



GENDER AND DEVELOPMENT

GAD LEGAL MANDATE

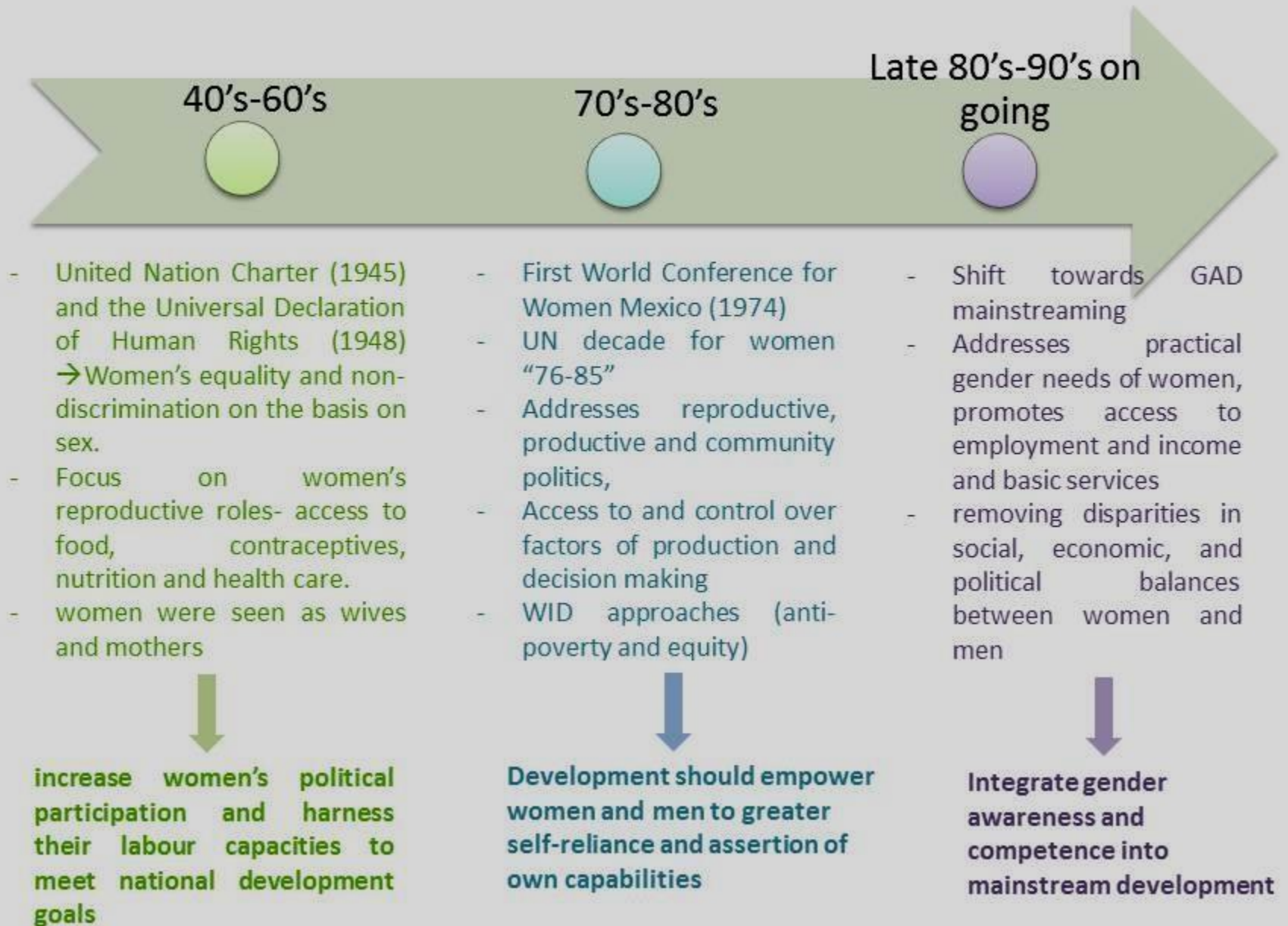


Topics



1. Socio-cultural and Legal Framework
2. Gender Bias
3. Laws on GAD

Gender and development- historical framework



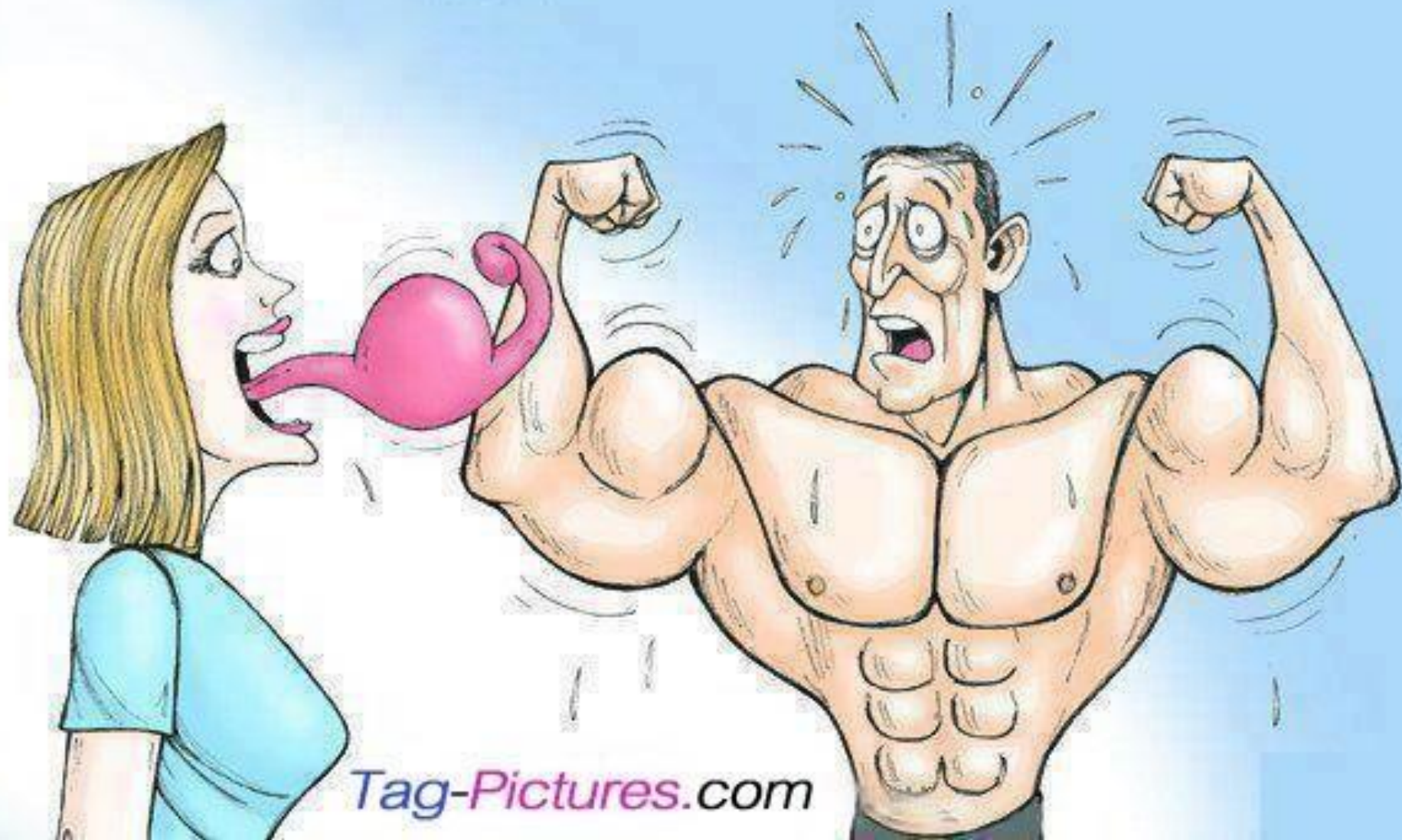
Socio-Cultural and Legal Framework

- **Biological determinism**
 - Women have weaker physique – Women are for motherhood
- Child-bearing
- Child-rearing



- Housekeeping
 - This gave rise to working woman's “double burden.”
 - Hampers their intellectual and career development





Tag-Pictures.com



Socio-Cultural and Legal Framework

- **Production/Reproduction Dichotomy**
- Women are for the home and men are for the public
 - Those who belong to the public sphere (usually men) are perceived to have primacy in society because of their productive function. Women are relegated to the reproductive function and are perceived to be confined to secondary pursuits.



