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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS**

**Periodic reports submitted by States parties under articles 16 and 17
of the Covenant**

Combined second, third and fourth periodic reports of

THE PHILIPPINES* ** ***

[14 December 2006]

* The initial report concerning rights covered by articles 6 to 9 of the Covenant (E/1978/8/Add.4), concerning rights covered by articles 10 to 12 of the Covenant (E/1986/3/Add.17), concerning rights covered by articles 13 to 15 of the Covenant (E/1988/5/Add.2) submitted by the Philippines were considered by the Committee on Economic, Social and Cultural Rights on 18 April 1980, on 8 May 1995 and 15 January 1990 respectively. The second periodic report was due on 30 June 1995, the third on 30 June 2000 and the fourth on 30 June 2005 respectively and submitted as the combined initial, second, third and fourth periodic reports on 14 December 2006.

** The information submitted by the Philippines in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.37).

*** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 4	3
I. GENERAL INFORMATION	5 - 53	3
A. The land and the people	5 - 10	3
B. General political structure	11 - 17	4
C. Social and economic conditions	18 - 28	5
D. General legal framework within which human rights are protected	29 - 48	6
E. Information and publicity	49 - 53	10
II. INFORMATION ON THE IMPLEMENTATION OF THE COVENANT	54 - 1040	11
Article 1	54 - 57	11
Article 2	58 - 59	11
Article 3	60 - 75	11
Article 4	76	13
Articles 5 and 6	77 - 187	13
Article 7	188 - 249	35
Article 8	250 - 311	45
Article 9	312 - 401	56
Article 10	402 - 491	70
Article 11	492 - 696	89
Article 12	697 - 851	125
Article 13	852 - 956	151
Article 15	957 - 1040	176
Annexes		
List of acronyms		194

Introduction

1. This initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) was prepared in accordance with the general guidelines adopted by the former Commission on Human Rights, now the Human Rights Council, regarding the submission of initial implementation reports. In observance of the previous three-phase reporting cycle instituted by the Economic and Social Council according to which States Parties were required to report, at three-year intervals, on different clusters of rights, the Philippines has submitted the following ICESCR implementation reports:

- (a) HRI/CORE/1/Add.37 (2 Feb. 1994);
- (b) Initial (arts. 6-9): E/1978/8/Add.4 (28 Dec. 1977);
- (c) 2nd (arts. 6-9): E/1984/7/Add.4 (1 Feb. 1984);
- (d) Initial (arts. 13-15): E/1988/5/Add.2 (21 June 1988);
- (e) Additional (arts. 13-15): E/1989/5/Add.7 (28 Feb. 1992);
- (f) Initial (arts. 10-12): E/1986/3/Add.17 (15 Sept. 1994).

2. This report consists of two parts. The first part provides information on the current situation in the Philippines. The second part provides specific information relating to the implementation of the provisions of the Covenant.

3. This report gives background information on laws, policies, programmes and recent developments pertinent to the rights enumerated in the Covenant, the difficulties and problems arising from their implementation, and the prospects for the future.

4. The report was prepared by the Coordinating Committee on Human Rights (CCHR), which was established through Administrative Order No. 370 dated 10 December 1997. The CCHR is chaired by the Department of Foreign Affairs (DFA) and has 15 government departments and agencies as members.

I. GENERAL INFORMATION

A. The land and the people

5. The Philippines is an archipelago located 966 kilometres off the south-eastern coast of mainland Asia. It is composed of 7,107 islands with three major island groups: Luzon, with an area of 141,395 square kilometres; Visayas, with an area of 56,606 square kilometres and Mindanao, with an area of 101,999 square kilometres. Of the total land area, 92.3 per cent is found within the 11 largest islands. It has a land area of approximately 300,000 square kilometres. It is divided into 15 administrative regions with 76 provinces, 60 cities, 1,543 municipalities and 41,911 *barangays* (villages).

6. The Filipino is of Malay racial stock. The indigenous culture is a mixture of Malay, Chinese, Japanese, Arabic, Spanish and American influence.
7. There are 110 ethno-linguistic groups in the country, which speak at least 70 recorded languages. There are eight major languages, with Filipino as the national language and Filipino and English as the official working languages.
8. Eighty-five per cent of Filipinos are Christians, the majority of whom are Roman Catholics. A little over 10 per cent of the population are followers of Islam and the rest belong to other denominations or sects.
9. As of 2005, the population of the Philippines was estimated at 88.5 million. Growing annually at 2.11 per cent, the population is projected to reach 102.8 million by 2015.
10. Population density is 246 persons per square kilometre and about half of the population is concentrated in urban centres all over the country. This is a result of the rapid urbanization caused mainly by the rural to urban migration.

B. General political structure

11. The Republic of the Philippines is a democratic and republican State with a presidential form of government.
12. Executive power is exercised by the President of the Philippines with the assistance of his Cabinet. The President is both the head of State and of the Government. The Vice-President assists the President in the performance of his duties and responsibilities and may also be appointed as the head of one of the executive departments.
13. Legislative power is vested in the Congress of the Philippines, consisting of the Senate and the House of Representatives. The Senate is composed of 24 senators elected at large for a term of six years. The House of Representatives is composed of members elected from legislative districts and through a party-list system.
14. Judicial power is vested in the Supreme Court and lower courts. The decisions of the Supreme Court are binding on all lower tribunals. The other courts under the Supreme Court are: the Court of Appeals, composed of 51 Justices with one Presiding Justice; Regional Trial Courts; the Municipal Circuit Trial Courts; and the Municipal Trial Courts established in every city not forming part of the metropolitan area.
15. The democratic structure and processes are further enhanced by the constitutional provisions on social justice and human rights, protection of labour, women and children and the strengthening of local autonomy of the local government units (LGUs). The Local Government Code of 1991 devolves the responsibility and budget for the delivery of basic services in agriculture, health, social welfare and development, public works, environment and natural resources to the LGUs.

16. At sub-national levels, governance is assumed by the local LGUs in each administrative area, i.e. province, city, municipality and *barangay*. Each local government office is composed of both elective and appointive officials. The elective officials include the head and vice-head in each administrative area, i.e. governor and vice-governor for the province, mayor and vice-mayor for the city and municipality, and chairman for the *barangay*; and as members of the councils, i.e. Sangguniang Panlalawigan (Provincial Council), Sangguniang Panlungsod (City Council) and Sangguniang Barangay (Village Council).

17. Legislative power at the sub-national levels is vested in the Sanggunian (Council) at each level. Each local government unit has a development council which assists the Sanggunian (Council) in formulating their respective comprehensive and multi-sectoral development plans.

C. Social and economic conditions

18. The annual per capita Gross Domestic Product (GDP) was estimated at US\$ 1,026 using 2004 nominal prices and exchange rate.

19. The Philippine economy grew despite adverse effects of international shockers. These included the 11 September 2001 bombing in New York, the Severe Acute Respiratory Syndrome (SARS) scare, which slowed down the tourism industry, and the United States-Iraq war, which dislocated overseas Filipino workers in the Middle East.

20. The country's real Gross National Product (GNP) from 2001 to 2004 expanded at an average of 5.05 per cent while real GDP grew by an average of 4.52 per cent, which was within the target set during the same period. The services sector has been the engine of growth which expanded at an average rate of 5.62 per cent over the said period. The expansion could be attributed to the expansion of the telecommunication sector and the new investments in call centres, business process outsourcing and software development. Meanwhile, the trade sector also performed well due to strong consumer spending which was supported by the steady growth of the agriculture sector and remittances of overseas Filipino workers.

21. The agriculture sector grew at an average of 4.05 per cent over the period 2001-2004.

22. The industry sector experienced sluggish growth at a mere 3.4 per cent in 2001-2004. Growth has been limited by the large cuts in public construction to control the deficit as well as the difficulties of some manufacturing industries to keep up with global market. Moreover, the increase in foreign investments was minimal, from US\$ 1.43 billion in 2002 to US\$ 1.49 billion in 2003. The low foreign direct investments resulted from investor preference for China, weakening investor confidence due to concerns about fiscal sustainability, peace and order problems, and a weak infrastructure/logistics system.

23. Unemployment remained high at 10.9 per cent in October 2004 notwithstanding the 3.2 million jobs generated from 2001 to 2004. From January to July 2004, the average unemployment rate was 12 per cent as the number of jobs generated had not been adequate to absorb the influx of labor entrants.

24. Underemployment was a more serious problem since its magnitude was higher than that of the unemployment rate. Underemployment rate was 16.9 per cent in October 2004 of which 61 per cent was in the rural areas (NSCB, 2004). The seasonal nature of farm employment prompted workers to want more labour hours.

25. The fiscal deficit emerged as the major macroeconomic problem. The consolidated public sector deficit is 5.52 per cent of GDP while the Government deficit surged to 3.8 per cent of GDP in 2004. Consequently, the rising deficit pushed the public sector debt to 101 per cent of GDP by 2003.

26. The Government provides social services in the areas of health, nutrition, education, housing, safe water supply and sanitation. Basic services for children are a special concern. The Government is taking definitive steps to address human development concerns in an integrated manner, through the formulation of a social development framework which will guide the planning and programming of human development-related activities.

27. Starting in 1986, the Government has more explicitly focused on poverty alleviation as a goal of national development efforts. In 1988, poverty incidence among Filipinos was 45.5 per cent, 3.8 percentage points lower than it was in 1985. As of 2003, poverty incidence had gone down to 30.4 per cent.

28. The Presidential Commission for the Urban Poor (1986), the Presidential Commission to Fight Poverty (1993), and the National Anti-Poverty Commission (2000) were established by the Government as agencies to engage in poverty alleviation and people empowerment.

D. General legal framework within which human rights are protected

29. Fundamental human rights have been an integral part of the Philippine Constitution. The Malolos Constitution adopted in 1898, the 1935, 1973, 1986 (also known as Freedom Constitution) and the 1987 Philippine Constitutions all contained a Bill of Rights. Two of the State policies embodied in the Constitution are respect for the dignity of every human person and protection of the basic civil and political rights of the people against State encroachment and abuses. The Bill of Rights specifically prohibits the use of torture, force, threat or intimidation or any other means which vitiates the free will of a person and mandates Congress to pass laws to compensate victims of torture.

1. Judicial, administrative and other authorities competent in matters relating to human rights

30. The 1987 Constitution enumerates the basic human rights and the judiciary stands as the guardian and bulwark of such rights. The Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) and other law enforcement agencies are constitutionally mandated to protect human rights and freedoms of citizens; and ensure the security of the State and its people.

31. The 1987 Constitution created the Philippine Commission on Human Rights (PCHR). It is an independent constitutional body mandated to investigate, on its own or on the complaint by any party, all forms of human rights violations involving civil and political rights; adopt its operational guidelines and rules of procedure and cite for contempt for violations thereof;

provide legal measures for the protection of human rights of all persons within the Philippines; provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection; exercise visitorial powers over jails, prisons or detention facilities and request the assistance of any government agency in the performance of its functions; establish a continuing programme of research, education and information to enhance respect for the primacy of human rights; recommend to Congress effective measures to promote human rights; monitor Government's compliance with international treaty obligations on human rights; and grant immunity from prosecution to any person whose testimony, or whose possession of documents or other evidence, is necessary or convenient to determine the truth in any investigation conducted by it, or under its authority.

32. The Office of the Judge Advocate General of the Armed Forces of the Philippines has jurisdiction over complaints against enlisted men. However, under Republic Act (RA) No. 7055, "An Act Strengthening Civilian Supremacy Over the Military By Returning to the Civil Courts the Jurisdiction Over Certain Offenses Involving Members of the Armed Forces of the Philippines", members of the AFP, other persons subject to military law, including members of the Citizens Armed Forces Geographical Units, who commit crimes or offences penalized under the Revised Penal Code, and other special penal laws, regardless of whether or not civilians are co-accused, victims or offended parties, shall now be tried by the proper civil courts.

33. Republic Act No. 6975 specifies the administrative disciplinary machinery applicable to the members of the Philippine National Police (PNP). Complaints against any PNP member may be brought before any of the following: (a) chiefs of police, where the offense is punishable by the withholding of privileges, restrictions to specified limits, suspension or forfeiture of salary for a period not exceeding 15 days; (b) mayors of cities and municipalities, where the offense is similarly punishable for a period of not less than 16 days but not exceeding 30 days; (c) People's Law Enforcement Board or PLEB where the offense is similarly punishable for a period exceeding 30 days or by dismissal.

2. Remedies available to individuals whose human rights had been violated

34. Under the Philippine Rules of Court, a person who has been unlawfully detained or deprived in any other manner of his liberty may file before any Regional Trial Court or the Court of Appeals or directly with the Supreme Court, a petition for the issuance of a writ of habeas corpus to obtain his temporary release.

35. An individual whose human rights were deemed violated may seek immediate assistance from the various government agencies concerned, such as but not limited to the following: PCHR; PNP; Department of Social Welfare and Development (DSWD), National Bureau of Investigation; Public Attorney's Office; Prosecutor's Office; Bureau of Immigration and Deportation, Office of the Solicitor General; Office of the Ombudsman or *Tanodbayan*; Presidential Anti-Crime Commission; Bureau of Jail Management and Penology for prisoners and other similar agencies.

36. The Revised Penal Code is considered as a public law which concerns public interest, except for those private crimes such as adultery and concubinage in which the intervention of the private offended party is necessary. For other violations punishable under the Revised Penal Code, the action is filed in the name of the People of the Philippines. The offended party files a

complaint before the prosecutor, or in places where there are no such office before the municipal trial court of the place where the offense was committed, which would then conduct a preliminary investigation or examination to determine whether there is reasonable cause to believe that the crime punishable under the Code has probably been committed. The finding of the prosecutor or the judge is forwarded to the Provincial Public Prosecutor's Office which then files the corresponding information to the regular courts which, in turn, would determine the culpability of the offender and impose the necessary penalty.

37. The Civil Code of the Philippines regulates the private relations of the members of civil society, determining their respective rights and obligations with reference to persons, things and civil acts. Under its provisions, every person must in the exercise of his rights and in the performance of his duties act with justice, give everyone his due and observe honesty and good faith.

38. The Civil Code also protects human rights when it imposes liability for damages on any public officer or employee, or any private individual who directly or indirectly obstructs, defeats or violates or in any manner impedes or impairs the rights or liberties of another person enumerated in article 32 of the Civil Code. In case of violations punishable under the Civil Code, the offended party files his/her complaint before the regular court which has jurisdiction over the matter, except those cases covered by the provisions of RA 7160 requiring amicable settlement and arbitration.

3. National Institution for the Promotion and Protection of Human Rights: The Commission on Human Rights

39. The Philippines Commission on Human Rights (PCHR) has established protective legal measures to safeguard the rights of Filipinos according to the principles guaranteed by the Philippine Constitution and international treaty obligations. It deals directly with any particular type of human rights violation, primarily those involving civil and political rights. Specifically, the Commission handles complaints of execution, disappearances, arrest and detention and torture, in addition to other human rights violations related to armed conflict. It may also request the assistance of other agencies of the Government in the fulfillment of its mandate.

40. Representation with the Department of Justice (DOJ), which is in charge of the prosecution of offences, is also undertaken by the Commission. This is to give preferential attention to the hearing and termination of cases of detainees. As a result, DOJ closely monitors prosecutors who handle these cases to ensure that investigations are completed within the required 60-day period. The Supreme Court, in a parallel move, has likewise urged judges to speed up the resolution of cases through the continuous trial system.

41. A Witness Protection Programme was instituted to give witnesses the necessary courage and confidence to serve the ends of justice. It involves securing the lives of the witnesses, victims and their immediate family members and protecting them from any form of harassment or threat.

42. The DOJ is one of the executive departments that plays a vital role in the enforcement and promotion of human rights through its various bureaus, offices and committees at the national and subnational levels.

43. The Office of the Ombudsman is another independent office dealing with human rights enforcement. The main function of this Office is to prevent abuse of power by government officials which adversely affects private rights. The prosecution arm of the Department of Justice works closely with the Office of the Ombudsman and the Office of the Special Prosecutor.

44. The Ombudsman Act of 1989 (RA 6770) strengthened the powers of the Office of the Ombudsman making it a more potent administrative machinery to insure that government officials remain accountable to the people.

45. A number of other administrative agencies facilitate the implementation and enforcement of human rights. They mainly implement policies in accordance with the laws and administrative issuances. Very often, they enforce and promote the positive rights of citizens which affect their daily lives. For instance, the Department of Labor and Employment (DOLE) sees to it that the rights of workers are protected and their welfare promoted. The Department of Agrarian Reform (DAR) implements the Comprehensive Agrarian Reform Law to promote the economic rights of farmers. With respect to the rights of Filipino children, Filipino women and persons with disabilities (PWDs), the Council for the Welfare of Children (CWC), National Commission on the Role of Filipino Women (NCRFW) and the Council for the Welfare of Disabled Persons, respectively, have been created to coordinate the implementation and enforcement by executive departments of all laws relative to the promotion of the welfare of their respective sectors.

4. Protection of the rights provided for in the Constitution

46. The 1987 Constitution protects, inter alia, the following rights: the right to life, liberty or property (sect. 1, art. III); right of people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature (sect. 2, art. III); right to privacy of communication and correspondence; freedom of speech, of expression, or of the press, or the right of the people to assemble peacefully and petition the Government for redress of grievances; free exercise and establishment of religion; liberty of abode and changing of the same; right of people to information on matters of public concern; right to form unions and associations; right of persons under investigation to be informed of their rights, to remain silent and to have competent and independent counsel; right to bail; right to due process; right to presumption of innocence until the contrary is proven; right to speedy disposition of cases, right to be free from involuntary servitude in any form except as a punishment for a crime whereof the party shall have been duly convicted. Moreover, the privilege of the writ of habeas corpus shall not be suspended except in cases of invasion or rebellion when the public safety requires it.

5. Manner in which international human rights instruments become part of domestic law

47. By virtue of article II, section 2, of the Constitution, the Philippines “adopts the generally-accepted principles of international law as part of the law of the land” which means that provisions of these human rights instruments can be invoked before and be directly enforced

by Philippine courts, other tribunals or administrative authorities. Moreover, article XIII, section 18 (7) of the Constitution provides that the PCHR shall monitor the Government's compliance with international treaty obligations on human rights.

48. To date, the Philippines has signed, ratified or acceded to 20 international human rights instruments, including all seven core human rights treaties, to wit: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

E. Information and publicity

49. The Philippines ensures that respect for human rights is observed and, consistent with the mandate of the PCHR to promote human rights, it has intensified measures such as public information and education campaigns, training seminars, and assistance. Human rights subjects have also been integrated in the regular in-service training for all members and staff of the AFP.

50. The PCHR has actively engaged in human rights education, planning, implementation and coordination with various concerned agencies involved in human rights education. In cooperation with the Department of Education (DepEd), the Commission has developed educational materials on human rights and has included them in the elementary and high school curricula.

51. To increase the citizenry's awareness of their various rights and obligations under local and international law, the Commission has produced various publications including primers on human rights in Filipino such as the Filipino version of the United Nations Declaration of Human Rights (published by the University of the Philippines). Other printed materials such as posters and brochures are also being produced and disseminated all over the country.

52. The Commission has initiated several series of consultations and dialogues with government agencies as well as non-governmental entities that can directly help to promote the concept and generate awareness of human rights. This has reinforced the Commission's coordinative task in finding legal, administrative and other alternative measures in resolving human rights issues.

53. Through its Public Information and Education Office, the PCHR undertakes education, training and dissemination of human rights information in order to enhance public awareness, knowledge and understanding of the principles and concepts of human rights. The Commission has established 12 regional offices and four sub-offices nationwide to expedite investigations and provide easy access to human rights victims, as well as for dissemination of information concerning human rights.

II. INFORMATION ON THE IMPLEMENTATION OF THE COVENANT

Article 1

54. This issue is addressed in paragraphs 447-463 of the second and third reports of the Philippine on implementation of the ICCPR (CCPR/C/PHL/2002/2; see appendix A).

55. On 10 May 2004, national elections were held in the country. Prior thereto, or on 13 February 2003, RA 9189, otherwise known as the Absentee Voting Law, was enacted into law to enable absentee voting for all overseas Filipinos. The law covers all Filipinos abroad who possess valid Philippine passports and have not renounced their Filipino citizenship. It aims to ensure equal opportunity and access to all qualified overseas Filipinos in the exercise of suffrage regardless of their location.

56. The DFA, through the Overseas Absentee Voting Secretariat, registered 364,187 Filipino absentee voters abroad in 84 Philippine Embassies, Consulates and other foreign service establishments. A total of 233,092 (65 per cent) turned out to vote for the 2004 elections in the more than 100 overseas election precincts.

57. Several international organizations came to observe the conduct of elections in the country and reinforce local monitoring. Some of the observers commended the Filipino people for their continued vigilance to achieve free and fair elections. Others observed that while a genuine desire for credible elections has been expressed by the Filipinos, important challenges still lie ahead.

Article 2

58. This issue is addressed in paragraphs 464-475 of the second and third reports of the Philippines on implementation of the ICCPR (CCPR/C/PHL/2002/2; see appendix B).

59. In 2004, the DOH led concerned government agencies in conducting the nationwide registration for persons with disability. The program though suffered from a low turn-out of registrants.

Article 3

60. The fifth and sixth consolidated Philippines implementation reports on CEDAW (CEDAW/C/PHI/5-6) were considered by the Committee on the Elimination of Discrimination Against Women last 15 August 2006. (Portions of the report are attached as appendix C).

61. Section 14, Article II of the 1987 Constitution provides that “the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.” Also, Section 14, Article. XIII guarantees working women the right to safe and healthy working conditions, taking into account their maternal functions. Other specific provisions that guarantee women’s rights are Section 5(2), which upholds the right of women to sectoral representation in national and local legislative bodies, and Article IV, which grants them equal citizenship rights. Section 1(2), Article IV of the Constitution provides that any child whose father or mother is a citizen of the Philippines may be recognized as a Filipino citizen under existing laws.

62. Towards this end, the Government of the Philippines has adopted laws to correct the historical disadvantages of women in various aspects of life. These include laws prohibiting discrimination in employment, emphasizing the right to education of women and the girl child, removing obstacles to women's entry into the police and military, and criminalizing sexual harassment in educational and training environment and in the workplace.

63. The laws on nationality provide equal rights to Filipino women and men to acquire, change or retain their citizenship or that of their children.

64. Equality of men and women in terms of remuneration for work, equal pay for work of equal value, and conditions of work is a constitutional policy enshrined in Art. II, Sec. 14 of the Constitution.

65. Affirmative measures also exist to respond to the particular needs of women in the workplace. Maternity protection has long been provided to women. Recent legislation, RA 8187 or the 1996 Paternity Leave Act, also grants paternity leave for men on the occasion of childbirth of their spouses. Article 132 of the Labor Code requires employers to provide women with certain facilities like separate toilet rooms and dressing rooms.

66. The Anti-Sexual Harassment Act protects employed women from harassment and penalizes discriminatory acts committed against them.

67. Education is a basic right of every Filipino male and female alike. In 2000, simple literacy rates for women and men 10 years old or older are almost equal at 92.3 per cent and 92.0 per cent, respectively, or a gender gap of 0.3 per centage point.

68. The Government has also ensured that women's rights in securing travel documents, specifically, the passport, are upheld. Guidelines of issuance of passports to women as stipulated in the Philippine Passport Act of 1996 do not require that women seek the consent of their husbands for their application for said document. The guidelines only require submission of pertinent documents to establish the civil or marital status of women applicants.

69. Life expectancy of females has always been higher than males in the Philippines (71.28 years for females in 1999 compared to 66.03 years for males for the same year).

70. The Philippines has maternal mortality rate (MMR) of 190 per 100,000 in 1970 and 179.7 in 1995. The MMR in 1991-97 is 172 per 100,000 live births as estimated from 1998 National Demographic Health Survey (NDHS).

71. In the 1998 NDHS, maternal deaths were estimated to be 14 per cent of all deaths of women ages 15-49. Approximately 2 women for every 1,000 live birth die during pregnancy, at childbirth, or in the period after childbirth. Filipino women also face a one-in-100 chance of dying of maternal causes in their lifetime. Maternal deaths are higher in poor rural and isolated areas and poor urban communities.

72. Since 1986, the Philippine Government, through the National Commission on the Role of Filipino Women, has actively pursued various programs to ensure the effective implementation of laws for women. The Philippine Plan for Gender Responsive Development, 1995-2025,

formulated in 1995, has served as the blueprint for the review and development of gender responsive programs by the different government agencies. These include, among others, training in the use of the gender and development approach for project development, creation of services to deal with problems of physical and sexual abuses as well as other reproductive health issues, and the provision of credit, livelihood skills, and information to enhance women's economic productivity.

73. The Philippine Government also puts high priority on the transformation of society's attitudes and values towards the recognition of the equal roles, rights and responsibilities of women and men. In this connection, it has adopted three development plans for women since 1989. The Philippine Development Plan for Women (GAD) 1989-1992 recognized the shared responsibility of government agencies to implement programs for women's advancement. Agencies created Gender and Development focal points to coordinate plan implementation and lead the capacity building of the agency for gender mainstreaming.

74. Meanwhile, the Philippine Plan for Gender Development 1995-2025 (PPGD), was deliberately long-term in perspective and was envisioned to inform medium-term plans, such as the Framework Plan for Women (FPW), whose objectives, programs and projects are set for a shorter period. FPW aims to promote the economic empowerment of women while upholding and protecting women's human rights in the context of gender-responsive governance.

75. The Philippine GAD Budget Policy, enshrined in the annual budget law, requires the use of five per cent of every agency's budget to implement its plans under the PPGD and FPW. The National Council on the Role of Filipino Women, with the National Economic and Development Authority (NEDA) and the Department of Budget and Management (DBM), are tasked to monitor the implementation of the FPW and the budget policy. From 1999 to 2003, an average of 130 out of the 335 national GAD plan submissions from departments and their attached agencies were received by NCRFW.

Article 4

76. The Philippine Government does not subject the rights provided under the Covenant to any limitations other than those determined by law. Such limitations - where they exist - are compatible with the nature of these rights and are solely for the purpose of promoting the general welfare in a free society.

Articles 5 and 6

Question No. 1. ILO Conventions to which the Philippines is a party

77. The Philippines is a party to the International Labour Organization Convention (ILC) No. 122 (Employment Policy Convention, 1964), ILC No. 111 (Discrimination in Employment and Occupation, 1958), CERD and CEDAW.

78. The Philippine Government submitted its implementation report on ILC 22 for the period ending August 2002. A response to the recommendations made by the ILO's Committee of Expert (Committee) concerning the aforesaid report was likewise submitted.

79. The Philippine Government also submitted its implementation report on ILC 111 for the reporting period ending 31 August 2001. In response to the Committee's recommendation for the Government to address the issue of discriminatory practices relating to "male preference" in the hiring of employees, the Government moved for the amendment of Art. 135 of the Labor Code. Towards this end, various bills were filed before Congress to increase women access to training in employment and prohibit discriminatory practices such as the giving of preference to men in the posting of employment notices.

Question No. 2

2.a. Situation, level and trends of employment, unemployment and underemployment

80. Over the period 1998 to 2003, the country's labour force expanded at a yearly average rate of 3.1 per cent or an average of 979,000 new entrant/reentrants to the labor each year. Overall, the size of the country's labor force increased from 29.674 million to 34.571 million over the six-year period.

Employment and unemployment

81. The level of employment grew steadily from 26.631 million in 1998 to 30.635 million in 2003. Compared to the labor force, however, employment grew at a slower phase annually - 2.9 per cent or 801,000 additional employed persons. The growth was observed to be highly erratic - it suffered a slump twice in 1998 (0.7 per cent) and 2000 (-1.0 per cent), made a recovery in 1999 (4.2 per cent) and in 2001 (6.2 per cent) and posted a moderate growth in 2002 (3.1 per cent) and 2003 (1.9 per cent). The rise and fall in employment over the six-year period was closely tied to the fluctuation in agricultural employment due to the adverse effect brought by the El Niño phenomenon, which visited the country in 1998 and again in 2000. On the other hand, the full brunt of the Asian financial crisis in 1997 and the global economic slowdown that begun in 2000 was felt almost entirely by the industry sector.

82. Employment growth was led by the service sector, which continuously posted an annual growth rate of 5.4 per cent. Its share in total employment expanded from 45 per cent in 1998 to 47.6 per cent in 2003. Meanwhile, the combined agriculture, fishery and forestry sector accounted for a substantial share in total employment, although its share remained stagnant at about 37 per cent. Industry employment however, grew at a very slow pace (1.6 per cent) while its share in total employment declined from 17.1 per cent to 15.8 per cent during the same period.

83. In the public sector, total government workforce stood at 2.37 million in 2003, registering an increase of only 295,000 workers (13.7 per cent) from 1998. Over the period, growth in public sector employment steadily declined from a high of 5.8 per cent in 2000 to 1.8 per cent in 2002. Public sector employment even fell by 0.5 per cent in 2003. Employees in government owned or controlled corporations declined from 128,466 in 1993 to 94,970 in 1999, brought about by the privatization program of the government. A little less than 87 per cent of the total government work force is on permanent status with guaranteed security of tenure.

84. Employment continued to expand in April 2004 posting a 3.6 per cent year-on-year growth or more than a million (1.102 million) employed persons, as indicated in the Labor Force Survey (LFS) of March 2004. The growth resulted from the continued expansion in the service sector

(6.2 per cent) and the strong recovery of the industry sector (5.7 per cent). This is an improvement from the data of 2003 when employment recorded a near zero growth (0.8 per cent or 232,000).

85. The agriculture sector, including fishery and forestry, accounts for 45.2 per cent of total employment in October 1990. In October 1999, the share of this sector declined by 6.1 percentage points to 39.1 per cent. This could have been a positive development except that the rate of decline was slow when compared to other ASEAN countries. Also, workers who left the agriculture sector were not absorbed by the industry sector. Data showed that the share of the industry sector to total employment remained almost the same during the period. The increase was minimal at 0.6 per cent, viz., 15. per cent in October 1990 to 15.6 per cent in October 1999. It appears that the leavers went to the service industry whose share expanded from 39.7 per cent in 1990 to 44.2 per cent in 1999. This forced absorption of redundant agricultural workers in the service sector resulted in the growth of the informal sector in the urban areas.

86. The LFS of July 2000 indicate that the agriculture sector suffered a cutback (1.188 million or 10.1 per cent) after registering an increase (0.8 million) in July 1999. In 2001, its share in the total employment again fell to 35.1 per cent from 37.4 per cent. On the other hand, industry employment rose by 5.7 per cent, following a slump in 1999. All sub-sectors posted positive growth rates led by the manufacturing sector and followed by the construction sector, mining and quarrying sector, and electricity, gas and water sector.

87. The rapid expansion in the labor force and the moderate performance of the economy resulted in the increase of unemployed persons over time. Except for a decline in 1999, the number of unemployed rose gradually from 3.04 million in 1998 to 3.93 million in 2003. Unemployment rate declined slightly from 10.3 per cent in 1998 to 9.8 per cent in 1999 and rose to 11.2 per cent in 2000.

88. Unemployment is largely a problem of young unskilled and inexperienced labor force. The youth, defined as persons 15 to 24 years old, accounts for one half of those totally unemployed. Youth unemployment rate is more than twice the national unemployment rate (21.4 per cent in 1998 and 23.2 per cent in 2003). Most of those who are unemployed were school-leavers - vacationing and graduate students looking for work during off school season - and this explains why April is typically associated with the highest unemployment rate.

89. The male comprised 60.6 per cent of the total unemployed in 2003. However, male unemployment rate (11.3 per cent) is slightly lower than their female counterpart (11.5 per cent).

90. It is also noted that unemployment rate tends to be higher in developed regions such as, the NCR (17 per cent), Region III (12.1 per cent) and Region IV (12.9 per cent), as compared to less developed regions such as, Region II (6.3 per cent), CAR (8.9 per cent) and Region IX (7.8 per cent).

91. The rate of unemployment throughout the nineties exhibited a generally fluctuating trend. From an average of 8.4 per cent in 1990, unemployment rate rose to an average of 10.6 per cent in 1991. This resulted from the power crisis, a super typhoon that hit the Visayan region in 1990 and a destructive earthquake that hit the capital and the Central Luzon region, and the Mt. Pinatubo eruption in 1991. In 1992, the drop in unemployment rate was the result of the

generally improving economic situation brought about by economic reforms and good weather conditions. In 1998, unemployment rate rose sharply to 10.1 per cent following the Asian financial crisis and the El Niño phenomenon which hit the country in 1997 and 1998. In 1999, unemployment rate declined to 9.7 per cent after the economy recovered from the crisis.

92. In 1999, male workforce was reported at 62.3 per cent of the country's labor force. Although females comprised only more than one-third of the labor force, jobless rate was a little higher among females at 9.9 per cent as against 9.5 per cent for the males.

93. Unemployment is basically an urban phenomenon. In 1999, less than two-thirds of the unemployed were urban dwellers (61 per cent). Jobless rate in the urban areas was about twice (12.6 per cent) the rate of unemployment in the rural labor market (7.1 per cent).

Underemployment

94. Underemployment is a more serious problem in the Philippine labor market than unemployment because it cuts across all age barriers and its magnitude is almost twice that of the unemployed persons. Underemployment rate picked in 1998 (21.6 per cent), 1999 (22.1 per cent) and 2000 (21.7 per cent) and thereafter stabilized at 17.0 per cent from 2001 to 2003 as a result of the recovery in agricultural employment.

95. In 2003, a total of 5.21 million employed persons were counted as underemployed in the sense that they wanted to work for more hours than they actually did. This figure represents a substantial decline from the peak recorded in 1999 at 6.127 million. Measured against the number of hours worked during the past week, nearly two-thirds (63.7 per cent) or 3.32 million were visibly underemployed, i.e. they worked less than the 40 hours equivalent of full-time jobs.

96. Underemployment is more of a rural phenomenon. For 2003, underemployment rate was posted highest in less developed regions, such as Regions II (20.1 per cent), V (30.4 per cent) and X (30.5 per cent), and lowest in developed regions, such as the National Capital Region (NCR) (9.6 per cent), Region III (9.2 per cent), Region IV-A (12.3 per cent) and Region VII (11.3 per cent).

97. For 2003, the least educated was also heavily represented among the underemployed. Nearly one-half (46.6 per cent) of the underemployed attended only elementary education or have not completed any grade at all. Slightly over a third (36.4 per cent) attended at least high school and less than a fifth (17.0 per cent) has college education.

98. The level of underemployment rose during the crisis in the early 1990s from 5 million to 6.5 million in 1999. Over this period, the underemployment rates declined by 0.1 per centage points, i.e. from 22.4 per cent to 22.3 per cent. The number of underemployed continued to be high at around 5.4 million annually for the period 1990 to 1999.

99. In 1999, 53.6 per cent of the underemployed were visibly underemployed, meaning they worked for less than 40 hours per week. The rest (46.4 per cent) were invisibly underemployed, which means they worked 40 hours or more but still wanted additional work hours.

Employment of specific groups of workers

100. Employment opportunities for women expanded over the 1990s. From 1990 to January 2002, the number of women workers increased from an average of 8 million to 10.2 million. On the average, women employment grew at an annual rate of 3.5 per cent as against 2.7 per cent of men.

101. From 1990 to 1999, the rate of working children aged between 10-14 years old showed an average annual growth of 3 per cent, from 715,000 to 898,000. Their share in total employment averaged at 3 per cent, with 1991 registering the highest at 3.7 per cent and lowest in 1998 at 3.0 per cent. With the passage of RA 6655, providing for free secondary education and advocacy and mobilization efforts aimed at curtailing child labor, the number of young workers dropped incessantly from 932,000 in 1996 to 831,000 in 1998.

102. In the employment of differently-abled persons, the Philippines is a party to ILC 159 (Convention Concerning Vocational Rehabilitation and Employment [Disabled Persons]). To harmonize local legislation with the principles of ILC 159, Congress enacted RA 7277 to provide for rehabilitation, self-development and self-reliance of disabled persons and their integration into mainstream society. In 2000, DOLE introduced “*Tulong Alalay sa Taong may Kapansanan*” (literally, Program of Assistance for Persons with Disabilities) to assist the integration of differently-abled persons into mainstream society by providing them access to training and employment opportunities both in the formal and informal sector.

103. From 1994 to May 2004, the program helped employ 22, 110 differently-abled persons in the formal sector. Of this number, 32 per cent or 7, 219 persons with disability (PWDs) were placed in open employment. For self-employment, 67 per cent or 14, 891 PWDs were given assistance for their own livelihood projects. Training benefited 7, 059 PWDs.

104. In terms of technical-vocational education and training, Technical Education and Skills Development Authority (TESDA) conducts various industrial skills, livelihood and entrepreneurship training programs for PWDs. To enhance the skills and employability of PWDs, they are likewise mainstreamed in the national skills certification program. A total of 227 PWDs have been assessed and certified. In terms of access to education, 107 were granted scholarship under the Private Education Scholarship Fund Assistance and the TESDA-Asian Development Bank Technical Education and Skills Development Project.

2.b. Principal policies and measures pursued to ensure that there is work for all

105. A combination of policy and legal instruments embodies the Philippines’ commitment to ensure the availability of work and equal opportunities for employment.

Policy instruments

106. The Philippines is a party to ILC Nos. 100 (Equal Remuneration Convention), 111 (Employment and Occupation Convention) and 122 (Employment Policy Convention).

107. The Philippines adopted a new Constitution in 1987. The following provisions of the Constitution are relevant:¹ Secs. 9, and 18 of Art. II; Sec. 12 of Art. XII, Sec. 3 of Art. XIII and Sec. 2 (2) of Art. IX-B.

108. The following statutory instruments also embody the Philippines' commitment to labor:²

¹ Section 9, Article II provides that the State *“shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.”*

Section 18, Article II, the State *“affirms labor as a primary social economic force” and undertakes to “protect the rights of workers and promote their welfare.”*

Section 12, Article XII mandates the State to *“promote the preferential use of Filipino labor, domestic materials and locally produced goods, and adopt measures that help make them competitive.”*

Section 3, Article XIII mandates the State to (a) provide full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all; (b) guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful and concerted activities including the right to strike in accordance with law; (c) ensure security of tenure, humane conditions of work and a living wage; (d) ensure workers' participation in policy and decision-making processes affecting their rights and benefits; (e) promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes; (f) recognize the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns of investments, and to expansion and growth.

Section 2 (2), Article IX - B (The Civil Service Commission) mandates that appointments in the civil service shall be made only according to merit and fitness to be determined, as far as practicable, and, except to positions which are policy-determining, primarily confidential, or highly technical, by competitive examination.

² Article 12 of the Code declares that it is the policy of the State: (a) to protect and maintain a state of full employment through improved manpower training, allocation and utilization; (b) to protect every citizen desiring to work locally or overseas by securing for him or her the best possible terms and conditions of employment; (c) to facilitate a free choice of available employment by persons seeking work in conformity with the national interest; (d) to facilitate and regulate the movement of workers; (e) to regulate the employment of aliens, including the establishment of a registration or work permit system; (f) to strengthen the network of public employment offices and nationalize the participation of the private sector in the recruitment and placement of workers, locally and overseas; (g) to serve national development objectives; and (h) to insure careful selection of Filipino workers for overseas employment in order to protect the good name of the Philippines.

- Labor Code of the Philippines;
- Administrative Code of 1987;
- RA 8759 “*An Act Institutionalizing a National Facilitation Service Network through the Establishment of a Public Employment Service Office (PESO) in Every Province, Key City and other Strategic Areas throughout the Country*”.
- RA 7323 “*An Act to Help the Poor but Deserving Students Pursue their Education by Encouraging their Employment During Summer and/or Christmas Vacations through Incentives Granted to Employers, Allowing them to Pay only Sixty Percentum of their Salaries or Wages and the Forty Percentum through Education Vouchers to be paid by the Government, Prohibiting and Penalizing the Filing of Fraudulent or Fictitious Claims, and for Other Purposes*”.

