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NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: 

SENATE

P.S. Res. No. 25

Introduced by Senator **PIA S. CAYETANO**

RESOLUTION

DIRECTING THE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY AND OTHER APPROPRIATE COMMITTEES TO CONDUCT A REVIEW, IN AID OF LEGISLATION, OF THE EXISTING LAWS WITH PROVISIONS WHICH ARE CONSIDERED AS DISCRIMINATORY TO WOMEN, WITH THE END IN VIEW OF AMENDING AND/OR REPEALING THESE AS MANDATED BY REPUBLIC ACT NO. 9710 OR THE MAGNA CARTA OF WOMEN

1 **WHEREAS**, Article II, Section 14 of the 1987 Philippine Constitution provides that
2 "the State recognizes the role of women in nation-building, and shall ensure the
3 fundamental equality before the law of women and men;"¹

4 **WHEREAS**, the Philippines signed and ratified the Convention on the Elimination
5 of All Forms of Discrimination against Women (CEDAW), also known as the International
6 Bill of Rights for Women;

7 **WHEREAS**, Article 2, Part 1 of the CEDAW states that "States Parties condemn
8 discrimination against women in all its forms, agree to pursue by all appropriate means
9 and without delay a policy of eliminating discrimination against women and, to this end,
10 undertake: (e) To take all appropriate measures to eliminate discrimination against

¹ The Official Gazette. (n.d.). *The 1987 constitution of the Republic of the Philippines – article II*. Retrieved July 30, 2021, from <https://www.officialgazette.gov.ph/constitutions/the-1987-constitution-of-the-republic-of-the-philippines/the-1987-constitution-of-the-republic-of-the-philippines-article-ii/>

1 women by any person, organization or enterprise; (f) To take all appropriate measures,
2 including legislation, to modify or abolish existing laws, regulations, customs, and
3 practices which constitute discrimination against women; (g) To repeal all national penal
4 provisions which constitute discrimination against women;”

5 **WHEREAS**, the Philippines often ranks as one of the most gender equal countries
6 globally based on the annual Gender Gap Report published by the World Economic Forum,
7 but has been regressing in gender parity in the last few years;²

8 **WHEREAS**, laws have been passed that have protected and promoted women’s
9 rights in the past, such as but not limited to Republic Act No. 9710 or the Magna Carta
10 of Women, Republic Act No. 10354, or the Responsible Parenthood and Reproductive
11 Health Act of 2012, and Republic Act No. 11210 or the 105-Day Expanded Maternity
12 Leave Law;

13 **WHEREAS**, however, there are still existing laws that are discriminatory or contain
14 distinctions, exclusions, or restrictions against women, such as Articles 14 (*Parental*
15 *Consent*), 96 (*Joint Administration of Community Property*), 124 (*Joint Administration of*
16 *Conjugal Property*), 211 (*Joint Parental Authority*), and 225 (*Joint Legal Guardianship*
17 *over the Property of the Unemancipated Common Child*) of the Family Code, Articles 333
18 (*Adultery*), 334 (*Concubinage*), and 247 (*Death or Physical Injuries under Exceptional*
19 *Circumstances*) of the Revised Penal Code, and provisions of the Code of Muslim Personal
20 Laws, among others;

21 **WHEREAS**, Section 12 of Republic Act No. 9710, or the Magna Carta of Women,
22 explicitly provides that “the State shall take steps to review and, when necessary, amend

² Philippine Commission on Women. (n.d.). *Philippines drops 8 places in gender equality, remains top in Asia*. Retrieved July 30, 2021, from <https://pcw.gov.ph/philippines-drops-8-places-in-gender-equality-remains-top-in-asia/>

1 and/or repeal existing laws that are discriminatory to women within three (3) years from
2 the effectivity of this Act;³

3 **WHEREAS,** review of discriminatory laws have previously been conducted by the
4 Senate Committee on Youth, Women, and Family Relations in the 14th and 15th
5 Congresses and the Senate Committee on Women, Family Relations and Gender Equality
6 in the 16th Congress, which resulted in the repeal or amendment of discriminatory laws,
7 such as the repeal of Article 351 of Act No. 3815, s. 1930, also known as the Revised
8 Penal Code, which used to penalize Premature Marriages, and the amendment of Republic
9 Act No. 6955, also known as the Anti-Mail Order Bride Act, among others;

10 **WHEREAS,** there is a need for continuous review of discriminatory provisions
11 against women in various existing laws to ensure that the rights of women, as guaranteed
12 by the Constitution, are upheld to enable the active participation of women and
13 encourage their significant contributions to our national development;

14 **NOW, THEREFORE, BE IT RESOLVED,** that the Senate Committee on Women,
15 Family Relations, and Gender Equality and other appropriate committees conduct a
16 review, in aid of legislation, of existing laws which are discriminatory against women, with
17 the end in view of amending and/or repealing these as mandated by Republic Act No.
18 9710 or the Magna Carta of Women.

Adopted,

Pia S. Cayetano
PIA S. CAYETANO *PH*

³ The Official Gazette. (2009, August 14). *Republic act no. 9710*. Retrieved July 30, 2021, from <https://www.officialgazette.gov.ph/2009/08/14/republic-act-no-9710/>