

Philippine Commission on Women

AMENDING SECTION 37 OF THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9710, OTHERWISE KNOWN AS THE "MAGNA CARTA OF WOMEN"

BOARD RESOLUTION No. 003
Series of 2021

WHEREAS, Section 44 of Republic Act No. 9710, otherwise known as the Magna Carta of Women (MCW), mandates the Philippine Commission on Women (PCW), in coordination with the Commission on Human Rights (CHR) and concerned government departments and agencies, with the participation of representatives from non-government organizations (NGOs) and civil society groups, to formulate the implementing rules and regulations (IRR) of the Act;

WHEREAS, the Implementing Rules and Regulations (IRR) of the MCW was approved and adopted through PCW Board Resolution No. 1, s. 2010 dated March 30, 2010;

WHEREAS, the PCW conducted a study on the institutional mechanisms for gender mainstreaming in line with Section 36 of the MCW to assess its gender mainstreaming program to ensure that it will be an effective strategy for implementing the Act and attaining its objectives;

WHEREAS, the PCW conducted consultations with government and civil society stakeholders to gather their inputs and feedback for improving the institutional mechanisms for gender mainstreaming to better address women's and gender issue and gaps in line with the MCW;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, by the Board of Commissioners of the Philippine Commission on Women, to approve and adopt the following amendments to Section 37 of the MCW-IRR. Section 37 of the MCW-IRR shall now read:

SECTION 37. *Gender Mainstreaming as a Strategy for Implementing the Magna*

Carta of Women – Within two (2) years from the adoption of these Rules and Regulations, and every six (6) years thereafter, the PCW shall review its gender mainstreaming strategy in consultation with key stakeholders and modify the program accordingly.

Notwithstanding the review of gender mainstreaming as above-stated, all government agencies, offices, bureaus, instrumentalities, SUCs, GOCCs, and LGUs shall pursue the adoption of gender mainstreaming as a strategy to promote and fulfill women's human rights and eliminate gender discrimination in their systems, structures, policies, programs, processes, and procedures such as the following:

A. Planning, Budgeting, Monitoring and Evaluation for GAD

1. Development of GAD Programs and Budgeting through GAD Planning – All agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities shall develop and implement GAD programs, projects and activities (PPAs) within the context of their mandates and budget for these through their annual GAD Plans and Budgets. Further:

a. Following the required conduct of a gender audit, gender analysis, and/or utilization of sex-disaggregated data, each agency shall develop its GAD agenda, which provides the agency GAD vision, mission, goals, outcomes, targets and corresponding PPAs to respond to women's issues and gender gaps or issues faced by their clients and constituencies, including their

women and men employees, especially those belonging to the marginalized sectors.

LGUs, on the other hand, shall ensure the gender-responsiveness of their Comprehensive Development Plan's vision, mission and goals, and integrate their GAD outcomes, targets and PPAs therein. Along with the Act and these Rules and Regulations, agencies and LGUs shall also be guided by the Philippine Plan for Gender-Responsive Development (PPGD), the Beijing Platform for Action (BPIA), the CEDAW and other national plans on women's empowerment and gender equality, which shall serve as key documents in the identification of women's and gender issues, and GAD outcomes and targets.

Based on the multi-year plan (i.e., the GAD agenda or the gender-responsive CDP), the agency or LGU shall formulate its annual GAD Plan and Budget, and include the identified PPAs in its agency work and financial plan or LGU Annual Investment Plan (AIP) to achieve its target outcomes;

- b. Where needed, temporary special measures shall be included in their plans. The agency or LGU is encouraged to consult with their employees and clients, especially the women, to ensure the relevance of their gender-related plans, programs, projects, and activities;

