans and marketing assistance to eligible parents particularly mothers of malnourished children being assisted through day care centers to engage in food and nutrition related projects and to provide proper nutrition to their family members. In 1984, a total of 4,797 parents and 24,971 family members were the recipients of such assistance.
- 4) Second Level SEA allows SEA clients who wish to expand their projects the benefits of a soft loan (Maximum of ₱5,000 payable in five years) from the Development Bank of the Philippines with DSWD acting as guarantor. In 1984, there were 697 enrollees who availed of this service. Data on SEA beneficiaries by sex are not available.

^{*} ₱20.00 - US\$1.

The Self-Employment Assistance (SEA) Foundation, Inc., a non-stock, non-profit and service-oriented organization, vigorously pursues the SEA program. To date, there are 36 member agencies with livelihood or related projects directed towards the disadvantaged. Its services include a capital seed loan with a maximum of ₱50,000, technical assistance, practical skills development, marketing and referrals.

The UGNAYAN Center of DSWD likewise provides financial aid of ₱100-300 to families/individuals with immediate/emergency needs. Again, provision of assistance is not based on sex but based on the status and needs of clients.

DSWD piloted a service intended for solo parents to enable women to cope with the difficulties or stresses of solo parenting. Special social services to solo parents make use of the group work method in social work to assist individuals with regard to problems related to social functioning through their participation in group activities under the guidance and supervision of a group leader.

Other family-related services are the Family Planning Counselling (FPC), Parent Effectiveness Service and Parent-Education Congress.

The Philippines being a disaster-prone region, has placed great emphasis on disaster preparedness programs and the streamlining of relief and rehabilitation operations. Needless to say, the granting of emergency benefits is based on need rather than on the sex of the recipient.

b) Right to financial credit

Women are also entitled to bank loans, housing loans and other forms of financial credit. They are not restricted in availing credits for their economic activities.

For example, qualifications of principal applicants to the Government Service Insurance System's (GSIS) individual real estate loan have no reference to sex. Applicants with the following qualifications may avail of such benefit:

- . GSIS member (government employees) in active government service;
- . Not more than 65 years of age;
- . Has not yet been provided any GSIS housing account loan (residential or low-cost);
- . Not a co-maker of an outstanding GSIS housing account or of a housing loan application pending with the GSIS.

Likewise, the Home Development Mutual Fund (EO no. 35), popularly known as the Pag-ibig Fund, grants housing loans to active members (government and private employees) of good standing, based on their ability to pay. Members can enjoy the following PAG-IBIG benefits:

1) Savings Benefit

The PAG-IBIG savings benefit has the following features:

- . Double-or-triple-your-money benefit for savings because of the 1% or 2% employer counterpart;
- . 10% tax-free dividend package which is higher than the existing taxable 5%-6% interest rates given by commercial banks;
- . Portability of membership so that even if he/she transfers from one company to another, his/her total PAG-IBIG savings remains under his/her name;
- . Government guarantee for savings.

With the said features, savings with PAG-IBIG can grow 5x bigger upon membership maturity.

- 2) Opportunity to avail of housing loans at affordable rates.
- 3) Opportunity to avail of other planned short-term benefits such as minor improvement, appliance and furniture loans.

While there is no specific unit or policy within the government structure nor are there policies designed to organize and assist women as lenders and borrowers of money, there are, however, independent organizations, like for example the Balikatan sa Kaunlaran (BSK), Inc. and Women in Finance and Entrepreneurship (WIFE), Philippines which promote the direct participation of women and families in the economy especially those who have not had access to the services of financial institutions.

BSK, Inc. supported by Presidential Proclamation #1609, has been sponsoring various income-generating activities to provide opportunities for people to manage their own IGPs. On the other hand, WIFE has organized technical seminars for women entrepreneurs on various aspects of setting up an enterprise, business financing management and marketing, and raising funds to establish and operate the loan guarantee mechanism.

One local study (by Pineda-Ofreneo) of the University of the Philippines-Institute of Industrial Relations revealed that women have equal access to credit for their economic activities as compared to men. However, they are concentrated in the manufacture of garments, fashion accessories, footwear, gifts and housewares, processed foods and furniture items as domestic outworkers. Domestic outworkers are those contracted to manufacture or process parts of a particular product and who do the contract jobs outside of the factory within the premises of their homes (may be individually or with the entire household).

Rural women have the right to full membership in agriculture cooperatives and even the right to form separate cooperatives. This is according to PD 175, Sec. 3a which provides that membership to cooperatives is open to all persons who can make use of its services and are willing to accept the responsibilities of membership. As of 1983, there were a total of 39 cooperatives under the wings of Rural Improvement Clubs, an organization of rural women. These cooperatives claim to have some 1,637 members.* Women officers (as Secretaries and Treasurers) of farmers' cooperatives constitute 15% of the total number of officers.

Women also have the right to apply for agricultural loans provided they are female household heads (widows, divorced women, etc.) Those who are married require their husbands' signatures.

There remain, however, some areas where women tend to be at a disadvantage when it comes to access to credit. For example, the Agrarian Reform Program of the Philippines extends a package of services to farmer-beneficiaries,

* Members only of Rural Improvement Clubs Development Cooperative Inc., (RICDCI); a cooperative organization registered with the Bureau of Cooperative Development under PD 175 and LOI 23, composed primarily of members of the RICs who voluntarily joined together to establish business enterprises they themselves own, control and patronize, to provide goods and services needed by the members.

among them in the form of credit support to improve their economic productivity. Under the Comprehensive Agrarian Reform Program (CARP), each beneficiary who actually farms his land shall be eligible for a production loan to finance one crop cycle through the Land Bank of the Philippines. It has been observed that there have been few women direct beneficiaries of this program because it is the male-farmers who are always considered the household heads and who are identified as the bona fide tillers of the land. This is because most of major farming operations like land preparation, irrigation, pests and disease control and water management are done by men while women are confined to secondary farm activities like weeding and harvesting. Hence, women have lesser access to production loans.

c) Equal rights in recreation, sports and culture

The Philippines gives high priority to sports as a vital aspect in national development. Thus, the promotion of sports development is enshrined as a distinct section in the present Constitution. Article XIV, Sec. 19 states that:

- (1) The State shall promote physical education and encourage sports program, league competitions, and amateur sports including training for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.
- (2) All educational institutions shall undertake regular sports activities throughout the country in cooperation with athletic clubs and other sectors.

