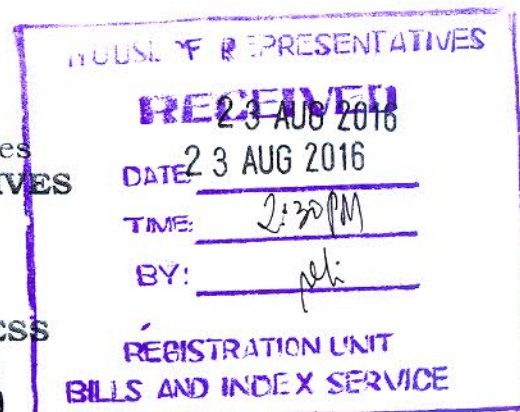


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

3200

House Bill No. _____



Introduced by AKBAYAN Representative Tomasito S. Villarin

EXPLANATORY NOTE

More than seven decades since the plebiscite in 30 April 1937, in which more than ninety percent (90%) of voters were in favor of extending the right of suffrage to women, women remain underrepresented within the sphere of politics and governance.

Of the sixteen Philippine presidents, only two have been women, translating to just thirteen percent (13%) of the total. Data gathered by the Commission on Elections (COMELEC) reveal that in 2010, women candidates won only 18.4% of elective positions, a slight but welcome increase from the 17% in 2007. The composition of the Seventeenth Congress show that women occupy seventy-eight (78) out of the two hundred eighty-eight (288) seats in the House of Representatives, and six (6) out of the total twenty-four (24) seats in the Senate – this translates to 27.1% and 25%, respectively. For this 17th Congress, out of the two hundred and ninety-four (294) seats in the Lower House, eighty-three (83) are occupied by women legislators. In the Senate, six (6) out of twenty-four (24) Senators are women. These comprise 28% and 25% women participation rates, respectively.

Women justices composed forty-three percent (43%) of the Supreme Court in 2007; at present, however, only three (3) justices are women.

The 1987 Philippine Constitution in Article II (State Policies), Section 14 provides for State recognition of the role of women in nation-building, and for the concurrent obligation of the State to ensure fundamental equality before the law of women and men. Even before the promulgation and adoption of the Constitution, the Philippines had already signed the Convention on the Elimination of all Forms of Discrimination Against Women in 17 July 1980 and ratified it on 19 July 1981. The Convention came into effect on 4 September 1981. In 2009, the Magna Carta of Women, which seeks to advance the emancipation and empowerment of women, was signed into law. It contains provisions which furthered the implementation of the State mandate to develop plans, policies, programs and measures that address gender discrimination and inequality in society. Its Section 11, in

particular, explicitly mandates the State to carry out affirmative action to accelerate participation and equitable representation of women with the end of a gender-balanced participation and representation in leadership and policy-making.

The slow speed of growth in women participation in politics and governance is a barrier to fundamental equality, and such participation remains low. This bill aims to increase the quantity and quality of women participation in politics and governance. It seeks the adoption of an incentive system that would institutionalize a gender-balanced public service system. The dominance of males (at least in number) in leadership and policy-making institutions of the country requires that the State actively intervenes to tip the scale. By providing equal representation to top-level management posts and key policy-making units for women, they are assured that their needs and interests are taken into account in decision-making processes that affect their lives at both the national and local levels.

In view of the foregoing, the passage of this bill is earnestly sought.



TOMASITO S. VILLARIN

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House Bill No. _____

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AN ACT
PROMOTING WOMEN PARTICIPATION AND EQUITABLE
REPRESENTATION IN AND BY POLITICAL PARTIES, GIVING
INCENTIVES THEREFOR, CREATING THE WOMEN IN POLITICAL
PARTIES EMPOWERMENT FUND, AND FOR OTHER PURPOSES

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

SECTION 1. *Short title.*—This Act shall be known as the “*Women Participation and Representation in Political Parties Act of 2016.*”

SECTION 2. *Declaration of policy.*—Pursuant to Section 14, Article II (State Policies) of the 1987 *Philippine Constitution*, which recognizes the role of women in nation-building and ensures fundamental equality before the law of men and women, and to Section 14, Article XIII (Social Justice and Human Rights) of the same *Constitution*, which makes it an obligation of the State to provide facilities and opportunities for women that will enhance and enable them to realize their full potential in the service of the nation, it is hereby declared the policy of the State to promote women participation and equitable representation of women by providing incentives to political parties which have women agenda and which have internal policies which promote women participation and equitable representation.

SECTION 3. *Definition of terms.*—As used in this Act:

- (a) “*Campaign expenditures*” shall refer to any type of expense incurred, regardless of source and purpose, that relates directly or indirectly, to the conduct of the electoral campaign of a woman candidate. It includes all payments of money or anything of value, or a contract, promise or agreement to spend, for the purpose of

influencing the results of the elections. It includes the use of office space and facilities personally owned by the woman candidate, the monetary value of which shall be assessed based on the market rates prevailing in a particular area: *Provided*, That for purposes of this Act, the term shall refer exclusively and specifically to campaign expenditures of women candidates.

- (b) "*Certified political party*" shall refer to a political party qualified to receive incentives for the development and implementation of its women and gender and development agenda and to augment funds reserved for the campaign expenditures of its women candidates, and certified as such by the Philippine Commission on Women, with the assistance of the Commission on Elections.
- (c) "*Disclosure requirement*" shall refer to the duty of women candidates and political parties, as defined in this Act, to reveal the details of the incentives and expenditures given and received by them as incentives and their share in the *Women in Political Parties Empowerment Fund*.
- (d) "*Woman member of a political party*" shall refer to a natural person of good standing in a political party who complied with the requirements of party membership, including the payment of membership dues, and coming from the women sector.
- (e) "*Political party*" shall refer to a political party, party-list or an organized group of persons duly registered with the Commission on Elections, pursuing or advocating a platform, principles and policies for the general conduct of government and which nominates and supports its members as candidates for public office.
- (f) "*Women in Political Parties Empowerment Fund*" or "*Fund*" shall refer to the fund for the development and implementation of a political party's women and gender and development agenda, and which may be used to augment funds for the campaign activities of women candidates, as provided for by this Act.