- c. At least five percent (5%) of the total agency or LGU budget appropriations shall correspond to GAD programs, projects, and activities that may include activities that are specifically addressing gender issues of women, especially those belonging to the marginalized sectors, based on the results of gender audit and analysis, and the mandates of the agency/LGU;
- d. The head of agency or LCE shall ensure that GAD plans, programs, and activities are provided with adequate resources;
- e. The GAD Budget shall be drawn from the following budget items: maintenance and other operating expenses, capital outlay, and personnel services-subject to specific guidelines on GAD Planning and Budgeting that may be issued by appropriate oversight agencies;
- f. The PCW shall review the GAD Plans and Budgets submitted annually by national government agencies, bureaus, SUCs, GOCCs, and other government instrumentalities in terms of gender-responsiveness;
- g. The city or municipal GAD Focal Point System shall review the GAD Plans and Budgets of barangays to ensure the gender-responsiveness and alignment of the barangay GAD PPAs with the priorities of the city/municipality. The reviewed GAD Plans and Budgets shall be endorsed

by the city/municipality for integration in their barangay AIPs and annual budgets.

The provincial GAD Focal Point System shall review the GAD Plans and Budgets of component cities and municipalities to ensure the gender-responsiveness and alignment of the component city/municipality GAD PPAs with the priorities of the province. The reviewed GAD Plans and Budgets shall be endorsed by the province for incorporation in their annual budgets to be enacted by their local Sanggunian.

The DILG regional offices shall review, in terms of gender-responsiveness, the GAD Plans and Budgets of provinces, highly urbanized cities (HUCs) and independent component cities (ICCs). The DILG shall return the GAD Plans and Budgets to the concerned LGUs along with its comments or endorsement for Integration in the LGU's annual plan and budget; and

h. Provinces, Highly Urbanized Cities and Independent Component Cities shall submit to the DBM their DILG-endorsed GAD Plans and Budget in accordance with the budget call.

2. Gender-Responsiveness of ODA-funded Projects (included and not included in the annual General Appropriations Act)-NGAs and LGUs and other government instrumentalities shall ensure that five to thirty percent (5-30%) of funds received from foreign governments and multilateral

agencies are in support of gender-responsive programs and projects. Further:

a. The National Economic and Development Authority (NEDA) shall institute measures to ensure that said allocation is achieved and sustained to enable concerned agencies and LGUs to respond to gender issues; and

b. To ensure that agencies and LGUs comply with this requirement, they shall undergo capacity-building activities on, among others, gender sensitivity, gender analysis, and of tools such as the Harmonized Gender and Development Guidelines (HGDD), Gender Mainstreaming Evaluation Framework (GMEF), and, for LGUs, the Enhanced Gender-Responsive LGU (GeRL) Assessment Tool.

3. Enhancement of Existing Implementing Tools/Mechanisms

a. The PCW, DBM, NEDA, and DILG shall enhance and update existing guidelines and tools on the development, implementation, and monitoring of GAD Plans and Programs and utilization of the GAD Budget by NGAs, LGUs, and other government instrumentalities;

b. The DBM shall take the lead in ensuring that gender-responsive performance-based budgeting is adopted by all agencies and LGUs;

c. The PCW and NEDA shall take the lead in advocating the use of the HGDD

for project development, implementation, monitoring and evaluation;

d. The PCW, in coordination with concerned agencies, shall develop or enhance gender audit tools and any other tools necessary for gender mainstreaming, and

e. The PCW, in partnership with DBM, NEDA, DILG, academe, and civil society groups, especially those that promote women's empowerment and gender equality, shall provide GAD-related technical assistance to agencies and LGUs.

4. **Mainstreaming Gender Perspective in National and Local Plans** – To move towards a more sustainable performance-based planning and budgeting, all agencies shall adhere to existing national guidelines in mainstreaming a gender perspective in the agency and local plans. Further:

a. The DBM shall ensure that outcomes and outputs, as well as the programs, projects and activities under the Program Expenditure Classification of all NGAs are gender-responsive;

b. The NEDA shall ensure that macro socioeconomic plans are gender-responsive;

c. Likewise, all NGAs and other government instrumentalities shall ensure that their agency annual operations plan and budget are gender-responsive; and

d. All LGUs shall ensure that local plans and agenda

such as the Comprehensive Development Plan (CDP), Comprehensive Land Use Plan (CLUP), Provincial Development and Physical Framework Plan (PDPFP), and Annual Investment Plan (AIP) are gender-responsive.