Even in the Constitution's statement of States Policies, Article 2, Sec. 17 provides that "That State shall give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development."

The Philippines is also a signatory to an international charter of the United Nations Educational, Scientific and Cultural Organization (UNESCO) which declares that "the practice of physical education in sports is a fundamental right for all."

As regards the enjoyment of cultural life, the fundamental law of the land also provides a separate provision on Arts and Culture (Art. 14, Sec. 14-18). Sec. 18 specifically states that:

- (1) The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues.
- (2) The State shall encourage and support researches and studies on the arts and culture.

The above cited provisions guarantee both women and men equal access to all cultural, sports and recreational facilities.

In the school setting, for example, equal opportunities are open for boys and girls to participate in sports and physical education. Moreover, the learning continuum for the Role of Women in the intermediate Grades has a concept on the enhancement of the physical capabilities of both men and women through appropriate training and environment despite their physiological differences. The Department of Education, Culture and Sports Program under the Bureau of Physical Education and School Sports covers more than 50,000 students nationwide. (Pls. see Article 10 (g) for additional and related information).

Sports development has been a regular program not only in schools but also even among public and private offices. Male and female employees are encouraged by their employers to participate in sports and cultural activities and to join the array of organizations which participate in competitions for volleyball, swimming, bowling, choral group contest, drama guilds, etc.

Women athletes like the men are also given opportunities to participate in sports competition, whether it be local, national or international. A number of our national lady athletes are becoming very popular in international meets, each having their own sports to play - track and field, tennis, bowling, gymnastics. For the past 10 Asian games, Filipino athletes have been able to bring home to 10 gold medals - five of which were won by a Filipina bowler. One holds the title "sprint queen" of the whole Asia and the rest rank among Asia's best.

The conduct of national athletics was supervised by the Philippine Amateur Athletic Federation (PAAF) until the early 1970s. The other national body for sports is the Philippine Olympic Committee (POC), which represented International Olympic Committee in the country. This is also the sole liaison for the country's participation in international competitions including the Olympic Games.

Also in connection with womens' rights to cultural activities, the National Commission on Women sponsored a three-day Consultation on Women in Arts and Culture last October 23-25, 1987 as part of a series of consultations with the NGOs. This was participated in by committed women artists from the following fields: literary, visual, film and performing arts. Among the recommendations of this group are a National Exhibit on Filipino Woman Artists and Publication/Documentation on Filipino Women in Arts.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right;

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

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The 1980 demographic statistics show that rural Filipinas, at almost 14.8 million, comprised 62% of the total women population.* Figures for the first quarter of 1984 reveal that out of a total women population of 15 years in age and above (16.3 million), 59% (9.7 million) were found in the rural areas.**

Of the total rural women 15 years old and above during the first quarter of 1984, 54% (5.2 million) are "not in the labor force"; meaning, that they are not at work or are without jobs and not wanting work or wanting work but not looking for work. These women are classified as housewives, most of whom are performing economic activities not duly recognized or measured by conventional census taking mechanisms.

While agriculture is male-oriented, it is a major employer of rural women. In 1983, the sector hired 3 million rural women or 55% of all female workers in the rural areas. In a survey made in three farming barangays in Batangas,*** the activities of women in the home and on the farm were summarized as follows:

- . Home production activity - preparation/cooking, marketing, laundry work, cleaning the house, childcare, fetching water, gathering firewood, renovating old clothes, and other productive activities.
- . Market and production activity - wage earnings (cottage industries), farm activities, homeyard gardening, backyard livestock raising, selling produce in the local market and other productive activities.
- . Personal consumption activity - personal care, sleeping/resting, recreation and socialization and other productive activities.

*Philippine Statistical Yearbook (1986).

**National Census and Statistics Office, Special Release, 8 June 1984.

***Ancheta, Rufina R. The Filipino Women in Rice Farming, March 1982.

During the peak seasons of planting and harvesting, the women spend all of their daylight hours on agricultural chores, arriving in the field as early as 7:00. During these periods, they leave some of their domestic tasks undone, e.g., washing clothes, cleaning the house, or their cottage industry work. These are done later in the day or at night after arriving from the field. In the field, the women help the men in any field operation except plowing and preparing the field.

It may be surmised, therefore, that millions* of housewives and farmers' daughters classified as "not in the labor force" should have been placed in this category and, thereby, considered as engaged in agricultural production. They are actually working to produce food for their families by cultivating vegetables, raising poultry and hogs, and providing field hands as well as cooking for them. They also do some processing activities inside the home. These, however, are generally not considered agricultural work which is equated to field work or cultivation of products, the value of which must be measured in monetary terms. To make things worse, rural women who have no regular cash income are understandably inclined to tell census takers that they are just housewives when they are engaged in a variety of economic activities: regular or seasonal, permanent or temporary, singly or simultaneously, agricultural or non-agricultural, on or off the farm.

In August 1983, upon official request of the NCRFW, the National Accounts Staff of NEDA** undertook a study on the quantification of unpaid housework. Its primary objective was to assess the available statistical information generated from the quarterly survey of households to determine whether or not the detailed labor force statistics regularly used could provide an adequate basis for the quantification of unpaid housework; and should gaps exist, whether or not it is feasible to generate the required information utilizing the same quarterly survey of households as a vehicle for filling up the identified gaps. Specifically, the study came up with the following outputs:

* As of the third quarter of 1983, there are 5.1 million rural females 15 years and over classified as 'not in the labor force'.

**The National Economic and Development Authority (NEDA) is the Philippine central agency for national development planning and coordination of program implementation. Its Statistical Coordination Office in which the National Accounts Staff belongs prescribes standards and techniques and coordinates the statistical activities and services of the various government agencies.

- a) Profile of the Filipino women as of the third quarter of 1982;
- b) An Income Model (for urban and rural) using the concept of opportunity cost* and market valuation as alternative approaches to quantify housework;
- c) A proposed modification in the quarterly survey of households of the NCSO to support data requirements for the monetization of housework using the market valuation approach**;
- d) Effects on the GNP estimates when using these quantification techniques.

The study estimated that by imputing prevailing wage rates of domestics to time spent for unpaid housework or non-market activities, this could easily account for 10-11 percent of the GNP. If the monetary value of unpaid work, in turn, was estimated by the aggregate value of foregone income of non-working women, assuming no constraints on the absorptive capacity of the labor market, the imputed value could easily account for about 30 percent of GNP.