Article 14 of the Code mandates the Secretary of Labor and Employment to organize and establish employment offices and a nationwide job clearance and information system to inform applicants registering with a particular employment office of job opportunities in other parts of the country and abroad. The Secretary is also mandated to develop and organize a program that will facilitate occupational, industrial and geographical mobility of labor and provide assistance in the relocation of workers from one area to another.

Relevant provisions of the Administrative Code of 1987 -

Section 17 of Title VII Book V of said Code specifically mandates the Bureau of Local Employment of the Department of Labor and Employment, among others, to formulate policies, standards and procedures on productive manpower resources, development, utilization and allocation; as well as establish and administer machinery for the effective allocation of manpower resources for maximum employment and placement. Moreover, the Bureau is mandated to develop and maintain a responsive vocational guidance and testing system and develop and maintain a labor market information system in aid of proper human resource allocation. It is likewise mandated to formulate employment programs designed to benefit disadvantaged groups and communities.

Section 1, Chapter I, Sub-title A, Title I, Book V of the Administrative Code of 1987 declares as a policy that the State shall insure and promote the Constitutional mandate that appointments in the Civil Service shall be made only according to merit and fitness; that the Civil Service Commission, as the central personnel agency of the Government shall establish a career service, adopt measures to promote morale, efficiency, integrity, responsiveness, and courtesy in the civil service, strengthen the merit and rewards system, integrate all human resource development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability; that public office is a public trust and public officers and employees must at all times be accountable to the people; and that personnel functions shall be decentralized, delegating the corresponding authority to the departments, offices and agencies where such functions can be effectively performed.

- RA 7277 “*An Act Providing for the Rehabilitation, Self-development and Self-reliance of Disabled Persons and their Integration into the Mainstream of Society and for other Purposes.*”
- RA 9262 “*An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes*”.

Implementing measures

109. To operationalize these constitutional policies and statutory mandates, DOLE has set up a number of key programs. First is the Public Employment Service Office (PESO), a multi-service facility which offers employment referral services, both local and overseas, and employment enhancement or employability enhancement trainings. PESOs serve as referral and information centers for the various services and programs of government, provide the public with adequate information on employment and the labor market situation, network with other PESOs within the region and nationwide for job exchange purposes, and bring government services closer to the public through active participation of local government units. Support programs for the PESO include undertakings such as job fairs, livelihood and self-employment bazaars, national manpower registry, special programs for employment of students, work appreciation program and youth weekend brigades, and livelihood and household workers centers.

110. The Special Program for Students (SPES) is a joint undertaking of the DOLE, DepEd and the Department of Finance (DOF). SPES aims to develop the intellectual capacities of children of poor families and help poor but deserving students pursue their education by encouraging their employment during summer and/or Christmas vacations and providing income to finance/augment/subsidize their studies.

111. TULAY program (Tulong Alalay sa Taong May Kapansanan) is a special program for PWDs. (Reference may be made to pars. 103-104) TULAY is a program of the Bureau of Local Employment which aims to assist in the integration of PWDs into mainstream society by providing them access to training and employment opportunities both in the formal and informal sector.

112. In 1999, the CSC adopted the *Memorandum Circular on Equal Representation of Women and Men in Third Level Positions*. The Circular provides for: (a) the nomination and appointment of both women and men to third level positions; (b) the maintenance of a pool of qualified women and men nominees for every vacant third level position in government; and (c) the encouragement of a 50-50 representation of either sex in third level positions, as may be deemed practicable.

113. The 2004-2010 Medium-Term Philippine Development Plan (MTPDP) adopts a framework for supporting employment generation with the following elements : (a) Adopt the philosophy of free enterprise; (b) Focus on high-value jobs; (c) Microeconomic strategic measures; (d) Improve productivity; and (e) Attract investments. To complement the employment agenda, the government pursues programs meant to generate, preserve, enhance, and facilitate employment. Employment generation involves creating directly or indirectly, employment opportunities in the domestic labor market. Employment preservation entails

harmonious worker-employer relationship and maintaining existing jobs with remunerative terms and conditions, to include industrial peace, shared decision making mechanisms and mutual trust and confidence. Employment enhancement involves improved competence, productivity, work values, work conditions/occupational safety and health, remuneration and welfare. Employment facilitation entails facilitating access to employment opportunities and alternatives, including overseas work.

2.c. Measures adopted to ensure that work is productive as possible

114. The Government has adopted the following approaches aimed towards promoting organizational productivity of employees. There are also special measures adopted which aim to provide relief to working women who traditionally perform multiple roles in the household.³

Human resource development

115. The first approach is human resource and manpower development. The Government promotes and maintains full and productive employment through improved training and effective allocation and utilization of manpower resources. Republic Act 7796 [1994] which provides for the creation of TESDA, was enacted to assist in the attainment of this objective.

116. Section 7 of RA 7796 creates the TESDA Board to formulate and coordinate a fully integrated technical education and skills development program. The Board is composed of representatives from the Government, industry groups, trade associations, employers and workers.

117. Section 27 of the law provides for appropriate incentive mechanisms, including tax incentives, to encourage government and private entities to implement high quality technical education and skills development opportunities.

118. Republic Act No. 7686, adopting the Dual Training System in technical and vocational education, complements the work of TESDA. The system institutionalizes the partnership between the private sector industry and training institutions in the development of skilled manpower.

³ The CSC has mandated reforms in the ethical conduct of government workers. Notable among the reforms [contained in the revised Civil Service Code] is the implementation of the Paternity Leave Act of 1996 (RA 8187). Meanwhile, the Department of Social Welfare and Development's Enhanced Reaffirmation of Paternal Benefits program provides fathers an opportunity to improve self-esteem and enrich their paternal capabilities to fulfill their roles, duties and responsibilities. Other government agencies have likewise implemented RA No. 8187 and other CSC Memorandum Circulars on flexi-time, maternity and paternity benefits, and special leave. To ensure that working mothers do not worry while at work, government offices issued their respective Administrative Orders, providing support services and facilities and day-care centers for pre-school children. Modified work schedule policies have been adopted not only for women to manage and balance their work and family responsibilities but also for the men to share parental responsibilities at home.

119. The two most important performance indicators of TESDA include the number of technical education and vocational training graduates and the number of workers whose skills standards were either assessed or certified. For CY 2003, TVET graduates in both the public and private institutions exceeded the one million target. For the same year, assessed graduates and workers totaled 232,823 while the skills of 109,443 workers were certified.

120. For state workers, HRD interventions include scholarship programs for academic and certificate courses and short-term skills enhancement programs, behavioral and value development programs, as well as distance learning. The Civil Service Commission (CSC) grants one-year scholarships to state employees on no-work-full pay status towards completion of a baccalaureate degree or a masters degree in public administration. Between 1994 and 2000, 4,300 employees have been granted scholarships for master's degree; 586 for bachelor's degree completion and over 6,000 for skills upgrading. Overall more than 300,000 state workers at different levels were provided training opportunities in 2000 under CSC-administered programs.

121. The DepEd implemented the National Computer Literacy Programs for teachers, administrators and support staff under the modernization program for teachers.

Employment facilitation and placement

122. Established in 1992, the PESO is intended to maximize private sector and local government participation in the development, operation and maintenance of a registry of manpower, skills and vacancies for effective job-matching. In 1992 alone 75 PESOs were established all over the country. As of May 2004, there were 1, 765 PESOs established in different areas of the country, of which 1, 531 were deemed fully operational. Through the PESOs, 3, 540, 111 job applicants were placed locally and overseas from 1999 to May 2004. Placed applicants to various companies totaled 3, 285, 960 out of 4, 973, 858 registered applicants. On the other hand, from January to April 2004 alone, PESO has placed 217, 529 job-seekers for local and overseas employment. (Reference may be made to par. 110.)

123. In an effort to continuously expand the concept of the PESO, DOLE, in coordination with the private sector, launched in 1998 a computerized system for matching job vacancies for job placements, known as Phil-Jobnet. Under this scheme, participating enterprises enroll their vacancies and skills needs in a computerized network, making job market information available at any time. Together with the PESO, the Phil-Jobnet is seen as a vital part in the package of long- term solutions to eliminate job mismatches which, in turn, undermines productive employment.

124. The Phil-Jobnet is automated labor market information and job-skills matching facility designed to shorten the duration of job search by employment seekers as well as the filling up of vacancies by employers. As of July 28, 2004, the Phil-Jobnet has posted over 415, 075 vacancies from 2, 429 firms, and registered some 379, 759 job seekers nationwide.

125. Republic Act No. 8042, otherwise known as the *1995 Migrant Workers Act*, governs the recruitment placement and social protection of overseas Filipino workers. Under the Act, the Philippine Overseas Employment Authority (POEA) regulates recruitment and placement activities. A significant policy shift under the Act is the principle of selective deployment with

the recognition that “the ultimate protection to all migrant workers is the possession of skills.” As such, the Government deploys and/or allows the deployment only of skilled Filipino workers. Also, the law provides for the deployment of workers only in countries where the rights of migrant workers are protected.⁴

126. Section 2 (g) and Section 4 are preventive responses to the persistent incidence of abuses, which Filipino workers suffer while abroad.

127. The placement and facilitation services of the POEA resulted in the deployment to various destinations abroad of 660,122 Filipino workers in 1996, 747,696 in 1997, 831,643 in 1998 837,020 in 1999, 459,832 from 2000 to 2002, and 867,969 in 2003. Total remittances amounted to over US\$4.2 billion in 1996, over US\$5.7 billion in 1997, over US\$4.9 billion in 1998, over US\$6.7 billion in 1999 and over US\$1.1 billion in January and February 2000 and US\$ 7,640 billion in 2003.

Standards-setting

128. The Labor Code provides for the minimum standards of employment, including wages, hours of work, rest days, overtime and night pay, safety and health standards, among others. In particular, The Code also provides for the creation sets up the State Insurance Fund, which provides for compensation and rehabilitation benefits in case of employment-related contingencies or accidents. These standards, which will be discussed in more detail under subsequent headings, are intended not only to ensure an environment for productive work, but also to implement the constitutional provision that the State shall ensure just and humane conditions of work.

Collective bargaining

129. The Philippine Constitution guarantees the rights of workers to organize and to bargain collectively, as well as to participate in policy and decision-making processes directly affecting them. Book V of the Labor Code, which was substantially amended in 1989 through RA 6715, is the enabling law in the implementation of this policy.

130. Article. 211 of the Code expressly recognizes collective bargaining and industrial democracy as the preferred modes of defining labor-management relations. Article 275 of the

⁴ Sec. 4. *Deployment of Migrant Workers*. The State shall deploy overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection and the rights of overseas Filipino workers: (a) It has existing labor and social laws protecting the rights of migrant workers; (b) It is a signatory to multilateral conventions, declarations or resolutions relating to the protection of migrant workers; (c). It has concluded a bilateral agreement or arrangement with the Philippine government to protect the rights of overseas Filipino workers; and (d) It is taking positive, concrete measures to protect the rights of migrant workers.

Code declares tripartism as the labor relations policy of the State, while Art. 277 lays down the legal basis for the government to undertake promotional activities, including labor education and technical assistance, to improve productivity, working conditions, quality of work life and cooperation between employers and workers. The Government considers tripartism as an integral part of public governance. In April 1991, the government became a party to ILO Convention No. 144 (Tripartite Consultation, 1976). In 1990, a Tripartite Industrial Peace Council (TIPC) was established through Executive Order No. 403. The TIPC serves as an advisory body to the President and to the Secretary of Labor and Employment.

Protection against unjustified dismissal

131. Article 279 of the Labor Code assures the right of workers to security of tenure. As such, an employee may not be dismissed except for a just cause or when authorized by law, i.e., closure of business operations or redundancy of the employee's position. Article 277 (b) of the Labor Code provides for the twin requirements of notice and hearing prior to termination of employment. The employee may contest the legality of his dismissal before the National Labor Relations Commission (NLRC).

132. As regards security of tenure for government workers, Sec. 2(3), Art. IX-B of the Constitution provides that no officer or employee of the civil service shall be removed or suspended except for cause provided by law. This provision is reiterated in Sec. 46, Chapter 7, Sub-Title A, Title I, Book V of the Administrative Code of 1987. Section 2 of Republic Act No. 6656 (*An Act to Protect the Security of Tenure of Civil Service Officers and Employees in the Implementation of Government Reorganization*) reiterates the same provision and requires due notice and hearing prior to dismissal.

Productivity programmes

133. Republic Act 6971, otherwise known as the Productivity Incentives Act of 1991, encourages the promotion of industrial peace and higher levels of productivity by providing incentives to both labor and capital. Section 6 of the Act encourages productivity incentives programs and sets the guidelines in the determination of profit-sharing and productivity bonuses. Section 7 of the Act provides for benefits and tax incentives to those enterprises that adopt productivity incentives programs. Also, expenses incurred on training programs and special studies of rank-and-file employees entitle the sponsoring enterprise to tax incentives.

134. The DTI has specialized training centers and regional offices that conduct skills and livelihood training in the following areas: gifts and housewares; garments and accessories; chemicals, electronics and telecommunications; metal engineering; construction manpower services; agro and forest-based activities; and for wholesalers, retailers, cooperatives, managers and supervisors.

135. The Cottage Industry Technology Center offers training on the following livelihood programs: dressmaking, flower making, bag making, holiday décor, novelty items, homemade paper, food processing, handloom weaving, basketry and pottery. TESDA conducts training on non-traditional skills development, including: furniture and builders woodworks, woodworking, machine operation, maintenance and millwrighting, basic welding technology, gifts and houseware, and community-based craft production.

136. The DSWD administers the Productivity Skills Capability Building for Disadvantaged Women Program. The program provides skills training for women in sewing, rattan and toy crafts, food processing and preservation, ceramics, loom weaving, and home aide service. It also provides opportunities for women to enhance themselves, improve their understanding of maternal and personal care, participate in community activities, and develop their communication skills.⁵

137. The Women's Business Council of the Philippines sponsors entrepreneurial development courses for differently-abled women and business improvement and survival courses for women-entrepreneurs. Graduates of these programs were found to be more assertive and self-confident, more active in community activities, more decisive and more aware of their rights as women and entrepreneurs.

138. The TESDA Women's Center was established in 1998 to contribute to the improvement of the socio-economic status of women through training, research and advocacy. The Center conducts technology-based training and empowerment/social skills training that cater to the urban poor women, women from the rural areas, women youth, returning women migrant workers, wives of overseas workers/seamen, and women displaced workers.⁶

139. Other activities that aim to improve productivity are as follows - (a) dissemination of knowledge/technology to the rural poor; (b) increasing budgetary support to Research and Development and field extension work; (c) extensive promotion of mariculture activities with mangroves and fish sanctuaries; (d) government financial institutions' financing for state universities & colleges demonstration projects like those provided by the Land Bank of the Philippines and Development Bank of the Philippines; and (e) free patent search for dissemination to small-medium enterprises.

2.d. Measures adopted to ensure that there is freedom of choice in employment

140. The Philippines is a State party to the core ILO Conventions on equality of opportunity and treatment as well as on non-discrimination. The general policy statements in the Constitution and the Labor Code demonstrate the government's commitments to the principles embodied in these Conventions.

⁵ From 1995 to 1999, a total of 164,821 disadvantaged women were served nationwide. Of the women graduates, a total of 115,374 were absorbed in the labor force either through self or open employment, sheltered workshop/community manufacturing or sub-contract jobs.

⁶ The technology-based training has the following levels: pre-employment training (4-6 months); skills upgrading (1-2 months); comprehensive trainers training (18 months); and training methodology (80 hours). This training program covers both the traditional (food processing, crafts-gifts and housewares, garments, and hotel and restaurant management and non-traditional (automotive, ceramics, electronics, jewelry, and metals/welding) courses. Since its establishment in 1998, the TWC has produced 1,569 graduates in pre-employment skills training. The empowerment/social skills training include entrepreneurship development, gender sensitivity, leadership, work ethics and values development, cooperative development, community organizing, and advocacy and social marketing.

141. Article 135 of the Labor Code prohibits discrimination in respect to the terms and conditions of employment on account of sex. Article 136 prohibits discrimination by reason of marriage while Art.137 prohibits discrimination on account of pregnancy. The Code also imposes penalties for violations of these provisions.

142. However, the Labor Code allows certain forms of discrimination based on biological or other relevant considerations.⁷

143. Republic Act 6725 strengthens the prohibition of discrimination against women with respect to terms and conditions of employment, promotion and training opportunities.

144. Pursuant to the provisions of the Anti-Sexual Harassment Act, government agencies have established their respective Committees on Decorum and Investigation to address complaints of sexual harassment within their respective offices. These Committees are tasked to identify the different acts and forms of sexual harassment, provide for rules concerning the disposition of cases and provide for the proper penalty depending on the form and gravity of the offense.

145. For the private sector, DOLE requires compliance with certain provisions of the law, including the posting of a copy of the law within office premises, promulgation of company policy on sexual harassment and the creation of a Committee on Decorum and Investigation to handle cases of sexual harassment.

2.e. Technical and vocational training programs

146. As indicated above, the Government's human resource development program, particularly technical-vocational education and training (TVET), is lodged with the TESDA.

147. TVET aims to enhance the employability and productivity of Filipinos and, in the long run, reduce the incidence of poverty.

⁷ For instance, affirmative measures are in place to ensure that women workers enjoy protection by reason of gender. Art. 132 of the Code limits the employment of women in certain forms of night-work. Article 138 ensures that women workers are afforded adequate facilities and standards to ensure their safety and health. Art. 139 provides that a woman working in a nightclub, cocktail lounge, massage clinic, bar or similar establishment be considered as employee of such establishment for purposes of labor and social legislation.

For health reasons, Article 139 provides for the minimum employable age of young workers at 15 years old and limits the number of hours and periods of the day they may be employed. The law is also specific that young workers under 18 years old may not be employed in undertakings of a hazardous or deleterious nature.

Because of their station or place of work, Article 135 provides for the protection of the rights of industrial home workers, particularly with regard to the standards established by the Secretary of Labor to ensure their general welfare and protection.

148. TESDA is mandated to formulate a comprehensive development plan on TVET which rests on a reformed industry-based training program. Through the program, TESDA aims to promote the protection and welfare of the worker or trainee, improve the quality and social accountability of technical education and skills development, accelerate the employment generation efforts of the government and expand the range of opportunities available to the populace beyond the traditional higher levels of formal education.

149. As the authority on technical education and skills development, TESDA plays the role of overall manager of the TVET sector. The sector is generally defined in terms of its components. The structural and administrative elements of TVET in the Philippines broadly consist of the following:

150. *The school-based system* - This provides courses of one to three years duration for young people who have completed a full secondary education. This sub-sector is dominated by private institutions, which produce 90 per cent of graduates.

151. *The non-formal or skills or skills development sub-sector or the center-based programs* - This provides courses of training for a wide range of clients including the out-of-school youth, the unemployed, existing workers seeking to upgrade their skills, women seeking to enter the workforce, and returning overseas workers seeking to gain skills for entrepreneurship or skills in demand.

152. *In Industry-based training and industry partnerships* - This refers to a range of training arrangements, which are in place. This also involves agreements between enterprises and training providers for a combination of on-and-off-the job training.

153. The apprenticeship programme and the dual training system fall under this category. The industry-based programs also cater to industry workers for increased productivity.

154. *Community-based sector training* - The community-based programs are training programs specifically designed to answer the needs for skills training of community with the end view of creating self-employment. Target beneficiaries include the poor and the underprivileged individuals (out-of-school youths, unemployed adults), marginalized sectors (subsistence farm workers and fisher folks), and economic groups (informal sector) in a community. This kind of training provision is usually provided by the local government units and community groups or non-government organizations.⁸

⁸ The community based training for enterprises development is being offered as one of the training and development methodologies for the government's flagship program against poverty, thus it has been designed to operate within a definite and clearly defined area of battleground. Its mission is to hold the flow of labor from the agricultural sector, provide economic opportunities to the unemployed and develop the productivity and profitability of operators and workers in the informal sector.

155. In the performance of its mandate, the TESDA also implements and supervises basic vocational manpower guidance programmes. These programs aim to channel the country's manpower to high demand occupations, promote career awareness and planning, and develop work attitudes and habits. Some of these programmes also include values development.⁹

156. Private sector involvement in is even more important because it is the firm which has the greatest possibility of discerning technological advancements and external developments that may impact on the conduct of its business. As such, the enterprise is in the best position to determine the need for skills retooling, retraining and responding rapidly to enable quick adjustment to the labor market.

157. Private sector involvement in technical and vocational education is crucial. Many industries have invested in training facilities. Many others also support training through on-the-job training, donations and skills definitions.¹⁰

The Community Training and Employment Coordinators (CTECs) serves as the TESDA's intermediaries in the implementation of community-based training programs at the local level. Being regular LGU-personnel, the CTECs has important and critical roles in the development of the community.

Their mission is to assess, study and plan the implementation of training programs which would help develop and expand the community's economic based. Their job is to cause the conduct of training through other actors. As of 2004, there are about 1,124 CTECs all over the country.

⁹ The manpower guidance program is made up of 12 major components which fall under the following phases: (a) Preparatory Phase, which consists of a mass-based (medical, social intermediaries and peer) training, recruitment, motivation and career information drive; (b) Pre-training Phase, which consists of applications processing, client assessment, admission notice, and training induction; (c) Training Phase, which consists of in-center counseling, job-induction and graduation; and (d) Post Training Phase, which includes placement and self-employment assistance, follow-ups, and retraining or skills upgrading assistance.

¹⁰ The Dual Training System is very promising even if its general replicability is not yet assured. The dual training institutions are new, specialized and high-qualified group, with more diversified product range, better equipped and more integrated industry-institutions relationships, catering mainly for occupations with high knowledge content.

The apprenticeship system functions more as "employment" than as training, and is limited in its effectiveness by length of time and trades covered in the legislation. The legislation relating to apprenticeship needs radical change, although the system is still required, especially in craft occupations.

158. TVET are carried out through both formal and non-formal means. From more than 286,000 in 2001, school-based TVET enrolment rose to about 439,000 in 2002 and reached almost 492,000 in 2003. Enrolment of community-based training programs also accounted for the bulk of training outputs almost 492,000 in 2003. Enrolment of community-based training programs also accounted for the bulk of training of training outputs almost 600,000 enrollees from 2001-2003.

159. Latest data showed that the provision of TVET through formal means is dominated by the private sector (82 per cent). The exact opposite could be observed in terms of nonschool-based training with publicly-funded institutions accounting for 64 per cent of all providers. There are about 2,045 private institutions/centers and 1,353 publicly funded TVET. These comprise the total TVET delivery networks that includes higher education institutions, industry-based training centers, NGO-based training centers, LGU-based training centers as well as schools and training centers supervised by TESDA. Private institutions account for about 80 per cent of total enrolment in formal TVET financed almost exclusively by tuition fees and endowment income, with minimal government subsidy.

160. Executive Order No. 358, s. 2004, provides the mechanism to bridge the gap between TVET education and higher education. EO 358 mandates TESDA and CHED, in consultation with concerned sectors, to implement a unified national qualified qualifications framework. The framework aims to establish a ladderized system which would allow easier transition and progression between TVET and higher education. The framework encompasses various unified qualification and articulation mechanisms which include: National System of Credit Transfer, Post-TVET Bridging Programs, System of Enhance Equivalency, Adoption of Ladderized Curricula/Programs, Modulized Program Approach, Competency-Based programs, Network of Dual-Sector Colleges or Universities and Accreditation of Prior Learning, among others.

161. Also, TESDA, in collaboration with the industry, holds skills competition, such as the National Skills Olympics, to promote quality skills development and with the view of participating in international skills competition.¹¹

¹¹ The conduct of skills competitions serve as venue to recognize the skills excellence of young industry skilled workers and graduates of TVET institutions. Skills competitions consist of a series of local, provincial, sectoral and regional contests being held nationwide. National winners proceed to compete in international skills competitions such as the ASEAN Skills Competition (ASC) and the World Skills Competition (WSC) under the auspices of the International Vocational Training Organization (IVTO).

162. The TESDA Women's Center (TWC) takes pride in being the country's lone TVET training institution with world-class facilities that addresses exclusively the empowerment of women.¹²

2.f. Difficulties encountered

163. The difficulties encountered in attaining the objectives of full, productive and freely chosen employment can be traced to nagging structural defects of the economy in general, and of the labor market in particular. The pressures of globalization, if not managed well, are also seen to hinder the attainment of these objectives. The macro-economic indicators discussed above should place these difficulties in context.

164. In the informal sector, marginal labor standards in work conditions adversely affect the attainment of a state of productive employment. It can also be noted that unemployment and underemployment are prevalent in the agricultural sector, mostly due to the seasonality of work. Low labor and land productivity also pose complex problems.

165. In the formal sector, the most common negative factors include wage levels and benefits, limited job choices, limited access to basic services, limited bargaining power of workers and perceived weakening of unions, and the increasing incidence of contractualization and flexibilization.

166. These difficulties are being addressed by the Government through several reform programs, including - (a) various protection programs and labor standards in the areas of labor contracting and labor flexibilization, anti-sexual harassment, safeguards against women discrimination and child abuse, programs for differently-abled persons and senior citizens, among others; (b) special programs for overseas contract workers which prioritize the protection of women workers in the so-called dirty, demanding and dangerous occupations; (c) short-term measures which help alleviate the plight of landless and rural workers including the intensified implementation of the agrarian reform program, special skills development program, promotion of cooperatives among workers and protection programs for child workers; and (d) emergency

¹² The TWC maintained strong partnerships with private companies, non-government organizations as well as local government units for the on-the-job training of trainees, employment and scholarships. In terms of entrepreneurship development, the TWC maintained the provision of labor market information to its clients through the Kasanayan-Kabuhayan One-Stop Service. It specifically provided free internet training to women entrepreneurs so that they can engage in e-commerce. The KKOSS was further strengthened under the TESDA-UNDP Project. The marketing of the women's products were tied up with the Philippine Marketing Corporation and 42 products are now marketed at malls in Metro Manila and four will be exported to the United States. The mainstreaming of GAD in TVET also gained headway as the training of 51 middle managers and 13 Provincial Directors, aimed at increasing the GAD champions within the agency as well as the TVET sector, was also supported under the TESDA-UNDP Project.

employment, social safety nets and economic adjustments that cushion the negative impact of globalization and deregulation and other new economic programs aimed at stabilizing the economy in the medium and long term.

Technical education

167. TVET is faced with several challenges that need careful scrutiny and attention. Some of the issues that the sector must look into include the following:

168. *Social Bias against TVET.* A 1991 report by the Congressional Commission on Education showed that societal bias and stigma had been attached to TVET. Filipino families aspire that their children finish college and view technical vocational education as only for the less academically inclined.

169. *Absence of direct link between technical-vocational education and training and higher education.* Filipinos view TVET as a “dead-end” where career usually stagnates and career growth is hampered by lack of the requisite educational qualifications. To counter this perception, a ladderized interface between TVET courses and college degrees to cater to the varying needs of students and promote upward academic mobility.

170. *Need for measuring the aptitude of the youth.* There is a need to guide high school graduates on what college courses to pursue after graduation. A survey that would map out the capabilities and competencies of the students would be useful in career guidance and counseling to help parents and students decide in what course to pursue after high school.

171. *Existence of labor market demand-supply mismatches.* There are a large numbers of trained graduates who are left unemployed or underemployed because they do not fit the requirements of the job market. It is quite ironic that a number of job vacancies could not be filled up because the available manpower supply would not fit the job, as confirmed by a graduate Tracer Study conducted by TESDA in 2002. Results show that employment rate of TVET graduates is rather low at 58.28 per cent for training center graduates, 67.73 per cent for TESDA schools and 57.6 per cent for private institutions. Likewise, employed graduates are not able to utilize the skills that they learned, as they are employed in jobs where they are not trained. Skill utilization rate was reported at 80.04 per cent and 77.46 per cent for graduates of training centers, TESDA schools and private TVET institutions, respectively.

172. *Need for more responsive TVET investments.* Investments in middle-level skills development has remained focused on direct training provision by national government, which delayed the long-intended devolution to LGUs and private sector. To optimize the use of public investments, there is a need to realign TVET programs to focus only on programs with high market absorption rate.

173. The country also faces a lot of issues that impinge on technical education and skills development. Among the major issues are as follows:

- There is a low cohort survival rate of students, which reflects on the educational qualification of the labor force;

- There is a rising displacement of workers due to global and local factors;
- The majority of technical-vocational institutions are in the urban areas which limits access of the majority of the clientele who are in the rural areas; and
- The problems relating to trainers' capability, outdated curricula and inadequate budget continue to bear down on the quality of technical education and skill development provision.

174. In view of the foregoing, TESDA pursues a three-pronged direction to address the above-mentioned issues, viz:

- *Global Competitiveness* - This addresses the skills requirements of export-oriented activities, catalytic industries, industries undergoing adjustments, support industries and overseas employment.
- *Rural Development* - This addresses the need to mainstream the countryside in national development through addressing the skills requirements of economic activities in the rural areas, especially in pursuing technology-based agriculture and fishery development.
- *Social Integration* - This focuses on the development of para-professional and other social development workers to facilitate the delivery and accessibility of social development services; provision of wider range of economic and social alternatives to poor and other disadvantaged Filipinos; and development of intangible social and personal skills

Question No. 3. Discrimination

3.a. Discrimination at work

175. As a rule, there are no distinctions, exclusions, restrictions or preferences in law, in administrative practices or in practical relationships, between persons or group of persons on the basis of race, color, sex, religion, political opinion, nationality or social origin.

176. The only exception is Art. 40 of the Labor Code which regulates the entry of foreign nationals into the employment market. More specifically, Art. 40 requires non-resident aliens seeking admission into the Philippines for employment purposes to obtain an alien employment permit from the DOLE. The issuance of the permit is subject to the "labor market test", that is, only after determination of the non-availability of a Filipino who is competent, able and willing to perform the service required of the alien at the time such service is needed.

177. To allow it to fulfill its commitments to the different multilateral institutions, such as the World Trade Organization, the Association of Southeast Asian Nations and Asia-Pacific Economic Cooperation, the Government is exploring the possibility of liberalizing Art. 40 in industries or occupations where the expertise of a foreign national is needed, specifically in the maritime, air transport, telecommunication and banking industries, as well as in business and the professions.

178. In *International School Alliance of Educators v. Quisumbing*, (G.R. No. 128845, 1 June 2000), the Supreme Court of the Philippines declared discriminatory the grant of higher salaries for foreign hires to the prejudice of local hires. The Court in its decision said that Art. 7 of the ICESCR “impregnably institutionalizes in this jurisdiction the long honored truism of equal pay for equal work. Persons who work with substantially equal qualifications, skill, effort and responsibility, under similar conditions should be paid similar salaries. This rule applies to the School, its international character notwithstanding.”

3.b. Non-discrimination regarding vocational guidance and training

179. Philippine laws and policies on technical and vocational guidance and training, employment and occupation apply to all persons regardless of their race or ethnic origin, color, sex and religion.

3.c. Preference for employment of Philippine nationals

180. The preference for employment of a Philippine national over an alien is not considered discriminatory both in law and practice, owing to the nationalization policy of the Constitution and to the realities of the employment market.

Question No. 4. Part of the working population which holds more than one full-time job

181. There is no available information on the proportion of the working population that holds more than one full-time job in order to secure for themselves and their families an adequate standard of living. An inference, however, can be drawn from the incidence of underemployment, which as of 1999 stands at 22.3 per cent.

182. More than 50 per cent of women works full time or worked less than 40 hours per week. In 1989, the proportion of women working full-time was 62 per cent and in 1999, the rate shrunk to 60 per cent. The visibly underemployed women increased from 36.4 per cent in 1989 to 38.1 in 1999.

Question No. 5. Changes in legislation and policies affecting the right to work

183. The three major laws passed during the reporting period which affected the right to work are as follows - TESDA law, the Dual-Tech Law, and the Migrant Workers Act. The Supreme Court has consistently upheld as a valid exercise of police power the regulation by the Government of the outflow of overseas Filipino workers. In 1989, in one case, the Supreme Court sustained a ban imposed by the Secretary of Labor against the deployment of domestic helpers abroad as this was done to safeguard the welfare of this particular group of workers. In 1994, the Supreme Court likewise upheld the authority of the Secretary of Labor to prescribe minimum age and skills requirements as preconditions to the deployment of performing artists.

184. Other major legislative changes that may be cited are the following:

- EO 180 series of 1987 that governs the right of public sector employees to organize;
- RA 6715 or the 1989 New Labor Relations Law;

- RA 6727 or the 1989 Wage Rationalization Act;
- RA 6725 of 1989 that strengthened the prohibition on discrimination against women;
- RA 6971 or the 1990 Productivity Incentives Act;
- RA 7641 or the 1992 New Retirement Law;
- RA 7655 prescribing a minimum wage for house helpers;
- RA 7699 of 1994 which mandates the limited portability scheme in Social Security Insurance Systems;
- RA 7877 or the 1995 Anti-Sexual Harassment Law;
- RA 7875 or the 1995 National Health Insurance Act;
- Department Order No. 26 series of 1995 that provided for integrated guidelines in accessing the funds of the workers organization and development program;
- RA 8187 or the 1996 Paternity Leave Act;
- RA 8291 or the 1997 New Government Service Insurance System Act;
- RA 8282 or the 1997 New Social Security Act;
- RA 8972 or the Solo Parents Welfare Act of 2000;
- RA 9231 or an Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for the Purpose;
- RA 7610, as amended, otherwise known as “The Special Protection of Children Against Child Abuse, Exploitation and Discrimination”;
- RA 9178 Barangay Micro Business Enterprises (BMBEs) Act of 2002;
- RA 9257 or the “Expanded Senior Citizens Act of 2003”.

185. The executive branch also issued rules and guidelines implementing the foregoing laws. Among the most important issuances by the DOLE in the area of industrial relations are:

- EO 330 series of 1994 adopting the expanded higher education equivalency accreditation program;
- Department Order No. 18 series of 1995 relating to the training, testing, certification and registration of vulnerable workers;
- Department Order No. 21-95 and Department Order No. 18 series of 1995 rationalizing the conditions, requirements and procedures for deployment of performing artists;

- Department Order No. 09 series of 1997 liberalizing the registration of unions and other forms of workers organizations;
- Department Order No. 18 series of 2002 on the new rules on subcontracting;
- Department Order No. 10 series of 1997 on the new rules on subcontracting;
- Department Order No. 19 and Memorandum Circular No. 19 series of 1997 requiring training, testing, certification and registration of domestic helpers bound for the Kingdom of Saudi Arabia and Kuwait;
- Department Order No. 14 series of 2001 on guidelines governing the employment and working conditions of security guards and similar personnel in the private security industry;
- Department Order No. 65-04 on Rules and Regulations Implementing Republic Act No. 9321 Amending R.A. 7610, as amended.

186. The direction of judicial decisions interpreting these laws and regulations has been to affirm the constitutional policy of protection to labor and the primacy of the police power in cases where workers are exposed to employment conditions which tend to give rise to exploitation.

Question No. 6. International assistance in the full realization of right to work

187. The World Bank financed Vocational Training Project II which aims to support government efforts to create an environment conducive to investment and employment generation.

Article 7

Question No. 1. ILO Conventions to which the Philippines is a party

188. The Philippines is not a State Party to the following Conventions:

- ILO Convention No. 131 (Minimum Wage-Fixing), 1970;
- ILO Convention No. 14 (Weekly Rest [Industry]), 1921;
- ILO Convention No. 106 (Weekly Rest [Commerce and Offices]), 1957;
- ILO Convention No. 132 (Holidays With Pay [Revised]), 1970;
- ILO Convention No. 81 (Labor Inspection), 1947;
- ILO Convention No. 129 (Labor Inspection [Agriculture]), 1969; and
- ILO Convention No. 155 (Occupational Safety and Health), 1981.

189. But as will be detailed in the succeeding discussion, the Labor Code provides for : (a) a mechanism for minimum wage fixing; (b) a rest day of at least 24 hours after six consecutive days of work; (c) holidays with pay; (d) occupational safety and health standards taking into account distinctions between hazardous and non-hazardous occupations; and (e) an inspectorate system to ensure enforcement of standards.

190. The Philippines is a party to the following Conventions:

- ILC No. 100 (Equal Remuneration), 1951;
- ILC No. 99 (Minimum Wage-Fixing [Agriculture]), 1951; and
- ILC No. 176 (Safety and Health in Mines), 1995.

191. The Philippines has submitted its reply to ILO's 1998 direct request on Convention 99 concerning minimum wage-fixing machinery (Agriculture) for the period ending August 2002. The report provided the ILO with a table on the "Nominal Minimum Wage Rates by Sector and Region and a table on "Employed Persons by Major Industry Group, Class of Worker and Hours Worked" (DOLE Publication Factbook on Labor and Employment (as of June 2002).

192. Moreover, the detailed report provided to the ILO contained updates on the recent implementation of RA 6727, Wage Rationalization Act, as amended by RA 8188 or the Double Indemnity Act and other provisions of the Labor Code of the Philippines concerning minimum wage rates.

193. The Philippine government has also submitted its detailed report to the ILO on Convention 100 concerning Equal Remuneration last August 2001. The report provided the ILO with more recent information on the implementation of RA 6725 and other laws and regulations relative to the Convention.

194. The Philippines ratified Convention 176 concerning safety and health in mines on 27 February 1998. For the period ending August 2002, the Philippine Government has submitted its first detailed report to the Committee. The Committee was provided with a list of laws, regulations and other measures made by the Government in compliance with the provisions of the Convention.

Question No. 2. Wages

2.a. Principal methods used for fixing wages

195. The principal methods for fixing wages are minimum wage fixing and collective bargaining.

196. Minimum wage fixing has been conducted on a regional basis since 1989 by 17 independent Regional Tripartite Wage and Productivity Boards (RTWPBs). Republic Act 6727, otherwise known as the *Wage Rationalization Act*, provided for the creation of the RTWPBs and placed them under the supervision of DOLE.

197. The State recognizes collective bargaining as the preferred mode of setting the terms and conditions of employment, including wages. Collective bargaining is primarily governed by Book V of the Labor Code, as amended by RA 6715. However, it must be noted that wages fixed through collective bargaining must not be lower than the applicable minimum wages fixed by the RTWPB.

198. Public sector wages are governed by RA 6758, otherwise known as the *Salary Standardization Law of 1989*, which provided for a unified compensation and position classification system for all job positions across the entire bureaucracy, including LGUs, based on the principle of equal pay for substantially equal work. Salary rates are fixed by legislation.

199. Collective bargaining in the public sector is a recognized mode for negotiating terms and conditions in the work place, except those that are fixed by law, including wages. As such, welfare-related benefits, such as annual medical examinations, work assignment of pregnant women, facilities for differently-abled personnel, first aid medical facilities and day care for employees' children, may be negotiated.

2.b. Minimum wage-fixing

200. Wage-fixing was originally a function of the legislature. During the martial law period (1972-1981), minimum wage fixing was done through presidential decrees or wage orders issued by the President. As discussed above, with the enactment of RA 6727, wages were determined by the independent RTWPBs which have representatives from labor, business, and government sectors.

201. Household or domestic helpers, and persons employed in the personal service of another, including family drivers, are exempted from the provisions of RA 6727. The law also exempts retail and service establishments regularly employing not more than 10 workers from the provisions of the law.