- Women are supportive while men take the dominant role.

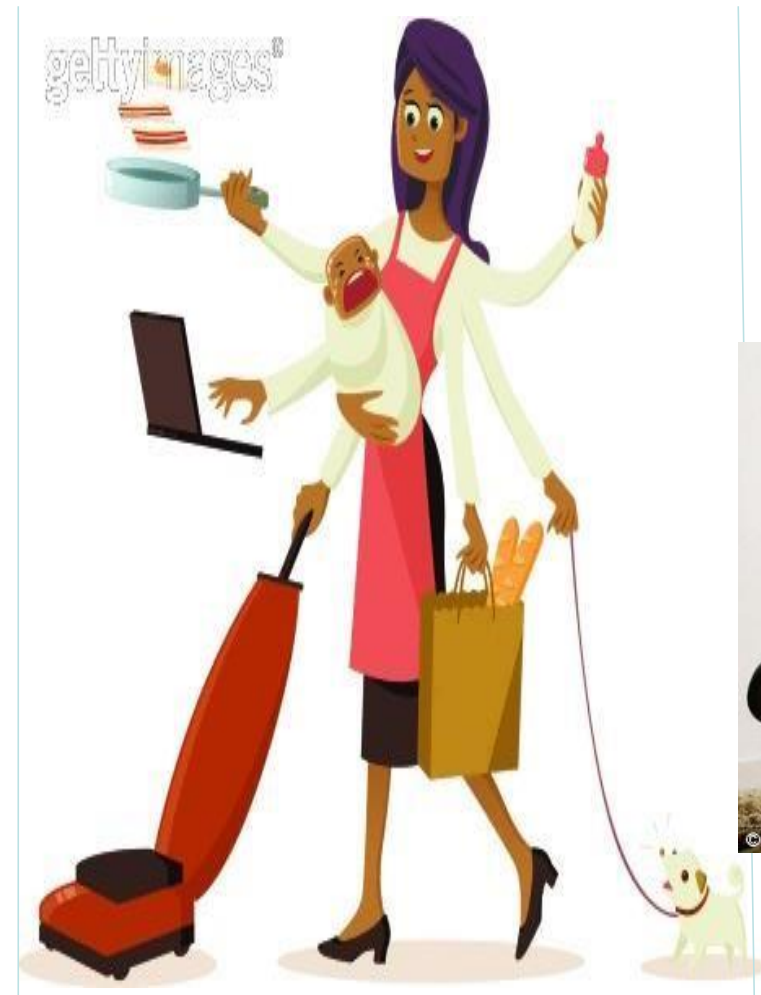




Before







At home after work...



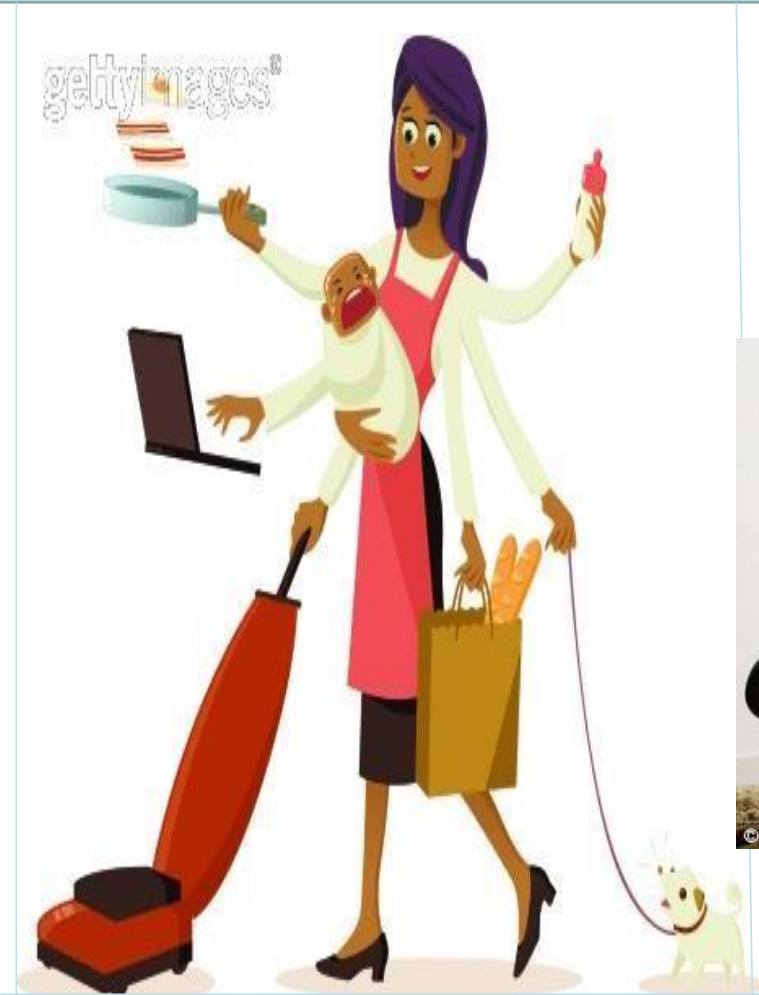
We Can Do It!



At work



- DOUBLE BURDEN



At home after work...



Socio-Cultural and Legal Framework

- Women's contributions have remained both largely invisible to the public eye as well as merely secondary in perceived functions
- women's active participation in public life has not been as extensive as that of men
- It is this very subordination that also accounts for the lack of support systems and social benefits for women.