The study further indicated that on the average, employed women in rural areas worked for 24.5 hours a week, about half of the reported 45.2 hours of work observed for urban women. As a consequence, working rural women had more time for housework which averaged 32.9 hours a week. On the other hand, working urban women averaged 28.6 hours per week, or about a third of their working hours, for unpaid housework.

* A valuation approach requiring the development of a model that would impute on the household work time the wages the unpaid household worker would earn in the market if she chooses to give up the household work and take up employment.

**This approach requires imputing monetary values on unpaid work inputs in the household on the basis of market wages or of the market values equivalent of non-cash benefits enjoyed as a member of the household.

- (2) States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;

An essential element underlying planning activities in the Philippines is the principle that each region is an integral geographical body with delineated needs and objectives. Consequently, each of the country's regions formulates its own development plan and spells out its objectives, strategies and programs. Regional, provincial and municipal development councils are set up involving local governments, community-based institutions and private voluntary organizations in the identification, implementation and monitoring of development programs and projects. For lack of data/information, it is difficult to ascertain women's participation in regional and community development planning. From available literature, however, many governmental and non-governmental agencies concentrate on income-generating, nutrition and other welfare-oriented projects at the community level which are often the types of programs determined by funding agencies and these are very traditional in outlook.

- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes /refer also to Art.11(e)/;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency/refer also to Art.10(e), (f)/;
- (e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;
- (f) To participate in all community activities;

Welfare agencies of government with assistance from NGOs and private voluntary organizations undertake programs/projects for rural women such as the following:

A. Department of Health (DOH)

The DOH initiated some measures to equalize the distribution of health resources and consequently improve the delivery of health services in the country.

For instance, the disparity in the distribution of health facilities is being minimized by the establishment of rural health units (RHUs) of which there are 2,027 and 7,678 barangay health stations. These health centers provide basic medical services especially to the rural people. Through the Bureau of Medical Services, the DOH is continuously lobbying for and monitoring/studying local ordinances, resolutions and proposed parliamentary bills which call for the establishment of hospitals especially in rural areas, the increase in the bed capacities of existing hospitals, and the provision/improvement of other health facilities in the country.

Another measure introduced in 1974 is the prelicensure requirements for medical and nursing graduates to render rural health services in undermanned rural health units and district hospitals for a period equivalent to one semester (four months).

The issuance of Letter of Instruction No.948 in 1979 modified the program. The rural health practice program for nursing graduates became voluntary for four months while the program for medical graduates continued to be compulsory and was extended to six months. This modified program intends to enable the new medical and nursing graduates to get exposed to rural life and thereby generate their commitment to serve the rural people.

DOH and other GOs and NGOs have been continuously training para-medical personnel in support of the three national health programs of the country. Each health program has its own group of workers particularly assigned in the rural areas as shown by the following table:

National Health Program/ Description	Type of Volunteer Worker	1984 Estimated No. of Volunteer Workers (000's)*
. Maternal and Child Health Care Program - focused on assuring a safe pregnancy and delivery for both mother and child as well as special care for children. Components: maternal care, pre-natal/childcare; breast-feeding, and immunization.	1. Traditional midwives (hilots)	39.6 (1983)
	2. Barangay health workers	214.5
	3. Botica sa Barangay	10.4
	4. Village health aides**	n.a.
. Philippine Nutrition Program - addresses itself to the improvement of the nutritional status of the population esp. infants, pre-schoolers, school children, pregnant/nursing mothers. Components: food assistance, information education and communication (IEC), health protection, and food production.	1. NOGs	n.a.
	2. Barangay nutrition scholars	13.0
	3. Public Health doctors/nurses	n.a.
. Philippine Population Program - provision of family planning information, education, motivation, and services to all eligible couples who wish to space or limit childbirth.	1. Fulltime outreach workers	3.3 (1980)
	2. Barangay service point officers	52
	3. Sarikaya (self-help) workers***	0.5 (1980)
	4. Midwives	0.5 (1980)
	5. Public Health doctors/nurses	n.a.

*There can be double counting since a volunteer can be in all types of volunteer work.

**Organized by the Institute of Maternal and Child Health(IMCH) in 1984.

***Organized by the National Family Planning Office of DOH in 1980.

B. Department of Agriculture and Food (DAF)

Mandated with the task of undertaking an educational program for rural families through its home extension services, DAF undertakes programs/projects specific for rural women. Home extension projects/activities are initiated and operationalized by an indigenous organization known as the Rural Improvement Clubs (RIC).*

The RIC is a voluntary barangay-based organization technically assisted by the Home Management Technicians (HMTs) of the DAF. The club aims to bring about effective involvement and participation of rural women in home and community projects through collective efforts. In the process, the club members develop organizational skills and leadership resourcefulness, entrepreneurial skills and appreciation for cultural values and heritage.

Organized in a nationwide scale, the RICs are found throughout the country specifically in areas served by the HMTs. As of June 1986, there were 7,257 clubs with 204,219 members and assisted by 1,647 HMTs all over the country.

Projects/activities undertaken by the RICs are:

- a) Malnutrition prevention project
- b) Selective homeyard food production
- c) Family life, child development and population education
- d) Guided homes project - home sanitation and beautification, good housekeeping, energy conservation and recycling, consumers' education
- e) Training on cooperatives
- f) Income-generating projects either through self-help or grants for revolving fund in projects such as backyard gardening, swine raising, food processing and handicraft.
- g) Coconut utilization - RICs in coconut-producing regions are developing coconut into soap, vinegar, cooking oil, candies, nata de coco, jams and other coconut delicacies.
- h) Ornamental and herbal production.
- i) Infant supplementary mixes (INSUMIX) production utilizing indigenous crops like mongo and sesame.
- j) Catering services as an IGP

*In January 1987, Executive Order # 123 was signed transferring the Home Economics Program Division of the Bureau of Agricultural Extension (BAEX) of DAF to the Bureau of Women's Welfare of DSWD. Three months after, the members and officers of the Rural Improvement Clubs of the Philippines as well as the management and staff of the Home Economics Program Division of BAEX appealed for the retention of the said Division under DAF.