5. **Monitoring and Evaluation of the Implementation of and Budget Utilization for GAD Plans and Programs**

a. The PCW shall monitor and evaluate the compliance of national government agencies with the provisions of the Act, and in attaining their GAD targets through the review of GAD Accomplishment Reports submitted annually and other monitoring reports by national government agencies and other government instrumentalities.

b. The DILG shall monitor and evaluate the compliance of LGUs with the provisions of the Act and the attainment of their GAD targets through the review of accomplishment reports submitted annually.

c. The PCW, in consultation with DBM, COA, DILG, NEDA, and other concerned agencies, shall ensure that an effective system to monitor and evaluate the effectiveness of the GAD budget utilization of the agencies and LGUs is in place. Gender equality and women's empowerment indicators shall be identified and utilized by agencies to track their progress in terms of gender mainstreaming and the attainment of gender equality goals, outcomes and outputs.

- d. The COA shall conduct an annual audit of GAD funds of all government agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities.
- e. At the end of the fiscal period, all government agencies shall submit to PCW their GAD Accomplishment Reports including the utilization of the GAD Budget. The LGUs shall submit the same to the DILG which in turn shall consolidate and submit to the PCW.

B. Gender and Development (GAD) Code

1. To ensure sustainable gender-responsive local governance, all LGUs shall develop and pass a GAD Code to address the gender issues and concerns in their respective localities based on the results of consultation sessions with their women constituents and the women's empowerment and gender equality agenda of the government to support their efforts in recognizing, respecting, protecting, fulfilling and promoting women's human rights towards the attainment of women's empowerment and gender equality in their locality, following the guidelines issued by the PCW. The GAD Code shall also serve as one of the basis for identifying programs, projects and activities on GAD.
2. The DILG, in close coordination with PCW, shall assist LGUs in the development and passage of their GAD Code, as well as monitor their implementation.

C. Creation and/or Strengthening of the GAD Focal Points (GFPs) All government departments including their attached agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government

instrumentalities shall establish or strengthen their GFP System or a similar GAD mechanism to catalyze and accelerate gender mainstreaming for women's empowerment and gender equality within the agency or LGU. The head of agencies or LCEs shall sign appropriate issuances to institutionalize the creation of the GFP System in their respective agencies or LGUs. The tasks and functions of the members of the GFP System shall form part of their regular key result areas and shall be given due consideration in their performance evaluation.

1. Composition of the GFP System-To ensure sustainability of initiatives in the NGAs, LGUs, and other government instrumentalities, the GFP System shall be established and composed of the agency head or LCE, an executive committee, and a technical working group (TWG) or secretariat.

For NGAs and other government instrumentalities, the GFP System executive committee shall be chaired by an Undersecretary or its equivalent, with the bureau and service directors or their equivalent as members. In cases where the agency head is not of Cabinet Secretary rank, the next highest official shall be designated as Chair of the GFP System executive committee. The GFP System TWG or secretariat shall be composed of, but not be limited to, the key staff from the following offices: planning, finance, budget, senior technical officer from each major bureau/division/office, and where feasible, the statistics and management information office.

For LGUs, the GFP System executive committee shall be chaired by the LCE with the department heads and Chairs of the Sanggunian Committees on Women, Children and Family, and Appropriations,

and representatives from the PNP's Women's Desk, indigenous peoples, persons with disabilities, private sectors, and other nongovernment organizations, especially those that promote women's empowerment and gender equality, as members. The GFP System TWG or secretariat shall be composed of, but not be limited to, technical staff from the various departments and concerned Sanggunian committees. The GFP System TWG Chair shall be elected from among the GFP System TWG members. The secretariat shall be designated by the GFP System TWG Chair.