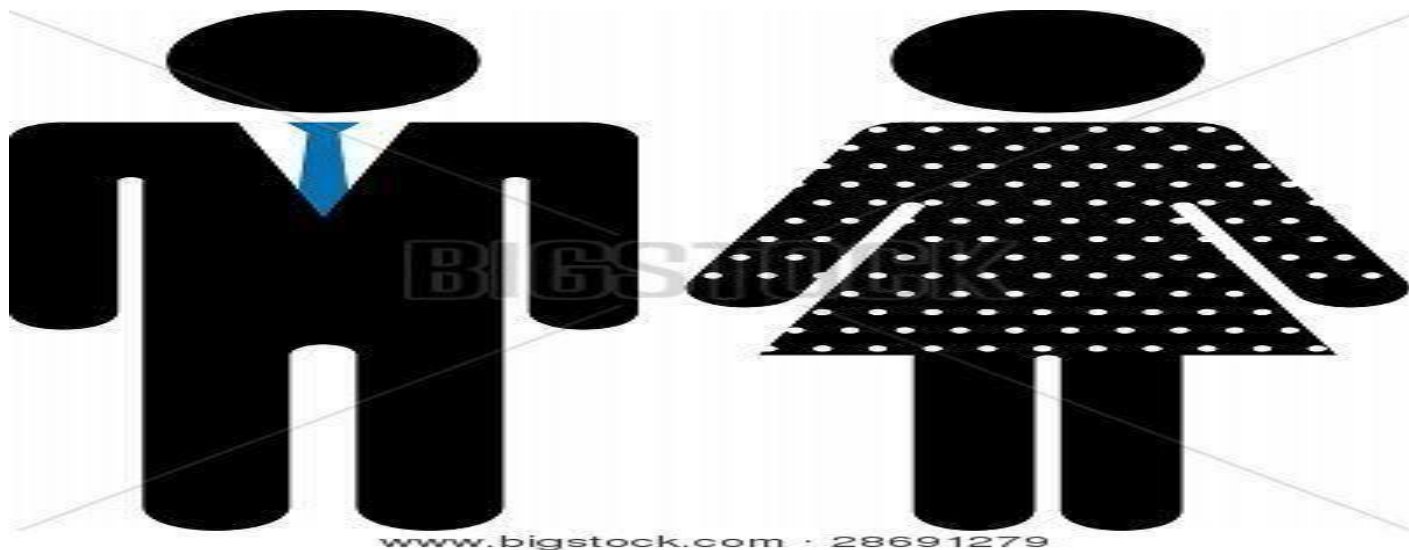
- The limited access and control that women have over resources, and the comparatively minor roles that women play in the national drama of development.

GENDER BIAS

any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women,



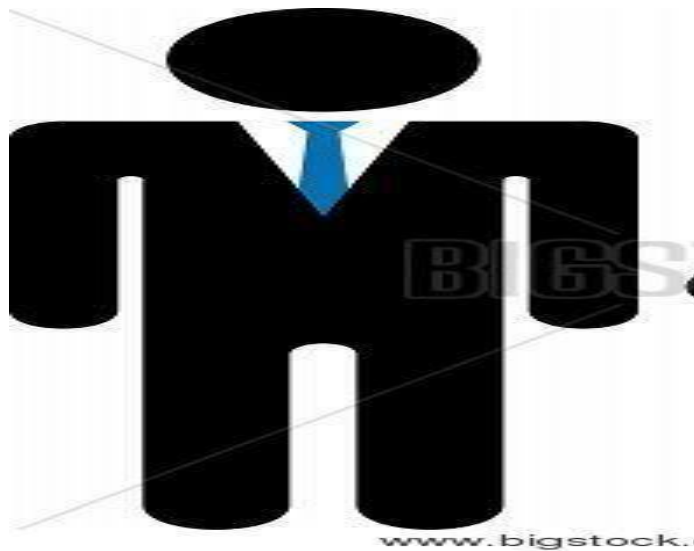
irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field



- Education
- Experience
- Skills
- **HIRED**

- Education
- Experience
- Skills
- **NOT HIRED
BECAUSE
SHE'S FEMALE**





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- Education
 - Experience
 - Skills
 - **HIRED**
- Education
 - Experience
 - Skills
 - **NOT HIRED
BECAUSE SHE'S
PREGNANT**

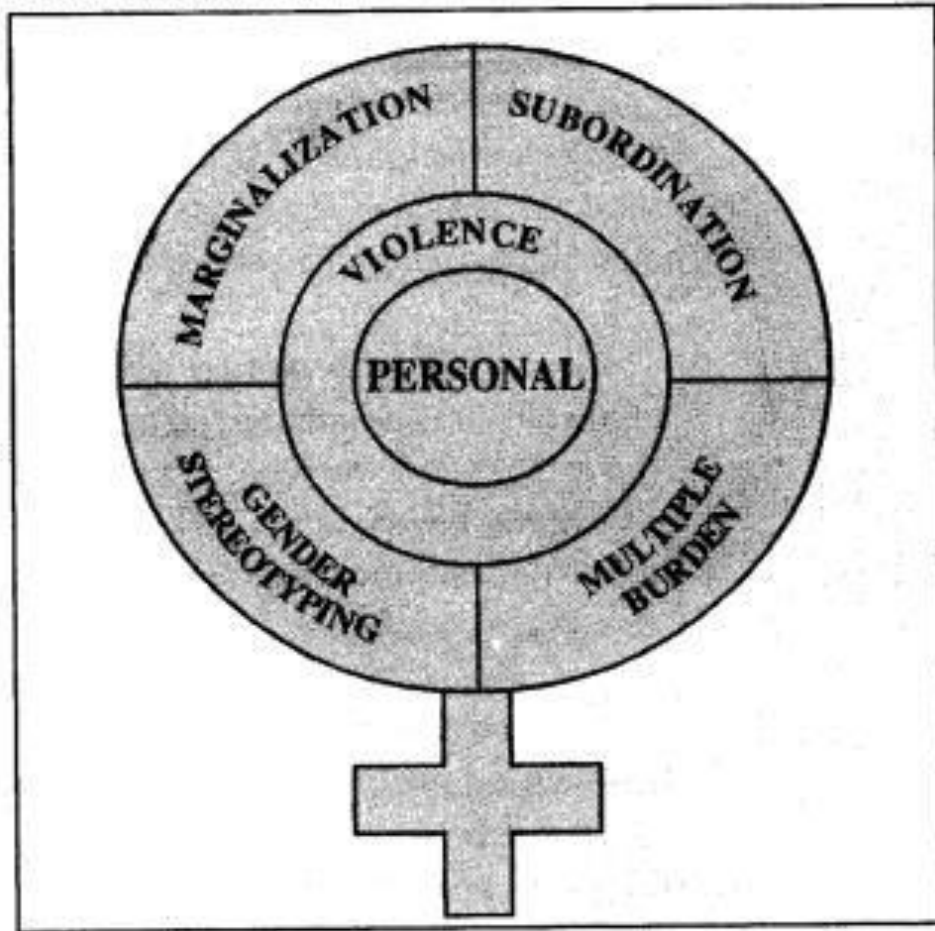
Gender Bias

- Stereotyping



- Family socialization, educational system, career options, portrayal of women in media, teachings of various religious groups
- women as weak, dependent, subordinate, indecisive, emotional, and submissive.
- Virgin or vamp
- Women are trapped and limited by these stereotypes

MANIFESTATIONS OF GENDER BIAS



The emotional, sexual, and
psychological stereotyping
of females begins
when the doctor
says, "It's a girl."