- k) RTW garments project
- l) Diversified food processing/food trades
- m) Handicraft/bamboocraft/weaving and other cottage industries

Group projects frequently undertaken are: backyard gardening (47%), food processing (17%) and handicraft (84%). As to funding of projects, 90% are through self-help.

RICs with identified livelihood projects undergo training in cooperatives to gain experiences and skills in project development and management. This leads to institutionalization of viable IGPs and organization of RIC cooperatives. At present, there are more than a hundred RIC cooperatives all over the country.

C. Department of Labor and Employment (DOLE)

- . Bureau of Rural Workers' action-research on rural women in selected Philippine plantations

Collaborating with the International Labor Organization (ILO), the Bureau initiated a three-phase project which sought to ultimately assist rural women. First, it undertook a participatory research mainly to describe and analyze the living and working conditions of rural women and stressed how such conditions relate to their participation in domestic chores, production work and community affairs.

During the program's second phase, a national workshop was conducted to create awareness on the situation of rural women; identify and assess key issues and problems affecting them; and explore possible action and discuss policy applications.

In the third phase, it is projected that actions towards increasing women's participation in income-generating activities will be undertaken.

- . Skills Training for Rural Women

In 1984, the Bureau of Women and Young Workers (BWYW) conducted an exploratory survey in Barangay Sogod, Bacacay, Albay aimed at identifying the skills training needs of rural women. Survey results revealed the interest of rural women to attend skills training in cottage industry, food trade, food

production and dressmaking. The largest bulk of the respondents were likewise interested in establishing a small-scale business after training. They were found to be generally willing to join a cooperative or a group business undertaking and were interested in entrepreneurship.

In November 1985, the second phase of the project was launched in Daraga, Albay. Of the four specific skills identified by the women themselves in Phase I, only the training course in cottage industry was implemented due to lack of resources. The 48-day skills training on bag making and crocheting was conducted from 27 November 1985 to 22 January 1986, and graduated a total of 57 trainees out of the 62 original participants. Forty-seven of them were subcontracted to produce for export to Japan.

Women in Development for Economic Recovery (WIDER) Project

In December 1985, BWYW identified and awarded fund support to 14 women organizations with livelihood projects in Manila, Sapang Palay, Sta. Maria (Bulacan) and Bacacay (Albay).

One of the training projects was skills training on basket weaving participated in by 25 women residents of Sta. Maria, Bulacan. Another skills training conducted in Albay was on food production/processing which benefitted a total of 92 women participants.

DOLE's Regional Office V (Legaspi City) conducted skills training in fish processing/preservation, food production, fruit preservation and handicraft, participants of which were mostly women. Wives and daughters of employees of the Philippine Geothermal, Inc. were also beneficiaries to the Office's skills training on Food Production in order to raise the standards of living of the workers and their families.

These trainings were made possible through the sponsorship of BWYW and the Women in Finance and Entrepreneurship (WIFE).

D. Department of Trade and Industry (DTI)

To enable selected community-based women's organizations to successfully implement livelihood projects, a "Seminar on Small-Scale Business Management for Women Leaders" was also conducted in coordination with the Lipon Pangkabuhayan of the Department of Trade and Industry. The seminar provided 29 women participants from Manila, Sapang Palay and Sta. Maria (Bulacan) with basic knowledge on production, organization, marketing and financial aspects of managing a small-scale business.

Progress made on the IGP of women beneficiaries is constantly monitored by the BWYW.

Despite the general reluctance of rural women (except for the highly visible elite) to involve themselves in political activities (except voting), there seems to be an awakening in some areas. In Luzon, for example, the Katipunan ng Bagong Pilipina (KBP) distinguishes itself as a non-governmental organization. With a membership of 18,000 mainly rural women, it devotes a lot of time and effort to seminars, study meetings, literacy and other mass campaigns with political content, over and above involvement in community services and projects. Such campaigns include protest actions against IMF-imposed devaluation, the oil price increases, the Bataan nuclear plant and the U.S. military bases in the Philippines. KBP has also held rallies, festivals, conferences and numerous village meetings explaining the need for peace and disarmament. Consumerism, which serves as a defense against the profit-making activities of the global firms, is also one area where the KBP is quite active. In particular, it has promoted breastfeeding and campaigned against the use of powdered milk propagated by transnational corporations; it has stressed the importance of herbal medicines as substitutes for expensive drugs marketed by foreign companies.

The primary programmed activity of the KBP is an educational drive aimed at a step-by-step training of rural women, from the level of no particular qualifications to progressively more responsible roles as leaders, trainers and managers in organizational and community affairs as well as in economic projects. Methods employed include role-playing, case studies, reading and writing assignments, skits, audio-visual presentations and speech-making.

In all its training programs and mass campaigns, the KBP has extensively used the national language. It has translated a lot of materials originally

written in English* which would otherwise not be understood by the masses. In this way, it is progressively raising the capability of the rural women, and indirectly, the rural people as a whole.

- 2(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

In agricultural extension programs, the agriculturist works with the male farmer while the home management technician works with the wife mainly on domestic type of activities. It is relatively rare for females to be involved in rice and corn production training programs despite the fact that they contribute much of the labor input in production. It is only through the following conditions that rural women may acquire access to credit and production input**:

- . if the land used as collateral is in the name of the woman;
- . if the woman is the administrator or manager of the farm;
- . if the woman is a widow and acts as manager/operator and she herself tills the land.

It is even the practice by tradition that if the male farmer dies, the farm land in his name is passed on to the eldest son and not to the wife.

Rural women in the labor force are often engaged in rice and corn farming although it is in sugarcane farming that they receive greater benefits and higher income. In fact, rural women earn more in their sideline activities than in farm activities. They have never been a specific target clientele of agricultural development programs, nor of savings and investment programs. Their ability to participate in income-generating activities is very limited as well since access to credit or capital depends on their capacity to mobilize funds from kin.

*Including the provisions of the UN Convention on the Elimination of All Forms of Discrimination Against Women and which was recently published by the United Nations Information Center.

**Interview conducted in Balayan, Batangas and Tayabas, Quezon for the Women in Rice Farming Conference, 26-30 September 1983, IRRI, Los Baños, Laguna.

Adoption of new technology has meant a decreasing participation of female unpaid family labor and increased participation of female hired labor in harvesting and weeding.* For rural women to continuously participate in farm production, neutral or labor-using technologies need to be adopted. However, there seems to be a faster shift to labor-saving technologies because returns to development of this type of technologies accrue to chemical industries and multinational corporations rather than to the farmers themselves.