SECTION 4. *Development and implementation of a women and gender and development agenda.*—Political parties are mandated to craft and implement a clear women and gender and development agenda and program consistent with their party philosophy and ideals. The members of the political party shall endeavor to act in accordance with this agenda and pursue programs to fulfill party commitments.

SECTION 5. *Participation and equitable representation in political parties.*—Women representation in a political party shall refer to the integration of women in the leadership of a political party

and its internal policy-making structures: *Provided*, That such leaders are *bona fide* women members of the political party: *Provided, further*, That women representation in a political party shall be equitable whenever women leaders occupy at least thirty percent (30%) of the leadership and internal policy-making structures of the political party: *Provided, finally*, That the Philippine Commission on Women, with the assistance of the Commission on Elections, shall certify the equitable nature of representation in a political party.

SECTION 6. *Participation and equitable representation by political parties.*—Women representation by a political party shall refer to the nomination of women as official candidates of the political party to elective positions in the government: *Provided*, That such nominees are *bona fide* women members of the political party: *Provided, further*, That women representation by a political party shall be equitable whenever at least thirty percent (30%) of women are nominated as official candidates of the political party: *Provided, further*, That the Philippine Commission on Women, with the assistance of the Commission on Elections, shall certify the equitable nature of representation by a political party.

SECTION 7. *Incentives for equitable representation in and by a political party.*—A political party registered with the Commission on Elections, and certified by the Philippine Commission on Women to have equitable representation as stated in Sections 5 and 6 of this Act, shall be allowed to access the *Women in Political Parties Empowerment Fund*, established by virtue of this Act, to fund their women and gender and development agenda, and to augment funds for the campaign expenditures of their women candidates.

SECTION 8. *Establishment of the Women in Political Parties Empowerment Fund.*—There is hereby established a *Women in Political Parties Empowerment Fund*, hereinafter referred to as the “*Fund*,” which shall be the source of incentives for political parties complying with Section 7 of this Act. The incentives given to political parties from the *Fund* shall be used directly and exclusively for the following purposes:

- (a) Development and implementation of the political party’s women and gender and development agenda, and
- (b) Finance of the campaign activities of the political party’s women candidates.

The share of each of the political parties from the *Fund* shall be released only upon proof that the concerned political party has raised an amount specifically for the development and implementation of the political party’s women and gender and development agenda: *Provided*, That the notwithstanding Sections 5, 6 and 7 of this Act, no political party shall be given its share in the *Fund* until it has given

proof that there are political party funds segregated and reserved for the political party's women and gender and development agenda: *Provided, further*, That the amount to be released shall be equal to the amount so segregated and reserved: *Provided, finally*, That unreleased amounts because of the political party's failure to segregate and reserve such amounts, if any, shall be forfeited and reverted to the General Fund of the government.

For purposes of this Act, all releases from the *Fund* during a non-election year shall be used exclusively for the political party's women and gender and development agenda. Amounts released from the *Fund* during an election year shall be divided as follows: (1) sixty percent (60%) shall be used for campaign expenditures, and forty percent (40%) shall be used for women and gender and development agenda.

The political parties availing of the incentives from the *Fund* shall maintain a separate financial account for the amounts given them by virtue of this Act.

SECTION 9. Allowable women and gender and development activities.—The Commission on Elections and the Philippine Commission on Women shall provide a comprehensive list of specific activities which shall be considered as a development and implementation activity under Section 8 of this Act.

SECTION 10. Certification.—A political party which conforms with Section 5 and 6 of this Act, and which desires to be entitled to the incentives, rights and privileges and to perform the responsibilities, provided in this Act, may ask for a Certification from the Philippine Commission on Women, under such rules and regulations as the Philippine Commission on Women shall prescribe consistent with the provisions of this Act. The criteria in Sections 5 and 6 of this Act shall set the eligibility requirement for the said Certification. A duly-certified political party shall be entitled to the incentives, rights and privileges and to perform the responsibilities, as provided in Section 7 and Section 11 of this Act.

SECTION 11. Full disclosure.—The officials of a political party certified by the Philippine Commission on Women to be eligible and which, in fact, has availed of the incentives under Section 7 of this Act, shall be required to submit with the Philippine Commission on Women, the Commission on Elections and the Commission on Audit a public disclosure of the amounts it received and the expenditures made thereon at the end of every fiscal year.

SECTION 12. Failure to comply with disclosure requirements.—Failure of a certified political party to comply with the provisions of this Act, particularly with Section 11, will result in its disqualification

from receiving a share in the *Fund* and the forfeiture of all rights and privileges to which the said political party would have been entitled under this Act.

SECTION 13. *Appropriations.*—The amount necessary for the implementation of the provisions of this Act shall be included in the General Appropriations Act.

SECTION 14. *Lead agency, implementing rules and regulations.*—The Philippine Commission on Women is hereby mandated as the regulatory and certifying agency charged with enforcing the provisions of this Act, and shall promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

SECTION 15. *Separability Clause.*—If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SECTION 16. *Repealing Clause.*—All laws, decrees, orders, rules and regulations or other issuances, which are inconsistent with the provisions of this Act, particularly those in the Magna Carta of Women (R.A. 9710), if any, are hereby repealed, amended or modified accordingly.

SECTION 29. *Effectivity.*—This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,