Shirley Chisholm

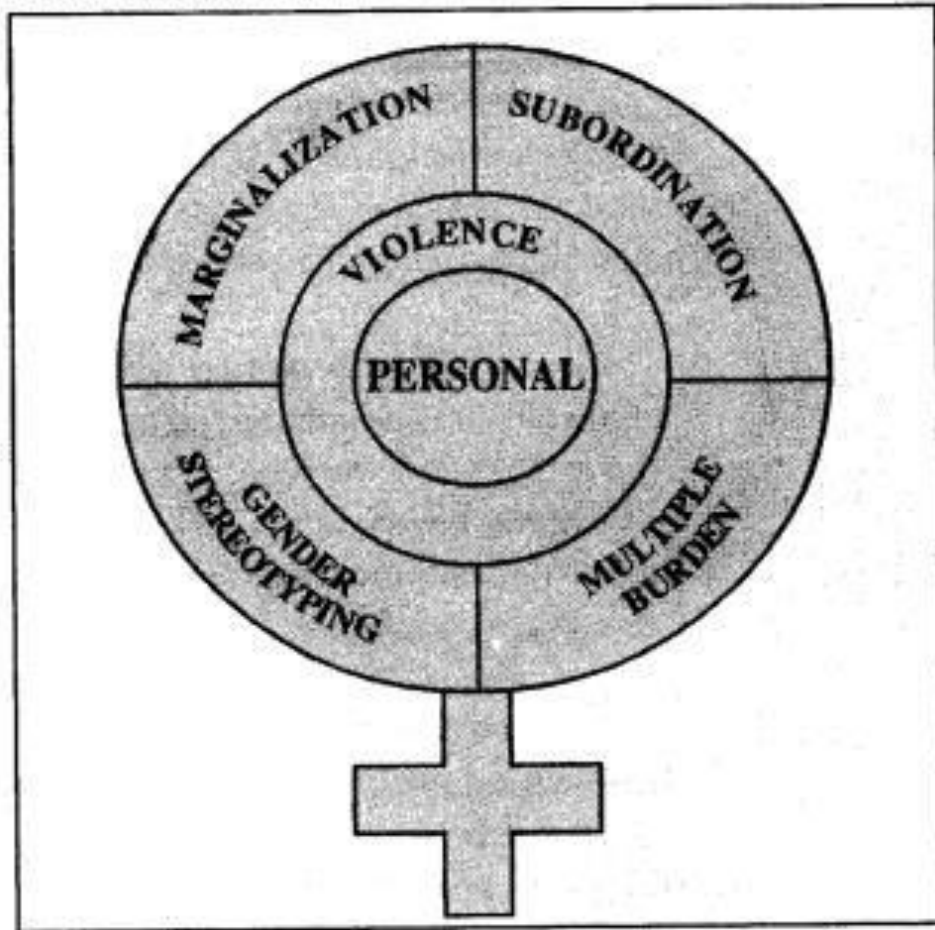


Gender Bias



MANIFESTATIONS OF GENDER BIAS

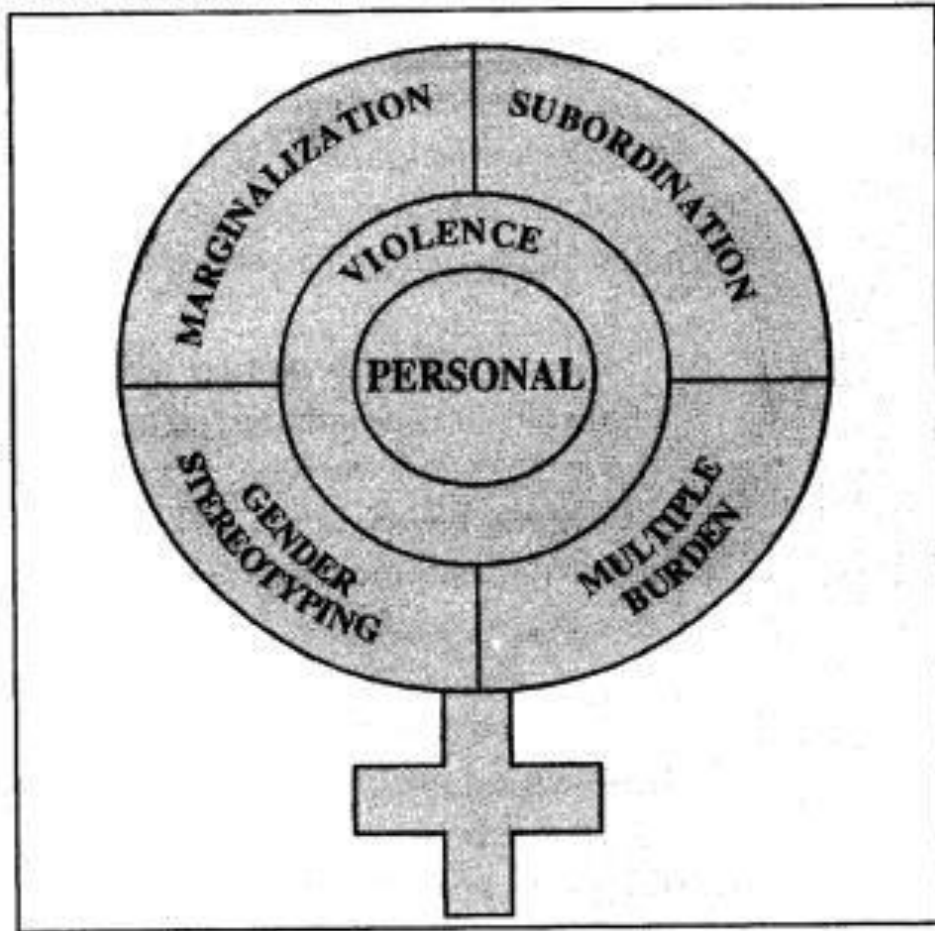
- Multiple Burden
 - House work and child care + work outside the house
 - women work in agriculture, fisheries, manufacturing, service occupations, the informal sector, industry, and the various professions
 - women also participate in socio-cultural and political activities in community affairs, church-related functions, civic activities, and political involvements



Gender Bias

- Violence
 - Born out of the status of women in the society
 - Verbal and psychological abuse
 - Physical and sexual harassment
 - From the childhood "games" of boys peeping at girls to various acts of

MANIFESTATIONS OF GENDER BIAS



lasciviousness, from seduction to
abduction, from molestation to wife
beating, from prostitution to rape

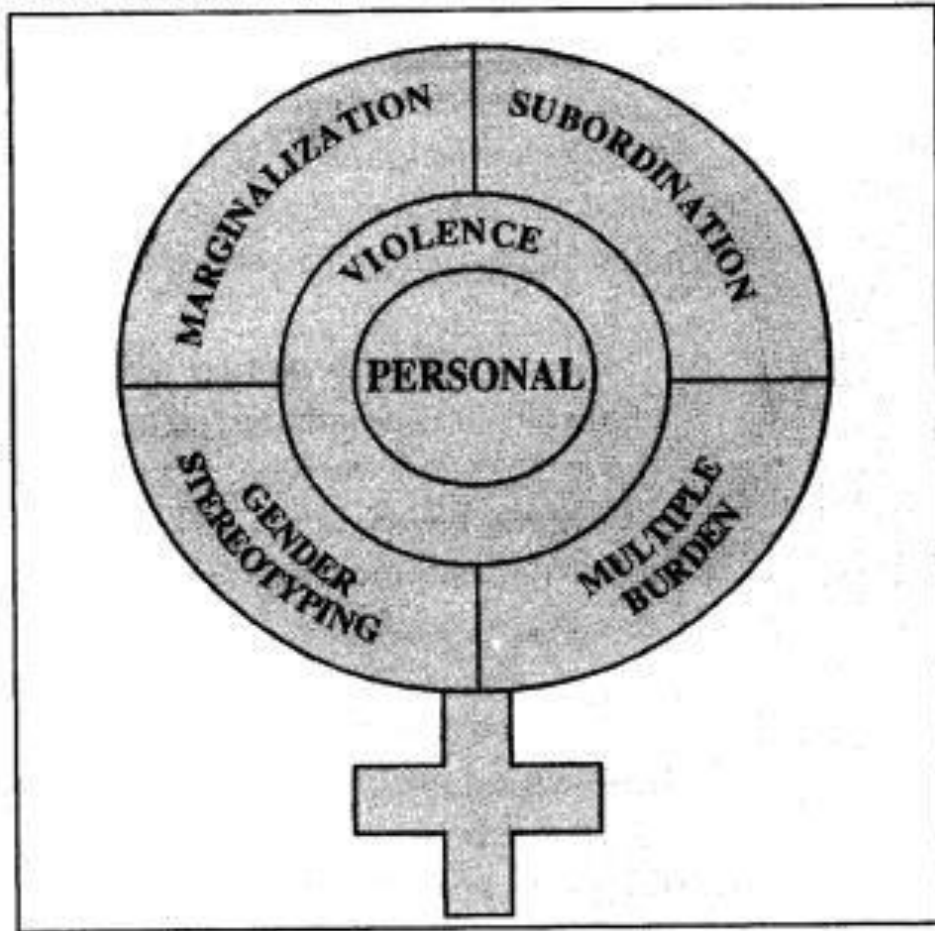
Gender Bias

- Personal



- Society limits a woman's right to be human
- Reproductive rights and sexuality are constrained
- Women's health