Rural women are excluded from or even not encouraged to join agricultural training programs, credit cooperatives and other farmers associations. Although there have been women's cooperatives organized through the Rural Improvement Clubs of the Ministry of Agriculture and Food, the participation of women in farming activities per se still warrant great improvement. Giving women technical expertise in agriculture and making them responsible for farm management may go a long way towards transforming women's traditional beliefs and attitudes. They may come to view their agricultural work as equal in importance as their wife-mother roles instead of viewing their involvement in agriculture as simply an extension of their traditional roles.**

- 2(h) To enjoy adequate living conditions particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

In the Philippines, especially in the rural areas, women have the primary responsibility for family/home management. In the face of the worsening poverty situation***it is the woman(wife/mother) who experiences the added burden of stretching or supplementing the budget. Her work in the house is made either light or burdensome depending on the availability of utilities in the home.

Poverty in the rural sector is more severe than in the urban areas. 1985 regional poverty indicators show that rural poverty incidence was highest in Regions V,VI,VII and VIII with more than 70% of families falling below the poverty line. The 1980 Census of Population and Housing provides some inform-

*Stanford ML, JL Unnevehr. "Technology and the Demand for Women's Labor and Management Skills in ASEAN Rice Farming." A paper presented during the Women and Rice Farming Conference, IRRI: 26-30 1983.

**Gonzales, Nelia. "Linking Rural Women with the Financial System Through Organized Rural Improvement Clubs." A paper delivered at the Women's World Banking: Asia and Pacific Regional Workshop, November 1982.

***Chapter 2: Regional Development and Physical Planning Framework. Five-Year Philippine Development Plan (1987-1992).

ation about the living conditions in the rural areas:

1. Water

- . Of the total rural households (5.4 million), 52% (2.8 million) have water for cooking within their houses/yards while the remaining 48% (2.6 million) secure water for cooking from public sources which include public wells, springs, lakes, rivers, streams, irrigation, etc.
- . Of the total rural households, 43% have water for laundry within their houses/yards while the remaining 57% get water from springs, lakes, rivers, irrigation, etc.
- . Of the total rural households, only 35% are assured of clean water for drinking which comes from community water systems/ deep wells while the remaining 65% secure their drinking water from shallow/dug wells, spring, rain, rivers, irrigation, etc.

2. Toilet facilities

- . Of the total Philippine households, only 48% (4.1 million) have water sealed toilets. Of the total households with water sealed toilets, 44% are in the rural areas and 56% in urban communities.
- . 1.2 million (22%) of rural households have no toilet facilities whatsoever.
- . 2.4 million (44%) of rural households use either the close pit, open pit or pail system as their toilet facilities.

3. Cooking fuel

- . Only 4% of rural households use modern cooking facilities; 96% use the traditional facilities like kerosene, wood or charcoal.

4. Lighting

- . Only 20% of rural households enjoy better lighting (with electricity or LPG powered lights); 80% use either kerosene or oil.

5. Housing

The Philippine Five-Year Development Plan (1987-1992) identified the National Capital Region (NCR), Western and Eastern Visayas as having housing problems.

In 1985, NCR had a density of 10,915 persons per square kilometer which is approximately 60 times the national average. This situation was brought about not only by rates of natural increase but because of migration which is increasingly becoming a prominent contributory factor.

To help alleviate the living conditions in the rural areas, the Five-Year Philippine Development Plan proposes a two-level program strategy: Level I - basic facilities and services; Level II - livelihood projects. The implementation of projects shall be such that the fundamental needs or requirements of the people are first met and the basic support facilities are put in place before livelihood or income-generating projects are implemented.

Level I projects are agro-based, small-scale infrastructure projects such as roads linking farms to main highways and markets, gravity-type irrigation systems, flood control facilities, and water systems. The basic social services will also be given adequate attention. Assistance will be provided in the establishment of school buildings, training and recreation centers, and health units. All these basic facilities and services are designed to provide the necessary groundwork for the subsequent implementation of Level II livelihood projects. Moreover, they are intended to stimulate and sustain private sector initiative in local development activities.

Since the strategy aims to address the pressing problem of poverty and to correct income disparities, it shall target the most depressed municipalities, specifically those belonging to the bottom 30 percent, inasmuch as these are the areas where local initiative is generally weak, productivity is very low, and the incidence of poverty is high.

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

As reported under Article 2, the equality of men and women before the law is guaranteed by the Philippine Constitution (Article II Sec. 14).

A person, male or female, who has reached the age of majority, which is 21 years, is qualified for all acts of civil life. They can acquire, hold and dispose of property, enter into contracts, sue and be sued, enjoy the right of succession, choose their residence, and travel.

Thus, Article 402 of the Civil Code provides that "Majority commences upon the attainment of the age of twenty-one years", making one "qualified for all acts of civil life." Moreover, Article 37 states that "Juridical capacity, which is the fitness to be the subject of legal relations, is inherent in every natural person and is lost only through death. Capacity to act, which is the power to do acts with legal effect, is acquired and may be lost."

The restrictions set on individual legal capacity are unrelated to sex, dealing chiefly with age and the mental and physical health of a person. The following are the relevant provisions of the Civil Code:

Article 38. Minority, insanity or imbecility, the state of being a deaf-mute, prodigality and civil interdiction are mere restrictions on capacity to act, and do not exempt the incapacitated person from certain obligations, as when the latter arise from his acts or from property relations, such as easements.

Article 39. The following circumstances, among others, modify or limit capacity to act: age, insanity, imbecility, the state of being a deaf-mute, penalty, prodigality, family relations, alienage, absence, insolvency and trusteeship. The consequences of these circumstances are governed in this Code, other codes, the Rules of Court, and in special laws. Capacity to act is not limited on account of religious belief or political opinion.

Because of the old discriminatory provisions of the Civil Code, particularly in marriage, it specifically mentions as part of Article 39 on Civil Personality, the following proviso: "A married woman, twenty-one years of age or over, is qualified for all acts of civil life, except in cases specified by law." One of these exceptions is the choice of domicile which used to be the prerogative of the husband. But the New Family Code provision now gives the wife an equal say with the husband in fixing the family domicile.

In cases of legal separation, each spouse is allowed to choose his/her own residence.