202. There are 11 criteria for minimum wage fixing under RA 7627 and one under the Rules of Procedures for Minimum Wage Fixing as determined by the National Wages and Productivity Commission (NWPC). These criteria may be categorized into four groups, namely - (1) *Needs of workers and their families* - (a) demand for living wage, (b) wage adjustment vis-à-vis CPI, (c) cost of living and changes therein, (d) needs of workers and their families, and, (e) improvements in standards of living; (2) *Capacity to pay of employers/industry* - (a) fair return on capital invested and to pay of employers and (b) productivity; (3) *Comparable wages* - (a) prevailing wage levels; and (4) *Requirements for national development* - (a) need to induce industries to invest in the countryside, (b) effects on employment generation and family income, (c) equitable distribution of income and wealth along the imperatives of economic social development.

2.b.i. Weight of minimum wages and measures undertaken to secure against erosion

203. Minimum wages have the force of law for all covered enterprises. Its enforcement is monitored and ensured through the inspectorate system established by the DOLE. Inspection may be done upon complaint by an interested party or through routine inspection. To ensure effectiveness of the inspectorate system, an employer is under the obligation to provide the

Government with “access to the employer’s premises at any time of the day or night, whenever work is being undertaken therein, and the right to copy therefrom, to question any employee, or to investigate any fact, condition or matter which may be necessary to determine violations ... of any wage order” (Art. 128.a, Labor Code).

204. If a violation of a wage order is established, the DOLE has the power to issue compliance or restitution orders. An indemnity equal to the amount of underpayment shall be imposed on an enterprise found in violation of a wage order.

205. As has been stated above, salary emoluments and allowances for public sector employees are determined through legislation. Thus, any salary increases are applied across-the-board. Since the unified compensation system took effect in 1989, salaries in government were increased in 1994, 1995, 1996 and 1997 (comprising a four-tranche increase) and in 2000. Budget legislations, likewise, carried provisions for periodic increases in allowances (cost of living, representation and transportation allowances for position levels from division chiefs and higher).

206. Actual salary rates for LGUs not classified as urbanized may differ from the national benchmark, based on their classification and financial capacity. Pay rates of LGUs classified as sixth class (the lowest) up to second class are determined as per centages of the salary schedule (between 75 per cent and 95 per cent of the corresponding rates applied to national government agencies and first class LGUs).

2.b.ii. Needs of workers vis-a-vis economic factors

207. Article 124 of the Labor Code provides for ten benchmarks or indicators in fixing wages, namely: (a) the demand for living wages and wage adjustment vis-à-vis the consumer price index; (b) the cost of living and changes or increases thereon; (c) the needs of workers and their families; (d) the need to induce industries to invest in the countryside; (e) improvements in standards of living; (f) the prevailing wage levels; (g) fair return on investments and capacity to pay of employers; (h) effects on employment generation and family income; and (i) equitable distribution of income and wealth along the imperatives of national development.

208. The objective of providing workers and their dependents with a minimum standard of living is weighed against the goals of creating employment, encouraging investments and promoting global competitiveness. The erosion in purchasing power is also considered in the estimation of possible minimum wage adjustment. In turn, the impact of such an adjustment on inflation is estimated to determine whether or not the resulting inflation would be well within targets. Econometric models are used to determine or assess the possible impact of any wage increase.

209. Since 1989, minimum wages have been adjusted each year, generally to maintain real wages. In 2001-2003, however, minimum wages were not adjusted to minimize job losses brought about by the economic downturn. Also, it was only in 2005 that new minimum wage orders were issued in less than a year of effectivity of the previous wage orders due to abrupt and unusually high prices of commodities.

2.b.iii Machinery for fixing, monitoring and adjusting minimum wages

210. The first two tiers in the structure for implementing the wage system are the NWPC and, under it, the rtwpbs. The NWPC formulates policies and guidelines on wages, incomes and productivity improvements at the enterprise, industry and national levels. It reviews wage orders issued by the rtwpbs and exercises technical and administrative supervision over them. It also serves as the consultative and advisory body to the President and Congress on matters relating to wages, incomes and productivity.

211. The third tier in the wage-fixing machinery is monitoring and enforcement. The Regional Offices of the DOLE, particularly the inspectorate system, constitute the frontline enforcement mechanism on wages. Where underpayment of wages is claimed and employer-employee relationship no longer exists, the appropriate complaint may be filed through the government's compulsory arbitration machinery, the NLRC.

2.b.iv. Development of average and minimum wages

212. Data from the NCR show that minimum wage has increased by 189.1 per cent from PhP 64.00 in 1987 to PhP 185.00 in 1997. Recent wage adjustments in NCR pegged the minimum wage to PhP 250.00 per day effective November 1, 2000. On the other hand, the consumer price index (CPI) rose by 187.6 per cent during the period 1987-1997.

213. The minimum monthly compensation for government workers increased from PhP 1,103 (PhP 603 basic rate + PhP 500 cost of living allowance) in 1987 to PhP 5,840 (PhP 4,840 basic rate + PhP 500 Personal Economic Relief Allowance + PhP 500 additional compensation) in the year 2000. Additional allowance (PhP 1,000.00) was granted to government workers in 2006.

2.b.v. Measures undertaken to ensure compliance with minimum wages

214. Based on inspection data, the incidence of non-compliance to minimum wages has been about 21.8 per cent from 1997-2003. There are current efforts to enhance public awareness on the applicable minimum wage rates in all regions. To improve enforcement, there is also an on-going study to simplify regional minimum wage structures that currently vary by province, sector or industry classification, employment size and amount of capitalization, among others.

2.c. Discrimination in work employment

215. The Philippines has ratified ILC No. 100, which seeks to eliminate discrimination in employment based solely on sex or gender. The Philippines is also a State party to CEDAW.

216. Equality of men and women in terms of remuneration for work, equal pay for work of equal value and conditions of work is a constitutional policy.¹³

¹³ Article II, Section 14 of the Constitution provides that the State recognizes the role of women in nation-building and ensures the fundamental equality before the law of men and women. Article III, Section 1 of the Constitution also ensures to every person equal protection of the laws. Article XIII, Section 3 further assures protection to labor regardless of sex.

217. To promote equality of treatment, Art. 135 of the Labor Code makes it unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex. RA 6725 criminalizes the commission of certain acts tending to denigrate the status of working women on account of their gender. Article 136 of the Code also prohibits contractual stipulations against marriage and makes it unlawful for employers to withhold benefits from or discharge a woman employee on account of her gender or of pregnancy.

218. Affirmative measures also exist to respond to the particular needs of women in the workplace. Maternity protection has long been provided to women. The *Paternity Leave Act* also grants paternity leave for men on the occasion of childbirth of their spouses. Art. 132 of the Labor Code requires employers to provide women with certain facilities like separate toilet rooms and dressing rooms.

219. Since 1953, the Philippines has been a party to ILO Convention No. 89 (Nightwork Prohibition for Women), which restricts the employment of women at specific periods of the night. Consistent with the Philippines' obligation under the Convention, Art. 130 of the Labor Code proscribes women from working in certain types of work between 10 p.m. and 6 a. m. The Philippines notes the concerns raised by some sectors that this prohibition may in practice result in reverse discrimination. The ILO has taken note of this concern by initiating a review of international instruments, and the Philippines will be supportive of such review.

220. Reference may be made to paragraph 179 on the Supreme Court decision in *International School Alliance of Educators v. Quisumbing*, (G.R. No. 128845, 1 June 2000).

2.c.i. Steps undertaken to eliminate discrimination

221. To ensure that national laws are carried out in practice, the following measures have been undertaken by the government:

- Creation in 1989 by the Civil Service Commission (CSC) of the Equality Advocates in Government to prevent harassment and discrimination in public sector employment;
- Integration of the Philippine Development Plan for Women (PDPW) with the Medium-Term Philippine Development Plan (MTPDP) for 1993-1998;
- Setting up by the CSC of Career Advancement Program for Women in Government Service to enhance women in government's capability to break the glass ceiling and advance to decision-making positions;
- The CSC also formulated a policy framework on gender equity in line with a proposed executive order giving women equal representation in third level positions of the government;
- Conduct of lectures and workshops on equal employment opportunities in all regions;
- Inclusion of gender issues in the enforcement of labor standards, particularly by integrating the same in the inspection checklist;

- Sex desegregation of statistics on employment and membership in workers organizations;
- Promotion of women participation in trades and other occupations through the setting up of the women in non-traditional trades program under the TESDA;
- Conduct of a nationwide occupational wage survey of non-agricultural establishments to address the under valuation and under remuneration of women's work;
- Conduct of studies on frameworks that measure the unremunerated contributions of women and men to the economy.

2.c.ii. Measures to promote objective appraisal of jobs

222. Republic Act No. 6725 provides that all employees regardless of sex shall be afforded equality of treatment in the evaluation of the quality of work and other factors considered with respect to promotion, training opportunities, study and scholarship grants.

223. In the public service, the CSC has devised a performance evaluation system that is being used as a standard instrument for measuring job performance. The system is, however, being reviewed to factor in actual job differences and uniqueness or specificity of operations in the various government agencies.

224. In the private sector, the Labor Code recognizes payment of wages on piece-rate, time or task basis. Such determination can be done with the intervention of government or exclusively at the enterprise level. The Labor Code recognizes two areas of government intervention, as when rates or formulas are fixed on an industry basis after consultations undertaken by the Secretary of Labor and Employment, or when the DOLE is requested by an enterprise to provide technical assistance in undertaking time and motion studies upon which an objective job appraisal can be based. At present, only the sugar industry has adopted an industry-wide formula. Generally, however, job appraisal methods are evolved at the enterprise level, although it is not uncommon that the process will entail a comparison of benchmark jobs and the corresponding reward schemes within industries.

225. Further, researches have attempted to estimate the monetary value of women's household work and consider its contribution to the total income of the household. A study commissioned by the national women's machinery revealed that when given monetary value, doing household chores can account for as much as 20 per cent of the GNP. Review of related laws and policies for discriminatory provisions is lacking to ensure equal status of women especially in the light of monetary valuation of their contribution to economic debt. There are, however, no statistical data to measure the exact monetary value of women's economic work.

2.d. Income distribution of employees

226. There is no data available on the comparative remuneration of jobs in the public and the private sectors. There is, however, a perception that lower-level public sector employees are paid more than their counterparts in the private sector. On the other hand, middle to high-level executives in the private sector are paid more than their counterparts in the public sector. In

a 1994 World Bank research study of public and private sector wage comparisons, the salary of a bureau director in the government is about one fourth of the salary of his counterpart executive in the private sector.

227. Regarding non-monetary benefits, the basic differences between the private and the government sectors lie in the entitlement to vacation and sick leaves and premium pay for holiday work, overtime and night work. The Civil Service Law grants public sector employees with vacation and sick leaves of 15 days each per year. In addition, Civil Service regulations likewise grants public sector employees a maximum of three days within a calendar year for the availment of any special privileges given (i.e. funeral/mourning leave, graduation leave, enrollment leave, wedding/anniversary leave etc.) On the other hand, in the absence of a collective bargaining agreement or company policy providing a higher benefit, the Labor Code provides a five-day service incentive leave to every private sector employee who has completed one year of service. Overtime compensation is paid to public sector employees in excess of the regular 40 hours of work rendered in a week but with the limitation that overtime compensation shall not exceed 50 per cent of the regular salary. No premium pay is given for holiday work nor for night work.

Question No. 3. Other legal, administrative or other provisions that exist to prescribe minimum conditions of occupational health and safety

228. The right of all workers to humane conditions of work is guaranteed in Art. XIII, Sec. 3 of the Constitution. In implementing this mandate, the Labor Code envisions two types of health and safety rules, those applicable generally and those with specific application depending on the nature of occupation.

229. The general requirements for enterprises are prescribed under Books III and IV of the Labor Code which regulate, among others, working hours, provision of safety gear, clinics, and access to hospitals or medical centers.

230. On an occupational basis, the minimum conditions of health and safety are prescribed in the Manual on Occupational Safety and Health Standards. These standards apply to particular occupations as determined by the inherent differences and risks in given work environments. For instance, RA 8558 amended Art. 287 of the Labor Code by reducing the compulsory retirement age of underground mine workers from 65 to 55 years of age, taking into account the health hazards associated with underground mining operations.

231. The DOLE administers and enforces safety and health standards mainly through the inspectorate system as described above. The Secretary of Labor and Employment has the power to order the stoppage of work or suspension of operations of an establishment when non-compliance with the law or implementing rules and regulations poses grave and imminent danger to the health and safety of workers.

232. Articles 162 to 165 of the Labor Code outline the responsibilities of the DOLE in ensuring occupational health and safety of workers.

3.a. Categories of workers who are excluded from existing schemes on occupational health and safety

233. The occupational safety and health provisions of the Labor Code are applicable only to workers falling within an employer-employee relationship. Thus, workers in the informal sector are excluded from the coverage of the Labor Code.

3.b. Statistical data and information on number, nature and frequency of occupational accidents

234. Data from the DOLE show that from 1996-2000, out of 1,726 representative establishments, there were 27,057 total work accidents with an average of 5,411 cases per year. Of the reported 27,057 cases, 17,856 or 66 per cent were disabling injuries broken down as follows: temporary total disability with 17,608 cases, 185 fatal cases, 65 permanent partial disability while remaining 9,201 cases or 34 per cent were classified as non-disabling or medical treatment/first aid treatment only. Total economic loss was placed at 56 million.

235. From the Five Year Summary (1996-2000) of Annual Medical Report, the following were noted:

- A total of 10,176 representative establishments submitted AMR with wholesale and retail trade with the most number of reports (4,533) followed by manufacturing (1,699);
- A total of 248,144 workers were exposed to various occupational hazards. Bacterial, viral, dust, mist and liquids were the specific types of hazards to which the majority of workers had been exposed. The majority of workers in the manufacturing sector topped the list of workers exposed to biologic, ergonomic, chemical and physical hazards;
- The top 10 diseases/illnesses reported by industry include the following: colds, tension headache, diarrhea, tonsillopharyngitis, gastritis and influenza.

Question No. 4. Equal opportunity for promotion

236. The response is similar to that given above (see paras. 223-226).

Question No. 5. Laws and practices regarding rest, leisure, limitations of working hours, periodic holidays and remuneration for holiday pay

237. The following provisions of the Labor Code, prescribe the policies and rules regarding rest periods, working hours, and remuneration for public holidays:

Work hours

238. Article 83, which states that normal hours of work of any employee shall not exceed eight hours a day.

239. Article 84, which provides that rest periods of short duration (meaning less than one hour) during working hours shall be counted as hours worked and therefore compensable.

240. Article 85, which requires every employer to give its employees not less than 60 minutes time-off for their regular meals.

241. Article 86, which defines nightwork as work rendered between 10 p.m. and 6 a.m., and prescribes a premium of at least a 10 per cent of the regular wage for work rendered during these hours.

242. Article 87, which prescribes a premium of at least 25 per cent of the regular wage for work rendered beyond eight hours.

Rest periods and holidays

243. Article 91 provides for rest periods of not less than 24 consecutive hours after six consecutive normal workdays. Work on a rest day may be required under certain circumstances, but compensation therefore shall be 130 per cent of the regular wage.

244. Executive Order No. 203 classifies two types of holidays, regular and special. The regular holidays are New Year's Day, Maundy Thursday, Good Friday, 9 April (Bataan and Corregidor Day), 12 June (Independence Day), Last Sunday of August (National Heroes Day), 30 November (Bonifacio Day), 25 December (Christmas Day), 30 December (Rizal Day). The special days are 1 November (All Saints' Day) and 31 December. Moreover, RA 9177 includes *Eidul-Fitr* as a regular holiday while RA 9256, 21 August of every year is declared as *Ninoy Aquino Day* which shall be a special non-working holiday.

245. Payment of wages for holiday work depends on the nature of the holiday. For regular holidays, there are two basic rules: 1) an employee shall be entitled to 100 per cent of his or her regular wage on an unworked regular holiday, provided he or she reported for work on the day immediately preceding the holiday; and 2) an employee who works on a regular holiday shall be compensated at 200 per cent of his or her regular wage. For special days, there are likewise two rules: 1) if an employee does not work on a special day, the principle of no work, no pay applies; and 2) an employee who works on a special day is entitled to 130 per cent of his or her regular wage.

246. Article 95, which provides for a service incentive leave of five days for every employee who has rendered at least one year of service in the absence of a greater benefit provided by the company or an existing collective bargaining agreement.

Work hours in Government

247. Section 1 of RA 1880 provides that the legal hours of work in government shall be eight hours a day, for five days a week or a total of 40 hours a week, exclusive of time for lunch. Government offices may adopt flexible work schedule for employees and compensatory service may be rendered outside of the regular work hours, except Sundays, to offset non-attendance or undertime.

5.a. Difficulties affecting realization of these rights

248. Difficulties affecting realization of these rights include internal and external flexibility measures adopted by private sector establishments and the exigencies in export-oriented industries of requiring workers to render services during rest days and holidays in order to meet quotas or job orders.

249. Article 82 of the Labor Code provides, in varying degrees, for the exclusion of government employees, field personnel, members of the family of the employer who are dependent on him for support, domestic helpers, persons in the personal service of another, and workers who are paid by results from the application of the Labor Code provisions on working conditions and rest periods.

Article 8

8.1. ILO Conventions to which the Philippines is a State party

250. The Philippines is a State Party to the following Conventions:

- International Covenant on Civil and Political Rights;
- ILO Convention No. 87, 1948 (Freedom of Association and Protection of the Right to Organize); and
- ILO Convention No. 98, 1949 (Right to Organize and Collective Bargaining).
- The right to unionize is enshrined in the Constitution and implemented through legislation.¹⁴

¹⁴ Section 8 of the Philippine Bill of Rights ensures that “the right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.” Alongside the longstanding protection of freedom of association, the framers of the 1987 Constitution deemed it necessary to recognize private and public sector unions as important examples of free and democratic organizations. This salient aspect of the Bill of Rights at once recognizes the statements in the *travaux préparatoires* relative to the inclusion of a specific article on trade union rights in the Covenant despite the freedom of association clause in the Universal Declaration of Human Rights. Indeed, the so called “Lerum Amendment” to the freedom of association clause in the Philippine Constitution maintains the inadequacy of a general freedom of association clause, and upholds the protection of trade union rights as an “essential condition” for the guarantee of economic rights in general, and the right to satisfactory working conditions in particular.” In addition, Section 3 of the Article XIII (Social Justice and Human Rights) in the 1987 Constitution commands the State to “guarantee the rights of all workers to self-organization.” The rationale for Article XIII is the realization that social justice provides the material and social infrastructure for the realization of basic human rights, the enhancement of human dignity and effective participation in democratic processes.”

To fulfill these constitutional mandates, two statutes govern the exercise of the employees’ right to self-organization. For the private sector, the applicable statute is the Labor Code of the Philippines; for the public sector, it is Executive Order No. 180, series of 1987.

Question No. 2. Conditions for the exercise of the right to self-organization

2.a. Legal provisions regarding the establishment of trade unions

251. Under Article 242 of the Labor Code states that an applicant labor organization shall be entitled to the rights and privileges granted by law to legitimate labor organizations upon issuance of the certificate of registration. Legitimacy entitles the labor organization with legal personality to claim the representational and bargaining rights or to strike and picket in accordance with the rules provided for by law.

252. Article 234 specifies five requirements for issuance of the certificate of registration, viz., (a) payment of registration fee; (b) submission of the list of the union's officers, their addresses, the address of the organization, the minutes of the organizational meetings and the list of workers who attended such meeting; (c) submission of the names of the union's members, which must be at least 20 per cent of all the members of the bargaining unit sought to be represented; (d) submission of a copy of the union's financial report if it has been operating for more than one year; and (e) submission of copies of the union's constitution and by-laws, minutes of its adoption and ratification and the list of members who ratified it. However, a federation or national union may organize and affiliate locals and chapters without registering such locals with the DOLE.

253. If the applicant for registration is a federation or a national union, it shall, in addition to the requirements provided above, submit proof to show that it has at least 10 locals or affiliates, each of which must be a duly certified collective bargaining agent in the establishment where they operate.

254. Once the formal requirements are complied with, it becomes ministerial for the DOLE to issue the union the appropriate certificate of registration. The union however, acquires legitimate status from the date of filing of the complete documents. For a local directly chartered by a federation or national union, it acquires legitimate status from the time its charter certificate, the list of officers and their addresses, the principal address of the local, and the local's constitution and by-laws are submitted to the DOLE.

255. On the other hand, the requirements for registration of chartered locals are simpler and requires the submission of the following: (a) charter certificate; (b) constitution and by-laws; and (c) names of officers and principle of the local/chapter. There is no minimum membership requirement nor a need to submit financial reports in applications for registration of chartered locals.

256. Trade unions essentially have the inherent freedom to lay down their own organization rules and qualifications. Discriminatory rules on union membership, however, may be declared as unfair labor practices.

257. The Supreme Court has clarified that the registration requirements are not a limitation on the right of assembly or association, which may be exercised with or without said registration. The requirements are merely conditions *sine qua non* for the acquisition of legal personality of labor organizations.

258. The minimum membership requirement for independent union registration is considered a formality that does not impair the free establishment of organizations. Decisions and principles of the Freedom of Association Committee of the ILO suggest minimum membership requirements that are “obviously too high a figure” or “where establishment of a trade union may be considerably hindered” are discouraged. The submission unit is not considered excessive, considering independent union organizing has consistently surpassed chartered local creation over the years.

259. Also, unlike some legal jurisdictions where a flat rate or specific number of members has been required, the minimum membership requirement for independent unions under Philippine law is based on a per centage requirement. This requires greater flexibility on the part of registering authority to allow union registration even on the basis of an erroneous aggregate numerical base (total number of employees in an appropriate bargaining unit), as long as such a determination was approximated in good faith by the applicant union.

260. The mandatory “one union, one industry” concept was repealed by President Corazon Aquino in 1986 with the issuance of EO 111. As such, matters of unity and diversity in the labor movement rest solely the free will of the workers.

261. With 147 labor federations registered as of July 2004, the diverse Philippine union movement is an embodiment of the observation of the Committee on Economic, Social, and Cultural Rights, i.e., a “plurality of trade unions form(s) part of the notion of freedom of trade union rights”.

2.b. Restrictions upon the exercise of the right to join and form trade unions

262. Several parameters exist for purposes of exercising the right to self-organization.

263. The first parameter is whether a worker is covered by an employee-employer relationship. Under Art. 243 of the Labor Code, only employees may join/form/assist trade unions for purposes of collective bargaining. Those without definite employers or those who are not employed may assist/join/form associations/organizations for their mutual aid and protection.

264. The second parameter is whether the employee belongs to the private sector or to the public sector. As a rule, the provisions of the Labor Code apply only to private sector employees and employees of government owned and controlled corporations established under the Corporation Code. Article 244 of the Code itself recognizes that all other employees in the civil service shall be governed by civil service rules and regulations.

265. The third parameter is the classification of an employee by reason of his or her position. For the private sector, managerial employees, including confidential employees with access to labor relations information held by management, are not eligible to form unions. Supervisory employees may form unions of their own kind, but may not join unions composed of rank-and-file employees. For the public sector, employees occupying high level, policy-determining or primarily confidential positions, as well as members of the AFP, the PNP, jail guards and firemen are not allowed to assist/form/join unions.

266. In the private sector, a category of workers to which special provisions are applicable are the workers in the construction industry. Section 5 of Department Order No. 19 provides that in recognition of the right to self-organization and collective bargaining of project employees, the DOLE encourages the formation of trade unions in the construction industry, provided that the formation or activities of a recognized trade union will not prejudice existing bargaining units constituted in accordance with existing laws.

267. For the public sector, employees occupying high-level, policy-determining or primarily confidential positions are prohibited from unionizing. As stated above, the interests of national security and public order, prohibit members of the AFP, the PNP, jail guards and firemen from assisting, forming, or joining unions.

268. Third, employees of a cooperative are entitled to exercise their right to self-organization, except members of the cooperative who are considered owners of the enterprise.

269. As for foreign nationals, Art. 269 of the Labor Code allows aliens to join or assist unions of their own choosing, provided they obtain valid working permits issued by the DOLE and are nationals of countries that grant the same or similar rights to Filipino workers.

2.b. Measures undertaken to secure the right to self-organization

270. Article 246 of the Labor Code states that the right to self-organization shall not be abridged. Thus, it is unlawful for any person to restrain, coerce, discriminate against or unduly interfere with employees and workers in their exercise of the right to self-organization. Articles 248 and 249 enumerate and declare unlawful, acts of employers and unions constituting unfair labor practices. Commission of unfair labor practices subjects an offender to administrative and criminal sanctions.

2.c. Right to trade unions to federate and join international trade union organizations

271. As a State party to ILC Nos. 87 and 98, the Government recognizes the right of unions to federate and join international organizations. The private sector has evolved a more mature system than the public sector in this regard.

272. There is no prohibition on the part of any trade union to join international trade union organizations. Most federations or national unions within an umbrella trade union center are, in one way or another, affiliated with international unions. It must be emphasized that Art. 270 of the Labor Code seeks to regulate the receipt of foreign assistance by any trade union. However, this is no longer enforced in practice, for which reason DOLE has requested Congress to repeal the aforesaid provision.

2.d. Conditions or limitations placed upon Philippine trade unions and the promotion of free collective bargaining

273. Philippine trade unions have the right to function freely, most especially in relation to three areas, viz.: (a) internal organization; (b) collective bargaining; and (c) protection from arbitrary dissolution or suspension.

Internal organization

274. Philippine trade unions have the power to draw up their constitutions and rules, elect their own representatives, and organize their administration and policies. The Supreme Court has recognized the union constitution and by-laws as the contract binding all union members.

275. Article 241 of the Labor Code enumerates the rights and conditions of union membership, which include: (a) financial or fiduciary rights, and (b) political rights.¹⁵ Violation of any of

¹⁵ Financial or fiduciary rights of a union member include: (a) right against arbitrary, oppressive or excessive fees, fines and forfeitures; (b) right to full and detailed reports on all financial transactions in accordance with the constitution and by-laws of the union; (c) right against unauthorized collection of any fees dues or other contributions; (d) right to claim receipt for every payment of fees, dues or other contributions; (e) right to prevent funds of the organization from being applied for any purpose or object other than those expressly provided by the union's contribution and by-laws or allowed expressly by written resolution adopted by the majority of the members at a general meeting duly called for the purpose; (f) right to demand or require that every income or revenue as well as every expenditure of the union shall be recorded or receipted, which record or receipt shall form part of the financial records of the union; (g) right against unauthorized special assessment or other extraordinary fees; (h) right against unauthorized check-off for special assessments, attorney's fees, negotiation fees or any other extraordinary fees without an individual written authorization duly signed by the employee; (i) right to vote on the compensation of the union officers; (j) right against unreasonable assessment to finance labor relations seminars and other labor relations activities; (k) right to require the treasurer and other officers of the union to render a true and correct account of union funds and properties; (l) right to require that the account be duly audited and verified by affidavit and a copy thereof furnished to the Secretary of Labor and Employment; and (m) right to inspect the books of accounts and other financial records of the union and full and detailed reports from their officers and representations of all financial transactions as provided in the constitution and by-laws.

Political rights of a union member include: (a) right to be informed of the provision of the constitution and by-laws, collective bargaining agreement, prevailing labor relations system and all their rights and obligations under existing labor laws through the medium of labor relations seminars or other labor education activities; subject to qualifications and disqualifications (such as membership in a subversive organization); (d) right to be appointed to positions in the organization, subject to qualifications and disqualifications; (e) right to vote by secret ballot of any question of major policy affecting the entire membership of the organization; and (f) right to initiate and participate in impeachment or expulsion proceedings against an erring officer or member of the union.

these rights and conditions of membership gives the aggrieved member cause of action to file the appropriate complaint with the DOLE. As a rule, only through such a complaint may government authority interfere in internal union affairs.

276. Article 241 also requires the direct election of union officers at intervals of five (5) years, made applicable even to federation or national union officials. One of the salient amendments to the Labor Code in 1989, the “direct election” mandate was meant to “underscore democracy as a necessary element of trade unionism.”

Promotion of free collective bargaining

277. Collective bargaining or negotiations towards collective agreement is a democratic framework under the Labor Code to stabilize the relation between labor and management to create a climate of sound and stable industrial peace. Although bargaining is a mutual obligation of the employer and the employees, the mechanics of collective bargaining is set in motion only when the following jurisdictional preconditions are present, namely: (a) possession of the status of majority representation of the employees’ representative in accordance with any of the means of selection or designation provided for by law; (b) proof of majority representation of the labor union chosen by the employees to be their bargaining agent; (c) a demand to bargain by the bargaining agent with the employer.

278. The duty to bargain collectively means the performance of a mutual obligation of the parties to meet and convene promptly and expeditiously in good faith for the purpose of negotiating an agreement with respect to wages and all other terms and conditions of employment with respect to wages, hours of work and all other terms and conditions of employment.

279. The Supreme Court has consistently held that there is no *per se* test of good faith bargaining. A fair criterion in collective bargaining requires that the parties involved deal with open and fair mind and sincerely endeavor to overcome obstacles or difficulties existing between them to the end that employment relations may be established. Good faith or bad faith is an inference to be drawn from the facts and is largely a matter for the expertise of the government agency which has jurisdiction on the matter. A finding of good faith in bargaining cannot be based upon whether a particular provision of a contract seems reasonable or unreasonable to the government agency vested with jurisdiction on the matter, or whether the aforesaid agency thinks the provision should be agreed to, but it must be based entirely upon a consideration of the negotiations as a whole. By the same token, the effect of an employer’s actions individually is not the test of good-faith bargaining, but the impact of all such occasions or actions, considered as a whole, and the inferences fairly drawn therefrom collectively, may offer a basis for the finding of the government agency vested with jurisdiction on the matter.

280. In 2003, DOLE issued a series of administrative regulations which provided for the creation of a voluntary system of multi-employer bargaining.¹⁶ Simplified registration procedures for collective bargaining agreements were also outlined, to the extent that only two statements on posting and ratification, as well as payment of a minimal fee, are required to secure a certificate of registration within the five-day registration period.

Protection from dissolution or suspension

281. The power of the DOLE to order the cancellation of registration of a legitimate labor organization is provided for in Art. 238 of the Labor Code. Article 239, on the other hand, provides for the grounds for cancellation. DOLE requires grave and compelling reasons to justify cancellation or dissolution. As a rule, misrepresentation, fraud, or coercion allegedly related to union formation must have affected a majority of union members in order to warrant cancellation of union registration. If a petition for cancellation coincides with pending certification election proceedings, the members of an appropriate bargaining unit are given the opportunity to affirm or deny the legitimacy of the union by casting their ballots in a certification election. In addition, no order of cancellation shall issue unless the concerned union is afforded the right of a hearing.

2.e. Number and structure of trade unions established in the country

282. The following table summarizes current data (July 2004) on union registration and membership.

Type of union	Registration	Membership
Federations/National Unions	147	519 892
Independent (enterprise)	7 688	918 853
Chartered local (enterprise)	7 206	364 935
Public sector unions	1 339	262 454
Workers' associations	7 000	249 551

283. Currently, there are 10 registered trade union centers or groups of registered federations or national unions.

284. Workers' associations are groups organized for the purpose of mutual aid and protection of its members or for any other legitimate purpose other than collective bargaining. They are mostly found in rural areas and usually functions as a vehicle for livelihood opportunities.

¹⁶ Sections 5 to 7 Rule XVI, Department Order No. 40-03. A legitimate labor union and employers may agree in writing to come together for the purpose of collective bargaining, based on the following parameters: (a) only legitimate labor unions who are incumbent exclusive bargaining agents may participate and negotiate in multi-employer bargaining; (b) only employers with counterpart legitimate labor unions who are incumbent bargaining agents may participate and negotiate in multi-employer bargaining; and (c) only those legitimate labor unions who pertain to employer units who consent to multi-employer bargaining may participate.

Question No. 3. Right to strike

285. The right to strike of all employees in the private sector is both constitutional and statutory.¹⁷

3.a. Restrictions placed on the right to strike

Procedural restrictions

286. The Philippine legislature has legitimized the imposition of certain procedural requirements for the right to strike in the Labor Code. Such preconditions are as follows: (a) notice of strike filed with the National Conciliation and Mediation Board (NCMB); (b) observance of a cooling-off period from the date of the filing of the notice; (c) a strike vote to be taken by union members and submitted to the NCMB; and (d) observance of a seven-day strike ban from the date of reporting the results of the strike vote.

287. The purpose of the cooling-off period is to allow the DOLE through the NCMB to conduct conciliation and mediation conferences. The seven-day strike ban, on the other hand, provides DOLE an opportunity to ascertain the peaceful and honest conduct of the strike vote.

288. The Supreme Court has invalidated strikes on the basis of non-compliance with any of the procedural requirements, having accepted these requirements to be reasonable and minimal restrictions upon the enjoyment of the right to strike.

Durational restrictions

289. There are temporary restrictions relative to strike prohibitions during conciliation and arbitration procedures. Article 264 (a) states that “(n)o strike or lockout shall be declared after ... submission of the dispute to compulsory or voluntary arbitration or during the pendency of cases involving the same grounds for the strike or lockout”.

290. Also, “no strike, no lockout clauses” in collective agreements are widely accepted and have been upheld by the Supreme Court. Such a stipulated prohibition, however, is inapplicable to prevent a strike grounded on an unfair labor practice.

291. As mentioned, strikes are generally enjoined during cooling off periods and the seven-day strike ban.

¹⁷ Article XIII, Section 3 of the Constitution guarantees the right of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities including the right to strike in accordance with law. Hence, while there is no general prohibition on strikes, the legislature has placed legal restrictions upon the enjoyment of the right.

National interest cases

292. Pursuant to Art. 263 (g) of the Labor Code, the Secretary of Labor and Employment may assume jurisdiction over a labor dispute or certify the same for compulsory arbitration if such a dispute causes or is likely to cause a strike or lockout in “an industry indispensable to the national interest.”

293. A list of prohibited acts during strikes and lockouts includes a declaration that “(n)o strike or lockout shall be declared after assumption of jurisdiction by the President or (the Secretary of Labor and Employment).” The Supreme Court has ruled that a strike undertaken after the issuance of an assumption or certification order becomes a prohibited activity and thus illegal. Hence, an assumption or certification order is simultaneously a return-to-work order by force of law.

294. The authority of the Secretary to assume jurisdiction over a labor case is an exercise of the police power of the State. It has been said that assumption of jurisdiction aims to promote the common good, for a prolonged strike or lockout can be inimical to the national economy.

295. Thus, the Supreme Court upheld the use of the assumption power in the case of a university, an enterprise exporting 90 per cent of its production and generating more than \$12 million per year, a drugs and pharmaceuticals firm, and an airline that services domestic routes. The exercise of the power, however, has been nullified by the Court in cases involving a company which is in the business of producing telephone directories and an enterprise which produces matches factory.

Minimum service

296. The ILO Committee of Experts has discussed the concept of a minimum service that “would be appropriate in situations in which a substantial restriction or total prohibition of strike action would not appear to be justified and where, without calling into question the right to strike of the large majority of workers, one might consider ensuring that users’ basic needs are met and that facilities operate safely or without interruption.

297. Article 263 (g) of the Labor Code states that in labor disputes adversely affecting the continued operation of hospitals, clinics, or medical institutions, it shall be the duty of the striking union to provide and maintain an effective skeletal workforce of medical and other health personnel, whose movement and services shall be unhampered and unrestricted, as are necessary to insure the proper and adequate protection of the life and health of its patients, most especially emergency cases, for the duration of the strike.

Government service

298. For the public sector, CSC Memorandum Circular No. 6, series of 1987 enjoins under pain of administrative sanctions, all government officer and employees from staging strikes, mass demonstrations, mass leaves, walk-outs and other forms of mass action which will result in temporary stoppage or confusion.

299. The alternative venue for public sector employees is representation in the Public Sector Labor Management Council (PSLMC), created pursuant to E.O. 180. While EO 180 does not expressly provide for representation of employees' organizations, the PSLMS has allowed representatives from line agencies, LGUs, government-owned or controlled corporations with original charter, and state universities and colleges.

Picketing

300. Private and public sector employees may however resort to picketing or other forms of symbolic expression of opinion provided the activity does not affect the delivery of services.

3.b. Special legal provisions regarding the exercise of the right to strike by certain categories of workers

301. As indicated, employees in the public sector are prohibited from staging a strike. Employees in medical institutions, hospitals, and clinics, on the other hand, are under subject to the rule of minimum service as provided for in Art. 263 (g).

302. Members of the AFP and the PNP, as well as jail guards and firemen, are not allowed to form or join employees' organizations within the E.O. 180 framework.

303. Under DO 40-03, the Secretary of Labor and Employment emphasized the four -pronged approach in labor-management relations: (a) upholding the right to self-organization; (b) expeditious delivery of administrative services; (c) advocacy for responsible unionism; and (d) promotion of the shared responsibility between labor and management to peacefully and voluntarily resolve disputes.

Question No. 4. Power of the members of the armed forces and the police in restricting the right to self-organization

304. Members of the AFP and the PNP, as well as administrative authorities, have no power to restrict or interfere with the legitimate exercise of trade union rights, except where there is disruption of public order. Article 264 (d) of the Labor Code provides, "no public official or employee, including officers and personnel of the New Armed Forces of the Philippines or the Integrated National Police, or any armed person, shall bring in, introduce, or escort in any manner any individual who seeks to replace strikers in entering or leaving the premises of a strike area, or work in place of the strikers. The police force shall keep out of the picket lines unless actual violence or other criminal acts occur therein. Provided, that nothing herein shall be interpreted to prevent any public officer from taking any measure necessary to maintain peace and order, protect life and property, and/or enforce the law or any legal order."

Question No. 5. Short review of changes in national legislation and court decisions

305. The following are the major legislative changes introduced during the reporting period:

- EO 111 [1986], amending certain provisions of the Labor Code particularly for the purpose of liberalizing the exercise of trade union rights;

- EO 126 [1987], Sec. 22 of which created the National Conciliation and Mediation Board to absorb the conciliation, mediation and voluntary arbitration functions of the Bureau of Labor Relations;
- EO 180 [1987], providing for guidelines for the right to organize among public sector employees;
- RA 6715 supplements EO 111 in term of liberalizing the exercise of the right to self-organization.

306. Executive Order No. 111 was intended to democratize the exercise of trade union rights. It brought about the following major changes: (a) the minimum membership requirement before a union can be formed was lowered to 20 per cent of the members of the appropriate bargaining unit; (b) it repealed the one-union, one industry concept mandated through the old provisions of Arts. 238 and 239 of the Labor Code; (c) it recognized the right of employees of government corporations organized through the Corporation Code to organize and to bargain collectively. In effect, such government employees were placed outside the civil service laws and under the protective mantle of the Labor Code for purposes of self-organization and collective bargaining; (d) it lowered the support requirement for petitions for certification election in unorganized establishments to 20 per cent; (d) it proscribed public officials as well as members of the Armed Forces and National Police from escorting individuals into company premises for the purpose of replacing strikers.

307. Executive Order No. 180 restored the right of workers in the public sector to self-organization. This right has been denied to public sector employees beginning 1972 upon the declaration of martial law. As of June 2002 there are 1,072 registered public sector unions. Of these, 346 have been accredited as sole bargaining units within their respective government agencies.

308. Republic Act No. 6715 continued the reforms initiated by EO 180. The following changes are notable: (a) it lengthened the term of collective bargaining agreements in so far as representation aspect is concerned from three years to five years to promote industrial stability, other provisions of the CBA however, shall be renegotiated not later than three years after its execution (Art. 253-A); (b) it expressly recognized the right of individual union members to participate in policy and decision-making processes in the establishment where they are employed (Art. 255); (c) in certification elections, it requires a 25 per cent support signatures for filing a petition for certification election in an organized establishment to help preserve industrial stability (Art. 256), removed the support requirement for filing a petition for certification election in unorganized establishments (Art. 257); it set up mechanisms for grievance and voluntary arbitration, creating in the process the voluntary arbitration fund (Arts. 260 to 262 and 277[f]); and (d) it recognized the right of every employee to join a union on the first day of his or her employment (Art. 277.b).