The agency/LGU shall ensure that all members of the GFP System undergo capacity building programs on women's empowerment and gender and development which shall include, but not be limited to, gender sensitivity training (GST), gender analysis, GAD planning and budgeting, and gender audit.

2. General Functions of the GAD Focal Point System –The GFP System shall ensure and sustain the agency's or LGU's critical consciousness and support in addressing women's and gender issues.

The GFP System shall take a lead role in direction-setting, advocacy, planning, monitoring and evaluation, and technical advisory on mainstreaming GAD perspectives in the agency/LGU programs, projects, activities, and processes. In doing so, the GFP System shall:

- a. Lead the assessment of the gender-responsiveness of policies, strategies, programs, activities, and projects of the agency/LGU based on the priority needs and concerns of its constituency, and the formulation of recommendations and ensure their implementation;
- b. Assist in the formulation of new policies such as the GAD Code

in advancing women's status in the case of LGUs;

- c. Lead in setting up appropriate systems and mechanisms to ensure the generation, processing, review, and updating of sex-disaggregated data or GAD database to serve as basis in performance-based gender-responsive planning;
- d. Coordinate efforts of different divisions/offices/units of the agency or LGU and advocate for the integration of GAD perspectives in all their systems and processes;
- e. Spearhead the preparation of the agency or LGU annual performance-based GAD Plan and Budget in response to the women and gender issues of their employees/constituencies, following the format and procedure prescribed by the PCW, together with other oversight agencies;
- f. Lead in monitoring the effective implementation of the GAD Code and any other women's empowerment and GAD-related policies, and the annual GAD Plan and Budget;
- g. Lead the preparation of the annual agency/LGU GAD Accomplishment Report and other GAD reports that may be required under the Act;
- h. Promote the participation of women and gender advocates, other civil society groups and private organizations in the various stages of development planning cycle; and
- i. Ensure that all personnel of the agency/LGU including the auditors are capacitated on GAD. The PCW shall issue guidelines to further assist the agencies, LGUs, and other government instrumentalities in creating and strengthening their GFP System.


D. GAD Database – All departments, including their attached agencies, offices, bureaus, SUCs, GOCCs, LGUs, and other government instrumentalities shall develop and maintain a GAD database containing GAD information to include gender statistics and age- and sex-disaggregated data that have been systematically produced/gathered, regularly updated, and subjected to gender analysis to serve as inputs or bases for planning, programming, and policy formulation. The Philippine Statistics Authority (PSA), upon the recommendation of the Inter-Agency

Committee on Gender, Children and Youth Statistics (IACGCYS), shall issue statistical policies on the generation of data support on gender issues and improve the system of collection and dissemination of gender statistics at the national and local levels.

RESOLVED FURTHER, that these amendments shall take effect fifteen (15) days after complete publication in the *Official Gazette* or a newspaper of general circulation.

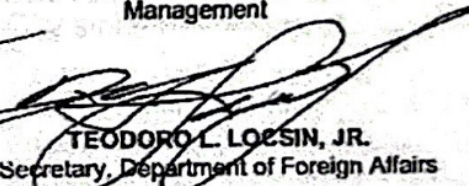
APPROVED this 22nd day of July 2021 via video conference.


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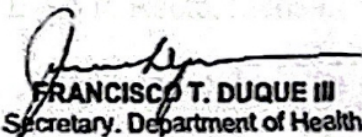
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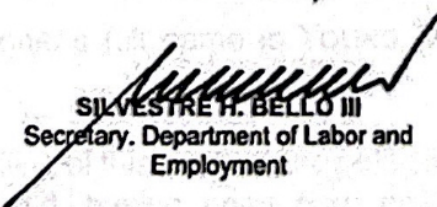


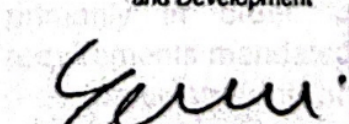

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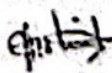

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