The same is true in property relations within marriage, which is now governed by the regime of absolute community, and the disposition, administration and enjoyment of the community property belong to both spouses jointly. Also, both the father and the mother jointly exercise legal guardianship over their children's properties.

Generally, the rights to free movement and residence are both safeguarded by the Philippine Constitution without discrimination as to sex. The following are the relevant Constitutional provisions:

- Article III Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable ...xxx.
- Article III Section 6. The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law.

Under Article 50 of the Civil Code, "For the exercise of civil rights and the fulfillment of civil obligations, the domicile of natural persons is the place of their habitual residence." Moreover, Article 51 states that

"When the law creating or recognizing them, or any other provision does not fix the domicile of juridical persons, the same shall be understood to be the place where their legal representation is established or where they exercise their principal functions."

Unmarried women who have attained majority have the same right of free choice of residence as men while minors of either sex have as their residence that of their parents or of the parent with whom they normally reside.

As already reported under Article 2, men and women are entitled to the same treatment at all stages of court proceedings whether as plaintiff or defendants or as offenders or victims in criminal cases. Article III Section 16 of the Constitution provides, "All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial or administrative bodies."

There are no restrictions set by legislation on individual legal capacity of women to conclude contracts, nor are there any known private instruments of any kind with the legal effect of restraining/restricting the legal capacity of women. Such would automatically be considered contrary to the Constitution and, therefore, illegal.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - a) The same right to enter into marriage;
 - b) The same right to freely choose a spouse and to enter into marriages only with their free and full consent;
 - c) The same rights and responsibilities during marriage and at its dissolution;
 - d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - e) The same rights to decide freely and responsibly 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;
 - f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Constitutional Provisions

Being a democratic country, the sanctity of the family is made constitutionally a State concern. The 1987 Constitution recognizes the family as a basic social institution under its State Policies:

"The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government." (Art. II, Sec. 12)

Similarly in the Family Code, the family is referred to as "a basic social institution which public policy cherishes and protects". (Article 149)

The present Constitution, under its Article XV, has separate provisions on family.

Section I. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Section 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

Section 3. The State shall defend:

- (1) The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood;
- (2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;
- (3) The right of the family to a family living wage and income; and
- (4) The right of families or family associations to participate in the planning and implementation of policies and programs that affect them.

Section 4. The family has the duty to care for its elderly members but the State may also do so through just programs of social security.

While the Filipino family is regarded as the foundation of the nation, marriage is considered the foundation of every family. Marriage, as defined in Art. 1 of the Family Code, "xxx is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law..."

While the Family Code grants legal separation and annulment of marriage, still Philippine laws lean towards the sanctity and validity of marriage and its indissolubility. The New Constitution further respects and protects the customs and traditions of cultural communities including absolute divorce recognized by Muslims (Art. XIV, Sec. 17).

Other Legal Bases

The well-being, security and stability of the family is likewise spelled out in the Mid-Term Philippine Development Plan (1987-1992). In its Chapter on Social Services and Community Organization, there are specific policies and strategies to attain the objectives of the Chapter. Generally speaking, its objective is to increase access to basic needs and improve the quality of life of distressed and disadvantaged population including families. Specific policies and strategies on family welfare are provided for in the plan which stress the importance of maintaining solidarity of the Filipino family through family welfare programs and delivery of social services. Thus, it says:

1. Stabilize the family and prevent family disorganizations;
2. Strengthen the total family approach in the delivery of social services;
3. Intensify linkages with other sectors providing family-oriented services.

Meanwhile, there are bills filed in the House of Representatives pertinent to the welfare of the family. So far, these are:

1. House Bill No. 44

An Act to legalize Church annulment or dissolution of certain marriages.

2. House Bill No. 150

An act amending Article 231 of the new Civil Code increasing the amount of a duly constituted family home.

Family Code of the Philippines

It took eight years of hard work and deliberations before the new Family Code of the Philippines was signed into law by President Corazon C. Aquino as Executive Order No. 209 on July 6, 1987.

As a brief historical background, family law is governed by Book 1 of the Civil Code of the Philippines which is essentially Spanish in content and orientation and was enforced in the Philippines in 1889 when the country was a colony of Spain. Only very few amendments were introduced in 1950 to adapt the law to the customs and traditions of Filipinos.

It is in the family law where a number of provisions were found to be discriminatory to women. It was only in 1979 when these inequitous provisions were given attention by the University of the Philippines Law Center which formed a committee composed of Civil law experts to revise the Civil Code of the Philippines and to give priority to family relations (these unequal provisions will be mentioned in the succeeding paragraphs). Hence, the new Family Code eliminates discrimination and ensures equal treatment between sexes particularly between husband and wife.

The Family Code covers inter alia the marriage relationship, rights and obligations of husband and wife, the relations of parents and children (which include paternity and filiation, parental authority, emancipation, support and adoption).

(a) and (b) Equal rights to enter into marriage and to choose a spouse

Yes, in the Philippines, the law does not discriminate against a woman or anybody in entering into marriage. The woman has the freedom to marry a spouse of her choice. This is not only clearly stipulated in the new Code but also under Art. 57 of the Child and Youth Welfare Code (PD 603) which gives the child the prerogative to choose his/her future spouse. Parents should not force or unduly influence their children to marry persons the latter have not freely chosen.

However, there are certain requisites for a valid marriage.

The Family Code defines marriage as a "special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life". Here, the genders of the contracting parties are stressed as a basic requirement. Moreover, essential requisites for a valid marriage are the legal capacity of the contracting parties and their free consent given in the presence of the solemnizing officer. Absence of any of these requisites shall render the marriage void or of no effect. On the other hand, the formal requisites include the authority of the solemnizing officer, a valid marriage license and a marriage ceremony which is the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife. Marriage may be solemnized by any member of the judiciary or by a priest, rabbi, or minister of any Church or religious sect provided that at least one party should belong to that Church or sect (Art. 7). The Philippines, being a Catholic country, majority of registered marriages were solemnized in Roman Catholic Churches by Catholic priests (Please refer to statistics under (i)).

The New Family Code has raised the minimum age requirement equally for both boys and girls to 18 (Art. 5), and both are required to undergo marriage counselling. Under the former Code, legal capacity for marriage is 16 for boys and 14 for girls.

When is a marriage null and void?