309. In the application of these laws, the Supreme Court has been guided by the broad policy of the state to protect labor and the affirmation of the freedom of choice in the exercise of the right to self-organization.

310. In 1994, the DOLE instituted the *Workers Organization Development Program* to assist workers' organizations through capability-building or entrepreneurship measures. Since 1994, a total of PhP 343,658,000 has been allocated by the government to fund this programme.

311. The DOLE recognized collective bargaining as a means for eliminating wage inequality against women. In support of organized labor, it has conducted labor education activities for unionized and non-unionized establishments, and training and consultations on negotiation and advocacy leadership among women union leaders and workers from 204 workers' associations and labor organizations. Seminars to promote economic rights were conducted among workers, union members and management in Philippine Export Zone Authority-locator enterprises in the public economic zones.

Article 9

Question No. 1. ILO Conventions related to Art. 9 to which the Philippines is a State Party

312. The Philippines is not a party to ILC Nos. 102, 121, 128, 130 and 168. But it is a party to the following Conventions:

- ILO Convention No. 118 (Equality of Treatment on Social Security), 1962;
- ILO Convention No. 157 (Maintenance of Social Security Rights), 1982;
- ILO Convention No. 17 (Workmen's Compensation Arising From Accidents), 1925;
- ILO Convention No. 19 (Equality of Treatment on Accidental Compensation), 1952.

Question No. 2. Branches of social security which exist in the country

313. The branches of social security that exist and are being implemented in the Philippines consist of (a) medical care; (b) cash sickness benefits; (c) maternity benefits; (d) old-age benefits; (e) invalidity benefits; (f) survivors benefits; and (g) employment injury benefits.

314. A limited unemployment program is also provided for under RA 8291. The law represents a most welcome amendment to the 20 year-old revised charter of the GSIS, known as PD 1146. It not only increased and expanded the social security protection of government workers and enhanced the powers and functions of the GSIS to allow it to better respond to the needs of its members. Moreover, the provident benefits are also included as part of social security programs existing and implemented in the Philippines. This aspect of social security was addressed through the creation of Pag-IBIG Fund, which tackled two of the country's basic concerns, namely, generation of savings and provision of shelter for the workers.

Question No. 3. Main features or schemes of available social security

Health insurance (medical care)

315. Medicare is a health insurance program whereby members enrolled therein pay monthly contributions which, in turn, are pooled to subsidize the medical needs of members who may get sick and find themselves in sudden need of financial assistance when they get hospitalized.

316. Republic Act 7875 (National Health Insurance Act of 1995) extended the medical care program to all citizens of the Philippines.

317. The program covers all persons currently eligible for benefits under the Medicare Program, including SSS and GSIS members, retirees, pensioners and their dependents; all persons eligible for benefits through health insurance plans established by the PHIC; and all persons eligible for benefits as members of other government-initiated health insurance programs, community-based health care organizations, cooperatives, or private non-profit health insurance plans.

318. To enable the government to finance the scheme, all members of the programme contribute to the fund, in accordance with a reasonable, equitable and progressive contribution schedule which is determined on the basis of applicable actuarial studies and in accordance with the following guidelines:

- Formal sector employees and current Medicare members and their employers shall continue paying the same monthly contributions as provided for by law until such time that the PHIC shall have determined the contributions schedule mentioned therein, provided that their monthly contributions shall not exceed three per cent (3 per cent) of their respective monthly salaries;
- Contributions from self-employed members shall be based primarily on household earnings and assets; their total contributions for one year shall not, however, exceed three per cent (3 per cent) of their respective monthly salaries;
- Contributions made in behalf of indigent members shall not exceed the minimum contributions set for employed members.
- Contributions for indigent members shall be subsidized partially by the local government unit where the members reside. The PHIC shall provide counterpart financing equal to the local government unit's subsidy for indigents, provided that in the case of the fourth, fifth and sixth-class local government units, the National Government shall provide up to ninety per cent (90 per cent) of the subsidy for indigents for a period not exceeding five years. The share of local government units shall be progressively increased until such time that its share becomes equal to that of the National Government.

B. Health insurance (cash sickness benefits)

319. The cash sickness benefit is a daily cash allowance paid to a member of the SSS or GSIS for the number of days he or she is unable to work due to sickness or injury, normally for a period not exceeding 120 days in any calendar year. Sickness benefits differ in both Systems.

320. Under the SSS, the sickness benefit is a daily cash allowance for the number of days an SSS member is unable to work due to sickness or injury. A member is eligible to receive sickness benefit if the following conditions are met: (1) the member has at least three monthly contribution within the 12-month period prior to the semester of contingency, (2) the member has been confined in the hospital or at least four days, (3) the SSS has been notified, and (4) all sick leaves have been used up in the case of for members who are regular employees.

321. The amount of the sickness benefit paid to a member per day is equivalent to 90 per cent of his average daily salary credit. A member can be granted a maximum sickness benefit of 120 days in one calendar year but he shall not be paid for more than 240 days on account of the same illness.

322. Under the GSIS, a member may avail of the benefit provided: (i) he is in the service at the time of his or her disability; or (ii) if separated, he has rendered at least three years of service and has paid at least six monthly contributions in the twelve-month period immediately preceding the disability. A member who suffers temporary total disability shall be entitled to 75 per cent of his daily compensation for each day or fraction thereof of temporary disability benefit not exceeding 120 days in one calendar year after exhausting all sick leave credits and collective bargaining agreement sick leave benefits, if any, but not earlier than the fourth day of his or her temporary total disability. A member cannot enjoy the temporary total disability benefit and sick leave pay simultaneously. However, if the disability requires more extensive treatment that lasts beyond 120 days, the payment of the temporary total disability benefit may be extended by the GSIS but not to exceed 240 days.

323. Title II, Book IV of the Labor Code also provides cash income benefits to members of SSS and GSIS who suffered illnesses and injuries in the course of their employment.

324. In case of a temporary total disability occasioned by occupational illnesses and injuries, an employee shall be entitled to cash income benefits in the form of daily cash allowance equivalent to 90 per cent of the employees' average daily salary credit and which shall not be more than 90 pesos for GSIS members and not more than 200 pesos for SSS members.

325. This daily cash allowance benefit for work-related illnesses shall be in addition to or on top of the benefits obtainable under SSS and GSIS following the principle of "simultaneous recovery of benefits".

326. A temporary total disability (TTD) is a disability that prevents an employee from performing his gainful occupation for a continuous period not exceeding 120 days and which may be extended to 120 days if medical attendance is still required but not to exceed 240 days.

327. Cash income benefit being given in cases of TTD is a form of wage replacement (compensation for loss of earnings or income) during the period of disability. The period of compensability is counted from the first day of such injury or sickness.

328. The employer shall be liable for the benefit if such illness or injury occurred before the employee is duly reported for coverage to the System.

C. Maternity benefits

329. The maternity benefit is an allowance paid to a female member of the SSS who gives birth or who has suffered a miscarriage or has to undergo an abortion.

330. The SSS maternity benefit is a daily cash allowance given to members who are unable to work due to childbirth or miscarriage. The benefit depends on the number of compensable days and the type of delivery. Maternity benefits are available only to female members, up to four pregnancies. The main qualifying condition for eligibility to claim maternity benefits is at least 3 monthly contributions during the 12-month period prior to the semester of contingency.

331. The amount of the maternity benefit is equivalent to 100 per cent of the member's average daily salary credit multiplied by 60 days (for normal delivery, miscarriage or abortion cases) or 78 days (for caesarian section delivery).

332. Under the Civil Service Law, a female member is allowed to go on a maternity leave for a period of 60 days with pay.

D. Old-age benefits

333. The old-age benefit is a cash benefit paid to a member of the SSS who can no longer work due to old age or has reached the retirement age as provided for by law.

334. The SSS retirement benefit is a cash benefit in the form of monthly pensions or a one-time lump-sum payment. A covered member who does not qualify for the monthly pension is entitled to a lump-sum benefit equal to the total contributions paid by him and his previous employers, plus interest earned. He must be at least 60 years old, separated from employment and has not opted to continue payment of contributions.

335. A covered employee is entitled to the monthly old-age pension for life if he has paid at least 120 monthly contributions and if retired, has reached the age of 60 years or if still employed, has reached the age of 65. In the case of underground miners, the member is eligible for pension benefits if he is 55 years old, separated from employment or ceased to be self-employed, and has paid at least 120 monthly contributions, has been an underground mineworker for at least 5 years; or has reached the age of 60 whether employed or not.

336. Aside from the monthly pension, the retiree is entitled to a 13th month pension. A retiree has the option to receive his first 18 monthly pensions in lump sum discounted at a preferential rate of interest. The member will receive his monthly pension on the 19th month thereafter.

337. In the case of members who have met the pension eligibility requirement but who retires after the age of 60, they will receive a monthly pension equivalent to the higher of the monthly pension computed at the earliest time he could have retired had he been separated from employment or ceased to be self-employed plus all adjustments thereto, or the monthly pension computed at the time when he actually retires.

338. A pensioner who retires more than once shall be entitled to the higher of the following: the monthly pension computed for the first retirement claim or the re-computed monthly pension for the new claim.

339. The monthly pension shall be suspended upon the re-employment or resumption of self-employment of a retired member who is less than 65 years old.

340. Upon the death of an SSS pensioner, his primary beneficiaries as of the date of retirement are entitled to continue receiving his pension.

341. A government employee who opts to retire from the service prior to the compulsory retirement age of 65 shall be entitled to the retirement benefits, provided that: (i) he or she has rendered at least 15 years of service; (ii) is at least 60 years of age at the time of retirement; and (iii) is not receiving a monthly pension from permanent total disability.

342. The retirement benefit is equivalent to either a lump sum amount of 60 times the basic monthly pension (bmp) in addition to a lifetime monthly pension after the 60-month period covered by the lump sum or a cash payment of 18 times the bmp plus an immediate lifetime monthly pension after the date of retirement.

343. The monthly pension shall be suspended upon the reemployment or resumption of self-employment of a retired member who is less than 65 years old. He and his employer will again be subject to compulsory coverage.

E. Invalidity benefits

344. The disability benefit is a cash benefit paid to a member of the SSS who becomes permanently disabled, either partially or totally.

345. A member of the SSS who suffers permanent total disability and who has paid at least 36 monthly contributions prior to the semester of disability shall be entitled to the monthly pension. If he has not paid the required 36 monthly contributions, he shall be entitled to a lump sum benefit equivalent to the monthly pension times the number of monthly contributions paid to the SSS or 12 times the monthly pension, whichever is higher. A member who has received a lump sum benefit and is re-employed or has resumed self-employment not earlier than one year from the date of his or her disability shall again be subject to compulsory coverage and shall be considered a new member. The monthly pension and dependents' pension shall be suspended upon the re-employment or resumption of self-employment or the recovery of the disabled member from his or her permanent total disability or failure to present himself or herself for examination at least once a year upon notice by the SSS. If the permanent disability is partial and occurs after the 36 monthly contributions have been paid prior to the semester of disability, the benefit shall be the monthly pension for permanent total disability payable not longer than the period specified in the law. If the benefit is permanent partial, and such disability occurs before 36 monthly contributions have been paid prior to the semester of disability, the benefit shall be such per centage of the lump sum benefit described in the SSS Law.

346. In addition to the monthly pension, a disabled member is granted a supplemental allowance of PhP 500 to help the pensioner meet his extra financial needs resulting from his disability. A dependent's pension is provided to the member's dependent minor dependent legitimate, legitimated, legally adopted, and illegitimate children (up to five children starting from the youngest). Aside from the monthly pension, the pensioner is entitled to a 13th month pension.

347. For a permanent totally disabled member who is entitled to lump sum benefit, the amount is equivalent to the monthly pension times the number of monthly contributions paid to SSS or 12 times the monthly pension, whichever is higher.

348. For permanent partially disabled members who are entitled to lump sum benefit, the amount is equivalent to the monthly pension times the number of monthly contributions paid to SSS times the per centage of disability in relation to the whole body, or 12 times the monthly pension, whichever is higher.

349. The pension of a permanent and fully disabled member will be suspended if the member recovers from his illness, has resumed employment or has failed to report for his annual physical examination when notified by the SSS. Those unable to report for physical re-examination due to their illness or disability may arrange for a home visit by an SSS physician.

350. Upon the death of a totally disabled pensioner, his primary beneficiary as of the date of disability shall be entitled to receive 100 per cent of the monthly pension. If a totally disabled pensioner dies within 60 months from the start of his monthly pension and is not survived by primary beneficiaries, his secondary beneficiaries are entitled to a lump sum benefit equivalent to the difference of 60 times the monthly pension and the total monthly pensions paid by the SSS.

351. A GSIS member who suffers permanent disability for reasons not due to his or her grave misconduct, notorious negligence, habitual intoxication, or willful intention to kill himself or another shall, on the other hand, be entitled to monthly income benefits for life equal to the basic monthly pension effective from the date of disability. If the disability is partial, he or she shall receive a cash payment in accordance with a prescribed schedule of disabilities. If a member has at least 15 years of service at the time of the disability, he or she shall also be entitled to a cash payment of 18 times of bmp at the time of the disability. If, on the other hand, a member is not in the service at the time of disability, he or she must have at least 36 monthly contributions within the last five years preceding the disability or has paid a total of 180 monthly contributions to be entitled to the lifetime monthly pension benefit. If the disability is partial, he shall receive a cash payment in accordance with the prescribed schedule of disability.

F. Employment injury benefits

352. The employment injury benefit program in the country is governed by the provisions of the Labor Code and PD No. 626, also known as the *Employees' Compensation and State Insurance Fund*. It is a tax-exempt employees' compensation programme whereby employees and their dependents, in the event of work-connected disability, may promptly secure adequate income benefit, and medical or related benefits.

353. The benefits are in the form of income benefits or services, consisting of the following: (a) medical services and appliances, as the nature of disability and progress of recovery may require subject to expense limitation; (b) rehabilitation services; (c) disability benefits; (d) death benefits, which is a life-time pension to the primary beneficiaries plus the dependent pensions equivalent to 10 per cent of the monthly income benefits of the primary beneficiaries for five unmarried, dependent minor children counted from the youngest and without substitution; and (e) funeral benefits.

354. Under Art. 173 of the Labor Code, the recovery of benefits under the employees' compensation program is not a bar to the recovery of benefits provided in other laws for the same contingency. The Code therefore allows simultaneous recovery of benefits provided by different laws for the same work-related disability or death.

355. Unlike in the SSS, GSIS and Medicare, where the method of financing is through compulsory contributions from both employers and employees, the employment injury benefits in the country is financed solely by employers. Contributions under the programme shall be paid in their entirety by the employer and any contract or device for the deduction of any portion thereof from the wages or salaries of the employees is illegal. The Employees' Compensation Program covers all workers compulsorily covered by both SSS and GSIS.

356. For an injury and the resulting disability or death to be compensable, it must be caused by an accident arising out and in the course of employment.

357. An accident is considered to be arising out of and in the course of employment when it was sustained by the employee: While performing his official functions; At the place where his work requires him to be; If sustained elsewhere, he must be executing an order coming from the employer.

358. Other contingencies occurring outside the place of work which are considered to be compensable, include: Accidents while an employee is going to and coming from office provided there is no deviation by any other activity or departure from the usual route; Injuries sustained during company-sponsored activities; Activities while ministering to personal comfort; Accidents occurring while the employee was onboard a shuttle bus or any vehicle provided by the company; Special errand activities; and Accidents sustained while performing a dual purpose.

359. In addition to disability benefits under the social security law and government service insurance scheme, the employees' compensation program embodied in Title II, Book IV of the Labor Code as amended by PD 626, identified two categories of disability compensation for work-related contingencies, to wit.

Temporary Total Disability

360. **Temporary Total Disability (TTD)** covers illnesses and injuries which prevent an employee from performing his gainful occupation for a period of 120 days and extendible to another 120 days but not more than 240 days.

361. TTD covers both illnesses and injuries; the disease definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment, subject to proof that the risk of contracting the same is increased by working conditions while injury should any harmful change in the human organism as a result of any accident arising out of and in the course of work.

Permanent Partial Disability

362. A disability is permanent partial if as a result of the injury or sickness the employee suffers a permanent loss or loss of use of a body part.

363. Any employee who sustains PPD shall for each month not exceeding the designated period be paid a monthly income benefit equal to the monthly income benefit paid for Permanent Total Disability or PTD.

364. The income benefit shall be paid beginning on the first month of disability but not longer than a designated number of months depending on the nature of the disability.

365. Upon the death of a pensioner, his primary beneficiaries, as of the date of disability, shall be entitled up to 100 per cent of the monthly pension.

366. The survivor's pension is payable to the primary beneficiaries who are the legitimate dependent spouse (until he/she marries) and the dependent legitimate, legitimated, legally adopted, and illegitimate children of the member.

367. Under the GSIS charter, an employee entitled to permanent total disability shall be paid a monthly income benefit equivalent to the basic monthly pension plus 20 per cent thereof.

368. When a member or pensioner dies, his primary beneficiaries shall be entitled to 80 per cent of the basic monthly pension plus a dependent's pension equivalent to 10 per cent of the monthly pension per dependent but not exceeding five. The survivorship's pension is payable to the primary beneficiaries of the deceased, including his legitimate dependent spouse, until he remarries, and the dependent legitimate, legally adopted, and illegitimate children.

I. Unemployment benefits

369. Under RA 8291 covering state employees, unemployment benefits in the form of monthly cash payments equivalent to 50 per cent of the average monthly compensation shall be paid to a permanent employee who is involuntarily separated from the service due to the abolition of his office or position usually resulting from reorganization, provided that he has been paying integrated contributions for at least one year prior to the separation.

370. Unemployment benefits shall be paid in accordance with the following schedule:

Contributions made	Duration of benefit
1 year or less than 3 years	2 months
3 or more years but less than 6 years	3 months
6 or more years but less than 9 years	4 months
9 or more years but less than 11 years	5 months
11 or more years but less than 15 years	6 months

371. The first payment shall be equivalent to two (2) monthly benefits. A seven-day waiting period shall be imposed on succeeding monthly payments to determine whether the separated member has found gainful employment. All accumulated unemployment benefits paid to the employee during his entire membership with the GSIS shall be deducted from voluntary separation benefits.

J. Provident benefits

372. This aspect of social security was addressed through the creation of Pag-IBIG Fund, which tackled two of the country's basic concerns, namely, generation of savings and provision of shelter for the workers. Since the promulgation of the Pag-IBIG Fund Law, various changes and amendments have been effective to better serve and respond to the needs of its members.

K. Dependent's allowance

373. Under the SSS, upon a member's retirement, permanent disability and death, up to five minor dependent children shall receive a dependent's pension equivalent to P 250 or 10 per cent of the member's monthly pension, whichever is higher. The dependent children include legitimate, legitimated, legally adopted, and illegitimate children of the deceased member. Only 5 minor children, starting from the youngest, are entitled to the dependent's pension. When there are more than 5 legitimate and illegitimate children, the legitimate children shall be preferred.

374. The dependent's pension stops only when any of the following occurs: (1) the child reaches 21 years old, (2) the child gets married, (3) the child gets employed and earns at least PhP 3,000 a day, or (4) the child dies. However, the dependent's pension is for life if the child is incapacitated or incapable of self-support due to physical or mental defect which is congenital or acquired during minority.

375. Once the legitimate spouse of the deceased member remarries, the survivor's pension transferred to the dependent legitimate, legitimated, legally adopted, and illegitimate children of the member.

Social security schemes for Overseas Filipino Workers

376. The SSS offers voluntary social security coverage for Overseas Filipino Workers (OFWs) under two programs: the Regular Program and the Flexi-Fund Program or the National Provident Fund for OFWs.¹⁸

377. The Regular Program provides for retirement, death, disability, sickness, maternity and funeral benefits as well as salary, housing and business loans.

378. The Flexi-Fund Program, on the other hand, is a tax-exempt savings and pension plan designed to encourage overseas Filipinos to augment their savings from their hard-earned

¹⁸ OFW registration stands at around 600,000 as of end-2005, representing 25 per cent of the total number of workers in countries where the SSS has established its representative offices. It bears notice that to cater to the needs of OFWs prior to their deployment, SSS established an office inside the One-Stop Center of the Philippine Overseas Employment Administration. The SSS has also established 15 offices worldwide mostly housed at Philippine embassies or consulates. OFW collections have also grown immensely from PhP 95 million in 1999 to PhP 893 million in 2005. Members' net equity in the Flexi-fund has already reached Ph 80 million.

income, so they would have generated enough funds when they eventually decide to go home. Any amount contributed on top of the maximum contribution to the Regular Program goes to a worker's individual account. The cumulated balance can be used to supplement member's retirement or disability benefits under the Regular Program - in lump sum, pension or a combination of both. A member also has the option to withdraw any amount to finance needs such as housing, education, or seed capital for business.

Question No. 4. Percentage of the GNP spent on social security

379. National spending on social security is estimated at about 2 per cent of the GDP. In 1996, the combined benefit payments by the four major social security agencies, which represented 7.3 per cent of the national budget, was more than PhP 28.8 billion, broken down as follows:

	PHP
SSS	20 375 976 335.00
GSIS	6 581 540 558.00
PHIC (Medicare)	3 343 084 213.00
ECC	1 357 612 582.75

(2003 data showed that EC benefit payment amounted to PhP 1,715,950,000.00)

380. In 2003, the SSS had total expenditures amounting to PhP 47.583 billion or equivalent to 1.03 per cent of the country's gross national product. Of the PhP 46.5 billion, P42.8 went to benefit payments while PhP 4.8 was spent on operating expenses. Compared to a decade earlier, in 1993, the SSS expenditures amounted to PhP 13.153 billion which is 0.9 per cent of GNP.

381. The increase in SSS expenditure may be attributed to the annual across-the board pension increases granted by the Social Security Commission from 1980 up until 2000. The number of beneficiaries has likewise increased. From about 472 thousand pensioners a decade ago, the number doubled to about 993 thousand in 2003.

Question No. 5. Supplemental informal arrangements which complement social security scheme

382. Some social security schemes are supplemented by private arrangements. Workers with enough margin of savings allowing them to pay additional or higher contributions or premiums usually procure for themselves and their dependents additional health services through health insurance packages offered by various health maintenance organizations. There are also private pension plans and pre-need programs being offered by some private investment companies. Unions may be able to obtain additional insurance benefits through collective bargaining.

383. Under Art. 287 of the Labor Code, any employee may retire or be retired by his employer upon reaching the retirement age established in the collective bargaining agreement or other applicable employment contract or retirement plan. He shall be entitled to receive such retirement benefits as he may have earned under existing laws and any collective bargaining agreement and other arrangements, provided the benefits are not less than what the law provides. In the absence of an applicable agreement or retirement plan, a worker in the private sector may

retire optionally at the age of 60 or compulsorily at the age of 65, provided he has served at least five years in the said establishment; and is entitled to retirement pay equivalent to at least one-half month salary for every year of service.

384. The SSS has negotiated and concluded security agreements with Austria, Belgium, Canada and its province Quebec, France, Spain, Switzerland and United Kingdom and Northern Ireland. The salient features of the aforesaid agreements include equality of treatment, export of benefits, totalization, payment of benefits and mutual administrative assistance.¹⁹

Question No. 6. Groups that do not enjoy the right to enjoy the social security

385. The State's policy objective is to afford universal social security protection to all workers. Thus, the SSS law makes a classification between the employed and the self-employed for purposes of membership in the system. At present, however, a substantial part of the labor force is not covered by social security protection, either through the SSS, the GSIS, the employees' compensation program, or HMOs.

386. Of the 28.38 million labor force in 1995, only 17.4 million employees and 710,000 self-employed were members of the SSS or GSIS; of the 29.733 million labor force in 1996, only 18.26 million employees and 1.13 million self-employed were members; of the 30.354 million labor force in 1997, only 18.94 million employees and 1.68 million self-employed were members, and of the 33,444,000 labor force in 1999, only 18,438,707 employees and 2,877,465 million self-employed were members. A large part of the informal sector does not enjoy social security protection. As such, loans and other benefits provided under the different systems are virtually unavailable to them.

387. With the passage of RA 8282, practically all private sector workers now have the right to social security. The SSS Charter provides that membership to the social security program is compulsory for all private sector employed and self-employed workers not over 60 years old and earning an income of at least PhP 1,000 a month (roughly \$18). The minimum salary base for social security contributions is a modest requirement even for self-employed persons.

¹⁹ (a) **Equality of treatment** - a covered Filipino, including his dependents and survivors, shall be eligible for social security benefits under the same terms as the national of the state with which RP has entered into an agreement; (b) **Export of benefits** - a person shall continue to receive his benefits wherever he decides to reside. (c) **Totalization** - contributions/creditable periods in both countries shall be added to determine qualification for benefits; (d) **Payment of benefits** - each country shall pay a fraction of the benefit due from their respective systems; and (e) **Mutual administrative assistance** - covered members or beneficiaries may file their claims with the designated liaison agencies of RP or the country where RP has an existing agreement, which shall accordingly extend assistance to facilitate processing of claims.

388. The types of members include the following:

- Covered employees which include private employees, whether permanent, temporary or provisional; household helper; and Filipino seafarers upon the signing of the standard contract of employment between the seafarer and the manning agency, which together with the foreign ship owner, act as employers;
- Self-employed members which include self-employed professionals; business partners, single proprietors and board directors; actors, directors, scriptwriters, news reporters who are not under an employer-employee contract; professional athletes, coaches, trainers, and jockeys; farmers and fisherfolk; and workers in the informal sector such as cigarette vendors, watch-your-carboys, and hospitality girls;
- Voluntary members which include separated members; overseas Filipino workers; and non-working spouse (usually females) of SSS members.

389. As of end-2005, SSS membership stands at 26.2 million individuals and 757,971 employers. Covered employees comprise a significant number accounting for 80 per cent of the total number of members. Notably, the total number of SSS members accounts for about an estimated 71 per cent of the Philippine labor force.

6.a. Measures regarded as necessary in order to realize the right to social security for groups which do not enjoy the right to social security or which do so to a lesser degree

390. One of the principal objectives of Government is to enable those who are presently excluded from social protection some access to the credit facilities of existing social security programs. In 1994, the government formulated a Social Reform Agenda (SRA), out of which was a program for credit for the poor was set up. The program adopts a clientele segmentation by economic brackets strategy, with a socialized credit program based on the Grameen Bank approach for the ultra poor, an active sustained cooperative formation and development program for the average poor, and dynamic mainstreaming program for the near poor.

391. Non-government and people's organization (NGOs/POs) play a significant role in attaining the government's objectives, particularly in respect to the implementation of credit and livelihood programs. Aside from being tapped as intermediaries or conduits to provide assistance especially to low income groups, NGOs/POs can take the lead in advocacy as well as in the pilot-testing of social protection schemes. Their networks with the informal sector are particularly useful in information-sharing and capacity building relative to available schemes.

392. Through the SRA, partnerships between government financial institutions on one hand, and NGOs/POs, on the other, are continuously evolving. For instance, the Land Bank of the Philippines now acts as the trustee bank for socialized credit programs and cooperatives while NGOs/POs, including cooperatives, act as the actual program implementors. Further, the People's Credit and Finance Corporation (PCFC) has been designated as the lead agency in the implementation of the program and the delivery of credit to the poor with the help of the National Credit Commission (NCC) sub-group for the poor and the Task Force on Credit.

393. The PhP 22 million loan proposal under the National Livelihood Support Fund, which is aimed at augmenting the funds available for re-lending to the poor, as well as funds from the Perpetual Trust Fund for Capability Building, were utilized in support of the program. Additional support was provided by the Task Force on Credit led by PCFC to help make available the targeted PhP 250 million to fund the credit-related capability building activities of the targeted clienteles and of the conduit NGOs/POs. The NCC coordinates these activities to ensure the rationalization of all existing government credit programs.

394. Workers categorized under other working groups (i.e., self-employed, non-working spouses, overseas workers, and members of cooperatives, trades and associations) among those eligible for Pag-IBIG membership. As fund members, they will also be entitled to benefits accruing to employees mandatorily covered by Pag-Ibig.

395. Membership levels under this category in 1995 and 1886 were recorded at 119, 473 and 144, 678 respectively.

6.b. Policy measures taken by the Government, to the maximum of available resources, to implement the right to social security of disadvantaged groups

396. The following indigenous social protection schemes have been implemented to extend the benefits of social security schemes to the informal sector:

- “*Damayan*”, which is a community or cooperative-based social protection scheme involving voluntary or compulsory contribution of members to defray expenses for funerals or burials, or in other cases, even for weddings, baptism, and childbirth;
- “*Paluwagan*”, which refers to the appropriation of a certain per centage of income to a common fund. Each member is assigned a date wherein he or she will receive an amount practically equal to what he or she has contributed to the fund;
- “*Pondohan*”, which involves the holding of fund-raising activities for a cause. The proceeds from such activities are used to finance intended projects.

397. There are also many self-help programs which are being implemented by associations of cooperatives.²⁰

²⁰ These programs are as follows - *Mutual Assistance System (MAS)*. For a uniform benefit of PHP 5,000.00, a member pays a premium of PHP 48.00 and another PHP 48.00 as equity per year as long as he or she is a member of the system. Those who reach the age of 60 are retired from the system and are entitled to receive the accumulated equity per earnings; *Loan Protection Plan (LPP)*. Payments for loans obtained by members are insured by the cooperative such that, in case of death of the member, the cooperative pays the balance of the loan; *Member Protection Plan (MPP)*. An optional insurance program for members with premium depending on the age and amount of policy. If death occurs, the beneficiaries receive the amount of the policy coverage; *Cooperative Employees Retirement Plan (CERP)*. Designed for permanent members or employees of cooperatives or self-help organizations where benefits depend on the premiums paid on a certain per centage basis between the employer/cooperative and the employee.

6.c. Effects of above-mentioned measures on the situation of disadvantaged groups

398. The measures enumerated above are relatively new. While the main difficulty has generally been how target beneficiaries can increase their capacities in managing these programs effectively, there is yet no empirical system of measurement nor detailed documentation of success stories that can be used to effectively evaluate these programs.

Question No. 7. Changes in legislation and policies which affect the right to social security

399. The major changes in national legislation that took place during the period are those introduced by RA 7875, *the National Health Insurance Act*; RA 8291, *the Government Service Insurance System Act*; RA 8282, *the Social Security Act*, RA 6656 *Rules on Government Reorganization*; RA 6758 *Salary Standardization in Government*; RA 7192 *Women in Development and Nation Building*; RA 7796 *Technical Education and Skills Development Act*; and RA 8187 *Paternity Leave*. The effects of these acts are already discussed under the relevant questions.

400. Also several measures have been implemented to enhance the financial viability and extend the life of Social Security Fund.²¹

Question No. 8. Role of international assistance in the full realization of the right to social security

401. Continuing technical and funding assistance from various international organizations like the ILO and even the Bretton Woods institutions can play an important role in the continuing efforts toward universalization of social security protection.²²

²¹ In January 2003, President Gloria Macapagal-Arroyo approved a one percentage point increase in the SSS contribution rate, to 9.4 per cent from the previous 8.4 per cent, which took effect in March 2003. Beginning 2002, the maximum monthly salary credit for the SSS social insurance program was raised to P 15,000 from P 12,000. The increase provides incremental benefits for SSS members and infused liquidity for the SSS terms of higher collections. Also effective January 2002, SSS adopted a new definition of the credited year of service (CYS) to be equivalent to twelve months of contributions from the previous definition of at least 6 monthly contributions in a year. Revisions in policies have also been adopted regarding contributions payments. On 10 December 2003, the SSC approved additional policy changes for implementation in 2004 to improve the viability of the SSS fund, facilitate payment of member contributions to SSS, and ease the administration of Self-Employed (SE) and Voluntary Member (VM) contributions. In June 2001, the SSS, in addition to its defined benefit program established a defined contributions scheme called the SSS Flexi-Fund for Overseas Filipino Workers (OFWS). The Flexi-Fund program facilitates voluntary savings for supplemental income upon retirement, death, disability, and termination of an overseas employment contract or upon need of an OFW.

²² The recommendations presented in a study conducted by the UNDP and the ILO (Social Protection in the Philippines: Options and Recommendations for Reform and Development [1996]) are also worth considering, notably the following: Review labor and social security

Article 10

Question No. 1. International instruments to which the Philippines is a party

402. The Philippines signed the ICCPR on 19 December 1986 and submitted the instrument of ratification on 23 October 1986. It signed the CRC on 26 January 1990 and ratified it on 21 August 1990. As regards the CEDAW, the Philippines signed and ratified the instrument on 15 July 1980 and 5 August 1981, respectively.

403. The Philippines is also a party to the ILC No. 138, *Minimum Age Convention of 1973*, having ratified the instrument on 4 June 1998. It is also a party to the ILC No. 90, *Night Work of Young Persons Convention of 1948*, having ratified the same on 29 December 1953. Lastly, the Philippines is a party to ILC No. 182, *Worst Forms of Child Labour Convention of 1999*, having ratified the same on 28 November 2000.

Question No. 2. Definition of “family” under domestic legislation

404 The family is recognized in Philippine society as an indispensable element of social cohesion and equilibrium. The Philippines fully believes that the vitality and strength of the State depends upon the solidarity of its nucleus, the family. This explains the strong interest of the Government in the family.

405. Article 149 of EO 209, otherwise known as the *Family Code of the Philippines*, explicitly provides, “The family, being the foundation of the nation, is a basic social institution which public policy cherishes and protects. Consequently, family relations are governed by law and no custom, practice or agreement destructive of the family shall be recognized or given effect.”

legislation and procedures in relation to their application and relevance to the needs and circumstances of informal sector workers (including homeworkers); Identify and analyze social protection systems for the informal sector in Metro Manila to determine the basis for the design of benefit packages consistent with the needs and capacity for self-financing; Survey informal sector and agricultural cooperatives outside Metro Manila that are registered with the Cooperative Development Authority to determine and classify those with basic savings or social protection systems; Conduct a feasibility study regarding the introduction of a system of direct support for the vulnerable poor; Determine the cost of providing health care packages including primary outpatient care for beneficiaries under the National Health Insurance scheme. The study would include an indication for the potential of lower hospital utilization if patients were treated effectively in the community. The study would also include an assessment of the impact in purchasing power of the local government units if the funds for providing primary care were redirected to health insurance funds, with greater pooling of risks; and Study the possibility of funding social protection for the informal sector and agricultural workers by application of a levy on products or raw materials or through the imposition of a special tax.

406. Under domestic legislation, family relations include those - between husband and wife; between parents and children; among other ascendants and descendants; and among brothers and sisters, whether of the full-or-half blood.

407. Family relations are regulated by the Family Code which governs marriage, legal separation, property relations, rights and obligations between husband and wife, the family and the home. Muslims are covered by the special provisions of the Muslim Code of Personal Laws. The Child and Youth Welfare Code (PD 603) also governs family relations with special emphasis on the child.

Question No. 3. Age at which children are deemed to attain their majority

408. Under the Family Code, “Emancipation takes place by the attainment of majority. Unless otherwise provided, majority commences at the age of 18 years.”

409. The following legislative and administrative measures define the minimum legal age which corresponds to the evolving capacity of the child at which certain rights are deemed to prevail:

- Consent to marry: The Family Code provides that parties to a marriage who are below 21 years of age should secure parental consent. Art. 16 of the Muslim law any Muslim male at least fifteen of age and any Muslim female of age of puberty or upwards and not suffering from any impediment under the provisions;
- Participation in armed conflict. For a child to qualify for conscription into the regular force of the Armed Forces of the Philippines, he should not be less than 18 years old;
- Criminal responsibility. A child under 15 years of age is exempted from criminal responsibility. A child over 15 years of age but under 18 is exempt from criminal responsibility, provided he acted without discernment. Discernment means the mental capacity of the child to fully appreciate the consequences of his unlawful act;
- End of compulsory education/admission to employment. The age for compulsory schooling is defined by DepEd Order No. 65. A child enters grade one at 6 years old. Elementary education of 6 years is completed at eleven years of age. With four years in high school, free education ends, at 15, which is also the minimum age for admission in any undertaking except in employment that endangers the child’s life, safety, health, morals or impair his normal development;
- Giving of testimony. No minimum age has been set by law for a child to testify in court. If a child is to testify in court, he should be able to express himself with discernment and he should be physically and mentally capable of handling the rigors of court proceedings;
- Lodging complaints. A child below 18 must be assisted by his parents or his guardians in lodging complaints before the court;
- Legal capacity to inherit. A person can take full right to inheritance or make decisions on his property, or enter into legal or property transactions, upon reaching the age of 18.

Question No.4. Information on the ways and means employed to grant assistance and protection to the family

4.a. Right of men and women to enter into marriage and establish a family with their full and free consent

410. Article 2 of the *Family Code of the Philippines* provides:

“No marriage shall be valid unless these essential requisites are present:

- (1) Legal capacity of the contracting parties who must be male and female; and
- (2) Consent freely given in the presence of the solemnizing officer.”

411. In determining legal capacity, Art. 5 of the Family Code reads, “any male or female of the age of eighteen years or upwards x x x may contract marriage.”

412. Also, the consent must be “freely given,” such that it must be real and not vitiated or rendered defective by any of the vices of consent like fraud, force, intimidation, and undue influence. Further, the parties must personally appear before the solemnizing officer during the marriage. The appearance of the parties before the solemnizing officer gives the party who is being forced, intimidated, or unduly pressured into the marriage an opportunity to inform the solemnizing officer of such fact so that the marriage ceremony may be suspended or stopped.”

413. Article 4 of the *Family Code* provides that absence of any of the essential requisites renders the marriage void *ab initio*, while a defect in any of the essential requisites renders the marriage voidable. This means that the absence of consent of both parties, such that when both parties have no intention to be bound, renders the marriage void from the beginning. On the other hand, a defect in the consent given, such that when either one of the parties has been forced or unduly pressured to give his consent to the marriage, renders the marriage voidable.

414. The essential requisites of marriage under Muslim law are legal capacity of the contracting parties; mutual consent of the parties; offer (*ijab*) and acceptance (*qabul*) of the marriage duly witnessed by at least two competent persons after the proper guardian in marriage (*wali*) has given his consent; and stipulation of customary dowry (*manu*) duly witnessed by two competent persons.

415. Article 27 of the Code of Muslim Personal Laws allows a man to have more than one wife “if he can deal with them with equal companionship and just treatment as enjoined by Islamic law and only in exceptional cases”, but a woman may not have more than one husband.

4.b. Measures undertaken to facilitate the establishment of a family as well as maintain, strengthen and protect it, while it is responsible for the care and education of children

416. In the Philippines, only legal separation is allowed. However, no legal separation may be decreed unless the court has taken steps towards reconciling the spouses and is fully satisfied that reconciliation is highly improbable (Art. 59, Family Code).

417. Towards this end, the law gives the spouses, who are parties to an action for legal separation, an opportunity to reconcile. Thus, under Art. 58 of the Family Code, an action for legal separation shall in no case be tried “before six months shall have elapsed since the filing of the petition.” The six-month period after the filing of the action is a cooling-off period given by law to the spouses during which their passions may subside and reconciliation between them may take place. Even during this period, however, the court must still provide for the support of the spouses and the children as well as the custody of the children.

418. The *Family Code* also introduced the concept of “psychological incapacity” as a ground for declaration of nullity of marriage (Art. 36). However, the term “psychological incapacity” has not been meant to comprehend all such possible cases of psychoses.