MANIFESTATIONS OF GENDER BIAS



Laws on GAD

- Constitutional Basis
 - Art. II, Sec. 14, 1987 Constitution
- “The State recognizes the role of women in nationbuilding, and shall ensure the fundamental equality before the law of women and men.”
 - Art. XIII, Sec. 14, 1987 Constitution
- “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



Laws on GAD

will enhance their welfare and enable them to realize their full potential in the service of the nation.”

- **Constitutional Basis**

- Art. XIII, Sec. 11, 1987 Constitution

- “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 under-privileged, sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.” – Art. IV, Sec. 1(2), 1987 Constitution
 - 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;



Laws on GAD

- [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.

- **Constitutional Basis**

- **Article II, 1987 Constitution**

- Right to health
- Right to a balanced and healthful ecology
- Right to education



Laws on GAD

- Art. III, 1987 Constitution
 - Right to life, liberty and property
 - Right to equality and non-discrimination
 - Freedom of expression



Laws on GAD

- Right of Assembly and associations
- Freedom of movement
- **Statutory – RA 9710**, Magna Carta of Women
- Rights of Women
- Inter-sectoral Implementation
- Mainstreaming as form of implementation
- It mandates
 - (a) planning, budgeting, monitoring and evaluation for gender and development,



Laws on GAD

- (b) the creation and/or strengthening of gender and development focal points, and
- (c) the generation and maintenance of gender statistics and sex-disaggregated databases to aid in planning, programming and policy formulation.
- Funding



A pregnant woman with dark hair, wearing a white short-sleeved dress, is shown in profile against a black background. She is looking back over her shoulder towards the camera with a slight smile. Her hands are resting on her belly.

PREGNANCY and **EMPLOYMENT**



Problems

- Is the pregnancy of an unwed student a ground for expulsion?
- Is the pregnancy of an unwed faculty member a ground for dismissal?



- Is the adulterous pregnancy of a married faculty member a ground for dismissal?

Laws on GAD

- Statutory
 - **EO 227**, The New Family Code of the Philippines
 - **RA 7192**, the Women in Development and Nation Building Act which promotes the integration of women as full and equal partners of men in development and nation building



- **RA 6725**, An Act Strengthening the Prohibition on Discrimination against Women with Respect to Terms and Conditions of Employment, Amending 135 of the Labor Code, as Amended.
- Joint Circular No. 2012-01 (GAD Plans and Budgets and Accomplishment Report Implementing MCW)
- **RA 7877**, Anti-Sexual Harassment Act, which declares sexual harassment unlawful in the employment, education and training environment
- **RA 6949** declares March 8 of every year as a working holiday to be known as National Women's Day

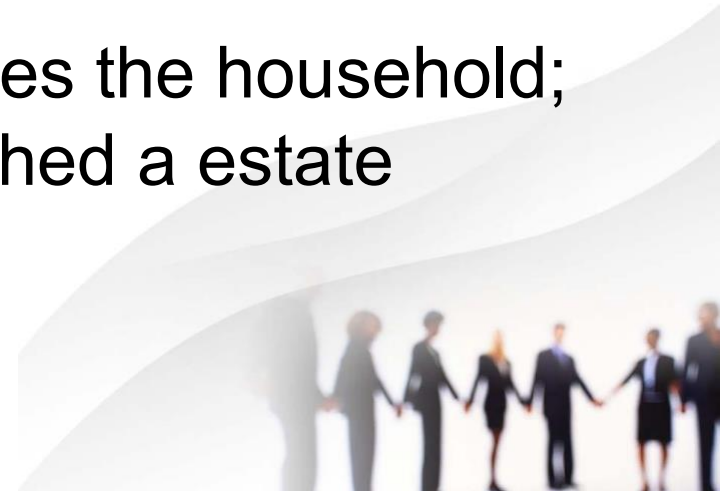


A photograph of a man and a woman in a close embrace. The man is on the right, wearing a dark shirt, and the woman is on the left, also in a dark top. They are both smiling. The text "Common-Law Marriage" is overlaid in a dark red, serif font across the middle of the image.

Common-Law Marriage

Problem

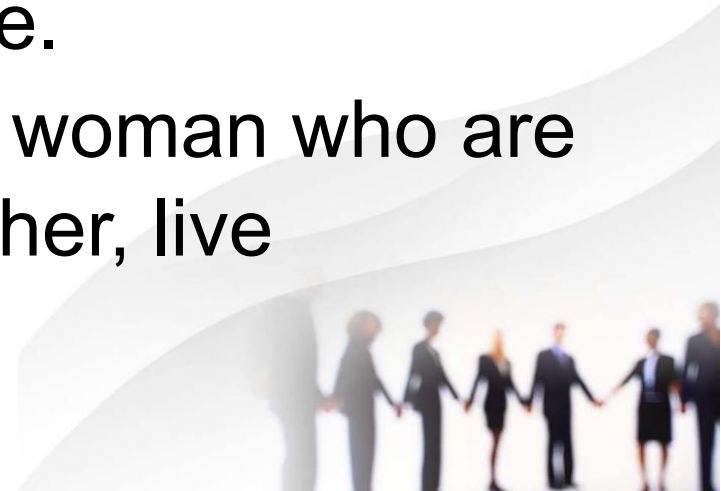
- Although they have no impediment to marry each other, X and Y are living together without the benefit of marriage;
- X, the common law husband, is the only one working;
- Y, the common law wife, manages the household;
- During their union, they established a estate amounting to P6M;



- X broke up with Y because the latter cannot give him a child.
- In the liquidation and distribution of the estate, how much will go to Y?

Answer

- P3M, or one half of the estate.
- Art. 147. When a man and a woman who are capacitated to marry each other, live



exclusively with each other as husband and wife without the benefit of marriage or under a void marriage, their wages and salaries shall be owned by them in equal shares and the property acquired by both of them through their work or industry shall be governed by the rules on co-ownership.