A marriage is null and void if it falls under any of the following (Art. 35):

1. marriage of parties below 18 years old even with parental consent;
2. marriage solemnized by any person not legally authorized to perform marriages unless such marriage was contracted in good faith on the part of one or both parties;
3. incestuous marriages, i.e., marriage between ascendants and descendants of one degree, and between brothers and sisters;
4. in cases where there is psychological incapacity of one of the parties at the time of the celebration of the marriage (Art. 36), even if such incapacity becomes manifest only after its solemnization (this is an additional ground and was taken from Canon Law; and

5. Other marriages that are contrary to public policy, like marriages between parents-in-law and children-in-law, step-parents and stepchildren, adopted parents and adopted children, etc. (Art. 38).

(c) Rights and obligations of husband and wife during marriage and after its dissolution

Before, the Civil Code on family law recognized the stereotyped roles of the husband as the breadwinner and the more superior sex and the wife as the housekeeper and the weaker sex. For instance, the husband was the sole and final decision-maker in terms of fixing the family residence, and in administering the conjugal property of the spouses and it is only for justifiable causes that the wife could administer it. He was also responsible for the support of the wife and the family. The wife was designated to be the manager of the household.

The New Family Code now recognizes the wife as co-equal to her husband. Both husband and wife shall fix the family domicile. In case of disagreement, the court will decide. (Art. 69). The spouses are jointly responsible for the support of the family (Art. 70) and the management of household (Art. 71). Since the property relations of the spouses are now governed by the absolute community regime in the absence of marriage settlements, disposition, administration and the enjoyment of the community property belong to spouses jointly (Art. 96).

Another provision of the Civil Code imposing restrictions on the part of the wife that has been repealed by the Family Code is the prohibition for the wife to acquire property by gratuitous title other than from her close relatives without her husband's consent (Art. 114 of the Civil Code).

The Philippines has no divorce law but grants legal separation and annulment of marriage. By legal separation, the parties are only authorized to live separately from each other when so ordered by the court; this, however, result only in the dissolution of the community property but not in the dissolution of the marriage bond.

Under the Civil Code, there were only two grounds for legal separation:

adultery on the part of the wife or concubinage on the part of the husband as defined in the Penal Code, and an attempt by one spouse against the life of the other. Such provision places the wife at a big disadvantage since concubinage (meaning cohabitation of the husband with another woman) is much harder to prove while a single act of sexual intercourse with another man on the part of the wife would be enough ground for a husband to file for a legal separation. This clear discrimination has been remedied under the New Family Code, which has replaced it by the ground as "sexual infidelity or perversion" (Art. 55) regardless of sex. Also, the Family Code has broadened the grounds for legal separation by including the following:

- (1) Repeated physical violence or grossly abusive conduct directed against the petitioner, a common child or a child of the petitioner;
- (2) Physical violence or moral pressure to compel the petitioner to change religious or political affiliation;
- (3) Attempt of respondent to corrupt or induce the petitioner, a common child, or a child of the petitioner, to engage in prostitution, or connivance in such corruption or inducement;
- (4) Final judgement sentencing the respondent to imprisonment of more than six years, even if pardoned;
- (5) Drug addiction or habitual alcoholism of the respondent;
- (6) Lesbianism or homosexuality of the respondent;
- (7) Contracting by the respondent of a subsequent bigamous marriage, whether in the Philippines or abroad;
- (8) Sexual infidelity or perversion;
- (9) Attempt by the respondent against the life of the petitioner; or
- (10) Abandonment of petitioner by respondent without justifiable cause for more than one year.

Under Article 85 of the Civil Code, a marriage may be annulled for certain causes present at the time of the marriage. These may be lack of parental consent to the marriage unless after attaining the age of twenty-one, such party freely cohabited with the other and both lived together as husband and wife; and defective consent of one of the contracting parties due to the presence of force, threat, fraud or deceit or due to the insanity or impotency (which appears to be incurable) of one of the parties. These grounds have been expanded under the Family Code so as to include the case where - if either party was afflicted with a sexually-transmissible disease found to be serious and incurable. (Art. 45).

An amendment to the Family Code was recently introduced as EO No. 227 on July 17, 1987 in effect recognizing divorce validly obtained abroad by an alien spouse from his or her Filipino spouse (Art. 26, sec. par.) and therefore entitles the Filipino spouse to remarry under Philippine law. This has, in effect, removed the inequitous situation of the Filipino spouse left in the Philippines who cannot remarry even if the alien spouse has sought a valid divorce abroad. This amendment is, however, not applicable to Filipino couples. Therefore, absolute divorce is not yet presently recognized under Philippine laws. Other cases which allow one to remarry are: when one spouse has been abandoned for four straight years but there is a necessity of judicial pronouncement before one can remarry. Previously, under the Civil Code, one can remarry only after seven consecutive years of abandonment when one is generally considered to be dead. Before, a widow cannot remarry within 300 days after the death of the husband but this has changed, the law now allows a widow to remarry after 30 days.

(d) Rights and responsibilities of parents over their children

Article 211 of the Family Code clearly states that the mother and the father jointly exercise parental authority over the persons of their common children. In case of disagreement, the father's decision prevails, unless there is a judicial order to the contrary. In case one parent dies, the living parent will continue to exercise parental authority even if she or he remarries, unless the court appoints a guardian of the minor child (Art. 212).

In case parents are separated, parental authority shall be exercised by the parent designated by the court. The court usually awards custody of a child to the innocent spouse. In any case, no child under seven years of age shall be separated from the mother, unless the court finds compelling reasons to order otherwise (Art. 213). In practice, the wife is frequently awarded custody of the child.

Furthermore, it is the right and duty of both parents to jointly exercise legal guardianship over the property of their unemancipated common child without the necessity of a court appointment. In case of disagreement, the father's decision prevails, unless again there is a judicial order to the contrary (Art. 225).

A child becomes emancipated upon reaching the age of majority or 21 yrs. Emancipation may also take place by marriage or by recording in the Civil Register of an agreement in a public instrument executed by the parent exercising parental authority and the minor child at least 18 yrs. old. (Art. 234). Under the Civil Code, emancipation of a child below 21 only releases him or her from parental authority over his person but not over his property. This is no longer the case. Article 236 of the New Family Code provides that emancipation for any cause shall terminate parental authority over both the person and property of the child.