419. The Supreme Court has defined, “psychological incapacity” to refer to “no less than a mental (not physical) incapacity that causes a party to be truly incognitive of the basic marital covenants that concomitantly must be assumed and discharged by the parties to the marriage which x x x include their mutual obligations to live together, observe, love, respect and fidelity and render help and support. There is hardly any doubt that the intendment of the law has been to confine the meaning of “psychological incapacity” to the most serious cases of personality disorders clearly demonstrative of an utter insensitivity or inability to give meaning and significance to the marriage.” (*Santos vs. Court of Appeals, G.R. No. 112019, 4 January 1995*)

420. Articles 28 and 29 of the Code of Muslim Personal Laws restrict the subsequent marriage of a widow or divorcee unless she has observed an *idda* (four months and 10 days from death of husband or three monthly courses from the date of divorce). Article 29 of the same law further allows the Article 29 allows the husband to take back his wife without the need of a new marriage, if they are reconciled during her *idda*.

421. The constitution of the family home strengthens the family as an institution and assures it of a home that cannot be seized by creditors except in certain special cases. The exemption from execution, forced sale or attachment of a family home starts from the time of its constitution as such, and lasts so long as any of its beneficiaries actually resides therein. (Arts. 152-155, Family Code)

422. Preservation of family harmony as a legal policy is evident in Art. 151 of the Family Code, which provides that no suit between members of the same family shall prosper unless it should appear from the verified complaint or petition that earnest efforts towards a compromise have been made, but the same have failed. If it is shown that no such efforts were in fact made, the case must be dismissed, except in cases which may not be subject to compromise.

423. In 1997, Philippine Congress enacted RA 8369, otherwise known as the *Family Courts Act*. The law provided for the creation of family courts that are vested with exclusive jurisdiction

over child and family cases. The law mandates family courts to try to preserve the solidarity of the family, provide procedures for the reconciliation of spouses and the amicable settlement of family controversy.²³

424. All hearings and conciliation of child and family cases shall be consistent with the promotion of the child's and family's dignity and worth, and shall respect their privacy at all stages of the proceedings, by treating records of the case with utmost confidentiality and the identity of parties not to be divulged unless necessary and with authority of the judge.

425. In cases of violence among immediate family members living in the same domicile or household, the Family Court may issue a restraining order against the accused or defendant upon a verified complaint for relief from abuse. The court may order the temporary custody of children in all civil actions. The court may also order support *pendente lite*, including deductions for support from the salary and use of conjugal home and other properties in all civil actions.

426. The presiding judge of the Family Court, who shall undergo training in dealing with child and family relations cases, shall have direct control and supervision of the youth detention home that the LGU shall establish to separate the youth offenders from the adult criminals. Alternatives to detention and institutional care shall be made available to the accused such as counseling, recognizance, bail, community continuum or diversions from the justice system and that the human rights of the accused are fully respected in a manner appropriate to their well-being.

427. The law also provides for a Social Services and Counseling Division (SSCD), under the guidance of the DSWD, which shall be established in each judicial region as the Supreme Court shall deem necessary based on the number of juvenile and family cases existing in each

²³ To be established in every province and city, the Family Court shall have jurisdiction to hear and decide on the following cases: Criminal cases where one or more of the accused is below 18 years of age but not less than 9 years of age, or where one or more of the victims is a minor at the time of the commission of the offense, provided the minor is found guilty, the court shall promulgate sentence and ascertain any liability which the accused may have incurred. The sentence shall, however, be suspended without need of application as provided in PD 603 (Child and Youth Welfare Code); Petition for guardianship, custody of children, *habeas corpus* in relation to the latter; Petition for adoption of children and their revocation; Complaints for annulment of marriage, declaration of nullity of marriage and those relating to marital status and property relations of husband and wife or those living together under different status and agreements, and petitions for dissolution of conjugal partnership of gains; Petitions for support and or acknowledgment; Summary judicial proceedings brought under the provisions of EO 209 (Family Code of the Philippines); Petitions for declaration of status of children as abandoned, dependent or neglected children; petitions for voluntary or involuntary commitment of children; the suspension, termination, or restoration of parental authority and other cases covered by PD 603, EO 56, series of 1986 and other related laws; Petitions for the constitution of the family home; Cases against minors covered by RA 6425, otherwise known as the *Dangerous Drugs Act*, as amended; Violations of RA 7610, also known as Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, as amended by RA 7658.

jurisdiction. The SSCD shall cater to all juvenile and family cases filed with the court and recommend the proper social action, It shall also develop programs, formulate policies and procedures, and provide technical supervision and monitoring of all SSCD in coordination with the judge.

428. In Islam, monogamy is a general rule while polygamy is only an exception. To justify a subsequent marriage, the man must be able to deal with his wives equally in terms of companionship and treatment. In some instances, polygamous relationships become inevitable when the wife is unable to procreate, is in a state of perpetual illness or is unsuitable for cohabitation. The husband and the wife have the right to divorce under the Muslim Code (Art. 34).

429. Under Islamic law, the husband and the wife are obliged to live together, observe mutual respect and fidelity, and render mutual help and support. When one of the spouses neglects his or her duties to the conjugal union or brings danger, dishonor or material injury upon the other, the injured party may petition the court for relief. The court may counsel the offender to comply with his or her duties, and take such measures as may be proper (Art. 34).

430. For a detailed discussion on the Filipino family and its responsibility for the care and education of dependent children, please refer to the Philippine initial and second reports on the implementation of the *CRC*, viz., *CRC/C/3/Add.23* and *CRC/C/65/Add.31*, and the first, second, third, fourth fifth and sixth reports on the implementation of the *CEDAW*, viz., *CEDAW/C/5/Add.6*, *CEDAW/C/13/Add.17*, *CEDAW/C/PHI/3*, *CEDAW/C/PHI/4* and *CEDAW/C/PHI/5-6*.

National Policy on Family and the Rearing of Children

431. The Philippines has drafted many progressive laws aimed at assisting families in the rearing of children.

432. Republic Act 9262, otherwise known as *The Anti-Violence Against Women and their Children Act of 2004*, criminalizes people who commit acts of physical, sexual, psychological (including verbal), and economic abuse and violence against women and their children in a marriage, when dating, or in a common-law relationship. For the first time, a Philippine law protects women who are abused by their spouses, former partners, or lesbian partners. It also includes the “battered woman syndrome” as a justifying circumstance for self-defense, leaving the woman-victim free from any civil or criminal liability if she injures or kills her abuser.

433. An illustrative case is *People vs. Genosa* (G.R. No. 135981, 15 January 2004), where the Supreme Court had the occasion to discourse on the “battered woman syndrome,” thus -

“*First*, each of the phases of the cycle of violence must be proven to have characterized at least two battering episodes between the appellant and her intimate partner. *Second*, the final acute battering episode preceding the killing of the batterer must have produced in the battered person’s mind an actual fear of an imminent harm from her batterer and an honest belief that she needed to use force in order to save her life. *Third*, at

the time of the killing, the batterer must have posed probable - not necessarily immediate and actual - grave harm to the accused, based on the history of violence perpetrated by the former against the latter.”

434. In 2003, EO 238 was issued providing for the creation of the National Committee on the Filipino Family. The Committee is mandated to promote awareness of the importance of the family through appropriate programs and activities.

435. Republic Act No. 8972, otherwise known as the *Solo Parent Welfare Act of 2000*, has the objective of developing a comprehensive program of services for solo parents and their children to be carried out by various governmental and non-governmental agencies. Towards this end, the DSWD maintains a *Comprehensive Package of Social Welfare and Development Services for Solo Parents and their Children* that includes livelihood, self-employment and skills development, psycho-social services, educational services, employment related benefits, health services and housing services for solo parents and their dependents.

436. Moreover, Sec. 8 of RA 8972 provides that “in addition to leave privileges under existing laws, parental leave of not more than seven days every year shall be granted to any solo parent employee who has rendered service of at least one year.”

437. The *National Internal Revenue Code of 1997* entitles the head of the family to a personal exemption in the computation of tax liability. The head of the family is also allowed to claim additional exemption for each of his dependent not exceeding four. In case the spouses are legally separated, additional exemptions may be claimed only by the spouse who has custody of the child or children.

438. The *Paternity Leave Act* grants all married male employees in the private and public sectors with a paternity leave of seven days with full pay for the first four deliveries of the legitimate spouse with whom he is cohabiting.

439. Republic Act No. 7160, otherwise known as the *Local Government Code of 1991*, transferred the implementation of family and community welfare and development services from the DSWD to the local government units.²⁴

²⁴ However, the DSWD through the Bureau of Family and Community Welfare retained the following functions: Formulation of programs, policies, rules, regulations and standards relative to the implementation of family and community welfare and development services; Initiation and administration of pilot or special projects for demonstration of the corresponding policies, programs, services, strategies, methods, procedures and guidelines prior to nationwide implementation; and Evaluation and provision of technical assistance and consultative services to operating units and local government welfare departments on program implementation.

440. The DSWD develops policies and standards for the guidance of local government social welfare units and non-governmental agencies on family and community welfare and development services.²⁵

Government programs on family

441. The Government embarked on a family-focused approach to service delivery. In order to reach the more disadvantaged groups and to address the task of employment generation, programs on self-sufficiency and self-reliance were expanded. The national livelihood program was launched to promote and provide opportunities for self-employment. As a consequence, income-generating livelihood programs and projects and entrepreneurial training increased during the period.

442. The Government recently formulated the National Plan of Action for the Filipino Family 2005-2015. This plan of action built upon the previous Philippine Plan of Action for the Filipino Family, 1994-2004. A National Steering Committee on the Filipino Family was created to oversee the implementation of the Plan.²⁶

²⁵ These services include - **Parent Effectiveness Service**, which includes parenting sessions on: early childhood care and development, parenting laws, improving marital relationship, health care; **Responsible Parenthood Service**, which refers to the provision of information and guides to individuals and couples of reproductive age in making decisions and corresponding action on planning family size and child spacing; **Marriage Counselling Service**, which refers to the provision of guidance to would-be couples on the realities and obligations of conjugal life and thereby coming to an informed decision about marriage. This service also includes exploring information and alternatives with married couples and making decisions about resolution of marital differences or enrichment of conjugal relationship; **Family Casework**, provides family members who are unable to cope with role adjustments resulting from crisis situations with knowledge and skills in problem solving; **Special Social Services for Single Parents**, which refers to counselling on the resolution of negative and bothersome feelings brought about by the loss or absence of the spouse; and **Self-Employment Assistance**, which refers to the provision of capital assistance to disadvantaged families, family members or groups to undertake income-generating projects.

²⁶ The Committee is chaired by the Secretary of Social Welfare and Development and composed of government agencies, non-governmental organizations, civic and religious, marriage and family organizations, educational institutions and media groups.

443. The DSWD administers several community based programs which aim to assist families in the rearing of children such as child care and placement service, among others.²⁷

444. The DSWD is also currently piloting several projects which aim to assist families.²⁸

²⁷ These programs are as follows:

Child Care and Placement Service - provides parental care, whether temporary or permanent, to abandoned, abused, orphaned children or those with special needs.

Day Care Centers - the DSWD operates care centers nationwide, benefiting almost two million pre-schoolers thus allowing their mothers to have regular jobs.

Child Protective Service - provides immediate intervention to abandoned, neglected, abused or exploited children, to prevent further abuse and exploitation and assist the child and the child's family to overcome the trauma of such experiences.

Healthy Start Project - a community based preventive strategy designed to improve family coping skills and functioning, promote positive parenting skills and parent child interaction, and advance optimal child development.

Special Social Services for Youth Offenders - a program for youth offenders with suspended sentence and assist them and their family by rehabilitating and reintegrating youth offenders into the mainstream of society.

Early Detection and Intervention of Disabilities of Disabilities Among Children - a program with assists parents in detecting disabilities of children at an early stage and avail themselves of intervention to reduce the risk of secondary problems.

Family Drug Abuse Prevention Program - a community based prevention program which aims to educate prepare families and their members on the adverse effects of drugs abuse. It involves the promotion of family life enrichment activities to enhance cohesive, bonding and harmonious relationship among family members. It further aims to equip the families with parenting and life skills towards a drug free home.

Substitute Family Care - a service to meet the needs of persons with disabilities, including children, and senior citizens for custodial care and rehabilitation services through residential care and group homes.

²⁸ The following programs have recently been introduced by the DSWD:

Night Care for Children of Working Mothers - provides substitute parental care to young children (3 months-6 years old) while their mothers/parents are working at night and young children are left with nobody to take care of. The program is a preventive measure in the elimination of abuse and neglect against young children. It also provides opportunities for mothers to accept jobs on night shifts without sacrificing their roles as mothers, and thus enabling them to be productive at work. The project was pilot-tested in Taytay, Rizal and was able to serve 25 children of 18 mothers working in factories in 1999. The project was later adopted in Binangonan and Cainta Rizal and Tanauan City, Batangas.

Integrated Day Services for Senior Citizens and Children - this program provides for integrated social services for older persons, pre-schoolers, youth and their parents through intergenerational approaches and strategies bridging the gap between and among generations. This project was pilot tested in ***Neptali Gonzales Integrated Day Center for Senior Citizens and Their Children in Mandaluyong City***.

Protective Behavior Program - an educational training program which teaches/empowers children and adults on safety issues related to sexual abuse..

Tulong Aral Walang Sagabal - provision of day care service program to 3-6-year-old children with disabilities. As of 2002, this project is being implemented in 21 provinces, 19 cities and 851 *barangays* nationwide.

Growing Great Kids - this program adopts a training curriculum for caregivers of children 0-3 years old.

National Family Violence Prevention Program - a community-based strategy which educates family members on how to protect themselves against violence within the context of family relations. It mobilizes communities and inter-agency structures to consolidate efforts in support to families at risk of domestic violence through the organization and strengthening of *Barangay Councils for the Protection of Children, Family Councils*, development of family advocates/family watch and peer support to victims, as well as the training of *Katarungang Pambarangay* members on proper mediation of domestic violence through the conduct of the Family Group Conference.

Neighborhood Support Service for Older Persons - a community based project which provides appropriate services to older persons in their own homes regardless of their status and condition in life. This project was pilot-tested in Regions VI, XI and CAR.

Liberating the Indigenous People from Indignity - a capability-building program which is designed to uplift the self-worth of indigenous peoples. exercise cultural awareness in them and strengthen their positive indigenous values, system and practices. The project is currently being pilot-tested in Lamitan, Basilan, and Zamboanga City.

Sheltered Workshops/Work Center for High Functioning Mentally Charged Persons - a business facility that fulfills hopes of persons with disabilities for economic sufficiency. It was pilot-tested in Davao City, Region VIII (Tacloban) and CAR (Baguio). The project was able to serve a total of 60 mentally challenged persons in 2001.

ECCD School on the Air - provides relevant and helpful information on early childhood development to parents with young children (0-6 years old).

Child Friendly Investigation Studio - a community based facility which assists children who are victims of abuse to disclose facts surrounding the incidence of crime for preliminary and criminal investigation, and/or court hearings. This facility is being pilot tested at the DSWD-NCR.

Special programs for Overseas Filipino workers

445. As a response to the emerging issue of the migration of Filipino workers, the DSWD, in coordination with DOLE, pilot-tested the *International Social Welfare Services for Overseas*

Rehabilitation Program for Street Children Recovering from Substance Abuse - a residential center-based program that utilizes the Modified Social Stress Model as a framework of intervention to help street children exposed to substance abuse has a healthier life and prevents the harmful use of substances. The project is being pilot-tested at DSWD-NCR's Haven for Street Children in Alabang, Muntinlupa City.

Halfway Home for Children in Conflict with the Law - provides aftercare support to youth who have completed their rehabilitation program and with court order for release either to their families or for independent living preparing them emotionally, socially and economically for eventual reintegration to society. The project is being pilot tested in Region XI (Davao City) in partnership with *Bahay Kalamboan*, an NGO catering to street children.

Information Technology Literacy for Out-of-School Youth with Disabilities (Sharing Computer Access Locally and Abroad Program) - a community based intervention which offers basic computer literacy skills program to youth with disabilities and out of school youth to broaden their employment opportunities. At present, there are 15 ICT Centers being operated with local government units. The project is being pilot-tested in Regions I, II, III, IV, VI, VII and CAR.

Special Drug Education Center (SDEC) - a community based facility which helps out-of-school youth and street children to cope with the challenges of adolescence particularly their vulnerability to drugs and substance abuse. It is being pilot-tested in two centers being managed by local government units particularly NCR, Pasay City and Legaspi City.

Community-Based Rehabilitation Program for Perpetrators of Domestic Violence - provides various treatment approaches to restore the perpetrators social functioning and to break the cycle of violence in the family. The program is in response to Republic Act No. 9262, otherwise known as the *Anti-Violence Against Women and Children Act*. The project is currently being pilot-tested in Regions III, IV, V and VIII, X, XI, NCR and CAR.

Special Social Services for Stranded - a mechanism that institutionalizes coordinated responses to efficiently manages the stranded during disaster through the Municipal Disaster Coordinating Council, an inter-agency structure in the municipality.

Alliance of Networks for Assistance to Stranded - a facility that gives immediate assistance such as food, potable water, shelter and medicines to stranded commuters in various ports of the country.

Filipino National. The program aims to institutionalize the establishment of social welfare desks at diplomatic posts where there are large concentration of overseas Filipinos workers.²⁹

Question No. 5. Scheme of maternity protection

446. Reference may be made to pars. 330 to 333.

447. The maternity leave benefit grants entitled female employees with 60 calendar days for a normal delivery, abortion or miscarriage. The benefit is extended to 78 calendar days in the case of caesarian section. If a female employee who is employed in the private sector 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 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.

448. Meanwhile, under DOLE regulations the assignment of female employees to the night shift of 10.00 p.m. to 6.00 a.m. is allowed only if she is not a nursing mother, among other conditions.

449. Also, the Philippine Health Insurance Corporation (PHIC) shoulders a portion of the hospitalization costs incurred by reason of childbirth, abortion or miscarriage. The assistance extended by PHIC includes subsidy for room and board and operating room fees as well as allowances for drugs and medicines, laboratories and doctor's professional fees.

Question No. 6. Special measures of protection and assistance on behalf of children and young persons

450. The Constitution provides for the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development; the right of the family to a family living wage and income; and the right of families or family associations to participate in the planning and implementation of policies and programs that affect them.

²⁹ There are three (3) schemes of deployment - A Social Welfare Attache was deployed to Malaysia to assist in the handling of OFW concerns, more particularly the concerns of the deportees. For 2004, the attache was able to assist 7,368 deportees and victims of trafficking through provision of temporary shelter, counseling, critical stress debriefing and repatriation; Seven (7) social workers were detailed as technical and administrative assistants to Labor Attaches in Hongkong, Singapore, Taiwan, Dubai, Abu Dhabi in UAE, Jeddah and Kuwait. The social workers were able to assist a total of 6,256 overseas Filipino, mostly domestic helpers who were victims of physical and sexual abuse. Provision of temporary shelter, counseling, critical stress debriefing, medical, financial assistance and referrals to other sources were extended to OFWs; and Four (4) social workers were also deployed on secondment at the International Social Services of Hongkong and Japan in 2004. They provided services on international adoption, repatriation of children of undocumented Filipinos and counseling on interracial marriage.

451. The Constitution also recognizes the vital role of the youth in nation-building and mandates that the State shall promote and protect their physical, moral, spiritual, intellectual, and social well-being; inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs. Furthermore, the Constitution requires that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

452. The *Child and Youth Welfare Code* is the basic framework for the development and protection of children. It defines the rights and the responsibilities of children as well as the responsibilities of the family, community, *samahan* (association), school, church and the State in ensuring the proper development of children. It presents the administrative measures and programs for the care and treatment of special children, namely, the abandoned, neglected, dependent, working, physically disabled and emotionally disturbed children, as well as youth offenders.

453. Protection measures for children are further amplified in RA 7610, otherwise known as an *Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination Providing Penalties for its Violation*. This law was further amended by RA 7658 to enforce particularly the policy against child labor.

454. Last 19 December 2003, RA 9231 providing for the elimination of the worst forms of child labor was signed into law. Essentially, RA 9231 seeks to eliminate the worst forms of child labor such as those involving slavery, prostitution, drug trafficking, and any work that is hazardous and harmful to the health, safety and morals of children. Violation of the law subjects the offender to a penalty of imprisonment and/or fine.³⁰

455. The *Child and Youth Welfare Code* provided for the creation of the Council on the Welfare of Children. The Council acts as the prime government machinery charged with the promotion and protection of children's rights, welfare and development in the Philippines. Also, as the focal coordinating agency of the Philippine Government for children's concerns, the Council is responsible for coordinating and monitoring the implementation of all laws, programs and services for children.

³⁰ The law strictly prohibits the employment of children under 15 years old, except if they are supervised by their parents and their education is ensured. Child actors from the entertainment industry are also exempt from this law if their parents secure official permits from the labor department, if their employers can ensure proper working arrangements and if their schooling is not sacrificed. The law newly prescribes reasonable working hours for all working children to ensure their access to free and compulsory education provided by public schools. It stipulates that if working in non-hazardous conditions, children below 15 years old can work not more than 20 hours a week, at most 4 hours a day. It also limits children 15-17 years old to work not more than 8 hours a day or 40 hours a week. Night work from 8pm to 6am is prohibited. An ILO study reveals that working beyond this prescribed hours of work will be detrimental to any child's total development.

456. The *Youth in Nation Building Act*, RA 8044, created the National Youth Commission and established a National Comprehensive and Coordinated Program on Youth Development through which the youth will be enabled to fulfill their vital role in nation-building. The National Youth Commission has been tasked, among others, to: (a) formulate and initiate the national policy on youth; (b) oversee a national integrated youth promotion and development program; and (c) establish a consultative mechanism which shall provide a forum for continuing dialogue between the government and the youth sector on the proper planning and evaluation of policies, programs and projects affecting the youth.

457. The Philippine National Strategic Framework for Plan on Children (2000-2025) or Child 21, as a sequel of PPAC of 1991-2000, was prepared in 2000. Child 21 lays the foundation of a “rights-based and evolving capacity” approach to planning and programming of plans and projects which are focused on children. Child 21 requires the interfacing of critical interventions at the various stages of the child’s development and the rights and tasks corresponding to the evolving capacities of the child.

458. Executive Order 275 created the *Special Committee for the Protection of Children* from all forms of neglect, abuse, cruelty, exploitation, discrimination and other conditions prejudicial to their development. The Special Committee is tasked with the coordination of governmental and non-governmental efforts implementing national laws specifically designed to protect the rights of children who are victims of various forms of child abuse and commercial sexual exploitation. The Committee reports to the President such actions taken to address specific issues on child abuse and exploitation, and directs other agencies to immediately respond to the problems brought to their attention and report to the Committee the action taken.³¹

459. The PNP has established the *Women’s Crisis and Child Protection Center* which places under one office police professionals involved in the treatment of children victims.

460. The *Children’s Television Act*, RA 8370, aims to support and protect the interests of children by providing them television programs that reflect their needs, concerns and interests without exploiting them. The law provided for the creation of the National Council of Children’s Television (NCCT), which is attached to the Office of the President. The NCCT is mandated, among other things, to formulate and recommend plans, policies and priorities for government and private sector, i.e., broadcasters, producers and advertisers, action towards the development of high quality locally-produced children’s television programming. It shall also monitor, review and classify children’s television programs and advertisement aired during child-viewing hours and shall act on complaints committed in violation of the law.

³¹ The Committee is chaired and co-chaired by the secretaries of the DOJ and the DSWD, respectively, and includes as members the CHR Chairperson, the Commissioner of the Bureau of Immigration, the respective undersecretaries of the DOLE, the Department of Tourism, the DILF and the DFA, as well as three representatives of private organizations to be nominated by said groups and appointed by the President, as members. The Council for the Welfare of Children acts as Secretariat of the Committee.

461. The principle of non-discrimination is upheld in the *Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act* (RA 7610). This Act declares that it is the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development. It provides that the State shall intervene on behalf of the child when the parent, guardian, teacher, or person having care and custody of the child fails, or is unable, to protect the child against such actions or conditions.

462. Apart from the *Anti-Violence Against Women and Their Children Act* (RA 9262), Congress also passed the *Anti-Trafficking in Persons Act of 2003* (RA 9208). The law defines trafficking in persons as “recruitment, transport, transfer or harboring or receipt of persons with or without the victims’ consent or knowledge, within or across national borders by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.” The law gives legal protection to trafficked persons, regardless of whether or not they have given their consent. As such, all trafficked persons, without qualification, shall be recognized as victims of trafficking and shall not be penalized for it. The victims or survivors shall be entitled to the witness protection program, and to services such as counseling, temporary shelter, education, health care and legal assistance.³²

463. In 2000, the Supreme Court issued the *Rules on Examination of a Child Witness*. This comprehensive document sets the rules for dealing with children who are (1) witnesses to a crime, (2) victims of a crime, and (3) accused of a crime. These rules are now being applied in family courts. As a result of the enforcement of these rules, child-friendly investigation studios have been set up in select areas, which should greatly facilitate the examination of children and thus keep them from having to appear in courts.

464. In 2002, children born out of wedlock were given the right to use the surname of their fathers, provided they had been acknowledged by their fathers in either a public or private handwritten document.

465. The *Magna Carta for Disabled Persons*, RA 7277, protects the disabled, both children and adults, from discrimination. This Act provides that the State shall encourage respect for disabled persons and shall exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to them.

³² Following the passage the Anti-Trafficking in Persons Act of 2003, the Inter-Agency Committee Against Trafficking (IACAT) composed of eight (8) government agencies was created. IACAT has formulated the National Strategic Plan of Action Against Trafficking in Persons to serve as the blueprint for all actions in combating trafficking and protecting trafficked persons. The Strategic Plan contains three (3) major components, i.e., prevention; protection, law enforcement and prosecution; and recovery and reintegration, and adopts certain strategies.

466. Republic Act No. 8980, otherwise known as the *Early Childhood Care and Development (ECCD) Act*, provides for, among others, the ECCD Curriculum which focuses on the children's development according to their individual physical needs and socio-cultural background. The DepEd sets the standards for the curriculum, staff requirements and physical facilities for the operation of pre-schools, as well as requirements for registration. The DSWD, for its part, looks after accreditation and standards setting for ECCD centers, programs and services catering to children four years and below. Executive Order No. 249 established the Council on the Welfare of Children-National ECCD Coordinating Council as the institutional machinery that coordinates the implementation of the early childhood education programs and ensuring collaboration among DSWD, DepEd, DOH, non-governmental organizations and LGUs.

467. At the present, around 77 per cent of five-year-old children are served by accredited public and private preschools and local government unit or LGU-run day care centers. The quality of services provided in preschools and day care centers varies in terms of curricula. Some preschools and day care centers are mere child-minding centers while some, particularly those in urban areas, apply some form of formal school curricula, especially for children ages five to six years old. However, not all children of poorest households are covered by existing ECCD programs. Twenty-three per cent of children who are supposed to avail of ECCD are not yet served.

6.a. Age limits below which child labor is prohibited

468. Republic Act No. 7658 prohibits the employment of children below 15 years of age in any public or private undertaking, except when the employed child is under the sole responsibility of his or her parents or legal guardian and where only members of the employer's family are employed.

469. Section 12 of RA 9231 reads:

“Sec. 12-D. Prohibition Against Worst Forms of Child Labor. - No child shall be engaged in the worst forms of child labor. The phrase “worst forms of child labor” shall refer to any of the following:

- “(1) All forms of slavery, as defined under the “Anti-trafficking in Persons Act of 2003”, or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict; or
- “(2) The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or
- “(3) The use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or
- “(4) Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:

“(a) Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or

“(b) Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or

“(c) Is performed underground, underwater or at dangerous heights;

“(d) Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools;

“(e) Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or

“(f) Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations; or

“(g) Is performed under particularly difficult conditions; or

“(h) Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites; or

“(i) Involves the manufacture or handling of explosives and other pyrotechnic products.”

6.b. and c. Number of children engaged in paid employment; Children employed in their families' households, farms or businesses

470. Reference may be made to par. 102.

471. According to the 2001 International Labor Organization and National Statistics Office Survey on Children five (5) to 17 years old, 16.2 per cent (4.2 million) of a total population of 24.9 million Filipino children and youth belonging to this age group in 2001 were employed. This proportion is slightly higher than the 16 per cent (or 3.6 million) economically-deprived children in 1995. There were far more male working children than female ones, comprising 2.5 million or 63.4 per cent and 1.5 million or 36.6 per cent, respectively. Seven in ten working children were in rural areas. The latest Labor Force Survey, conducted from October 2003 to October 2004, revealed that approximately 2.116 million or 9.1 per cent of the total 25.210 million children 5 to 17 years old were working.

472. Almost 60 per cent of the working children were engaged in agriculture, hunting, and forestry. That is, 59.2 per cent of the working children in October 2003 and 57.3 per cent by October 2004. The second highest number of working children was found in the wholesale and retail trade, followed by children employed by private households, with almost 10 per cent. Less than 2 per cent of working children were found in construction and other industries. More than 50 per cent of the working children were unpaid while those who were paid made up at least a

third of the working children. An average of 23 per cent of working girls spent more than eight hours of work every day, compared to 8.5 per cent of the working boys. Then, too, at least a third of the girls worked at least 40 hours a week, whereas only about a fourth of the boys did the same.

473. In most cases, children's work involves simple chores which can be undertaken without much training, such as gathering, sorting or picking materials. Others render personal or community services, like washing cars and jeepneys, babysitting, shining shoes and toting bags. They sell in *sari-sari* stores (small neighborhood stores and on the streets (street vendor). In the agricultural areas, children are often involved in traditional crafts production, such as abaca crafts or mat weaving.

6.d. Disadvantaged groups of children

474. For the year 2003, a total of 2,732 children had been separated from their parents and deprived of a family environment. Nine hundred seventy children were placed with foster families while 1,902 children had been either adopted domestically or through inter-country adoption.

475. The DepEd reported that in 2003, a total of 3,951 children attended special education classes in regular schools while 120,426 children enrolled in 159 special schools all over the country.

476. In 2004 a total of 3,485 crimes were alleged to have been committed by children between 9 and 17 years old. Based on data from the DSWD, theft/qualified theft emerged on top of the list of crimes most often committed by children in conflict with the law, followed by robbery/hold-up/frustrated robbery/robbery with serious physical injuries, and rape/attempted rape/statutory rape.

6.e. Measures undertaken to remedy the situation of children in vulnerable situations

477. Whenever a parent is found to be neglectful, as in the case of children who beg or work in the streets and are brought under police custody, the child is returned home and the parents are admonished by the Barangay Council for the Protection of Children (Art. 61, Child and Youth Welfare Code). Family casework is provided by a social worker to resolve any conflict in the family that brings about neglect by the parent and prevent the separation of the child from the family.

478. In cases of children who are under the protective custody of the DSWD in residential facilities, in foster care, or in rehabilitation centers, parents have to visit their children to maintain the child's personal relationships when it is for the best interest of the child. A family day is designated to give the child and his family a chance to get together during which time family therapy sessions are conducted by social workers. Visitation rights, however, are curtailed for offending parents particularly when the child refuses to see them because of fear and tendency of some parents to put the child under stress, i.e. pressuring the child to withdraw the case against the parent-perpetrator.

479. Relative to cases of abuse and family conflicts where the child may be separated from the family, the Family Violence Prevention Program has been developed as a community based mediation strategy to prevent the child's separation and/or resolve issues/conflicts affecting family relationship. The Family Group Conference is one strategy that provides an opportunity for the parents and children to identify possible solutions to the problem.

480. Permanent separation of a foundling from parents is forestalled by the social worker through media announcements and intensive search procedures within six (6) months by the police and the Barangay Council for the Protection of Children while the child is in a residential facility or with a foster family.

481. Pre-adoption counseling services are extended to the prospective adoptee and the children of the adopting parents, to ensure that they understand the nature and effects of adoption and are able to express views on adoption in accordance with his/her level of discernment.

482. Counseling services are also provided to biological parents who will be giving up their children for adoption before and after the birth of the child to ensure that no hurried decisions are made about relinquishing parental responsibility over the child. Simulation of a child's birth is punishable under the Revised Penal Code.

483. The social worker helps the child understand his parents' inability to care for him and his feelings about the separation.

484. A child who is ten years old and above and made available for adoption is required to give his written consent to the adoption.

485. The Inter-Country Adoption Act of 1995, RA 8043, establishes the rules to govern inter-country adoption of Filipino children and provides for measures to ensure that inter-country adoptions will be beneficial to the child's best interest, and serve and protect his/her fundamental rights. The law provided for the creation of the Inter-Country Adoption Board to act as the central authority in matters relating to inter-country adoption in consultation and coordination with the DSWD, the different child-care and placement agencies, adoptive agencies, as well as non-governmental organizations in child-care and placement activities.

486. Adoption, foster care, residential or group home care is made available only when parental care is not suitable or possible. The type of care depends on the (1) age and evolving capacity of the child; (2) degree of deprivation of parental care and support; and (3) inability of the parent to exercise parental responsibility unaided.

487. The DSWD had always worked for the mainstreaming of children with disabilities. Recently, the DSWD has developed a community based project for the protection of children with disabilities. The program, known as Tuloy Aral Walang Sagabal Project (TAWAG), was developed to guide parents, caregivers, day care workers, volunteers and other intermediaries in mainstreaming the integration of children and youth with disabilities into the regular school system and eventually into the community.

488. The DSWD also pilot tested the Mainstreaming of Children with Disabilities Program in five (5) regions of the country. The project involved the deployment of roving day care workers

who have technical know how on handling children with disabilities. The program aims to raise the positive consciousness of families of children with disabilities as well as the community where they live on the proper way to care for and deal with disabilities. The project has benefited 1,485 children with disabilities through educational programs while 970 others were integrated to day care centers, special educational school and regular schools.

489. The DSWD also developed the *Community Based Day Care for Children with Autism*, which is a pilot program providing early childhood enrichment activities to children with autism and those whose developmental age is from 3 to 6 years.

490. Republic Act 9344, otherwise known as *Juvenile Justice and Welfare Act of 2006*, provides for the immediate turn over of children in conflict with the law to social workers upon apprehension instead of jailing them as was the practice. It also provides for the referral of children's cases to community-based rehabilitation programs (diversion programs) instead of going to trial, and for juvenile delinquency prevention programs as well as rehabilitation and reintegration.

491. Under the law, the diversion program shall include adequate socio-cultural and psychological responses and services for the child. At the different stage where diversion may be resorted to, viz., at the level of the village chief, the law enforcement officer and the prosecutor or the court, several programs are made available for the child in conflict with the law.³³

Article 11

Question No. 1. Standard of living

1.a. Current standard of living

Status and trends: 2003 Official poverty data

492. As of 2003, a total of 24.7 per cent of Filipino families (or 30.4 per cent of the Filipinos) were considered poor compared to 27.5 per cent (33 per cent of the population) in 2000. The poor families had income that was below the poverty threshold of PhP 12,267 in 2003. The decrease in the poverty incidence of families was mainly attributed to the increase in earnings across almost all income levels and across all regions except in Metro Manila, CALABARZON,

³³ A. ***At the level of the village chief*** - (1) restitution of property; (2)reparation of the damage caused; (3) indemnification for consequential damages; (4) written or oral apology; (5) care, guidance and supervision orders; (6) counseling for the child and his family; (7) attendance in training, seminars and lectures; (8) participation in available community-based programs including community service. B. ***At the level of the law enforcement officer and the prosecutor*** - (1) diversion programs specified above; (2) confiscation and forfeiture of the proceeds or instruments of the crime. C. ***At the level of the appropriate court*** - (1) diversion programs specified above; (2) written or oral reprimand or citation; (3) fine; (4) payment of the cost of the proceedings; or (5) institutional care and custody.

and Northern Mindanao. Using the World Bank's international poverty line of US\$1/day, the Philippines slightly improved with the proportion of the population below US\$1/day declining from 13.5 per cent in 2000 to only 11.1 per cent in 2003.

493. The country's annual per capita poverty threshold reached PhP 12,267 in 2003, up by 7.1 per cent compared to the revised 2000 level of PhP 11,451. Thus, a family of five members should have an income of at least PhP 5,111 a month to be able to sustain their minimum basic needs, both food and non-food.

494. Meanwhile, the annual per capita food threshold increased from PhP 7,707 in 2000 to PhP 8,134 in 2003, up by 5.5 per cent during the period. Subsistence incidence, or the proportion of families with per capita income below the food threshold, stood at 10.4 per cent in 2003 (or 13.8 per cent of the population), exhibiting a decrease of almost two percentage points from 12.3 per cent in 2000. The subsistence level or threshold, which is measured as the minimum income needed by a family to satisfy its nutritional requirements (2,000 kilocalories per day) was estimated at PhP 3,389 per month for a family with an average of five members or PhP 8,134 per capita per year. This means that in 2003, about 1.664 million families did not earn enough income to provide for their basic food requirements, representing a drop from the 2003 level of 1.850 million families. The subsistence or core poverty of families declined slightly from 12.3 per cent in 2000.

495. Based on the preliminary results of the 2003 Family Income and Expenditure Survey, households' allocation for food expenditures decreased from 43 per cent in 2000 to 42 per cent in 2003. They also reduced the allocation of expenditure on food consumed at home from 38 per cent in 2000 to 37 per cent in 2003. On the other hand, higher spending on food consumed outside the home was observed as the proportion went up from five per cent in 2000 to 5.3 per cent in 2003, suggesting a change in the Filipino family lifestyle of eating at home.

Incidence of poverty, 1980-2000

496. Since the 1980s, poverty has gradually been diminishing in the Philippines. Official estimates from the National Statistical Coordination Board (NSCB) showed poverty incidence³⁴ at a high of 44.2 per cent in 1985, to 31.8 per cent in 1997.

497. A comparison of time periods shows different rates in poverty reduction. For three three-year interval periods³⁵ - 1985 to 1998, 1991 to 1994, and 1994 to 1997 - there were relatively substantial reductions in poverty incidence, with poverty decreasing between 3.5 to 4.5 percentage points. These were periods of high economic growth and as observed, periods with rises in household and per capita expenditure. Poverty reduction during these periods is positively associated with economic growth.

³⁴ Poverty incidence in this section means the *proportion of families* whose incomes fall under the poverty threshold; all incidences in this paper would refer to families.

³⁵ Poverty incidence is estimated officially only every three years since it is dependent on the Family Income and Expenditure Survey which is undertaken only every three years.

498. From 1988 to 1991, poverty reduction was slow as it went down by only 0.3 percentage points. For this period, studies point to political instability, natural disasters, and economic mismanagement as the culprits for low growth and consequently, slow reduction in poverty. Also, for the first time in almost two decades, due to the combined effects of the East Asian financial crisis and the El Niño phenomenon, poverty incidence worsened in the year 2000. From a 1997 figure of 31.8 per cent, 2000 figures show that poverty incidence was at 33.7 per cent already. In terms of actual number, by 2000, the total number of poor families breached the 5 million mark for the first time in recent history.

499. Both the proportion and number of families with incomes insufficient to buy the necessary quality and quantity of food, measured by the food or subsistence incidence, has followed the trend of poverty incidence, although relatively smaller in degree. The proportion of the so-called 'core-poor' has gone down substantially in the years of economic boom, while for intervals marred with crises and shocks, it has gone up.

500. In terms of magnitude, there were 2,546,486 families in 2000 that had incomes below the needed amount to buy sufficient quantity and quality of food, going beyond 1985 figures. The latest figure reflects a reverse of the trend of constant decline since 1991.

501. Mindanao, among all the Island groups, has had the slowest pace of poverty. From 1985 to 2000, it has only managed to decrease its poverty incidence by 3 percentage points. Across time, it has surpassed the national average and at the turn of the decade, it has had the highest poverty incidence among the island regions. Four out of its five regions in 2000 have the highest incidence among the regions. The Autonomous Region of Muslim Mindanao (ARMM), since the middle of the nineties, has been occupying the top spot with almost 7 out of 10 families living in poverty.

502. Visayas, on the other hand, has had the fastest reduction in poverty from a high of 58.8 per cent in 1985 to only 41.7 in 2000. Poverty rates in the respective regions have been high but Regions 6, 7, and 8 have been improving relative to their neighbors.