Answer

- In the absence of proof to the contrary, properties acquired while they lived together shall be presumed to have been obtained by their joint efforts, work or industry, and shall be owned by them in equal shares. For purposes of this Article, **a party who did not participate in the acquisition by the other party of any property shall be deemed to**



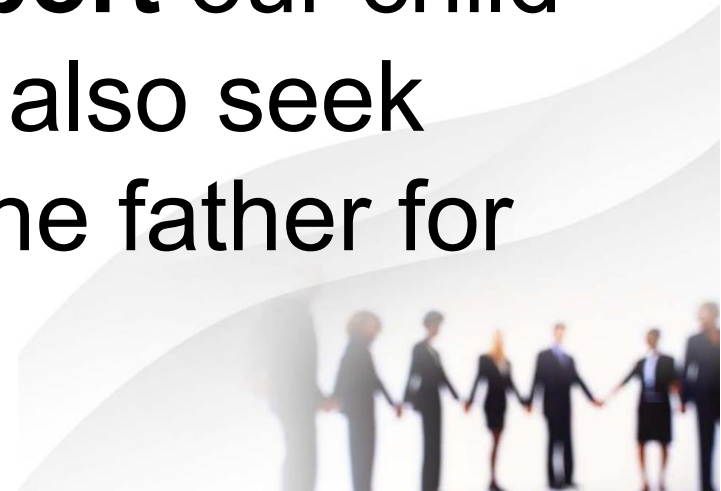
have contributed jointly in the acquisition thereof if the former's efforts consisted in the care and maintenance of the family and of the household.





Problem

- “I am pregnant and the father of my child is a married man. Can I compel him to **financially support** our child once he is born? Can I also seek **reimbursement** from the father for



all the expenses that I incurred
during the pregnancy once my child
is born?”



Answer

- Yes to the financial support.
- Yes to the reimbursement, if there is a legal demand.
- Child is illegitimate (Art. 165, Family Code) who is entitled to financial support from the parents.
- **REQUIREMENT:**



Answer

- RECOGNITION BY THE FATHER
- PROOF OF AFFILIATION
- PROOF
 - 1) record of birth appearing in the civil register or a final judgment; and
 - 2) an admission of illegitimate filiation in a public document or a private handwritten



Answer

instrument and signed by the parent concerned.

In the absence of the foregoing evidence, illegitimate filiation shall be proved by:

- 1) open and continuous possession of the status of a legitimate child; or



Answer

2) 2) any other means allowed by the Rules of Court and special laws (Article 172, Family Code of the Philippines).



STEPS

- UPON BIRTH: ask the father to recognize him as his illegitimate child by accomplishing the **Affidavit of Acknowledgment/ Admission of Paternity** found at the back of his birth certificate.



- If your child has been recognized by his father, he shall have the right to receive financial support from him.

STEPS

- REFUSAL: Seek redress from the court by filing a **petition for compulsory recognition and support**.



- **NOTE:** A recognized illegitimate child shall also have the right to use the surname of his father (Section 1, RA 9255), and the right to inherit from him through succession (Article 887, Civil Code of the Philippines).

Laws on GAD

- Statutory
 - **RA 7877**, Anti-Sexual Harassment Act, which declares sexual harassment unlawful in the

employment, education and training environment



Problem

- Mr. X is an employer;



- A is a hardworking employee;
- Mr. X opened a position for promotion;
- A applied but was denied by Mr. X;
- Mr. X invited A to have a date with him, out of town for three days.
- Is there sexual harassment?



Laws on GAD

- *(1) In a work-related or employment environment, sexual harassment is committed when:
 - (a) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;*



- (b) The above acts would impair the employee's rights or privileges under existing labor laws; or*
- (c) The above acts would result in an intimidating, hostile, or offensive environment for the employee.*

Laws on GAD

- *2) In an education or training environment, sexual harassment is committed:*
 - *(a) Against one who is under the care, custody or supervision of the offender;*
 - *(b) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;*
 - *(c) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and*

- scholarships, or the payment of a stipend, allowance or other benefits, privileges, or consideration; or*
- *(d) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.*

Problem

- A is employed in Establishment X (private);



- She has been paying conscientiously her monthly maternity contributions for almost two years now;
- She suffered from miscarriage;
- She is still employed;
- How much maternity benefit will she receive?

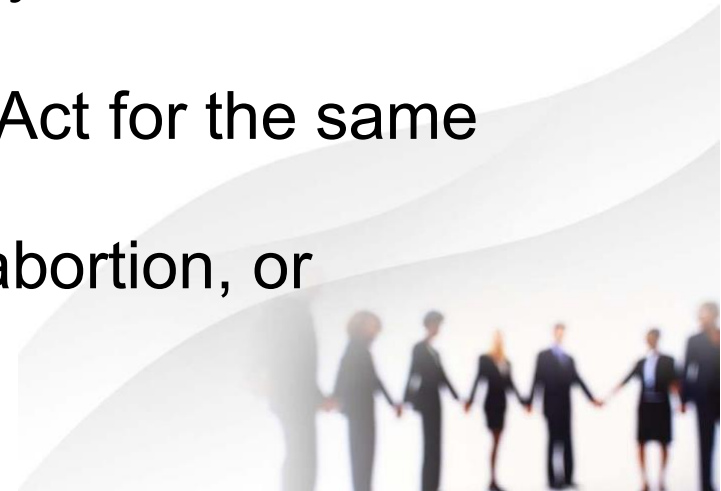


Answer: RA 7322

- **She shall be paid a daily maternity benefit equivalent to one hundred percent (100%) of her present basic salary, allowances and other benefits or the cash equivalent of such benefits for sixty (60) 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 the payment shall be advanced by the employer in two equal installments within thirty (30) days from the filing of the maternity leave application:
- In case of a cesarean delivery, the employee shall be paid the daily
- maternity benefit for seventy-eight (78) days;
- "(d) 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 sixty
- (60) days for the same childbirth, abortion, or miscarriage;

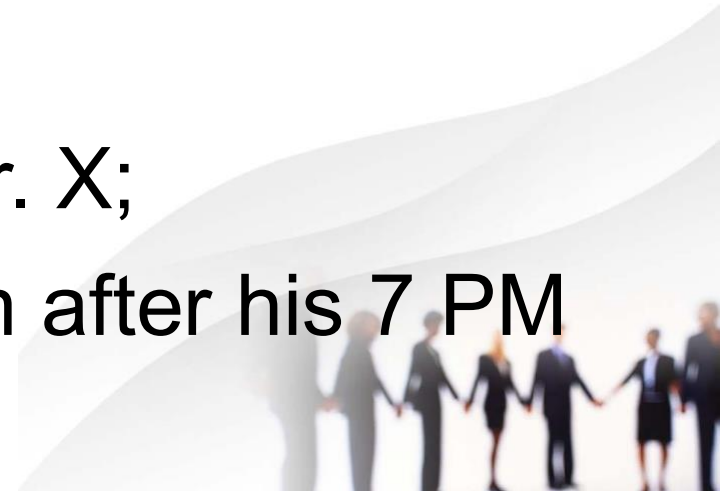


- "(e) That the maternity benefits provided under this Section shall be paid
- only for the first four deliveries after March 13, 1973;
- "(f) That the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the employee by the employer upon receipt of satisfactory proof of such payment and legality thereof; and
- "(g) 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 the 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."

Problem

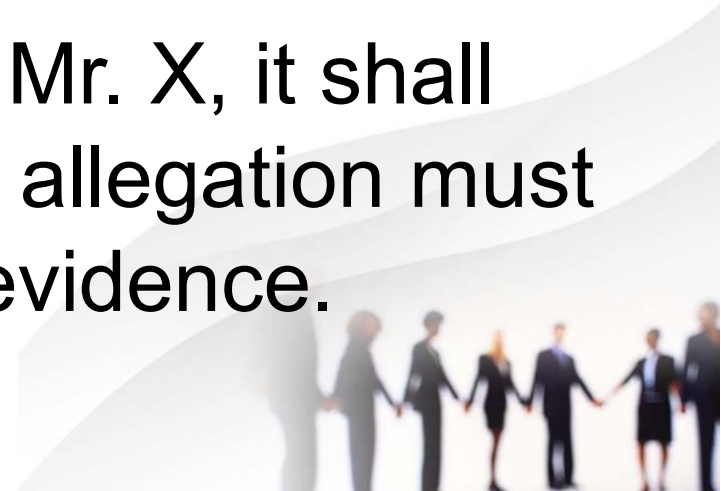
- Mr. X is a teacher;
- A is his student;
- A failed in the subject of Mr. X;
- Mr. X asked A to talk to him after his 7 PM class alone;



- Is there sexual harassment?