(e) Family Planning

With respect with a couple's right to decide freely and responsibly on the number and spacing of their children, the Philippine Population Program has essentially five basic policies - noncoercion, integration, multi-agency participation, partnership of public and private sectors, and unacceptability of abortion. Noncoercion recognizes and safeguards the right of every couple to determine their own family size and choose voluntarily the method of contraception which conforms with their moral conviction and religious beliefs. Here, the couples can choose from all the acceptable methods of contraception, except abortion, which are made available to them.

In addition, the 1987 Constitution provides for the right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood (Art. 15, Sec. 3(1)).

Latest available data show that the most popular family planning method used in 1985 was the pill (45%), followed by sterilization (21%), with women accounting for 93% of sterilization cases. Third most popular is IUD (11%).

Number of Reported Acceptors by Method of
Family Planning, Philippines : 1982 to 1985

Method	:	1982	:	1983	:	1984 ¹	:	1985
TOTAL	:	<u>412,871</u>	:	<u>229,176</u>	:	<u>628,190</u>	:	<u>408,767</u>
Sterilization	:	63,606	:	30,707	:	111,311	:	86,047
Female	:	61,382	:	29,315	:	-	:	80,187
Male	:	2,224	:	1,392	:	-	:	5,860
IUD	:	48,231	:	35,121	:	69,384	:	45,395
Pills	:	188,285	:	109,371	:	134,514	:	183,997
Condom	:	90,670	:	42,969	:	31,290	:	31,646
Rhythm	:	15,625	:	7,957	:	126,364	:	28,395
Injectable	:	4,385	:	-	:	-	:	4,803
Others	:	2,069	:	3,051	:	155,327	:	28,484

¹Projections

Sources: Commission on Population and 1986 Philippine Statistical
Yearbook, NEDA.

(f) Rights and responsibilities with regard to adoption, guardianship, wardship and trusteeship of children.

Any person of age and in possession of full civil capacity and legal rights may adopt (regardless of sex or marital status) as long as he/she is in a position to support and care for the child. But the adopter must be at least 16 years older than the person to be adopted, unless the adopter is the parent by nature of the adopted or is the spouse of the legitimate parent of the person to be adopted. (Art. 183) There are, however, certain persons who may not adopt. For instance, aliens may not adopt Filipino children in the Philippines subject to certain exceptions (Art. 184). Inter-country adoption is favored instead as practiced by the Department of Social Welfare and Development.

It is provided in Art. 185 of the Family Code that in case husband and wife agree to adopt, they must jointly adopt, except if one spouse seeks to adopt his own illegitimate child or if one spouse seeks to adopt the legitimate child of the other. Both spouses shall exercise joint parental authority over the adopted in accordance with the Code (Art. 186, 189).

The adopted shall be considered a legitimate child of the adopter and both shall acquire the reciprocal rights and obligations arising from the relationship of parent and child. The adopted also has the right to use the surname of the adopter (Art. 189).

As regards guardianship, wardship and trusteeship, related provisions have already been stated earlier under parent-child relationship, specifically Articles 213 and 225.

(g) Choice of family name, profession or occupation

It used to be that the husband may object to his wife's exercise of a profession or occupation if his income is sufficient for the family and for other serious grounds. Today, either spouse may exercise any legitimate profession, occupation, business or activity without the consent of the other. Both and not only the husband may object on valid, serious and moral grounds. In case of disagreement, the court will decide (Art. 73).

With regards to surnames, a married woman, according to the Civil Code, may use either of the following names (Art. 370)

- (1) her maiden first name and surname and add her husband's surname, or
- (2) her maiden first name and her husband's surname, or
- (3) her husband's full name, but prefixing a word indicating that she is his wife (ex. "Mrs.")

In case of widows, a widow may use her deceased husband's surname (Art. 373) but if she does not want to, she is allowed to use her maiden surname. A legally separated wife continues to use the name and surname employed by her before the legal separation (Art. 372).

What about the surnames of children? Legitimate and legitimated children shall use the surname of the father (Art. 364), but illegitimate children shall bear the surname of the mother (Art. 368). Children conceived before the annulment of a voidable marriage shall use the father's surname (Art. 369). An adopted child shall bear the surname of the adopter (Art. 365 of the Civil Code).

(h) Property rights between husband and wife

The property relations between husband and wife according to Art. 74 of the Family Code shall be governed in the following order:

- (1) by marriage settlements executed before the marriage or the so-called pre-nuptial contract;
- (2) by the provisions of the Code;
- (3) by the local customs

When both spouses decide on a marriage settlement, they may agree upon any property regime, such as:

- (1) Conjugal partnership of gains
- (2) Complete separation of property; or
- (3) A variation of the absolute community regime or of any of the above-mentioned regimes.

The significant change in the new Code lies in the adoption of the system of absolute community of property between the spouses. Before, the system of conjugal partnership of gains, unless it is otherwise stipulated, governs the property relations of the spouses. This means that whatever properties owned by the spouses before marriage remained their own; however, after marriage, all the salaries, income and earnings from their separate properties become conjugal and all net profits are divided equally between them upon the dissolution of the marriage. This does not any more apply under the new Family Code. Today, in the absence of marriage settlements, the system of absolute community shall govern (Art. 75), which means that the properties (with a few exceptions) owned by the spouses before the marriage and all those acquired thereafter become community property, and both spouses, as equal owners, are entitled to administer and enjoy such properties jointly. In case of disagreement, however, the husband's decision shall prevail, subject to a recourse to the court by the wife for a proper remedy, which must be availed of within five years from the date of the contract implementing such decision. (Art. 96)

(i) Prohibition against child betrothal and marriages, minimum age of marriage, compulsory registration of marriage.

The Philippines is a signatory to the Convention on Consent to Marriage, Minimum age for Marriage and Registration of Marriages (opened for signature: 7 November 1962 and entered into force 9 December 1984). Therefore, being a State Party, the Philippines is obliged to take all necessary measures to abolish obsolete laws and to ensure complete freedom in the choice of a

spouse, to eliminate completely child marriages and the betrothal of young girls before the age of puberty, and to establish a civil registry in which marriages are recorded.

Minimum age for marriage is 18 years old for boys and girls as provided under article 5 of the Family Code.

Duly accomplished marriage certificates are registered with the offices of the local civil registrars, who in turn submit copies to the office of the Civil Registrar General. In 1983, there were 351, 663 registered marriages: 47.04% solemnized by Catholic priests, 35.44% by civilian authorities, and 17.52% officiated by other religious sects.

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