503. Luzon, has consistently been performing the best in terms of the above figures. Regions in Luzon continue to enjoy the lowest poverty incidences among regions, except for Bicol (Region 5), which has been the weakest performer in Luzon. The Bicol region has hardly improved since the eighties. As expected, NCR has the lowest incidences across time among the regions and has decreased its poverty incidence the fastest.

Poverty as a rural phenomenon

504. Philippine poverty continues to have a rural face. A higher proportion and number of the poor continue to exist in rural areas. Rural poverty incidence has constantly been in the 45 to 50 per cent mark throughout 1985 up to 1997 and 2000, failing to catch up with urban poverty incidence which has dramatically decreased from 33.6 per cent in 1985 to only 17.9 per cent in 1997. In six years - from 1991 to 1997 - poverty incidence in urban areas was almost halved, from 31.1 to 17.9 per cent - this suggests that the economic boom in the early part of the nineties benefited the urban areas more than it did the rural areas.

Inequality of income distribution

505. If there is one factor that significantly influences poverty reduction aside from economic growth, it is inequality. Inequality in income distribution is partly responsible in determining how the fruits from economic growth are spread across the different income groups. In terms of inequality, the country has consistently had high levels of it.

506. In 2000, poverty incidence went up but inequality improved - this may be attributed to the nature of the crisis which affected the upper income groups more.

507. Partly because of an unequal distribution through time, poverty reduction has not been as rapid as desired. From 1985 to 1997, a country estimate found that poverty incidence could have been reduced by 20.5 percentage points, however, due to inequality of income distribution, it only went down by 16.5 per cent.

508. In terms of inequality, majority of the regions in the country has had high inequality of income distribution. It has been observed that inequality has worsened since 1985 for all the regions except the CARAGA Region (Region XIII) and Region 3. Inequality is centered mostly on Visayas which has had three of the highest gini rates in recent years. Region 8 has performed the worst, starting at 0.3947 in the 1980s, moving up to 0.4901 in 2000. Mindanao has a similar case with Visayas. ARMM turns out to have the lowest inequality as it registers a gini coefficient of only 0.3278. Many have cited that ARMM, being the poorest region, may have very few households in the upper income groups since majority (almost 70 per cent) is considered poor. Although NCR has posted the lowest poverty incidences, it exhibited a high level of inequality.

Income gap, poverty gap and severity of poverty

509. Other measures of poverty, which provide complementary information on the extent of poverty, include the income gap, poverty gap, and the severity of poverty. These indicators provide useful information on the depth of poverty and the overall cost of eliminating poverty through additional income generation.

510. The income gap in the country was placed at 29.6 per cent in 2000, not significantly different from the 29.8 per cent income gap computed in 1997. This means that on the average, the family income of poor Filipinos must increase by 29.6 per cent of the poverty threshold for them not to be considered as poor.

511. In 2000, 27.2 per cent of the provinces had income gaps ranging from 27.5 to 30.9 per cent. More than half of the provinces actually had income gaps of at least 27.5 per cent. At the highest depth of poverty are Saranggani and Mountain Province with income gaps of 40.4 and 38.0 per cent, respectively, while at the shallowest end is Batanes with an income gap of only 3.1 per cent.

512. The poverty gap, on the other hand, indicates by what per centage of the poverty threshold on the average would the income of Filipino families have to be increased for poverty incidence to be zero.

513. Finally, the severity of poverty indicator tries to capture the problem of inequality among the poor. In 2000, poverty was found to be most severe in Masbate even if it is only second in

ranking in terms of poverty incidence. Sulu recorded the highest poverty incidence in 1997 and 2000, but is not included among the 10 poor provinces with severe poverty. This means that although there are more poor families in Sulu, the incomes of most of these poor families are relatively nearer the poverty threshold. Thus, the poor families in Sulu would need less additional income to get out of poverty compared to the poor families in Masbate.

1.b. Relevant reports

514. Reference is made to Philippine implementation reports on the CEDAW (CEDAW/C/5/Add.6, CEDAW/C/13/Add.17, CEDAW/C/PHI/3, CEDAW/C/PHI/4 and CEDAW/C/PHI/ 5-6, as well as the Philippine implementation report on the CRC, viz, CRC/C/3/Add.23).

1.c. Poverty line

515. Poverty line refers to the cost of basic food and non-food requirements. In the Philippine official methodology, the basic non-food requirements cover the non-food expenditure items in the total basic expenditures. Thus, poverty line may be viewed as the minimum income required to meet the food requirements and other non-food basic needs. (*NSCB; Philippine Poverty Statistics, 1997*)

516. The latest official poverty data indicate that in 2003, about 4.0 million families or 23.5 million Filipinos, more than a quarter of the country's total population, were living below the poverty line. These figures represent a decrease from the corresponding 2000 levels of 4.1 million families or 25.4 million Filipinos then straining to make ends meet.

517. The three regions with the highest proportion of poor families in 2003 were all in Mindanao, namely CARAGA with 47.3 per cent, the ARMM with 45.7 per cent, and Western Mindanao (Region IX) with 44.1 per cent. At the brighter end of the beam, the three regions with the lowest poverty incidence are all located in Luzon, namely, the NCR with 5.0 per cent, and its neighboring regions - Central Luzon (Region III) with 13.7 per cent, and the CALABARZON area (Region IV-A) with 14.9 per cent.

1.d. Quality of Life Index/Human Development Index for the Philippines

518. In the Philippines, any progress or change in human development is officially measured not by the "Quality of Life Index" but by the "Human Development Index" or HDI. This index attempts to measure the complex concept of human development by tracking the progress of selected aspects of human life.

519. The HDI is based on the unweighted average of three indicators of well-being: longevity, as measured by life expectancy at birth; educational attainment, as measured by a combination of adult literacy (two-thirds weight) and combined primary, secondary and tertiary enrollment ratios (one-third weight); and standard of living as measured by real GDP per capita (PP\$).

520. While the index was first employed in 1994, official generation of the index at the National Statistical Coordination Board began only in 1997. The first report was released in March 2000; succeeding reports are expected to follow every three years thereafter.

521. The 1997 HDI revealed that the Filipinos' quality of life has relatively improved. During the year, the Philippines registered an HDI of 0.625, which is 1.7 per cent higher than the 1994 index of 0.614.

522. The provinces which have close proximities to Metro Manila attained higher HDIs while those that are geographically far from the capital of the country remained at the tail ends. Among the major island groups, Luzon posted the highest average HDI of 0.596, up from its 1994 index of 0.558. This was followed by the Visayas with a mean HDI of 0.531 and Mindanao with 0.490.³⁶

523. The country's state of human development improved in 2000 as human development index stood at 0.656, or 0.027 points higher than the 1997 computed index of 0.629. All component indices grew in 2000 but the most remarkable progress was noted in income index.

Question No. 2. Right to adequate food

2.a. General overview of the extent to which the right to adequate food has been realized

Total food supply

524. Food poverty statistics in 2003 show a modestly improving trend from 2000 data. The National Statistical Coordination Board - Food Balance Sheet (NSCB-FBS) report series showed that there was more than adequate food supply available for consumption. However, while modest gains in addressing (poverty and) hunger were observed, neighboring countries, are succeeding at a faster pace.

525. The total food supply available for consumption in the country in 2001 was more than adequate to meet the recommended nutrient allowance for the population. Despite a slight decrease of 0.2 per cent, from 1,191.2 grams in 2000 to 1,188.4 grams in 2001, the country's per capita food supply exceeded the recommended dietary allowance (RDA) of 1,031.0 grams (*based on the RDA of DOST-FNRI, 1989*).

526. Production of animal-based food commodities posted a higher growth in 2004 compared to production of vegetable-based food items. This was evidenced by the 9.6 per cent increase in fish production and 4.2 per cent in poultry production which made up for the decline in livestock production. Vegetable production, on the other hand, decreased by almost 7 per cent.

³⁶ On the other hand, the NCR was still way ahead of the country's provinces in terms of development as its HDI was recorded at 0.885 in 1997, an improvement from its 0.873 index in 1994. Majority (63 provinces or 81.8 per cent of the total) of the provinces fell under the medium classification in 1997. This performance was an improvement from the 1994 HDI results when only 56 provinces or 73.7 per cent attained medium classification. On the other hand, 14 provinces (18.2 per cent of the total) exhibited poor performance as they posted low HDIs.

527. Net import of food commodities has been decreasing for the period 2002-2004. Animal-based food commodities especially live livestock and poultry commodities registered negative growth rates, while vegetable-based food commodities registered minimal decreases over the same period.

528. Although food is readily available, many do not have enough money to buy the food they need. Poverty is a major cause of food inadequacy particularly in the rural areas. Access to food by poor communities remains a problem with the increase in price of goods as evidenced by food manufacturing data wherein value of production index (VaPI) for the manufacturing industry on a year-on-year bases increased by 13.0 per cent in 2005 compared with the year-ago figure, with Food Manufacturing Value growing by 18.2 per cent.

Dietary energy consumption

529. On the consumption side, the 4th National Nutrition Survey in 1993 conducted by Food and Nutrition Research Institute-Department of Science and Technology (FNRI-DOST) shows that the average Filipino food and nutrient intake of Filipinos is generally inadequate. Trends in food consumption indicate a general decrease in the intake of various foods. The mean one-day per capita food consumption decreased from 869 grams in 1987 to 803 grams in 1993, and the mean one-day per capital energy intake went down from 1753 kilo calories to 1684 kilo calories in the same period. Energy, iron, calcium and ascorbic acid intakes significantly decreased from 1987 to 1993, and this can be traced to the general downward trend in food consumption, particularly of rice along with the decreases in fish and meat consumption during the period.

530. However, results of the 2004 Household Food Consumption Survey by FNRI revealed an improvement in the trend. From 1993 to 2003, mean one-day per capital food consumption and mean one-day per capital energy intake increased from 869 grams to 879 grams, and 1,684 kilo calories to 1,887 kilo calories, respectively. Animal sources have higher contribution to total food and protein intake. Higher intake of fats, oils and nutrients was observed, except that of iron and vitamin C.

531. The proportion of Filipino households with per capital intake below 100 per cent dietary energy requirement decreased from 69.4 per cent in 1993 to 57.2 per cent in 2003, with average annual per centage point reduction of 1.22 per cent. It should, however, be noted that the HFCS used different nutrient-based dietary standards, i.e., Recommended Dietary Allowances (RDA) in 1993 vis-à-vis Recommended Energy and Nutrient Intakes (RENI) in 2003 to emphasize that the standards are based on nutrients and not food or diet which is the case in the RDA.

National Salt Iodization Program

532. As a signatory to the World Declaration on Nutrition and Global Plan of Action for Nutrition during the international Conference on Nutrition in Rome (December 1992), the Government committed to address the problems of malnutrition, including iodine deficiency disorders. As such, the Philippine Plans of Action for Nutrition for 1993-1998 and 1999-2004 included an explicitly stated objective for the virtual elimination of iodine disorders in the country.

533. Towards this end, the Philippine Congress enacted RA 8172, otherwise known as “*An Act of promoting Salt Iodization Nationwide and Other Purposes.*” RA 8172 requires the iodization of all food-grade salt for human or animal consumption. It also mandates all salt producers, importers and traders to iodized salt and make it available to all Filipinos.

534. As the lead agency mandated by RA 8172, the DOH is responsible for the nationwide implementation of the National Salt Iodization Program. The program has four components, namely: (1) production; (2) marketing and distribution; (3) promotion and advocacy; and (4) management and coordination.

Food fortification

535. The Philippine Food Fortification Program is composed of two major components. The first is the voluntary food fortification program that encourages food manufacturers to initiate nutritional fortification measures to fight micronutrient deficiency through the DOH’s *Sangkap Pinoy Seal Program* (SPSP). The second is the mandatory food fortification program that entails the nutritional enhancement of flour with vitamin A and iron, sugar and edible oil with vitamin A, and rice with iron.

536. Fortification of food with micronutrients is generally recognized as the most cost effective long-term strategy for eliminating micronutrient malnutrition. It is also socially acceptable, requires none or little change in food habits and characteristics, and provides a means for reaching the greatest per centage of the population requiring the micronutrients.

537. The SPS Program is a strategy of the DOH to encourage food manufacturers to fortify food products with essential micronutrients at levels approved by the DOH. The DOH matches this encouragement by authorizing food manufacturers to use a seal of acceptance known as the Sangkap Pinoy Seal on product labels that meet a set of defined criteria. The seal indicates that the product is recognized by the DOH as a vehicle for the delivery of micronutrients and which can therefore contribute to the elimination of micronutrient malnutrition.

Nutritional surveys and other monitoring arrangements

538. Presidential Decree No. 491, otherwise known as the *Nutrition Act of the Philippines*, assigns the formulation of the Philippine Food and Nutrition Program to the National Nutrition Council. The Council, which is the central government agency charged with the formulation of an integrated national nutrition program, is composed of representatives from the DA, DOH, DSWD, DepEd, DILG, DOLE, Department of Science and Technology (DOST), Department of Budget and Management (DBM) and the National Economic Development Authority (NEDA).

539. Since the passage of the Nutrition Act in the late 70s, the country has had had six (6) Philippine Plans of Action for Nutrition (PPAN), including the latest - *Medium-Term Philippine Plan of Action for Nutrition, 1999-2004*.

540. The PPAN is a master plan to ensure good nutrition for all Filipinos by promoting household food security and preventing, controlling and eliminating micronutrient malnutrition. PPAN hopes to achieve this by promoting: home and community food production, micronutrient supplementation and food fortification, credit assistance for livelihood, nutrition education and food assistance.

541. The Food and Nutrition Research Institute of the DOST (FNRI-DOST) is the country's lead agency in food and nutrition research for the government's PPAN and is responsible for conducting nationwide nutrition surveys (NNS) every five (5) years to determine the nutritional status of the Filipino people.

542. NSS consists of seven (7) components, namely: (1) *Anthropometric Nutrition Survey*; (2) *Household Food Consumption Survey*; (3) *Dietary Assessment among 0-5 Year-Old Children, 6-11 Year-Old Children, Pregnant and Lactating Mothers*; (4) *Household Food Security Survey*; (5) *Awareness and Usage of Fortified Foods and Fortifiable Foods Survey*; (6) *Biochemical Nutrition Survey*; and (7) *Clinical Phase: National Nutrition & Health Survey*.

543. Six (6) NNS have been conducted so far - 1978, 1982, 1987, 1993, 1998 and 2003. The 2003 NNS covered about 70,000 individuals of all ages, sampled in 99 areas. These areas include 77 provinces (excluding Basilan) of the country's 15 regions, 5 major cities and 5 cluster areas in the National Capital Region, 10 highly urbanized cities (HUCs), and 2 cities of Central Mindanao.

2.b. Hunger and malnutrition

544. Time-series survey by the Social Weather Station (SWS) shows the increasing incidence of hunger from end 2003 to present. The most affected areas are Mindanao (21 per cent), NCR (18.3 per cent), Visayas (16 per cent), and Balance Luzon (14.7 per cent). Based on recent SWS Survey, the estimated number of Filipinos who have experienced severe hunger is around 3.6 million. Also the 6th NNS in 2003 showed that among children, 1.8 million are considered food insecure and that about 9.7 million Filipinos suffer from inadequate energy intake.

545. However, based on the volume of production of rice, the country is nearing rice sufficiency at 96 per cent. Moreover, based on recommended daily allowance of calories from rice, Filipinos are consuming more (1,143 calories) than required (800 calories) per day. Meanwhile, with regard to poultry, particularly chicken, the country is 176 per cent sufficient. This reflects that there is surplus in poultry that could have been exported.

546. On the food sector, trends in food sufficiency basic indicators show marked worsening in hunger incidence based on qualitative and perception-based information, but caloric sufficiency from current per capita rice consumption - per capita consumption supplies 48.5 per cent of caloric requirements in 2005- suggest exceeding health/nutrition standards.

Nutrition situation of Filipino children

547. A 2001 survey conducted by FNRI-DOST revealed that among the preschool-age children, underweight prevalence was 30.6 per cent, “under-height” was 31.4 per cent, and thinness was 6.3 per cent. Among the school-age children, a higher proportion of 32.9 per cent, 41.1 per cent, 6.5 per cent, prevalence of underweight, underheight, thinness, respectively, were shown. Compared with the survey done in 1998, prevalence of underweight and underheight among the 0-5 year-old children generally decreased but thinness and overweight prevalence increased. However, among the 6-10 year-old children, there was a general increase in the prevalence rates of underweight, underheight and overweight. Disaggregating by single age, the highest prevalence rate of all forms of malnutrition remained among the younger group of 1-2 year-old preschoolers. The prevalence of malnutrition between the preschool-age boys and girls did not differ much. However, among the school-age children, the boys were more at-risk to all the three forms of malnutrition than the girls. The Bicol region appeared to be the worst-off in underweight prevalence, the ARMM for underheight, and the Cagayan Valley for thinness.

548. The 2003 NNS conducted by FNRI-DOST revealed an improving pattern. The proportion of underweight-for-age 0-5 year-old children fell down by 4.4 per cent from the 1998 official statistics at 27.6 per cent. The prevalence of underheight-for-age or short children also fell by 3.6 per cent from 1998 at 30.4 per cent. The prevalence of thinness among the young children was recorded at 5.5 per cent, 0.5 per centage points lower than the 1998 figure.

549. The results of the survey are indicative of general improvements in the nutrition situation of young Filipino children over the past five years from 1998. The indicators height-for-age and weight-for-age are associated with changes in conditions that may influence the nutritional status of children including the economic performance of the country from 1998 to 2003. It may also be reflective of the corrective measures undertaken in the overall health and welfare of the population. Present nutritional status of young children, based on the weight-for-height indicator has slight changes between the periods 1998 and 2003, and may be reflective of the seasonality of available foods in the households and the incidence of infections among children at the second and third quarters of the year when both surveys were conducted.

Overall nutrition situation among various population groups

550. The 2003 NNS revealed that there had been a general improvement between 1998 and 2003 in the country’s overall nutrition situation affecting various population groups. There had been a reduction in underweight among pregnant and lactating women as well as a reduction in Chronic Energy Deficiency among adults. There is however a trend towards increasing overweight among adults and children. The anemia problem, especially among infants from six (6) months to less than a year old, toddlers one (1) year old and 11 months old and pregnant and lactating women, has remained unabated.

Micronutrient malnutrition

551. Micronutrient malnutrition particularly with reference to vitamin A, iron and iodine deficiencies has been found prevalent in the Philippines. This results in serious health consequences that consequently affect national development.

2.d. Measures considered necessary to guarantee access to adequate food

552. To ensure access to adequate food, the Philippine government realizes the need to focus on food security and poverty alleviation. This means ensuring the availability and accessibility of food to all consumers while at the same time protecting the welfare of Filipino farmers.

Measures undertaken to promote women's economic empowerment

553. In 2001, President Gloria Macapagal-Arroyo identified microfinance as the cornerstone of her government's fight against poverty and directed the People's Credit Finance Corporation (PCFC) to provide credit to 1 million borrowers by June 2004. Between June 2001 and December 2003, PCFC reported to having served 864,956 beneficiaries, 98 per cent of which are women.

554. The DSWD has several programs which aim to aid women living in poverty, viz., the *SEA-Kaunlaran (SEA-K) Integrated Program and Enhancing the Role and Status of Filipino Women in Social Development Program*.

555. Under the SEA-K Integrated Program, families could bond together and form their own organization, called *SEA-Kabayans*, which, in turn, could access higher loan assistance for micro-enterprise.

556. The *Enhancing the Role and Status of Filipino Women in Social Development Program* makes accessible credit facilities to women and promotes the formation of community-based organizations that can manage sustainable credit assistance program for its members.

557. For its part, the DA, through the *Ginintuang Masaganang Ani (Golden Bountiful Harvest) Countryside Assistance for Rural Employment Program*, provides credit and loans to women living in the countryside. Under the said program, Quedancor released about PhP 1.6 billion to provide agricultural credit and loans to 45,173 women beneficiaries all over the country. The DA also provided loans to 113 Rural Improvement Clubs benefiting 2,691 members and 19 groups with 174 beneficiaries under the Home Economic Extension Program.

558. The DTI launched its One-Town-One-Product Program (OTOP) with the aim of economically empowering those who live in the countryside. Under OTOP, local chief executives identifies, develops and promotes a specific product or service, which has a competitive advantage in the market, as the primary showcase of their locality. In 2005, DTI conducted a total of 2,203 market matching activities. During the same period, 319 OTOP booths were put up at trade fairs to showcase these products and services. Also, OTOP products are currently being sold at 663 market outlets and 83 *pasalubong* centers nationwide.

559. The DTI, in coordination with the National Anti-Poverty Commission and the LGUs, also implements the *Rural Micro-Enterprise Promotion Program (RuMMEPP)*. RuMMEPP aims to reduce poverty, create employment and enhance the income of the rural poor by assisting existing and starting micro-entrepreneurs realize their full potential through capacity building, market linkages and policy improvements.

2.e. Measures taken to improve methods of production and distribution of food

Methods of production

560. On 28 July 1997, RA 8435, otherwise known as the *Agriculture and Fisheries Modernization Act (AFMA)*, was passed. The said law aims to strengthen the support services for modernizing agriculture and fisheries while at the same time empowering people, particularly the small-holders, engaged in sustainable agricultural development.

561. To put AFMA into work, a blueprint towards agricultural development was formulated by the Department of Agriculture viz, *Ginintuang Masaganang Ani - Makapagpabagong Programa Tungo sa Masagana at Maunlad na Agrikultura at Pangisdaan* (Golden Bountiful Harvest - Innovative Program Towards a Bountiful and Progressive Agriculture and Aquaculture). The program focuses on achieving food security and poverty alleviation, with the local government units and other stakeholders developing their own plans and programs suitable to their respective localities. Such plans aim to ensure food security by increasing productivity in irrigated areas, while addressing poverty alleviation by providing support to marginal areas to empower those who have the least.³⁷

³⁷ The immediate concern of the program is to address direct investments in support of the following: (a) protection and development of watersheds; (b) proper management of agricultural land and water resources; (c) establishments and rehabilitation of irrigation systems; (d) providing marginalized sectors with preferential access to productive assets; and (e) providing other essential measures and support services.

The major strategies utilized by the program are as follows- **Participatory approach**. Participatory planning, implementation and monitoring and evaluation of programs are done with all stakeholders; **LGU-led program implementation**. The local government units are the lead players in the implementation of the GMA program. The DA and the DILG, along with other concerned agencies, provide the necessary technical and financial support; **Area-based approach**. The GMA program opts for identified interventions based on the domain specificity of the program areas. Under the program, a situation analysis focusing on the water, soil, climate, production, human resources, processing and marketing endowments of the program area would be outlined first. The comparative advantage or competitive edge as well as the scale economies present in the area, among others, would then be utilized as the central criteria in the selection of program areas/interventions; **Capability-Building**. The program promotes local capability-building in the areas of participatory planning - implementation, monitoring, evaluation, research and extension, processing, marketing and entrepreneurship, among others; **Focused targeting**. Projects are developed based on the situation of the people. Programs catering to the poor as well as the big farmers would be designed. Programs would be identified for “winners” or impact areas and also for marginal areas; **Productivity improvement**. The GMA program promotes sustainable development not only in terms of environmentally-sound interventions but also in terms of project viability. Interventions, which would be identified, should be sustainable, meaning they should be worth continuing in terms of profit, management

Gains realized

562. For 2004, agriculture grew by 5.06 per cent from 2003. Despite the disastrous effects of several typhoons which hit the country in the fourth quarter, output increments were sustained in the crops, poultry and fishery subsectors. Only the livestock subsector recorded a minimal decline in output. At current prices, the gross value of agricultural output amounted to PhP 783.9 billion in 2004 or 18.40 per cent more than last year's level.

563. The crops subsector generated a 4.89 per cent output increase for 2004. Improved performances were particularly notable in rice and corn farms where production grew by 7.38 per cent and 17.28 per cent, respectively. The other crops that recorded significant output expansion were banana, pineapple, tomato and rubber. Overall, the subsector's contribution to agricultural production was 47.46 per cent, equivalent to PhP 383.2 billion at current prices which was 15.83 per cent higher than its 2003 record.

564. The livestock subsector which contributed 13.53 per cent to total agricultural production posted a negative growth of 0.41 per cent in 2004. This was largely attributed to the decline in hog and cattle production. At current prices, the subsector's gross value of output amounted to PhP 145.7 billion, indicating a 27.01 per cent increase during the year.

565. Poultry raisers had an output expansion of 4.23 per cent. The subsector's share in total agricultural output was 15.57 per cent. Except for duck, all other poultry commodities recorded production gains during the year. The subsector's gross output was valued at PhP 116.0 billion at current prices, up by 19.96 per cent from last year's level.

566. The 17.90 per cent surge in aquaculture production contributed to the 9.45 per cent growth of the fisheries subsector. Production of commercial fisheries moved up by 1.86 per cent and that of municipal fisheries, by 2.43 per cent. The subsector which accounted for 23.44 per cent of the total agricultural output grossed PhP 139.1 billion at current prices, representing a 16.03 per cent improvement this year.

567. On the average, farmgate prices of agricultural commodities increased by 12.71 per cent when compared to 2003 data. The livestock subsector recorded the biggest price gain at 27.53 per cent. Poultry prices were also up by 15.10 per cent. Prices in the crops subsector, likewise, continued to go up and this year, a 10.43 per cent rise was noted. Fishery prices bounced back from last year's negative growth and registered an increase of 6.01 per cent in 2004.

and resources; and **Counterpart schemes**. The DA, DILG, other concerned agencies and LGUs enter into program financing arrangements which would entail counterpart funds from each partner, to be stipulated in a memorandum of agreement. The counterpart amount is, in turn, based on the partner's capacity. Contributions in kind, such as personnel, facilities and services are included.

568. Activities implemented under the various programs of President Gloria Macapagal Arroyo in 2004 included: expansion of area planted in hybrid rice; distribution of production inputs such as seeds, fertilizers, fingerlings, fish, fry, feeds, animals, doses of medicine to control and prevent animal diseases; distribution of various postharvest/production facilities; and establishment of seaweed nurseries.

Methods of distribution

569. The National Food Authority (NFA), an attached agency of the Department of Agriculture (DA), has been mandated to ensure the stability of the supply and price of staple cereals, which include rice and corn, both at farm-gate and consumer levels.

570. Pursuant to this, the NFA employs both direct and indirect market intervention strategies. Under the direct market intervention strategy, the NFA engages in actual grains procurement and distribution, via the NFA Rolling Stores or through accredited retailers at government-set prices, using government buffer and subsidized pricing system. On the other hand, the NFA, through its indirect market intervention strategy, catalyzes the farmers' access to and ownership of grains post-harvest and marketing facilities and services. Farmers are given priority access to NFA's storage, drying, milling, transporting and weighing facilities at reasonable service rates. Also, the NFA assists farmer-organizations in the construction of warehouses which are equipped with basic administrative and post-harvest facilities. In return, these farmer-organizations commit themselves to sell to the NFA an agreed volume of their seasonal produce. Payment for the facility is usually made over a period of 5 to 15 years.

571. The Government's program known as the *Strong Republic Nautical Highway*, apart from enhancing public access to selected tourism areas throughout the country, also offers an alternate route for the flow of agricultural products. Otherwise referred to as the *RORO Food Highway*, this route encourages agricultural producers and fisheries suppliers to break new grounds in areas it traverses. It serves as a more efficient option for transporting goods from Mindanao to Luzon, creating new and bigger markets and building a stronger network for inter-island trade between north and south.

2.f. Measures taken to disseminate knowledge of the principles of nutrition

572. Nutrition education remains a strong pillar in the government's program in improving the nutritional status of its population. Disseminating nutritional guidelines, which are simple and practical nutrition messages that encourage individuals to consume an adequate and well-balanced diet and maintain a healthy lifestyle, is a key strategy of this program.

573. The FNRI-DOST, in support of the commitment of the pursuit of "Health for All," led the formulation of the first set of *Dietary Guidelines for Filipinos* in 1990 consisting of five main messages.

574. In 1996, the National Nutrition Council initiated the review of the 1990 guidelines. After four (4) years, or in 2000, the new Nutritional Guidelines was formulated consisting of ten (10) messages designed to provide simple recommendations on how to attain good health through appropriate dietary and nutrition-related practices.³⁸

575. The DepEd, for its part, has adopted and currently administers the Integrated School Health and Nutrition Program (SHNP) in public elementary schools in Metro Manila and in selected provinces. The SHNP has four major components: health and nutrition; health and nutrition education; healthful school living and school-community co-ordination for health. Under the initiative teachers become guardians of the children's health. Deworming and micronutrient supplementation (such as vitamin A, iron and iodine) are implemented with priority given to undernourished children. Health and nutrition information is also provided to every school.

2.g. Measures taken by the Government to ensure an equitable distribution of food supplies

Agrarian reform

576. In the late 1980s, agrarian reform was seen as an imperative to respond to the clamor of the peasantry for social justice and to propel the country towards greater agricultural production and industrialization. The 1987 Constitution declared the promotion of comprehensive rural development and agrarian reform as state policy. Republic Act No. 6657, otherwise known as the *Comprehensive Agrarian Reform Law* (CARL) of 1988, detailed the coverage priorities, components, and mechanics for the implementation of the Comprehensive Agrarian Reform Program (CARP), which is aimed to achieve a "more equitable distribution and ownership of land...to provide farmers and farmworkers with the opportunity to enhance their dignity and improve the quality of their lives through greater productivity of agricultural lands."

577. Under the CARL, agrarian reform is defined as "the redistribution of lands, regardless of crops or fruits produced, to farmers and regular farmworkers who are landless, irrespective of tenurial arrangement, to include the totality of factors and support services designed to lift the economic status of beneficiaries and all other arrangements alternative to the physical redistribution of lands, such as production or profit sharing, labor administration, and the distribution of shares of stock, which will allow beneficiaries to receive a just share of the fruits of the lands they work."

³⁸ These simple messages are as follows - eat a variety of foods everyday; eat foods cooked in edible/cooking oil daily; breastfeed infants exclusively from birth to 4-6 months, and then, give appropriate foods while continuing breastfeeding; consume milk, milk products, or other calcium-rich foods such as small fish and dark green leafy vegetables everyday; maintain children's normal growth through proper diet and monitor their growth regularly; use iodized salt, but avoid excessive intake of salty foods; consume fish, lean meat, poultry or dried beans; eat clean and safe food; eat more vegetables, fruits and root crops; and for a healthy lifestyle and good nutrition, exercise regularly, do not smoke, and avoid drinking alcoholic beverages.

Components of CARP

578. The main ingredients therefore of agrarian reform are land reform, or the transfer of control and ownership of agricultural land to small farmers and landless agricultural workers; and a package of support services to enhance or facilitate the beneficiaries' access to natural resources, finances, extension services, technology and information, rural infrastructure, post-harvest and marketing facilities, and the social infrastructure components of the agrarian system. These refer to two of the three major components of the CARP, viz., land tenure improvement (LTI), and program beneficiaries development (PBD). The other major component is the agrarian justice delivery (AJD).

579. LTI features the re-distribution of about 8.17 million hectares of private and public agricultural lands, which represent 80 per cent of the total arable lands in the country, to about five (5) million farmers or agrarian reform beneficiaries (ARBs). Of this total area, 54 per cent, or 4.29 million hectares, falls under the responsibility of the Department of Agrarian Reform (DAR) while the remaining 46 per cent, or 3.77 million hectares composed of public alienable and disposable lands, falls under the jurisdiction of the Department of Environment and Natural Resources (DENR).

580. On land retention limits, the Law provides that "no person may own or retain, directly or indirectly, any public or private agricultural land, the size of which shall vary according to factors governing viable family-size farm, such as commodity produced, terrain, infrastructure, and soil fertility...but in no case shall retention by the landowner exceed five (5) hectares. Three (3) hectares may be awarded to each child of the landowner, subject to the following qualifications: 1) that he is at least 15 years of age, and 2) that he is actually tilling the land or directly managing the farm."

581. LTI also includes non-land transfer programs such as leasehold, production and profit-sharing and stock distribution option that are short of land distribution but ensure the tenurial security of farmers and farm workers.

582. AJD involves the resolution of agrarian cases arising from the implementation of CARL and the provision of legal assistance services to agrarian reform beneficiaries. It covers the adjudication of land valuation and agrarian disputes filed before the DAR Adjudication Board. It includes the extension of free legal assistance and counselling to ARBs, particularly through mediation and conciliation and the resolution of Agrarian Law implementation cases.

583. PBD covers the delivery of support services for the economic and social development of ARBs through improved production and productivity and increased incomes. To make the awarded land economically productive, the ARBs must be supported with the necessary facilities and services that may or may not have been provided by their former landowners. PBD is carried out through Social Infrastructure and Capability Building (SILCAB), Sustainable Agribusiness and Rural Enterprise Development (SARED) and the facilitation/enhancement of access to economic support services (e.g., technology, credit, rural infrastructure, market information) and basic social services (primary health care, potable water systems).

Government agencies mandated to participate in the program

584. The implementation of CARP is led by the Presidential Agrarian Reform Council (PARC) as the highest policy-making and coordinating body, and by the DAR as the lead implementing agency. The PARC, which has the President as Chair and the DAR Secretary as the Vice Chair, includes as members the Executive Secretary and the Secretaries or Heads of 13 agencies, namely: DENR, Department of Agriculture (DA), Department of Budget and Management (DBM), Department of Finance (DOF), Department of Justice (DOJ), Department of Labor and Employment (DOLE), Department of Interior and Local Government (DILG), Department of Public Works and Highways (DPWH), Department of Transportation and Communication (DOTC), Department of Industry (DTI), National Economic and Development Authority (NEDA), Land Bank of the Philippines (LBP) and the National Irrigation Authority (NIA). Three representatives of landowners and six representatives of agrarian reform beneficiaries also serve as members of the PARC.

585. The DAR is responsible for the execution of the three major components of the CARP. In LTI, it collaborates with the DENR in land survey and land distribution; with the LBP in land valuation and compensation and ARBs amortization; and with the DOJ, specifically the Land Registration Authority, in land titling registration. In PBD, the DAR works with the DA, DTI, NIA and DOLE on extension services; with the LBP on credit assistance; with the DTI on livelihood projects; and with the DPWH and NIA on infrastructure support. Meanwhile, the delivery of agrarian justice, the non-land transfer component of LTI are undertaken solely by the DAR.

CARP implementation status

586. Under RA 6657, land acquisition and distribution shall be accomplished within a period of 10 years, i.e., from June 1988 to June 1998. However, with only 56 per cent accomplishment at the end of this 10 -year period, the implementation of the Program has been extended through Republic Act No. 8532, which provided for the strengthening of the Program by allocating an additional funds for its implementation for another ten years.

587. As of December 2005, a total of 3,690,956 hectares of the total working scope of 4,370,071 hectares had been acquired and distributed by the DAR, representing 85 per cent accomplishment of targets. For the DENR, the corresponding figures are 2,937,067 of 3,771,441 hectares or 78 per cent. The DAR balance of 630,280 hectares is composed mostly of private agricultural lands (79 per cent), the redistribution of which represents the core of agrarian reform. About 31 per cent of the balance, or 196,051 hectares, are private agricultural lands more than 50 hectares in size.

588. Most of the private agricultural lands are planted to coconut, except in some provinces where the main crop is sugarcane. The regions with the highest balances are Region V, VI VIII and the ARMM. Ten provinces - Negros Occidental, Camarines Sur, Maguindanao, Leyte, masbate, Lanao del Sur, Isabela, Tawi-tawi, North Cotabato and Sarangani- account for 62 per cent of the balance.

589. In leasehold operations, the principal non-land transfer program of CARP, the cumulative accomplishment as of December 2005 is 1,604,364 hectares, benefiting 1,157,309 farmer - beneficiaries. The balance for leasehold coverage is relatively small. Hence, leasehold operations now focus on monitoring existing contracts and ensuring conformity with the prescribed 75-25 sharing arrangements in favor of the ARB.

590. Since 1998, the DAR has received 274, 585 agrarian cases for adjudication by the DAR Adjudication Board, or an average of about 16,152 cases a year. As of December 2005, 263,516 cases or 96 per cent had been resolved. The number of agrarian cases is expected to increase in the coming years because the coverage of private agricultural lands is more contentious.

591. PBD is expensive and difficult because it seeks to fulfill the needs of the rural sector which include farm-to-market roads, irrigation systems, extension services, post-harvest facilities, social infrastructure and capability building requirements, among others. In view of budgetary constraints, the accomplishment in PBD is limited. The CARP Impact Assessment Studies noted that PBD practices are “characterized more by improvisation, resourcefulness and determination of frontline agencies and personnel operating the best they can, given the limits of allocated resources and mandates.”

Agrarian reform community development strategy

592. In 1993, the DAR adopted an area-focused approach in the implementation of PBD. To facilitate effective delivery of support services through integration and convergence of efforts and resources among CARP implementing agencies, the DAR identified agrarian reform communities (ARCs), composed of a village or a cluster of villages where there are critical mass of ARBs who are willing to be organized and undertake the integrated development of an area and/or their organization/cooperative.

593. Republic Act No. 7905 gave the legal basis for the development of ARCs and tasked the DAR to establish at least one ARC per legislative district and identify the farmers’ organizations that shall take the lead in the agricultural development in the identified areas. These ARCs serve as growth centers or convergence centers for partnerships in implementation of programs for the development of ARBs and ARB organizations. Partnerships between and among key players in government, civil society and the business sector have significantly contributed to more effective implementation of PBD.

594. The ARC development strategy features the following:

- A scale intervention that is primarily area-based, covering clusters of villages and based on extent of LTI accomplishment, number of ARBs, economic and environmental endowments and socio-political development;
- A focused, gender-sensitive approach intended to empower, and build the social capital of under-represented and marginal groups (such as small farmers, farmworkers, agricultural lessees, subsistence fisherfolk, indigenous people and rural women) in rural communities;

- An integrated area development approach that aims to establish closer linkages among ARCs belonging to the same economic and ecological systems.

595. DAR has established 1,784 ARCs nationwide, with 990 of these supported by various foreign-assisted projects. The total number of ARB organizations in the ARCs is 5,053, of which 47 per cent have reached higher levels of development, i.e., levels 3, 4 and 5 of the DAR's 5-level ARC Level of Development Assessment (ALDA). These organizations have a combined membership of almost 500,000 farmers.

596. Other support services delivered include 10,734 kilometers of farm-to-market roads 141,823 hectares serviced by irrigation systems, 95 bridge projects. 174 post-harvest facilities, 689 potable water systems and 136 multi-purpose buildings. Other physical infrastructure provided for ARBs include health centers, school buildings, flood control, rural electrification and sanitation systems. Non-physical infrastructure services include establishment of demo farms and rural micro-enterprise, training of ARB leaders and DAR implementers and health and nutrition services.

597. The study on the impact of CARP (Reyes, 2000) revealed that "agrarian reform has had a positive impact on farmer-beneficiaries. It has led to higher real per capita incomes and reduced poverty incidence between 1990 and 2000. Compared to non-ARBs, ARBs tend to have higher incomes and lower poverty incidence. However, poverty incidence among ARBs remains high compared to the estimate for the whole country.

State of trade in agro-based commodities

598. The value of agro-based *exports* grew by 7.4 per cent, mostly of coconut oil, bananas and shrimps/prawns, with share to total exports growing to 6.5 per cent in 2005 from 6.3 in 2004, but was outpaced by *imports*, which grew by 8.9 per cent, mostly of rice, dairy products and wheat, sustaining the net-importer status of the sector. During the third quarter of 2005, *local trade* of food and live animals similarly attained year-on-year gains of 25.6 per cent, with marginally higher contribution to total local trade value (29.6 per cent versus 28.6 per cent year-on-year.