Answer

- Yes, there is “probable ground for filing” a sexual harassment case.
- But as to the liability of the Mr. X, it shall be proven in the case. The allegation must be substantiated by other evidence.



Laws on GAD

- RA 6972 mandates the establishment of day care centers in every barangay
- RA 7322 increases the maternity benefits of women in the private sector;
- RA 7655 increases the minimum wage of domestic helpers;
- RA 10361 Batas Kasambahay;



- RA 9262 Anti-Violence Against Women and Children

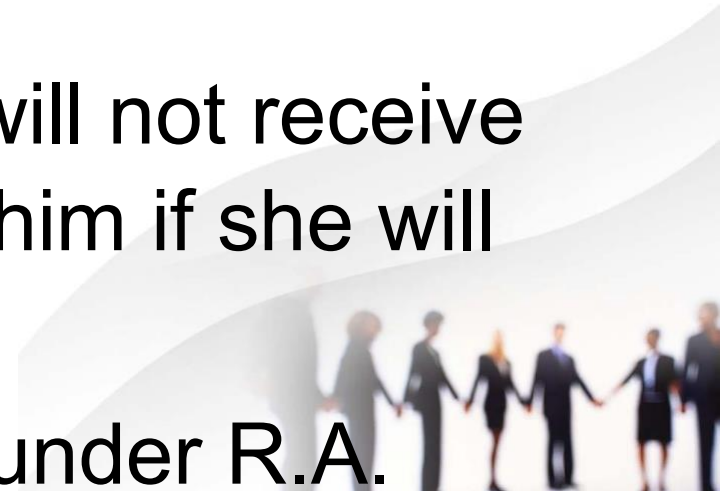


the 1990s, the number of people in the United States who are 65 years of age or older has increased by 50% (U.S. Census Bureau, 2000). The number of people aged 65 and older is projected to increase to 20% of the total population by the year 2020 (U.S. Census Bureau, 2000). The number of people aged 65 and older is projected to increase to 20% of the total population by the year 2020 (U.S. Census Bureau, 2000). The number of people aged 65 and older is projected to increase to 20% of the total population by the year 2020 (U.S. Census Bureau, 2000).



Answer

- Mr. X and Mrs. Y are married;
- Mr. X is the breadwinner;
- Mrs. Y is a plain housewife;
- They have a misunderstanding;
- Mr. X told Mrs. Y that she will not receive any financial support from him if she will not listen to him.
- Is there an act of violence under R.A.



Problem

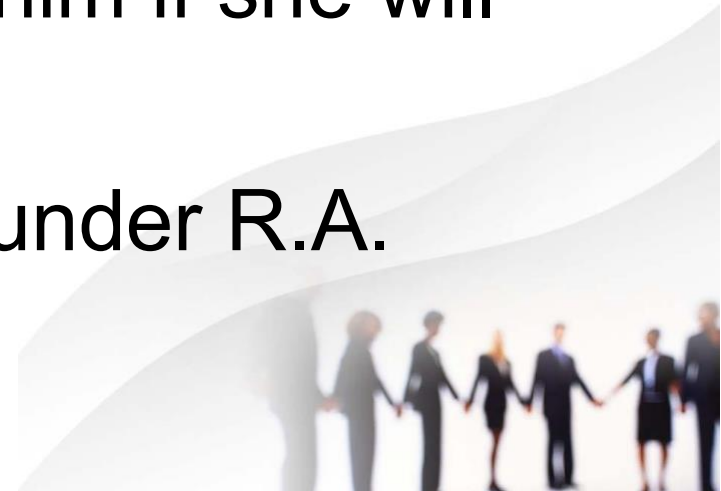
9262?

- Yes, there is **economic abuse**.
- Threatening to deprive or actually deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children, insufficient financial support.
- Mr. X and Mrs. Y are **common law spouses**;



Answer

- Mr. X is the breadwinner;
- Mrs. Y is a plain housewife;
- They have a misunderstanding;
- Mr. X told Mrs. Y that she will not receive any financial support from him if she will not listen to him.
- Is there an act of violence under R.A. 9262?
- Yes



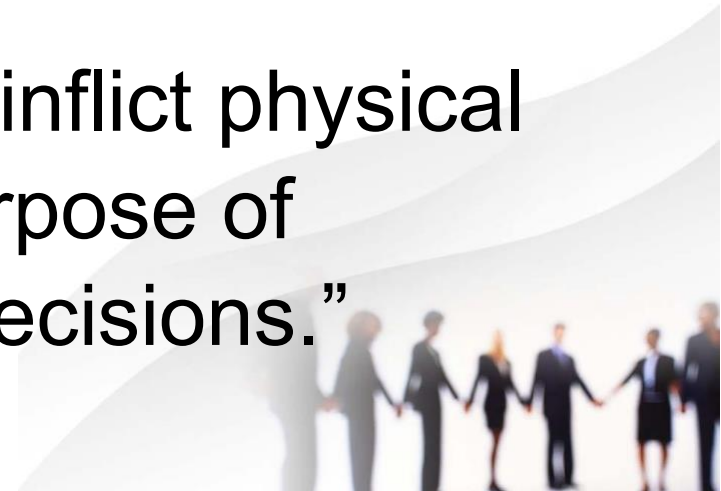
Problem

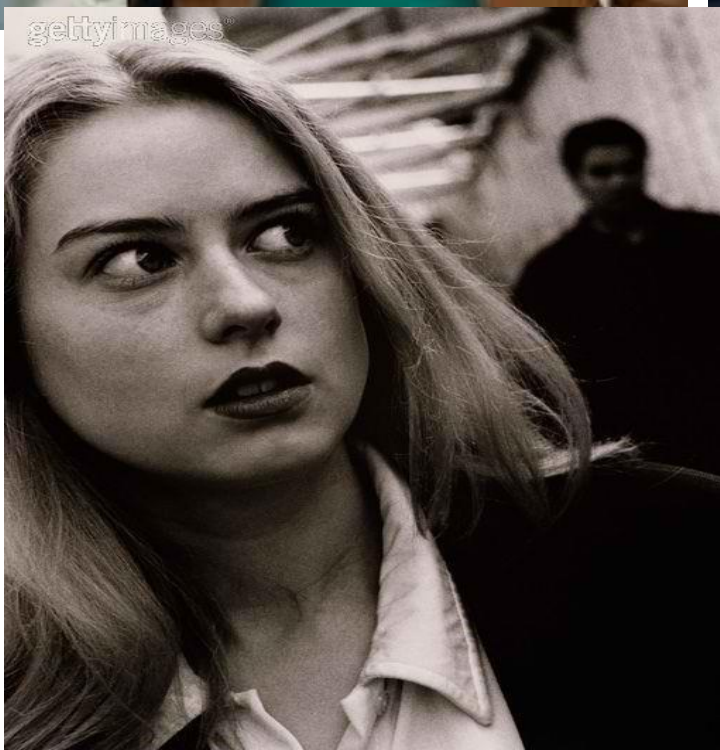
- “Violence against women and children refers to any act or series of acts committed by any person against a woman who is his wife, former wife, or **a woman with whom the person has or had a dating or sexual relationship, or with whom he has a common child**, or against her child...”
- Threatening to deprive or actually deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman’s children, insufficient financial support.
- X and Y are sweethearts;
- Y, the girl, wants to breakup with X;



Answer

- Not wanting to let Y go, X threatened Y that he will commit **suicide** if she will not go back to him;
- Is there violence against women?
- Yes.
- “Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions.”





