

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **3400**



INTRODUCED BY REPRESENTATIVE PM VARGAS

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

EXPLANATORY NOTE

Women have been recognized by the State in their significant contributions to nation-building and their equal role with men. However, legislation to protect and promote gender equality has been gradual over the years. The enactment of the Magna Carta of Women in 2009 was a victory achieved after decades of it languishing in previous Congresses.

Worldwide, there is a prevalent belief that Filipino women have attained a higher status in Asia Pacific because of better access to education and opportunities to participate outside their homes, including careers in politics. However, since 2012, women in the national legislature have barely consist of a quarter of the entire congress, at only 23% with a minimal increase to 28% after a decade.¹

The sheer presence of women in politics is a challenge to the country's true vision of gender equality. This bill seeks to ensure critical mass and equal participation of women in the national legislature to be able to advance gender equality and close the current gender gap in health care, education, and labor force participation among other issues that hinder women to take up equal space in society.

¹ <https://www.statista.com/statistics/730298/the-philippines-proportion-of-seats-held-by-women-in-national-parliament/> Accessed on November 8, 2022

This Representation believes that this bill is both crucial and urgent not only in putting women in leadership positions to promote women's issues but more importantly, for the State to fully realize its commitment to gender equality and human rights after it signed the United Nation's Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1980.

This version of the "*Women's Participation and Representation in Political Parties Bill*" has been deliberated by the Committee on Women and Gender Equality in the 18th and 19th Congresses, consecutively, but failed to pass into law. However, this bill is hereby refiled to honor the tedious committee consultations and deliberations with stakeholders done in previous congresses.

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

A handwritten signature in blue ink, appearing to be 'PM Vargas', is positioned above the printed name.

REP. PM VARGAS

Fifth District, Quezon City

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

SECTION 1. Short Title. – This Act shall be known as the “*Women’s Participation and Representation in Political Parties Act.*”

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.

Further, Section 11 of Republic Act No. 9710, otherwise known as Magna Carta of Women states that, “The State shall undertake temporary special measures to accelerate the participation and equitable representation of women in all spheres of society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development.” Likewise, Section 11 (e) of the Magna Carta of Women, provides incentives to political parties with women’s agenda. It shall likewise encourage the integration of women in the leadership hierarchy, internal policy-making structures, appointive and electoral

nominating processes”.

SECTION 3. *Definition of Terms.* – As used in this Act:

- (a) *Lawful election expenses and 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 Commission on Elections (COMELEC), with the assistance of the Philippine Commission on Women (PCW).
- (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 biological or transgender woman 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 for women’s empowerment, and which nominates and supports its members as candidates for public office.
- (f) *Women in Political Parties Empowerment 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. This agenda shall form part of the

requirements for the accreditation of political parties by the COMELEC. The PCW shall assist the political parties in development of this agenda.

SECTION 5. *Participation and 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 representation shall be within the gender quota, wherein the percentage of either women or men in a political party shall not be less than forty percent (40%) nor more than sixty percent (60%) of the leadership and internal policy-making structures of the political party: *Provided further*, That political parties participating in the party-list system may still qualify for the incentive for as long as the percentage of women in their leadership and internal policy-making structure is at least forty percent (40%) even if it exceeds sixty percent (60%). *Provided, finally*, That the COMELEC, shall certify the ratio of representation of women and men in a political party.

SECTION 6. *Participation and 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 representation shall be within the gender quota, wherein the percentage of either women or men by a political party shall not be less than forty percent (40%) nor more than sixty percent (60%) of those nominated as official candidates of the political party: *Provided further*, That political parties participating in the party-list system may still qualify for the incentive if at least three (3) of their nominees are women: *Provided, further*, That the COMELEC, shall certify the ratio of representation of women and men by a political party and substitution of women nominees by men candidates shall not be allowed. Any substitution made in violation thereof, shall cause the political party to return the amount released to it through the women empowerment fund.

SECTION 7. *Incentives for Women Representation In and By A Political Party.* –

A political party registered with and certified by the COMELEC to have women 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 from the fund 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 (2) 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 COMELEC and the PCW shall issue guidelines for the development and implementation of gender and development programs and activities under Section 8 of this Act.

SECTION 10. Certification. – A political party which conforms with Sections 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 COMELEC, under such rules and regulations that the COMELEC, in coordination with the PCW, 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 Sections 7 and 11 of this Act.

SECTION 11. Full Disclosure. – A political party whose officials are certified by the COMELEC 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 PCW, the COMELEC and the Commission on Audit (COA) 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. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the COMELEC as the lead agency, in coordination with the PCW, all concerned government departments and agencies and at least three (3) women’s organizations with proven track record of involvement and promotion of the rights and welfare of Filipino women shall formulate the implementing rules and regulations of this Act.

SECTION 15. *Non-Impairment Clause.* – Nothing in this Act shall be construed as to diminish, impair, or repeal rights recognized, granted, or made available to disadvantaged, marginalized, or specific sectors under existing laws.

SECTION 16. *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 17. *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 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or any national paper of general circulation.

Approved,