Other measures

599. Bilateral trade negotiations were concluded for the Early Harvest Program (EHP) under the ASEAN-China Free Trade Agreement (with issuance of implementing Executive Orders) and the Japan-Philippines Economic Partnership Agreement, while negotiations were initiated for the ASEAN-Korea, India, Australia and New Zealand. On advancing the agro-based trade promotion agenda, the Sixth World Trade Organization Ministerial Conference held in Hong Kong, China in December 2005, yielded gains in terms of time-bound elimination of subsidies in the sector's export markets (e.g., European Union), exemption from reduction requirements for our local subsidies, flexibility in designating tariff lines for special treatment and in lowering local tariff levels for fisheries.

Question No. 3. Right to adequate housing

3.a. Housing situation in the country

State of housing in the Philippines

600. Housing construction, relative to the huge housing need (3.6 million in 2001-2004) has been modest. Against a target of 1.2 million units of housing assistance or shelter security units (i.e., a house, house and lot, or lot only), the housing sector, through the National Shelter Program, was able to provide 882,823 shelter security units or an accomplishment rate of 73.6 per cent as of June 2004. From 1998 to 2000, achievements in the provision of mass housing were modest. The housing subsector sought to provide shelter security units especially for the poor by promoting security of tenure in housing.

601. The housing demand-supply gap remains as critical as ever in view of rapid urbanization abetted by in-city migration, rapid population growth and formation of new households, and the current slowdown of the country's economic growth.

Housing assistance needs

602. Demand for housing continues to grow as the Philippine population continues to grow rapidly. Government resources are, however, limited and most public programs tend to produce complete shelter packages largely unaffordable to the poor. Annual population growth rate is estimated at 2.36 per cent while urbanization rate (i.e., the proportion of urban areas to total land area) is 52 per cent. For the period 2005-2010, the housing need is projected to be 3.75 million units. In terms of geographical location, more than half of the total housing need (56 per cent) is in Southern Tagalog, Metropolitan Manila, and Central Luzon, 21 per cent in the Visayas and the remaining 23 per cent in Mindanao.

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Disadvantaged groups

604. In 2002, the Government estimated that there were 588,853 informal settler families or squatter households nationwide. More than half of the informal settlers or 51 per cent were in the NCR, Region VI, and Region IV. On the other hand, the areas with the least number of informal settlements were CAR, Region I and the ARMM. These informal settlers live in dwelling units that are substandard or are not durable for at least five years, mostly in urban areas characterized by slums with little or no basic or auxiliary services such as safe water, health center, elementary and high schools, and decent and gainful livelihood opportunities.

Relevant legislation: land and housing development

605. Batas Pambansa Blg. 220, otherwise known as the *Social Housing Law*, liberalizes land development and construction standards to enable production of low-cost housing.

606. Presidential Decree No. 399, also known as the *Striplands Law*, reserves strips of land along national and provincial roads, which is within 1,000 meters, for urban development and human settlement purposes.

607. Republic Act No. 7279, otherwise known as the *Urban Development and Housing Act (UDHA)* outlines a three-point agenda which include - a) fostering people's participation in the urban development process; b) empowerment of local government units to address urban development issues particularly homelessness; and c) private sector participation in the national shelter program in exchange for incentives. UDHA provides impetus to social housing development through incentives, funding allocations, land identification mechanisms, and imposition of social housing quota on land developers.

Legislation on squatting and eviction

608. Another important feature of UDHA is that it discourages eviction or demolition as a practice. Eviction is allowed only under the following conditions, viz: when persons occupy danger areas; or when government infrastructure projects with available funding are about to be implemented; or when there is a court order for eviction and demolition. The law also outlines the guidelines for eviction, viz - the provision of basic services and facilities in resettlement sites, livelihood support, meaningful participation and adequate social preparation for the affected households, close coordination between sending and host local government units, grievance redress and related aspects.

609. Republic Act No. 8368, also known as the *Anti-Squatting Repeal Act of 1997*, an act repealing Presidential Decree No. 772, a decree Penalizing Squatting and Other Similar Acts. It is also an act that decriminalizes squatting.

610. Executive Order No. 129 established an institutional mechanism to curtail the activities of professional squatting syndicates and professional squatters and intensifying the drive against them. This E.O. protects the rightful beneficiaries of the UDHA from the squatting syndicates and professional squatters who continuously prey on and victimize the former by sowing disinformation, collecting fees and inflicting harassment.

611. Executive Order No. 152 (December 10, 2002), Designating the Presidential Commission for the urban Poor (PCUP) as the Sole Clearing House for the Conduct of Demolition and Eviction /Activities Involving the Homeless and Underprivileged Citizens and Establishing for the Purpose a Mechanism to Ensure Strict Compliance with the Requirements of Just and Humane Demolition and Eviction Under the urban Development and Housing Act of 1992, and for other Purposes. The said EO minimized arbitrary demolition and eviction activities.

612. Executive Order No. 153 (December 10, 2002), Institutionalizing the National Drive to Suppress and Eradicate Professional Squatting and Squatting Syndicates, Amending EO Nos. 178 S. of 1999 and 129, S. of 1993, and for Other Purposes, ensures that only the legitimate homeless and underprivileged are the beneficiaries of the government housing programs.

613. Executive Order No. 178 created the National Police Task Force on Professional Squatters and Squatting Syndicates. The Task Force will vigorously pursue the apprehension and prosecution of professional squatters and squatting syndicates nationwide.

614. Republic Act No. 8974 (November 07, 2000), an *Act to Facilitate the Acquisition of Right-of-Way, Site or Location for National Government Infrastructure Projects and for other Purposes*, amplifies the resettlement processes of informal dwellers affected by government infrastructure projects.

Legislation on land and property regulation

615. Presidential Decree No. 957, also known as *Subdivision and Condominium Buyers Protective Decree*, prescribes the comprehensive rules and standards to govern the development, sale and regulation of subdivision and condominium projects.

616. Presidential Decree No. 1098, otherwise known as the *Building Code*, codifies all laws, rules and standards for building construction.

617. Presidential Decree No. 1216, also known as the *Open Space Requirement*, amend PD 957 by prescribing the open space requirements for subdivision projects and the uses to which such space may be devoted.

618. Republic Act No. 4762, also known as *Condominium Law*, serves as the enabling law for the establishment of condominium corporations, and provides the comprehensive rules on condominium ownership, registration of titles and condominium administration.

619. Republic Act No. 6552, otherwise known as the *Realty Installment Buyer Protection Act*, provides protection to installment buyers against onerous and oppressive conditions. The law provides that in case of non-payment of installment, the contract will not be cancelled outright but the buyer will be given a grace period equivalent to one month per year of installment payment made, without additional interest. If the buyer cannot pay within the grace period and the contract is cancelled, the buyer does not lose everything as he is entitled to a refund of 50 per cent of the total payments made.

620. Republic Act No. 7160, otherwise known as the Local Government Code of 1991, prescribes the powers of the local government units to enact zoning ordinances and reclassify agricultural lands into non-agricultural.

621. Republic Act No. 9161, otherwise known as the *Rental Reform Act of 2002*, sets out restrictions and requirements on the imposition of rent on leased residential properties in urban areas.

622. Republic Act No. 9275, otherwise known as the *Clean Water Act of 2004*, provides, among others, for - a) the interconnection of sewage lines of residential, industrial and commercial projects; b) the manner of regulating effluent of industrial establishments; and c) incentives for establishments investing in wastewater treatment or pollution control facilities.

Legislation on land and house financing

623. Presidential Decree No. 1530 provided for the creation of the *Pag-Ibig Fund*. The *Pag-Ibig Fund* provides for a system of government and private employee contributions, with employer counterpart, to be pooled into a mutual fund, 70 per cent of which is mandated to be allocated to home loans of Fund members. The Pag-IBIG Fund is the single biggest home financing institution in the country. As of December 2005, 34.94 per cent of the total accounts financed by different government and private financial institutions equivalent to P94.32 billion were generated by the Fund.

624. Republic Act No. 7835, also known as the *Comprehensive and Integrated Shelter Finance Act*, prescribes funding sources and additional budgetary appropriations for home lending programs and housing development programs of the housing agencies.

Simon, et. al. v. Commission on Human Rights, G.R. No. 100150, 5 January 1994

625. Upon the petition of vendors and squatters occupying a property located in Quezon City, the PCHR issued an order directing the Quezon City government “to desist from demolishing the stalls and shanties at North EDSA pending resolution of the vendors/squatters’ complaint before the Commission.” The mayor of Quezon City and his deputies proceeded with the demolition. Hence, the PCHR cited them in contempt and imposed upon them a fine of PhP 5,000.00 each. The mayor and his deputies went to the Supreme Court questioning the power of the Commission to take cognizance of the case and its power to cite them in contempt.

626. The Supreme Court ruled that the Constitution empowers the PCHR to “investigate, on its own or on complaint by any party, all forms of human rights violations *involving civil and political rights*” (Sec. 1). The term “civil rights,” refers to those “rights that belong to every citizen of the state or country, or, in wider sense, to all its inhabitants, and are not connected with the organization or administration of the government.” The term political rights, on the other hand, was interpreted to mean, “the right to participate, directly or indirectly, in the establishment or administration of government, the right of suffrage, the right to hold public office, the right of petition and, in general, the rights appurtenant to citizenship *vis-a-vis* the management of government.”

627. According to the Court, the order for the demolition of the stalls and establishments does not fall within the compartment of “human rights violations involving civil and political rights” intended by the Constitution.

628. It bears quoting the following words of the Court:

“The Universal Declaration of Human Rights, as well as, or more specifically, the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights, suggests that the scope of human rights can be understood to include those that relate to an individual’s social, economic, cultural, political and civil relations. It thus seems to closely identify the term to the universally accepted traits and attributes of an individual, along with what is generally considered to be his inherent and inalienable rights, encompassing almost all aspects of life.”

Other measures taken to fulfill the right to housing

Creation of housing agencies

629. The creation of several housing agencies manifests the Government's strong commitment to promote the right to housing.

630. The Housing and Urban Development Coordinating Council (HUDCC), created through EO 90, is the highest policy making and coordinating office on shelter. It is an umbrella organization which consists of the heads of the four (4) housing agencies, viz, National Housing Authority (NHA), Home Guaranty Corporation (HGC), National Home Mortgage Finance Corporation (HGC), and Housing and Land Use Regulatory Board (HLURB); the heads of three (3) funding agencies, such as SSS, GSIS and Home Development Mutual Fund (HDMF); the heads of seven (7) government support agencies, viz., Presidential Management Staff (PMS), DOF, DBM, NEDA, DBP, Metropolitan Manila Development Authority (MMDA); and the two (2) private sector representatives consisting of NGOs and private developers.

631. The Housing and Land Use Regulatory Board (HLURB), which is under the administrative supervision of the HUDCC. The sole regulatory body for housing and land development. It is charged with encouraging greater private sector participation in low-cost housing through liberalization of development standards, simplification of regulations and decentralization of approvals for permits and licenses.

632. The NHA, a government-owned and controlled corporation which is operating under the supervision of the HUDCC, was mandated to be the sole public agency engaged in direct shelter production through, (a) development and implementation of a comprehensive and integrated housing development and resettlement program; (b) formulation and enforcement of general and specific policies for housing development and resettlement (c) determination and development of government lands suitable for housing; (d) exercise of the right of eminent domain or acquisition by purchase of privately owned lands for purposes of housing development, resettlement and related services and facilities; (e) protection of the sustainability of socialized housing funds by undertaking cost recovery, among others.

633. The Home Guaranty Corporation is tasked to operate a credit guaranty program in support of government efforts to promote home ownership. Since its creation in 1950 as the Home Financing Commission, the HGC has institutionalized a viable system of credit guarantees that has become an integral component of the shelter program of government. HGC stands alone and unique in this field of housing finance. No other government institution or instrumentality, for lack of enabling law, can provide the risk cover and tax incentives that HGC is authorized to extend. HGC provides risk guarantees and fiscal incentives for housing credits extended by financing institutions, thereby stimulating the flow of funds from both the government and private sectors for housing and urban development. -provides guarantee, loan insurance and other incentives to assist private developers to undertake low and middle income mass housing production and encourage institutional funds and commercial lenders to finance such housing development.

634. The National Home Mortgage Finance Corporation, a major government home mortgage institution, is mandated to develop the secondary mortgage market.

635. The Home Development Mutual Fund, which is more popularly known as Pag-Ibig Fund, is charged with the development of savings scheme for home acquisition by private and government employees.

636. To further improve access to housing by the poor, EO 272, series of 2004, provided for the creation of the Social Housing Finance Corporation (SHFC) that will cater to the housing needs of the bottom 30 per cent of the poor population. EO 272 also transferred the implementation of the Community Mortgage Program and Abot-Kaya Pabahay Program from the NHMFC to the SHFC as the former's subsidiary.

Policies and programs

637. The Government's efforts in housing are directed towards three main tasks: Direct Housing Provision, Indirect Provision and the Enforcement of Regulations. The Direct Housing Provision involves securing the housing tenure of informal settlers, as well as delivering low-cost housing units and affordable financing, especially for families in the lowest 30 per cent of the population. Towards this end, the Government has been implementing various programs on land distribution, relocation, mortgage financing and housing development. These programs have provided shelter security to over 614,000 families since 2001.

638. One of the programs that have been aggressively pursued by the Government is the disposition of its idle properties for shelter purposes. This has led to the fast tracking of the asset reform program, which aims to convert idle government-owned lands into housing sites. Presidential proclamations were issued identifying specific properties for disposition to qualified beneficiaries. Since informal settlers are already occupying many of these idle government-owned lands, it thus became a matter of formalizing their land tenure and giving them the chance to own their land tenure and giving them the chance to own their lots. Thus far, the President has issued a total of 96 such proclamations, which secured the housing tenure of 195,445 families.

639. One major undertaking of the Government that has led to securing the housing tenure of informal settler on a massive scale is the relocation project for the "riles" dwellers living along the Northrail and Southrail lines. In Northrail, the government has relocated a total of 21,023 families from the Metro Manila and Bulacan Segments, completing phase 1 of the clearing and resettlement operations. These families have voluntarily moved to their respective resettlement sites, which the government has dubbed the Northville communities. This is the most massive relocation project to be undertaken by the government so far, HUDCC did without the violent conflicts associated with relocation. For the Southrail project, which involves the rehabilitation of the existing PNR Commuter Service line from Caloocan to Alabang, a total of 7,404 families have been relocated, particularly along the Manila, Makati and Cabuyao Segments. To sustain the momentum, the President instructed HUDCC to clear the large portion of Manila along with Taguig and Muntinlupa.

Urban development initiatives

640. One is the development of the 416 hectare New Bilibid Prison Property in Taguig into mixed residential, commercial and institutional use. President Arroyo has already signed the attendant proclamations and Executive Order on this matter. HUDCC takes the lead in the development plan for this project with the NHA as implementor. Second is the North-East Triangle Development Project which is envisioned to transform the area into commercial, business and residential center. This is a daunting task considering the complicated status of the properties, including the presence of informal settlers. Thirdly, HUDCC is also in-charge of other properties that are up for development like the 1,500 hectare San Miguel, Bulacan government housing site, various commercial areas, the Fabela Hospital-Central Market area, the Monemento Mall, and the Subic Properties.

Community Mortgage Program

641. The Community Mortgage Program (CMP) utilizes an innovative system of mortgage financing whereby an undivided tract of land may be acquired by several beneficiaries through the concept of community ownership. Financing through Community Mortgages is intended primarily to assist residents of blighted or depressed areas and/or the urban poor.

642. CMP is a three-stage loan program—land purchase, site development, and house construction/improvement. Depending on its present capacity and needs, the borrowing community association may avail itself of the CMP loan either on three stages, or on a one-time basis. Maximum loanable amounts per family-beneficiary is up to PhP 120,000 for those located in Metro Manila and other highly urbanized areas, or up to PhP 100,000 in other areas, payable up to 25 years at six (6) per cent interest per annum.

643. Since January 2001, a total of PhP 3.432 billion in total loans were granted under the CMP. From January to October 2006 alone, a total of PhP 592,127,312.43 in total loans have been granted to some 10,992 family-beneficiaries who are located in 89 housing sites nationwide. This brought the cumulative total to PhP 6.41 billion loans granted to 179,984 informal settlers in 1,431 housing sites.

644. What has made the overall performance of CMP remarkable and meaningful to the homeless low-income earners is its having kept housing loans within the affordability levels of the majority of informal-income earners. Based on records, average loan availments per family beneficiary of CMP was at PhP 33,331. Amortized at PhP 239 a month, the loan is within the income capability of workers earning as low as PhP 3,101 a month.³⁹

³⁹ Friday-the-13th-day in October proved to be a fortunate day for this fisherman's village in Naic, Cavite. Living along the river banks near the coastal areas of Naic, Cavite for some twenty years, the fisherfolk members of Senor Santo Niño Homeowners' Association of Barangay Munting Pino at last realized their dream of calling a piece of land their own. The Association, led by its president, Brenda D. Ipil, received from Vice Pres. Noli de Castro the certificates of lot award for the members. Vice Pres. De Castro also released a check for P3.3 million, representing the advanced release of 50 per cent of the association's CMP loan, as

645. CMP has also enabled the participation of various community-based stakeholders in joining their resources and expertise to help the homeless who are considered as the “poorest of the poor.” These include the people’s and non-government organizations involved in urban poor housing; the local government units, which are tasked as the main implementors of socialized housing in their localities; and government and private agencies that serve will assist, organize and originate the community for CMP.

646. As a measure of their participation, local government units have served as conduits or originators of CMP loans in the total amount of PhP 141.8-million in 2005. This comprises 19.6 per cent of the total of PhP 722.4 million CMP loans granted in 2005. NGOs, as loan conduits have assisted in the grant of more than 50 per cent of loan released during that year.

647. By virtue of E.O. 272, Social Housing Finance Corporation assumed from the National Home Mortgage Finance Corporation (NHMFC) the development and implementation of CMP. Made operational in October 2005, SHFC celebrated its first year of operation last Oct. 2006. During its first year (Oct. 2005 to Sept. 2006), SHFC posted an all-time high record of PhP 839.4-million in CMP loans granted to a corresponding total of 15,788.

Presidential proclamations on housing

648. Last 28 May 2001, President Gloria Macapagal-Arroyo issued Executive Order No. 20 reaffirming the government’s commitment to mass housing as a centerpiece program in its poverty alleviation effort.

649. In order to address the housing problem, particularly those belonging to the bottom 40 per cent of urban households, the Arroyo administration pursued the regularization of tenure of informal settler families (ISFs) through the issuance of Presidential proclamations declaring parcels of public lands open for disposition to qualified beneficiaries. In addition, the

payment to the landowner for the land that the association has negotiated to buy. The beneficiaries are fishing families who came all the way from as far as Leyte, Samar, Siquijor, Bohol, who have found the shorelines of Naic a haven. From the mouth of the river and the coastal areas, which have been proclaimed as danger areas for resettlement, the beneficiaries were relocated last 13 October 2006 to a place identified by the local government of Naic, as suitable housing site. Measuring some 1.6 hectares, the site is one kilometer away by the northeastern side of the Naic municipal hall. The surrounding areas are residential areas. It is also about one kilometer away from schools, banks, as well as the private and government offices. While the land was earlier considered as an “off-site” project, the maximum loan value of 100 per cent of the appraised value of the land was given, without need for any equity from the borrowers. Average loan extended per beneficiary amounted to P30,194 which will be easily repaid in monthly amortizations of PhP 208.

Government targeted the conversion of government idle or vacant lands into housing sites that are intended to benefit low-salaried government employees, including soldiers and policemen.⁴⁰

650. As of 31 August 2006, the regional breakdown of proclaimed sites for housing shows the following data:

Region	Proclaimed sites
NCR	35
CAR	7
Region 3	5
Region 4	15
Region 5	3
Region 6	7
Region 7	8
Region 8	2
Region 9	5
Region 11	3
Region 12	2
CARAGA	2
Luzon-wide (EO 48 - PNR Non-Core Properties)	1
Mindanao-wide (EO 98 - SPDA properties)	1
Total	96

⁴⁰ Mr. Danton Cantuba, together with his growing family, started living at #087 Sitio de Asis, San Martin Porres, Paranaque, Metro Manila in the early 1960s. He was an owner of a medium-scale machine shop and like all of his neighbors, is a squatter in a property owned by the Philippine National Railways (PNR). As early as 1976, the neighborhood formed the United Residents of Balagbag Abandoned Lines (UROBAL) Association and made representations with the PNR to sell to them the lots they are occupying, since PNR had not used and apparently has no plans of utilizing the said property for any of its programs/projects. Their struggles and hardships paid off on February 26, 2001 when Pres. Arroyo issued Executive Order No. 48 declaring non-core properties of the PNR as socialized housing sites and providing for the disposition of the same to bonafide occupants. Executive Order No. 48 gave way to the realization of the bonafide occupants' dream of owning the lot they are occupying. Each beneficiary was given the chance/entitlement to own/buy the lot they are occupying on an as-is-where-is basis at P1,100.00 per sq. m., with an average lot size of seventy (70) square meters. On December 7, 2005, realization of these 410 beneficiaries' came in the form of lot titles awarded to them by no less than the Vice President and HUDCC Chairman Noli De Castro. The people/community of UROBAL (as the place is now known or commonly called) have expressed their gratitude to the government by working doubly hard with their collection and ensure that they pay their financial obligations with the Philippine National Railways on time.

Total area: 39,214 sq. meters

Total amount: PhP 32,147,500.00

Total payment: PhP 6,500,000.00

Total balance: PhP 25,647.000.00 (payable in 10 yrs.)

Summary of Presidential Issuances, total areas and total number of beneficiaries per year

Year	No. of Issuances issued						Total area (hectares)	No. of benefit
	PP	EO	MO	AO	DOC	Total		
2001	6	5	1			12	1 478.72	35 662
2002	8	9	2		2	21	20 701.90	78 112
2003	13		1			14	242.59	13 636
2004	35			1		36	3 271.95	40 280
2005	4	1				5	209.61	7 807
2006	6	2				8	430.88	19 948
Total	72	17	4	1	2	96	26 336.65	195 445

Note: PP - Presidential Proclamation
 AO - Administrative Order
 EO - Executive Order
 DOC - Deed of Conveyance (NHA and DOH)
 MO - Memorandum Order.

651. Of the 96 proclaimed sites, an aggregate area of 26,336.65 hectares have been proclaimed as housing sites which provided security of land tenure to about 195,445 informal-settler families.

652. The status of the 96 presidential issuances is as follows:

- 49 sites have signed Implementing Rules and Regulations (IRRs) while 34 sites have completed the final draft and due for signing by the stakeholders; The IRR provide a set of uniform and adequate policies and procedures in implementing laws and Presidential issuances which proclaimed or declared certain government lands open for disposition under any government housing program;
- 23 proclaimed sites have conducted census and tagging activities;
- 23 proclaimed areas have undertaken boundary and subdivision surveys;
- 18 sites have completed beneficiary selection activities; and
- 14 proclaimed sites have awarded Certificate of Entitlement to Lot Allocations (CELAs) to the qualified beneficiaries.

653. From 2001 up to the present, a total of 20,378 CELAs have been awarded out of the projected 195,445 CELAs which will be awarded upon the completion of the beneficiary selection activities for the 96 proclaimed sites.

654. The following are the issues and concerns affecting the implementation of the provision of security of tenure to the intended beneficiaries:

- Lack of budgetary support for the conduct of census and tagging activities and survey works (boundary, structural and subdivision);
- Lack of manpower complement- HUDCC does not have physical representation in all proclaimed sites. This is the rationale why there is a need to transfer all HUDCC functions in the proclaimed areas to the NHA, who has sufficient manpower support and logistics to undertake post-proclamation activities;
- Conflicts among peoples' organizations within the proclaimed sites;
- Difficulty in tapping LGU resources to support the implementation of various post-proclamation activities;
- Land valuation- some proclaimed sites have prohibitive land assessment, e.g. GSIS property in Sta. Mesa, Manila, wherein the GSIS offered price is P25,000 per square meter which is beyond the affordability level of the intended beneficiaries;
- Difficulty in preventing the intrusion of informal settlers upon the issuance of the proclamation which makes the conduct of beneficiary selection activities more difficult to implement;
- Overlapping of boundaries and presence of adverse claimants; and
- Portions of some proclaimed sites are not suitable for residential purposes.

Pag-IBig Fund Housing Programs

(a) Disposition of Real and Other Properties Owned and Acquired (ROPOA)

655. Through this program, delinquent former owners or successors-in-interest occupying Pag-IBIG Fund foreclosed or acquired properties are given the opportunity to repurchase said properties, in either cash or installment basis. As of August 2006, 1,175 former owners or successors-in-interest have already reacquired their respective properties.

656. Unoccupied properties, on the other hand, are made available to interested parties through sealed public bidding or negotiated purchase. Discounts are given to the winning bidder or negotiated sale offer or at the rate of 10 per cent for cash purchases and 5 per cent for purchases made through installment or housing loans.

(b) Rent-to-Own Program

657. The Rent-to-Own Program is aimed at providing Pag-IBIG members, whose current income cannot sustain the monthly amortization of a Pag-IBIG housing loan, with a facility that will provide affordable housing, and ensure home ownership by the time they are eligible for such loan.

658. In this program, unoccupied units acquired by the Fund through foreclosure, *dacion en pago*, or cancellation of CTS are offered to Pag-IBIG members for lease at a monthly rate of at least PhP 1,000, and for a term of at most five years. He/she is required to exercise his/her right

to purchase not later than the end of the term of lease. A discount of about 3 to 5 per cent of the purchase price is also granted to the lessee, depending on the year that the option to purchase was availed. Over 7,000 members have already benefited from the program in the six years that it has been implemented.

(c) *“Magaang Pabahay, Disenteng Buhay” Program*

659. Under the *“Magaang Pabahay, Disenteng Buhay”* Program, the Fund’s ROPOA are put up for sale, initially to government employees, at reduced rates. Discounts of 15 per cent and 20 per cent are given to interested buyers who will purchase properties through housing loan and through cash payment respectively. An additional discount of 5 per cent is granted to the buyers if the properties they are acquiring are illegally occupied. Buyers who are opting to pay through housing loan enjoy 6 per cent interest rate for the entire term of the loan.

(d) *“Gabay Pabahay” Program*

660. The *“Gabay Pabahay”* Program seeks to assist Pag-IBIG borrowers protect their homes from foreclosure or cancellations of the CTS by providing them with the opportunity to restructure their loans with the Fund. A non-interest bearing scheme has been devised to deal with the borrower’s unsettled interest and penalties during the delinquency period. The borrower is also provided with a longer repayment term of 30 years, provided that it does not exceed the difference between his/her age at the time of loan application and age 65.

Program performance/accomplishments of Pag-Ibig Fund

661. The Pag-IBIG Fund is the single biggest home financing institution in the country. As of December 2005, 34.94 per cent of the total accounts financed by different government and private financial institutions equivalent to PhP 94.32 billion were generated by the Fund.

662. The Fund was designed to make housing more affordable to its members. Firstly, interest rates have been reduced on certain loan packages. The loan ceiling on socialized housing has been raised. Borrowers are provided with a longer repayment term. Lastly, the loan-to-collateral ratio has been increased on particular loan packages. From 2001 to 2005, the Fund had extended housing loans amounting to PhP 48.625 billion to 142,229 members to finance 141,091 units.

663. In promoting sustainable source of housing finance as a financial institution, the Fund Housing continuously sustains its liquidity and flow of funds to finance the benefits of its members, as exemplified by 1) *Fund Sources*- Pag-IBIG Fund generates its funds mainly through membership contributions as well as short-term, housing and institutional loans. Collections from these sources have steadily grown through the years. In fact, it reached a total of PhP 184.51 billion from 2001 to 2005 at an average of nearly PhP 37 billion annually and 2) Short-term Investments/Borrowings. To supplement the company’s funding requirements, the Fund invests in government securities and other short-term investments, as well as in the flotation of Pag-IBIG Bonds.

664. Extending private sector participation is an effort to meet the housing needs. The Fund continues to carry out consultations or dialogues with its clients in order to address their issues and concerns about the Fund’s programs, benefits, policies and guidelines.

665. Earlier this year, the Fund had talks with developers' organizations on ways to improve the Fund's housing programs. The most notable outcome of these consultations is the enhancement and liberalization of our housing guidelines such as the Pag-IBIG Fund Circular No. 213 or the Revised Guidelines for the Pag-IBIG Housing Loan Program, and Pag-IBIG Fund Circular No. 212 or the Omnibus Guidelines Implementing the Pag-IBIG Takeout Mechanism under the Developers' CTS/REM Scheme.

Programs of the National Housing Authority

666. The *NHA-Administered Resettlement Program* involves the acquisition of large tracts of raw land to generate lots or core housing units for families displaced from sites earmarked for government infrastructure projects and those occupying danger areas such as waterways, *esteros*, and railroad tracks.

667. The relocation of informal settler families living along railroad tracks to designated resettlement areas were undertaken through a beneficiary-led approach such as - in-city/in-town relocation, formulation of regulations to govern relocation activities by inter-agency committees, direct provision of housing units through serviced lots, self-help construction of houses through the Housing Materials Loan Program, and provision of amenities and livelihood for the resettled families.⁴¹

668. The *Housing Materials Assistance Program* is integrated into the Resettlement Program as a component of housing development which will entail the provision of building materials to relocated families for the construction of houses using sweat equity in lieu of a completed housing unit developed by NHA.

669. The *Resettlement Assistance Program for Local Government Units* is designed to assist LGUs outside Metro Manila to address the need of informal settlers living in danger areas or those affected by infrastructure projects for resettlement sites implemented as a joint undertaking of the LGU and NHA.

⁴¹ Tomas Chavez, 40, with his brood of ten, who were uprooted from the railroad tracks of Metro Manila, were relocated to Southville Housing Project in Cabuyao, Laguna. Chavez plans to beautify the core house awarded to him by the government and looks forward to a bright future for his children. Sixteen-year old Ma. Cristina Paris, and her parents felt lucky to have been relocated to Southville I in Calamba, Laguna and attest that though they lack in terms of financial stability, they are thankful for having found bliss and contentment in their new home. "Barbecue Man" Ronnie Coniconde and wife Dima were among the 60 families resettled in Southville I Relocation Project. With Ronnie's happy-go-lucky business acumen, he had long since repaid his livelihood loan and is happier to be out of the dangers of the railroad tracks along their former house in Makati. "*Nagpapasalamat ako at pinagkatiwalaan ako ng NHA kahit hindi ako tapos ng pag-aaral*" was what Mr. Henry Tripulca, formerly from San Antonio, Makati, bragged. He and his family were relocated at Southville I and is now relishing the feeling of having their own house.

670. The *Slum Upgrading Program* entails the acquisition and on-site improvement of occupied lands through the introduction of roads or alleys and basic services such as water and electricity. The issue on land tenure is resolved through the sale of homelots to bonafide occupants.

671. The *Sites and Services Development Program* entails the acquisition and development of raw land into serviced homelots which shall serve as an alternative to informal settlements as well as catchment areas for in-migration and population growth. This approach is adopted in urban centers where population growth and overspill are anticipated and where beneficiaries intend to acquire housing on an incremental basis.

672. The *Core Housing Program* entails the acquisition and development of raw land as the construction of housing units. This provides serviced lots with core housing designated to match the affordability of the target market consisting mostly of low-salaried government and private sector employees.

673. The *Medium Rise Housing Program* is an in-city housing alternative which entails the construction of three-to-five-storey buildings. This is directly implemented by NHA utilizing the allocation for the Program under RA 7835 and units are made available through lease arrangement.

674. The NHA acts as a conduit between community associations/cooperatives and financing institutions such as the NHMFC, the Home Development Mutual Fund (HDMF) and other government and non-government institutions offering liberalized financing for land acquisition and other forms of grants to people's organizations.

675. The NHA likewise extends technical assistance to the community association/cooperative or LGUs in terms of community organization, negotiation with the land owner, preparation of required development plans, formulation of disposition and collection schemes, and coordination with other national government agencies for the processing of required documents.

Accomplishments and plans

676. Under Administrative Order No. 111 issued on 04 November 2004, NHA was designated as the lead agency to implement the PNR Rail Systems Relocation and Resettlement Program.

677. Under the Resettlement Program is the Northrail Project. This involves the relocation of settler families living along the railroad tracks of Metro Manila and Bulacan to make way for the development of a commuter system that will run from Caloocan to Malolos. A total of 21,023 informal settler families from Metro Manila and Bulacan segments were relocated to resettlement areas paving the way for the infrastructure development works for the railway system.

678. The Resettlement Program also includes the Rail Project that involves the rehabilitation of the existing PNR Commuter Service Line from Caloocan to Alabang which will extend further to the south. A total of 7,404 families along Manila, Makati, and Cabuyao, Laguna segments, have been relocated.

679. HUDCC and NHA utilized a beneficiary-led approach in relocating the families affected by the rail projects. This is to ensure that the families are given the type of assistance they need

during the relocation activity so that proper delivery of housing services is achieved. This approach can be an in-city/in-town relocation approach to minimize dislocation, preparation of development plans to govern the relocation, extension of loans to directly acquire serviced lots from developers, self-help construction of houses through the Housing Materials Loan Program, and the provision of basic facilities and livelihood opportunities to uplift the living standards of the resettled families.

Role of international cooperation in the realization of the right to housing

680. Official Development Assistance (ODAs) to assist cities/ local government units to improve their capacities in providing essential infrastructure and basic services to their constituents. Such projects constitutes the capability building of city administrators and city planners. Some of the ODAs projects are as follows:

(a) Development of Poor Urban Communities Sector Project (DPUCSP) under the Asian Development Bank. DPUCSP's objective is to improve access by urban poor communities to secure land tenure, affordable shelter, basic municipal infrastructure and services, and financing for their shelter and livelihood needs. HUDCC is also supported by the Development Bank of the Philippines in this project;

(b) Cities Without Slum Initiative under the Cities Alliance. The project aims to enhance the capability of the community to participate in the preparation of their own shelter strategy. This project specifically targets Millennium Development Goals- in particular those relating to slum upgrading, water supply, health and education; and includes mechanism to ensure gender issues are adequately considered and addressed;

(c) The Metro Manila Urban Services for the Poor Project (MMUSP) under the Asian Development Bank. The project aims to strengthen the capability of local government of Metro Manila to plan and set up their own project for the urban poor and housing.

3.e. Right to adequate clothing

681. The Philippines is a tropical country with warm weather conditions. The people therefore do not have serious clothing problems. Government intervention lies mostly in the area of regulating the entry of imported cloth and clothing in order to help local manufacturers. The Textile Research Institute is looking into the possible use of indigenous materials for the textile industry. The Department of Social Welfare and Development includes in its assistance programs for the indigent and victims of natural calamities emergency provisions for clothing.

Difficulties encountered

Right to food

682. There was not much improvement in overall labor productivity in the agriculture sector. Comparative yield, production cost and price data on various agricultural commodities show that the gains posted by the country were hardly apace with those of its neighbors. Thus, the comparative advantage of Philippine agriculture continued to wane resulting in its increasingly becoming a net importer of agricultural products since 1994.

683. A major reason for this is the higher cost of farm inputs and poor access to recommended packages of technologies. For instance, prices paid for the various fertilizers used by Filipino farmers were nearly double that of the world price. This may be partially due to possible monopolistic pricing since more than half of the supply of fertilizers in the market comes from a single company. There may also be cumbersome as well as inefficient application of regulatory procedures and requirements, thus, inordinately adding to the production and distribution costs of fertilizers. Consequently, there may be a need to evaluate the effectiveness in which the responsible regulatory agencies are overseeing the market for agricultural inputs. Other factors may include inefficiencies in farm inputs logistics systems and the devaluation of the peso. The same situation most likely exists for pesticides and other agricultural chemicals given that they operate within the same regulatory and logistics environment.

684. In addition, there is limited access to certified high-yielding varieties due to supply and distribution constraints. There are relatively few farmers willing and able to grow certified rice seeds, for instance, partially due to inadequate know-how and skills as well as technical support. As a result, seed cost in the Philippines is higher than in Thailand, Vietnam, India and China.

685. Another factor is the high post-harvest losses incurred by the country due to inadequate equipment, infrastructure and poor post-harvest handling practices. For instance, although the Philippines has a higher average rice yield than Thailand (3.2MT/ha v. 2.4MT/ha), its rice postharvest losses reach as high as 34 per cent while Thailand's have been only around 15 per cent.

686. The sustainability of these modest production and income growths also appears to be uncertain as well. The country's environment' and natural resource base, which largely determines the sustainable rate at which agriculture can grow, continue to generally degenerate. Various indicators show that the sustainability of the environment and natural resources continue to be either poor or low.

687. Moreover, the output and income gains achieved during the period have yet to be translated into significant and commensurate rural sector-wide welfare gains. In spite of the more than a million jobs generated by agriculture from 1999 to 2002, rural unemployment and underemployment continue to be severe as over 1 million and 3 million rural workers remain to be unemployed and underemployed, respectively, every year.

688. Meanwhile, agricultural extension service delivery as well as communal irrigation development and management were generally disrupted when these were devolved from the national government to the LGUs with the passage of the Local Government Code of 1991. Many LGUs lacked preparation, capacity and funding to effectively take over these functions.

Right to housing

689. The Philippines continues to urbanize rapidly. Over half of the population is in the urban areas, and this proportion is expected to reach 60 per cent by 2010 if current trends continue. Affordable shelter and land markets have not kept pace with rapid urban growth: more than 40 per cent of urban families have to live in makeshift dwellings in informal settlements. Many of the urban poor living in informal settlements suffer from lack of access to basic services and infrastructure, poor-quality housing, insecure tenure, and high risks to public health.

Complicated legal processes for obtaining legal title and the scarcity of urban land further prevent poor urban dwellers from using the necessary capital to rise from poverty, and financial services for the urban poor are virtually nonexistent in the formal sector. Generally, the housing finance system benefits only formal sector employees, and few Government housing programs are effectively targeted to the urban poor communities.

Future directions

690. The following constitute the policy directions adopted by the Government for the housing sector:

- Removing Institutional and Structural Distortions in the housing sector;
- Determine programs that will help augment meager funds for housing, especially for bottom 30 per cent. Including the idea of upgrading of relocations sites as an alternative compliance to balance housing;
- Put in place a sound housing finance system in the next three years that will serve as backbone for a sustainable housing. Directed the National Home Mortgage Finance Corporation to make sure that secondary mortgage market is being implemented;
- Social Housing Finance Corporation to provide rational appraisal system in place;
- National Housing Authority to pursue serious plans on all of NHA's prime assets and improve its collection efficiency;
- Housing and Land Use Regulatory Board to keep up with the changing times as far as standards and regulations are concerned; and
- Pag-ibig Fund to provide the much needed liquidity in the market so that the housing finance engine (including securitization and guaranty) could run efficiently.

691. Meeting the housing requirements of the informal settlers would entail: (a) scaling up proven multi-stakeholder and cost-effective housing programs; (b) improving the security of tenure of households, improving land registration process, and adopting and developing innovative tenure arrangements to address the affordability factor; (c) relocating informal settlers occupying danger areas in Metro Manila in a just and humane manner; (d) supporting LGUs and private sector-led housing programs; and (e) developing new centers of housing for Luzon, Visayas and Mindanao.

Pursuing an urban asset reform program

692. In line with the MTDP 2004-2010, an urban asset reform program shall be pursued by providing property rights for informal settlers. This would involve unlocking "dead capital" or lands occupied by informal settlers through the granting of legal rights to the occupied lands. The informal settlers can use the rights to raise capital for micro-enterprises. This approach should be pursued as it provides both security of tenure and livelihood opportunities for slum dwellers.

Promoting sustainable source of housing finance

693. To promote a sustainable housing finance, the Social Housing Finance Corporation (SHFC) should have adequate capitalization and authorized to enter into loans or issue bonds and other debentures to raise funds for socialized housing construction.