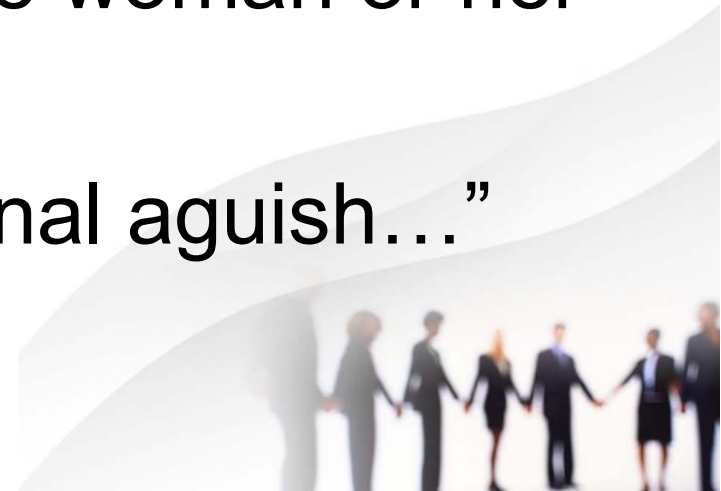
Problem

- Mr. X is obsessed with Ms. Y;
- He keeps on following her wherever she goes;
- He even lingers outside her residence when she goes home;
- Is there violence against women?



Answer

- Yes.
- “Stalking or following the woman or her child in public or private places;”
- “Peering in the window or lingering outside the residence of the woman or her child;”
- “Causing mental or emotional anguish...”



Question

- If you are a victim of violence under R.A. 9262, what remedies are available for you?
- 1. Petition for Protection Order
+
• 2. File any of the following :
 - Criminal Action



Answer

- Criminal Action with reservation of separate civil action
- Civil Action for Damages
- Who may file?



Question

- Offended party
- Parents or guardians
- Ascendants, descendants or collateral relatives within fourth civil degree of consanguinity/affinity
- Officers/social workers of DSWD or LGUs
- Police officers
- Punong Barangay/Kagawad
- Lawyer
- At least 2 Responsible Citizens



Answer

- Is the husband mandated to surrender his salary to his wife?



Question



- No.



Answer

- Prerogative of the spouses; not a duty.



Laws on GAD

- RA 6955 outlaws the practice of matching Filipino women for marriage to foreign nationals on a mail-order basis;
- RA 10354 Reproductive Health Law which emphasizes on:
 - Equality and non-discrimination
 - Sustainable human development
 - Right to health which includes reproductive health
 - Right to education and information
 - Gender equality



Laws on GAD

- Inviolability of marriage
- Reproductive health care services
- Civil Service Commission Memorandum Circular No. 12, Series of 2005 which encourages all heads of Constitutional Bodies, Departments, Bureaus, Offices and agencies of the national government, local government units, state universities and colleges, government owned and controlled corporations the **use of non-sexist**



Laws on GAD

**language in all its official documents,
communications and issuances**

- UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Universal Declaration of Human Rights

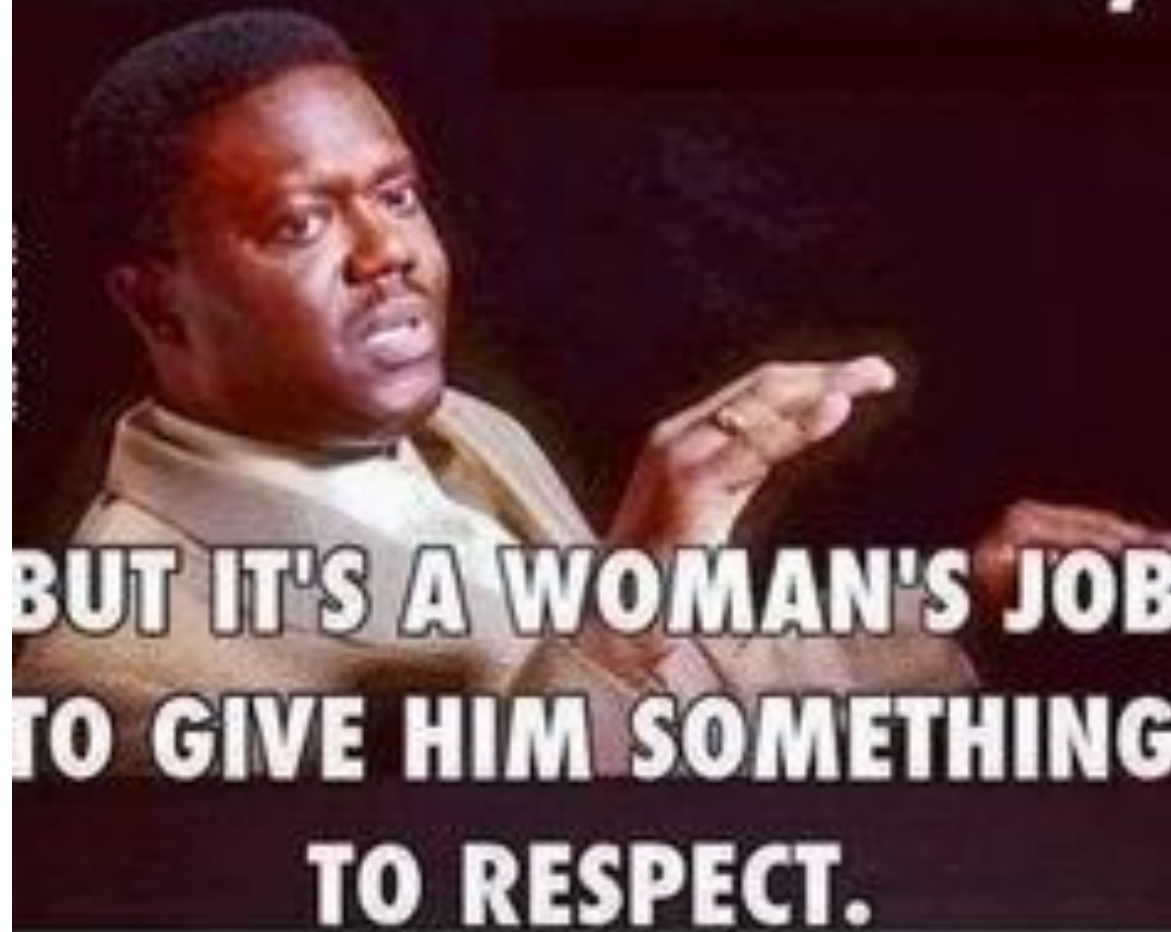


Laws on GAD

- Millennium Development Goals
 - No. 3 which requires governments to promote gender equality and empower women



**IT'S A MAN'S JOB TO
RESPECT A WOMAN,**



**BUT IT'S A WOMAN'S JOB
TO GIVE HIM SOMETHING
TO RESPECT.**



EQUAL



All human beings are born free & equal.

- UNIVERSAL DECLARATION OF HUMAN RIGHTS
(1948)