Expanding private sector participation in socialized housing finance and construction

694. There is an urgent need to expand private sector participation in socialized housing (i.e., housing package below PhP 225,000) finance and construction by: (a) establishing an active and liquid secondary mortgage market; (b) fast-tracking disposition of assets and non-performing loans to generate additional funds for housing; (c) rationalizing the subsidy mechanism for socialized housing to remove distortions and leakages; and (d) pursuing strategic linkages with client/sectoral groups, private developers for joint venture arrangements.

695. The development of the secondary mortgage market is a scheme for fund generation in housing that is long awaited. There is a need to institutionalize an “on-budget” amortization subsidy scheme for socialized scheme to maintain its affordability and which should be kept separate from the housing finance market. Joint venture schemes with the private sector should also be developed for public housing for the informal sector (i.e., nonmembers of HDMF, GSIS and SSS) in government properties proclaimed for housing purposes. These approaches will redefine the role of government in housing finance to ensure a better distribution of responsibilities and risks with the other stakeholders.

Strengthening housing regulation

696. There is a need to establish Local Housing Boards in every city and municipality. The proposed Local Housing Boards shall formulate, develop, implement and monitor policies on the provision of housing and resettlement areas on the observance of the right of the underprivileged and homeless to a just and humane eviction and demolition.⁴²

Article 12

Question No. 1. Physical and mental health of the Filipinos

Physical health status

697. In terms of general health conditions and survival prospects, Filipino males born in 1970 were expected to live for about 57 years while females were expected to live for about 61 years,

⁴² The Boards shall have the authority to: (a) prepare local shelter plans; (b) assist in the preparation of Comprehensive Land Use Plans (CLUPs); (c) approve preliminary and final subdivision and development plans; (d) evaluate and resolve issues in the issuance of development permits; (e) ensure compliance with the 20 per cent balanced housing requirement in the Urban Development and Housing Act (UDHA) (which provides that in every housing development project, at least 20 per cent of the units or project cost should be for socialized housing); and (f) identify lands for socialized housing, among others.

on the average. In 1990, life expectancies increased to 62 years for males and 67 years for females. In 1995, these indices were estimated to have increased further to 64.5 years for males and 69.7 for females (NSCB, 1995). Further increase was noted in the following years to an average life expectancy of 68.6 years in 1999.

698. Large variations in the average life expectancy occur among the different regions of the country. Central Luzon and Southern Tagalog have the highest life expectancy while the ARMM and Eastern Visayas have the lowest.

699. In 1946, after World War II, the crude birth rate (CBR) was noted at 28.9 per 1,000 population. It went up to 30.5 per 1,000 population the next year and remained stable during the 1950s. The trend decreased in the 1960s, reaching the lowest rate ever recorded in 1972 at 24.8 per 1,000 population. Rates from 1973 to 1979 showed an increasing trend, soaring from 26.1 per 1,000 population in 1973 to a high of 30.7 per 1,000 population in 1979. From the 1980s and through the 1990s a continuous decline of the CBR was noted. The CBR for 1997 is 28.4 per 1,000 population. For 2002, the number has gone down to 25.6 per 1,000 population.

700. A sharp decline of the crude death rate (CDR) was noted from the 15.1 per 1,000 population recorded in 1946 to the rate of 7.3 per 1,000 population recorded in 1959. From the 1960s until the 1990s, a slow but steady decline in the CDR was noted, from the rate of 7.8 per 1,000 population in 1960 to the rate of 6.1 per 1,000 population recorded in 1997. The recorded CDR remains at 6.1500 per 1,000 population in 2002.

701. Death rates by age tend to be very high at infancy and early childhood, declining sharply by the age of 10. The rates remain low from this age, begin to climb around at age 40 years and accelerate beyond 50 years and above. In 1993, the mortality rate for males was 5.6 per 1,000 male population while that for females was 3.9 per 1,000 female population. There were more male than female deaths, accounting for a death sex ration of 147 males per 100 females dying.

702. The total fertility rate (TFR) in 2001 is 3.4 children per woman. This is slightly lower than that TFR between 1995 and 1998, as estimated from the 1998 National Demographic and Health Survey (NDHS), which is 3.7 children per woman. Between 1990-93, TFR was 4.1 children per woman. For 2003, TFR was recorded at 3.5 children per woman.

703. Infant mortality decline (IMR) slowed down considerably during the 1980s. After a decade of poor performance in mortality reduction, where infant mortality hardly went down, recent estimates suggest that infant and child mortality declined during the period 1990 to 1995. IMR declined from 56.7 per 1,000 live births in 1990 to 48.9 per 1,000 live births in 1995, while child (under five years) mortality declined from 79.4 per 1,000 children under five in 1990 to 66.8 in 1995.

704. IMR varies with socioeconomic and demographic factors as determined in the 1998 NDHS. Within the 10-year period before the survey, IMR in urban areas was 30.9 while in rural areas it was 40.2. The lowest IMR was in Metro Manila (23.7) followed by Central Luzon (23.6) and Western Visayas (26.0). The three regions with highest IMR are Eastern Visayas (60.8),

ARMM (55.1) and CARAGA (53.2). High IMR is noted among infants of mothers with no education, no antenatal and delivery care, and aged below 20 and above 40 years. IMR is also high among male infants, small or very small infants, birth order number seven and above, and previous birth interval below two years.

705. Based on the reported maternal mortality rate (MMR) in 1970 to 1995, the country's health situation barely improved unlike in other Southeast Asian countries. The Philippines has an MMR of 190 per 100,000 live births in 1970 and 179.7 in 1995. In 1995, it ranked second to Indonesia with an MMR of 312 to 385 and very far behind Malaysia, Japan and Singapore.

706. The MMR in 2000 is 170 per 100,000 live births. This is slightly lower than the estimated MMR of 172 per 100,000 live births between 1991-97 as estimated from the 1998 NDHS. The 1993 NDHS estimated MMR at 109 per 100,000 live births in 1987-93. The MMR slightly improved from 209 per 100,000 live births in 1990 to 180 per 100,000 live births in 1995. The MMR was highest in ARMM and Northern Mindanao and lowest in the National Capital Region (NCR) and Southern Tagalog.

707. Among Filipino women, the lifetime risk of dying from maternal causes is one in 100 (NSO, 1998). Maternal deaths made up less than one per cent of the total deaths in the country, but they contribute 14 per cent of all deaths in women aged 15-49.

708. The IMR and MMR by provinces show large differentials. For example, in both 1990 and 1995, the top five high mortality provinces had infant mortality rates that were twice as high as the five lowest mortality provinces. Similarly, large maternal mortality differentials by province persist. In 1995, the five highest mortality provinces had maternal mortality rates twice as high as the five lowest mortality provinces.

709. Although progress has been made in infectious disease control, diseases like pneumonia, tuberculosis, and diarrhea continue to be the leading causes of death of all ages constituting 21 per cent of total deaths. Side by side with the continuing importance of infectious diseases is the increasing importance of chronic diseases as major causes of death. These are the diseases of the heart, diseases of the vascular system and malignant neoplasms, which accounted for over 30 per cent of total reported deaths.

710. Since the time the first Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) was reported in 1984, the documented HIV/AIDS epidemic has progressed slowly. As of May 2004, according to the HIV/AIDS registry of the National Epidemiology Center, a total of 2,073 HIV/Ab seropositive cases had been detected, of which four (4) per cent were below 19 years old.

711. HIV infection is found in all regions of the country, although it appears to be concentrated in the urban areas of Luzon, Mindanao, and Visayas Islands. Sexual intercourse remains the predominant mode of transmission, accounting for up to 86 per cent of all infections. Mother-to-child and other modes of transmission, such as via blood and blood products, needle-stick injuries, and injecting drug use, account for smaller percentages of infections.

Mental health status

712. The magnitude of mental ill health and disorders is broad, and government resources are limited. The 1980 WHO Collaborative Studies for Extending Mental Care in General Health Care Services showed that 17 per cent of adults and 16 per cent of children who consulted at three health centers in Sampaloc, Manila have health disorders. Depressive reactions in adults and adaptation reaction in children were most frequently found. In Sapang Palay, San Jose Del Monte, Bulacan, the prevalence of adult schizophrenia was 12 cases per 1,000 population in 1988-89.

713. In a study conducted for Region 6 (Iloilo, Negros Occidental and Antique) in 1993-94, it was found out that the prevalence of the following mental illness in the adult population were: psychosis (4.3 per cent), anxiety (14.3 per cent), panic (5.6 per cent). For the children and adolescent, the top five most prevalent psychiatric conditions were: enuresis (9.3 per cent), speech and language disorder (3.9 per cent), mental subnormality 93.7 per cent), adaptation reaction (2.4 per cent) and neurotic disorder (1.1 per cent).

714. According to the DSWD, in 2001 a total of 2,172 mentally retarded persons, psychotic vagrants, and mendicants were placed in appropriate institutions to facilitate their treatment or rehabilitation.

Question No. 2. National health policy

715. The 1987 Constitution of the Republic of the Philippines ensures the right to health of every Filipino and enunciates the State's resolve to see to it that this right is exercised and enjoyed by all with priority for the needs of the underprivileged, sick, elderly, women and children.

716. Following the *International Conference on Primary Health* in Alma Ata in 1978, the Philippines crafted a primary health care strategy program anchored on the delivery of priority health care services.

717. In 1993, the government's commitment to PHC was underscored with the issuance of DOH Administrative Order No. 11, Series of 1993. AO 11, s. 1993, upheld PHC as the core strategy in the government's health program. The DOH's Community Health Service was given the prime responsibility in the implementation of the PHC Approach.

718. Some significant milestones in the country's public health care system in the past 25 years are: adoption of *PHC Approach* in 1979; implementation of a national health policy along PHC lines in 1981; integration of public health and hospital services in 1983 as per EO 851; re-organization of the DOH in 1987 in accordance with EO 199; and the devolution of health services in 1992 to local government units as mandated by the RA 7160.

719. Of particular interest is RA 7160 which mandates that delivery of basic services and the operation and maintenance of local health facilities be devolved to LGUs consisting of provinces, cities and municipalities. Each local government unit is responsible for a minimum set

of health services and facilities in accordance with established national policies, guidelines and standards. The devolution of health services conferred to the local government several major functions which were originally lies with the DOH.⁴³

720. While the delivery of basic health services has been devolved to local government units, the DOH continues as the lead agency for the health sector and convenor of all stakeholders to ensure strong collaboration for health promotion and disease prevention and control. Through the DOH, the government formulates and enforces national health policies, standards and regulations.

721. In 1999, the DOH took a bold step towards improving the performance of the health sector by improving the way health services are being provided and financed. This program of change, known popularly as the *Health Sector Reform Agenda*, (HSRA) identifies five major reforms - (a) provide fiscal autonomy to government hospitals; (b) secure funding for priority public health programs; (c) promote the development of local health systems and ensure its effective performance; (d) strengthen the capacities of health regulatory agencies; and (e) expand the coverage of the National Health Insurance Program (NHIP).⁴⁴

⁴³ These functions are as follows: Formulation and enforcement of local ordinances related to health, nutrition, sanitation and other health-related concerns; Implementation of health programs in accordance with national policies, standards and regulations; Provision of promotive, preventive, curative and rehabilitative health programs and services; Operation and maintenance of local health facilities (e.g., district and provincial hospitals under the provincial government; rural health units health centers and *barangay* health stations under the municipal or city government); Health human resource capability building; Establishment of a functional local health information system; Monitoring and evaluation of the implementation of various health services; Establishment of partnership with all sectors including inter-local government unit collaboration in health promotion; Provision of funds for health at the local level.

⁴⁴ The five major areas of the HSRA are as follows: (i) Provide fiscal autonomy to government hospitals. Government hospitals must be allowed to collect socialized user fees so they can reduce the dependence on direct subsidies from the government. Their critical capacities like diagnostic equipment, laboratory facilities and medical staff capability must be upgraded to effectively exercise fiscal autonomy. Such investment must be cognizant of complimentary capacity provided by public-private networks. Moreover, such capacities will allow government hospitals to supplement priority public health programs. Appropriate institutional arrangement must be introduced such as allowing them autonomy towards converting them into government corporations without compromising their social responsibilities. As a result, government hospitals are expected to be more competitive and responsive to health needs; (ii) Secure funding for priority public health programs. Multi-year budgets must be provided to eliminate or significantly reduce the burden of infectious diseases as public health problems. Investments must be undertaken to effectively address emerging health concerns and to advance health promotion and prevention programs. In order to ensure that such investments are effectively utilized, the management capacity and infrastructure of public health programs must be upgraded. Capacity building is also required for these programs to provide technical leadership over local health systems. (iii) Promote the development of local health systems and ensure its

722. In 1992, as a response to the growing HIV/AIDS endemic, the Government, through EO 39, created the Philippine National AIDS Council (PNAC). EO 39 mandated the PNAC to “advise the President of the Republic of the Philippines regarding policy development for the prevention and control of AIDS x x x” PNAC also serves as a venue for intensive policy discussion between government and NGOs in policy development.

723. Other legislative and executive issuances on health are summarized below.

724. Republic Act No. 6675, *Generics Act of 1988*, decrees and requires the use of generic terminology in the importation, manufacture, distribution, marketing, advertising and promotion, prescription and dispensing of drugs.

725. Republic Act No. 6972, *Barangay Health Total Development and Protection of Children Act*, stipulates a referral and health care system at the village level for pregnant mothers, delivery of infants, and neonatal care.

726. Republic Act No. 7305, otherwise known as *Magna Carta of Public Health Workers*, aims to: (a) promote and improve the social and economic well-being of the health workers, their living and working conditions and terms of employment; (b) develop their skills and capabilities in order that they will be more responsive and better equipped to deliver health projects and programs; and (c) encourage those with proper qualifications and excellent abilities to join and remain in government service.

effective performance. Local government units must enter into cooperative and cost sharing arrangements to improve local health services. To promote the development of local health systems, funds must be secured to upgrade local health facilities and build local human resource capacities. Participation of the private sector and volunteer groups must be tapped for more effective performance. Appropriate mechanisms for sustainability and continues delivery of quality care must be developed and institutionalized; (iv) Strengthen the capacities of health regulatory agencies. Health regulatory agencies must be strengthened to ensure safe, quality, accessible, and affordable health services and products. Weaknesses in regulatory mandates and enforcement mechanisms must be effectively addressed. Appropriate legislation must be enacted to fill regulatory gaps. Public investments must be made to upgrade facilities and manpower capability in standards development, technology assessment, and enforcement; and (v) Expand the coverage of the NHIP. Social health insurance must expand to extend protection to a wider population especially the poor. Health insurance benefits must be improved to make the program more attractive. Improved benefits and services will be used to aggressively enroll members. Adequate funding must be secured for premium subsidies needed to enroll indigents. Effective mechanisms must be developed to cover and service individually paying members. As membership expands and benefit spending increases, appropriate mechanisms to ensure quality and cost effective services must be developed and introduced. Capacities and new administrative structures must be developed to allow the Philippine Health Insurance Corporation to effectively service more members and manage increased benefit spending.

727. Republic Act No. 7600, otherwise known as *Rooming-In and Breastfeeding Act*, stresses the provision of safe and adequate nutrition of infants through the promotion of rooming-in and breastfeeding of the newborn.

728. Republic Act No. 7719, otherwise known as the *National Blood Services Act of 1994*, provides for the establishment of blood services network and aims to instill public consciousness of the principle that blood donation is a humanitarian act through a nationwide public awareness campaign.

729. Republic Act No. 7846 amends PD 996 and requires compulsory immunization against Hepatitis B for infants in addition to the basic immunization services which include BCG against tuberculosis; diphtheria, tetanus, pertussis, vaccination; oral polio vaccine against poliomyelitis; and immunization against measles and rubella.

730. Republic Act No. 7875, otherwise known as the *National Health Insurance Act of 1995*, endeavors to provide all Filipinos with a mechanism to gain access to health services, especially that segment of the population who cannot afford such services. The law provides for the creation of the NHIP which would serve as the means to help people pay for health care services. The Program aims to give the highest priority to achieving coverage of the entire population with at least a basic minimum package of health insurance benefits.

731. Republic Act No. 7883, otherwise known as the *Barangay Health Workers' Benefits and Incentives Act of 1995*, recognizes the Primary Health Care Approach as the major strategy towards health empowerment. The law emphasizes the need to provide accessible and acceptable health services through participatory strategies such as health education, training of *barangay* health workers, community building and organizing.

732. Republic Act No. 8172, otherwise known as the *Salt Iodization Nationwide Act*, provides for the mandatory fortification of all human-grade salt with iodine. The full implementation of the law promises to reduce significantly pregnancy wastage as well as the risk of children from being born with lower IQ points or with physical and mental abnormalities and disabilities.

733. Republic Act No. 8191 provides for the creation of the National Commission on Diabetes in pursuance of the government's efforts to prevent and control diabetes mellitus in the Philippines.

734. Republic Act No. 8203, otherwise known as *Special Law on Counterfeit Drugs*, seeks to safeguard the health of the people by protecting them against counterfeit drugs.

735. Republic Act No. 8423, otherwise known as the *Traditional and Alternative Medicine Act of 1997*, encourages the development of traditional and alternative health care. The law seeks the integration of traditional and alternative medicine into the national health care delivery system.

736. Republic Act 8504, otherwise known as the *Philippine AIDS Prevention and Control Act of 1998*, is the centerpiece of the national response to HIV/AIDS. Hailed as a landmark legislation, the law is often described as path-breaking for it prohibits mandatory testing of HIV; respects human rights including the right to privacy of individuals living with HIV/AIDS;

integrates HIV/AIDS education in schools; prohibits discrimination against people living with HIV/AIDS in the workplace and elsewhere; and provides for basic health and social services for individuals with HIV.

737. Republic Act No. 8749, otherwise known as the *Clean Air Act of 1999*, is a milestone piece of legislation that collects scattered rules and regulations on air quality and collates them into a single law. It contains stringent standards for ambient and source emissions, also known as technology-forcing standards.

738. Republic Act No. 8976, or the *Food Fortification Act*, compensates for the nutritional inadequacies of the Filipino diet, which are more pronounced among young children. The law provides for the mandatory fortification of staples, i.e., rice with iron, flour with iron and vitamin A, sugar and cooking oil with any combination of vitamin A, iron or iodine.

739. Republic Act No. 9211, otherwise known as the *Tobacco Regulation Act of 2003*, regulates the use, sale and advertisements of tobacco products in order to promote a healthful environment for the people.

740. Republic Act No. 9334 has provisions which mandate the earmarking of the 2.5 per cent incremental revenue derived from the excise taxes imposed on alcohol and tobacco products to disease prevention and control programs of the DOH. Further, the aforesaid law further provides for the earmarking of 2.5 per cent of the incremental revenue to the PHIC.

741. Executive Order No. 205 mandates the DOH and the DILG to form a national health planning committee and inter-local health zones throughout the country.

742. As per EO 286, entitled *Directing National Government Agencies and Other Concerned Agencies to Actively Support and Implement the Programs on the “Bright Child,”* child-focused programs of the DOH, DSWD, and DepEd are promoted under one brand. The brand will be called the “bright child”. Pursuant to this order, immunization, nutrition, breastfeeding, day-care, pre-school and school programs were integrated under a label that gave families a better appreciation for all the requirements needed to raise a bright child - physical, emotional, social, educational.

743. Jurisprudence which illustrates the right of the people to enforce their right to health are provided below:⁴⁵

⁴⁵ ***Pollution Adjudication Board v. Court of Appeals***. Facts: The case stemmed from the Pollution and Adjudication Board’s issuance of an *ex parte* cease and desist order against Solar Textile Finishing Corp’s textile plant in Malabon. Solar contested the order saying that the Board’s issuance of an *ex parte* order amounted to a denial of its constitutional right to due process. Ruling: The Board, under Sec. 7, PD 984 has the power to order the closure if it finds that the wastes discharged exceed the “allowable standards.”

- Pollution Adjudication Board v. Court of Appeals, G.R. No. 93891, 11 March 1991;
- Rodriguez, Jr. v. Intermediate Appellate Court, G.R. No. 74816, 17 March 1987;
- Oposa v. Factoran, G.R. No. 101083, 30 July 1993.

Question No. 3. Budget for health care

744. For 2005, the total programmed appropriation for health is P9.8 billion. The aforesaid budgetary allocation is PhP 154 million lower than that allocated in 2003. The 2003 budget is in turn lower than that provided for in 2002. In 2002, of the 781 billion-peso national budget, PhP 14.5 billion pesos, or two (2) per cent of the total budget was allocated for health services.

Rodriguez, Jr. v. Intermediate Appellate Court. Facts: Rodriguez, Jr. together with his neighbors filed an action for abatement of a public nuisance with damages against Daytona Construction and Development Corporation, a cement factory located in Malabon. A physician who lived in the area testified that he had treated several patients who traced their sickness to the pollution caused by the Daytona cement-batching plant. He said that cement dust produces cardio-pulmonary complications, and the people living in the neighborhood of the batching plant are the most susceptible to these diseases. He reported many cases of bronchial asthma in both children and adults who lived in the vicinity of the batching plant. Issue: Should the cement-batching plant be closed on the ground that it is a public nuisance? Held: *The cement dust coming from the batching plant of Daytona is injurious to the health of the plaintiffs and other residents in the area. The noise, vibration, the smoke, and the odor generated by the day and night operation of the plant must be indeed be causing them serious discomfort and untold miseries. Its operation therefore violates certain rights of the plaintiffs and causes them damages.*

Oposa v. Factoran. Facts: Petitioners Filipino children, representing themselves and generations yet unborn, filed an action for the cancellation of all logging permits in the country. In support of their petition, petitioners invoked their right and legal personality to sue by way of a class suit in order to protect their environment. Their theory was based on the principle of intergenerational responsibility. Ruling: Insofar as the merits of the case are concerned, the Court found that the complaint focused on one specific fundamental legal right - the right to a balanced and healthful ecology as provided for in Sec. 16, Art. II of the Constitution. The Court related the specific provision with the right to health as embodied in Sec. 15, Art. II of the Constitution. According to the Court, while the right to a balanced and healthful ecology is to be found under the Declaration of Principles and State Policies and not under the Bill of Rights, it does not follow that it is less important than any of the civil and political rights enumerated in the latter. Such a right belongs to a different category of rights altogether for it concerns nothing less than self-preservation and self-perpetuation, the advancement of which may even be said to predate all governments and constitutions.

745. In 1997, DOH had a total appropriation of PhP 11 billion. This appropriation was 18.47 per cent higher than that given in 1996 and represented 15.58 per cent of the social sector budget and 2.54 per cent of national total budget. However, this is only 0.43 per cent of the Gross National Product (GNP) of the same year at current prices. DOH ranked 6th among all other Government agencies in terms of its share of national budget.

746. An annual average of 2.36 per cent of national government budget was allocated to the DOH during the period 1993 to 1997 which was lower than the 5.37 per cent of national government budget during 1988 to 1992. The reduction of the DOH share of the national government budget was due to the devolution of basic health care service delivery to the local government units, which was mandated by the Local Government Code.

Question No. 4.a. Infant Mortality Rate

747. Data from various sources indicate a declining trend of IMR in the country. The 1998 NDHS estimated the IMR at 45.3 in 1985, 36.8 in 1990, and 35.3 in 1995. IMR slightly dropped from 57 in 1990 to 49 in 1995 as reported by NSCB. In the 1998 NDHS, IMRs was 35 per 1,000 births, while the neonatal death rate was 18 deaths per 1,000 live births. In 2001, IMRs was reported at 29 per 1,000 births.

748. Live births in 2002 totaled 866,521 males and 800,252 females. Of these data, infant deaths numbered 13,955 males and 9,868 females. There are more deaths among males than among females.

749. IMR varies with socioeconomic and demographic factors as determined in the 1998 NDHS. Within the 10-year period before the survey, IMR in urban areas was 30.9 while in rural areas it was 40.2. The lowest IMR was in Metro Manila (23.7) followed by Central Luzon (23.6) and Western Visayas (26.0). The three regions with highest IMR are Eastern Visayas (60.8), ARMM (55.1) and CARAGA (53.2).

750. The 2003 NDHS indicates that mortality rates in urban areas still remain much lower than those in rural areas. Infant mortality rate in urban areas, for example, is 24 death per 1,000 live births compared with 36 deaths per 1,000 live births in rural areas.

4.b. Population access to safe water

751. From 1960 to the present, there has been a significant increase in households with access to safe water at average rate of 2 per cent increase yearly. About 87 per cent of the total households have access to safe water supplies with 91 per cent of households in urban areas and 71 per cent of households in rural areas (*NHDS, 1998*). Drinking water supplies come from Level 1 (39 per cent), Level II (18 per cent), Level III (30 per cent) and doubtful sources (13 per cent).

752. Water is distributed through the Manila Waterworks and Sewerage System and the water concessions in Metro Manila, the water districts, the LGUs, the cooperatives, the private sector and bulk water supplier. The reach of these systems, however, are limited and many Filipinos still do not have access to water that is clean and affordable.

753. Access is greater in the urban areas at 87.2 per cent in 1998, compared with only 69.8 per cent in the rural areas. Moreover, access is 58 per cent for the poorest decile and 93 per cent for the richest decile of the population.

754. A baseline study under the Urban Health and Nutrition Project in 1995 showed that the majority (72 per cent) of households among slum dwellers have access to piped water or tube wells. However, 36 per cent of the water were contaminated at the point of consumption that it had been at source (17 per cent). This was due to improper transport, handling and storage of drinking water.

4.c. Population Access to Adequate Excrete Disposal Facilities

755. In 1998, about 19 per cent of households or 2.3 million households did not have access to sanitary toilet facilities. Around 92.3 per cent of the population had access to sanitary toilets compared to 69.8 per cent in the rural communities (NDHS). Among poor families, 67.4 per cent have access, while non-poor families have greater access at 89.4 per cent.

756. It is also estimated that only about seven per cent of the population are connected to sewer. Access to sanitary toilet facility, either household or public toilet, remains a problem. According to the 1995 Urban Health and Nutrition Baseline Studies, some reasons for not having a toilet were lack of space and money to build one.

757. For Metropolitan Manila, data for 2006 indicate that about eight per cent of its total population have access to sewerage facilities. This represents a total of 99,400 sewer service connections. The rest of the population is served by on-site sanitation. Majority of these households have toilets that are connected to septic tanks which provide primary treatment.

4.d. Infants immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis

758. The *Expanded Programme on Immunization* began in 1976. Oral polio vaccine and tetanus were added in 1980 and measles in 1982. Twice yearly mass campaigns were held from 1977-1983. This was increased to four times yearly in 1984. At about the same time, clinic-based year-round delivery expanded gradually. The coverage rates for 1986 are as follows: BCG-51 per cent, DPT3-32 per cent, OPV3-37 and measles-40 per cent. As a result, among children under five (5) years of age, incidence of all six diseases fell, especially polio, which fell down to 83 per cent, when compared with the percentage in 1980. Measles fell down to 20 per cent since 1982.

759. In 1993, the Philippines achieved its highest level of coverage for Fully Immunized Child (FIC) at 91 per cent. This has declined to 86 per cent in 1995, possibly as a result of the devolution of health services to local government units. The coverage for FIC improved to 90 per cent coverage in 1996 and 1997.

760. Immunization coverage in 2003 is higher for children living in urban areas than for those in rural areas (74 and 65 per cent, respectively). Slightly more females (71.3 per cent) received complete vaccinations than males (68.4 per cent).

761. The Philippines was declared polio-free during the Kyoto meeting on Poliomyelitis Eradication in the Western Pacific Region in October 2000. Despite this, the Philippines remains vigilant in protecting its citizens from risks of acquiring poliovirus from other countries. Measures for sustained vigilance include strengthening of the surveillance system and capacity for rapid response to outside contamination, adequate laboratory containment of wild poliovirus and continuing routine immunization until global certification is achieved.

762. The *Polio Patak Campaign* in 2002 immunized 12 million children twice over during the months of February and March. This campaign was designed to suppress the spread of the vaccine-derived poliovirus, which emerged when polio immunization rates dropped in the previous two years.

763. The *Measles Elimination Campaign* dubbed *Ligtas Tigdas* drastically brought down the number of outbreaks and measles cases to the lowest level compared with previous years. The campaign achieved a high coverage of almost 95 per cent measles immunization among the nine months up to 15 years of age.

764. The *Follow-up Measles Immunization Campaign* in February 2004 targeted 18 million children, aged 9 months to less than 8 years old. Ninety five per cent of target population was immunized.

4.e. Life Expectancy at Birth

765. The average life expectancy at birth rose from an average of 61.6 years in 1980 to 64.6 years in 1990. Further increase was noted during recent years to an average life expectancy of 68.6 years in 1999.

766. Life expectancy of females has always been higher than males in the Philippines (71.28 years for females in 1999 compared to 66.03 years for males for the same year). Large variations in the average life expectancy occur among the different regions of the country. Central Luzon and Southern Tagalog have the highest life expectancy while the ARMM and Eastern Visayas have the lowest.

4.f. Proportion of the population having access to trained personnel for the treatment of common diseases and injuries

767. Data on the proportion of the population having access to trained personnel for treatment of common diseases and injuries, disaggregated by socio-economic status, which usually could be generated through administrative reports from branch offices of the DOH, were not available because of the previously stated devolution of service delivery to local government units. However, the following data might find relevance.

768. Of the 1,708 hospitals in the country, 1,068 are privately owned and only 640 are public hospitals (*DOH, 2001*). Hospitals are unevenly distributed across regions. While there are 177 hospitals in Metro Manila, the ARMM, which is one of the poorest regions in the country, has only 14 hospitals.

769. Further, most health practitioners are in Metro Manila and other urban centers. In 1990-1995, there were 82,494 doctors, 259,629 nurses, 102,878 midwives. In 1997, there were 3,123 doctors, 1,782 dentists, 4,822 nurses, and 15,647 midwives employed by the local government units while the DOH has 4,232 doctors, 179 dentists, 4,837 nurses and 241 midwives. The ratio of government health workers to the population was one doctor per 9,727 people, one dentist per 36,481, one nurse per 7,361 and one midwife per 4,503.

770. In addition to these hospitals, there were around 2,405 rural health units (RHU) and 13,096 barangay health stations (BHS) in 1997. On the average, each RHU serves 29,746 people while each BHS catered to 5,277 people. RHUs are usually staffed by doctor, a nurse and a few midwives, while BHSs should have at least one midwife.

771. As of 2002, health care workers in local government units all over the country totaled 282,224. These included doctors, nurses, dentists, nutritionists, midwives, and *barangay* (village) health workers.

4.g. Proportion of pregnant women having access to trained personnel during pregnancy and proportion attended by such personnel for delivery; figures on the maternity mortality rate

772. The 1998 NDHS showed considerable gaps in maternal care services. For most of births (77 per cent), mothers made three or more prenatal visits, and for almost half of the births, the first prenatal visit was made in the first three months of gestation. Only 33 per cent were told about the danger signs of pregnancy. The proportion of mothers who received tetanus toxoid immunization was only 30 per cent compared to 42 per cent in 1993. Seventy-five per cent of pregnant women received iron tablets, but only 57 per cent of the pregnant women received iodine supplement. A high proportion (86 per cent) of pregnant women go to professional health workers for prenatal check-ups. The 2000 FHSIS reported that 64.8 per cent pregnant women have had three or more prenatal visits.

773. Government field data for 2000 (*FHSIS 2000*) showed that 69 per cent of pregnant women received assistance at delivery from a doctor, nurse or midwife; and 31 per cent were assisted by traditional birth attendants (TBAs). Moreover, there were large regional disparities in patterns of delivery care.

774. Overall, midwives provide the largest per cent age of delivery at 40.7 per cent, but this varies from a low of about 30 per cent of deliveries in Mindanao to a high of about 60 per cent in Northern Luzon. Nationally, trained TBAs and doctors attended approximately the same number of deliveries (26.8 per cent). In the urban NCR 51.4 per cent of the deliveries were attended by doctors. (*NDHS, 1998; FPA, 2001 and 2002*).

775. In the 1998 NDHS, maternal deaths were estimated to be 14 per cent of all deaths of women ages 15-49. Approximately 2 women for every 1,000 live birth die during pregnancy, at childbirth, or in the period after childbirth. Filipino women also face a one-in-100 chance of dying of maternal causes in their lifetime. Maternal deaths are higher in poor rural and isolated areas and poor urban communities. Based on the NSCB data, the top three regions in terms of maternal mortality rate from 1990-1995 are ARMM, Regions 10 and 9.

776. Maternal deaths are mainly due to postpartum hemorrhage, hypertension and its complications, sepsis, obstructed labor and complications from abortions. Among the causes of hemorrhage, abortion ranks fourth with an average rate of 7.22 per cent over a period of 10 years (POGS 1985-1994). Indirect estimates of abortion rates showed Metro Manila with the highest abortion rate of 33 per 1,000 women aged 15-44 years and lowest in the Visayas with 9 per 1,000 women aged 15-44. While most women survive such complications, they may nonetheless suffer acute or chronic illness and debilitating conditions such as anemia or reproductive tract infections or lifelong disabilities such as obstetric fistulae.

4.h. Proportion of infants having access to trained personnel for care

777. Data on infants having access to trained personnel for care, disaggregated by gender, age, and socio-economic status, which usually could be generated through administrative reports from branch offices of the DOH, were not available because of the previously stated devolution of service delivery to LGUs. However, the following data might find relevance.

778. The potential infrastructure to mobilize for newborn health remains untapped. Nationally, the per cent age of all public health facilities with functioning basic essential obstetric care is only 9.5 per cent of rural health units (RHUs) and 2.6 per cent of barangay health stations (BHUs). The per cent age of referral hospitals with functioning comprehensive essential obstetric care is only 20 per cent of district hospitals and 47 per cent of provincial hospitals. (*Women's Health and Safe Motherhood Program Report, 1998*).

779. The *Maternal and Child Health Survey of 2000* revealed that only six in 10 women with surviving children below the age of three years consulted someone for postnatal care. Fifty two per cent of those who had postnatal care consulted a doctor. Thirty seven per cent saw a nurse or midwife, and about one in every 10 went to a TBA. Although nurses and midwives, in general, were the most common providers of postnatal care (48 per cent), doctors were the leading providers of this care in urban areas (66.9 per cent). During postnatal care visits, the most frequent service was a check-up for the baby.

Question No. 5. Vulnerable and disadvantaged groups

780. From the indicators presented above, both urban and rural poor appear as the most disadvantaged groups in terms of access to health services.

781. The extent of poverty in the country reflects the persisting disparities in the control of disease and malnutrition. Also, those who live in rural remote areas received less and lower quality health services. Hospitals and other health care facilities are still concentrated in urban centers and the poor cannot afford the cost of health care.

5.a. Changes in national policies, laws and practices negatively affecting the health situation of disadvantaged groups

782. For over forty years after postwar independence, the Philippine health care system was administered by a central agency based in Manila. This central agency provided the singular source of resources, policy direction, and technical and administrative supervision to all health facilities nationwide. However, with the implementation of the Local Government Code in 1991,

local government executives were made responsible to operate local health care services. New centers of authority for local health services emerged. These consist of 78 provincial governments, 82 city governments, 1,536 municipal governments, one autonomous regional government and one metropolitan authority. Now, the Provincial Governors operate the hospital system (provincial and district hospitals) while the Municipal Mayors operate the Rural Health Units (RHU) and Barangay Health Stations (BHS) in their respective localities.

783. The devolution has broken the chain of integration because of these separate administrative controls. There is now the existence of a two-tier health system - hospital services - which are administered independently. This situation is more evident in the technical supervision and assistance over RHU and BHS. Moreover, municipalities operate separately from each other resulting to further segregation even of the public health system within the province. Consequently, this fragmentation of local health services resulted to the deterioration of integrative approaches to health care delivery, efficiency of the health care delivery system and quality of local health care services.

784. In the initial year of devolution, local health care services deteriorated due to lack of trained manpower, clinical equipment and physical structures. Human resource development and training of health personnel were discontinued, resulting to decrease in health service capabilities. Moreover, career path and development of health personnel was cut due to the loss of promotional systems to higher levels of authority in the health care system. The exchange of technical resources between hospitals and public health units were likewise stopped, resulting to shortages of technical manpower for health operations. Due to lack of resources, clinical equipment for health facilities and physical structures, needing repairs and replacements, continued to be unattended. As a result, many of the local health facilities were downgraded to primary health facilities causing tertiary hospitals to be overburdened with primary and secondary cases, which could have been managed by lower health facilities.

785. The cost of devolved function of health services turned over to the LGUs did not match the Internal Revenue Allotment (IRA) budget, which was provided by the National Government. Provinces obtained only about 23 per cent of IRA while the cost of health functions almost doubled. Municipalities and cities received IRA shares of 34 per cent and 23 per cent respectively, which almost matched the cost of devolved health functions. However, these shares fell short of increasing costs of health operations. Barangays obtained 20 per cent IRA shares, with minimal cost of devolved functions. With the limited budgets, provincial and municipal governments found it difficult to work together because of implied cost sharing schemes with their already limited budgets.

786. Lastly, most of the LGUs considered health as a low priority in budgetary allocations. Therefore, budget for health services were kept at a minimum.

5.b. Measures considered necessary to improve health situation of vulnerable groups or in such worse-off areas

787. In order to address the health needs of all sectors of society, especially those of the vulnerable groups, an agenda for health sector reforms have been developed by DOH. HSRA describes the major strategies and measures, organizational and policy changes and public investments needed to improve the way health care is delivered, regulated and financed.

5.c. Policy measures taken by the government, to the maximum of available resources, to realize improvements; time-related goals and benchmarks for measuring achievements

788. *Sentrong Sigla Certification*. To ensure that the quality of health services is maintained and for the national government to continuously provide guidance in setting health standards, a quality improvement initiative was created with the main strategy as voluntary “certification” of health facilities. This initiative was developed in 1998 and implemented in 1999. There was an overwhelming response from the devolved local governments. National and regional teams conducted assessment visits to hospitals and primary health facilities nationwide. Towards the end of 1999, around 481 rural health units, 17 hospitals have been certified as meeting quality standards. These are called “Sentrong Sigla” (Centers of Vitality) facilities. With the favorable response of local government units, the DOH institutionalized the program with the establishment of the *Quality in Health (QPI) Program*.

789. *Improvement of the National Health Insurance Program (NHIP)*. The heart of the NHIP is the Indigent Program as it aims to provide health insurance coverage to those who could not otherwise afford to pay their premium contributions. In the first years of implementation, the Indigent Program concentrated on the Social Reform Agenda (SRA) provinces. SRA provinces are those provinces which have been identified by the government as most in need of assistance for development.

790. To date, PhilHealth is redirecting the implementation of the Indigent Program to focus on the urban areas. Not only do these LGUs have the administrative infrastructure to implement the program, they also have the financial capability to enroll their indigents. This would provide a mechanism for the “richer” LGUs to subsidize the “poorer” LGUs.

791. *Doctor to the Barrios Program (DTTB Program)*. Given the reality where there is a varying pace of development and inequitable distribution of scarce resources, 271 municipalities were identified in 1992 to be doctorless and lacking in the capability to provide adequate health services resulting in high mortality and morbidity rates in these areas.

792. The *DTTB Program* was created by the DOH in May 1993 to address this need. Its mission is to deploy competent, committed, community-oriented and dedicated doctors to the doctorless municipalities. Although the *Doctors to the Barrios Program* deploys doctors to municipalities, as the Municipal Health Officers of these municipalities, these doctors reach and serve all the barrios of the municipality, including the most inaccessible ones.

793. *Half-Priced Medicines*. Several strategies were employed to chase the prices of medicine down.

794. First, through the *Gamot na Mabisa at Abot Kaya Program*, the DOH expanded the parallel drug importation program from India. Initially operating in a few hospitals with a limited variety of medicines worth PhP 5,000,000.00 pesos in 2000, these imports were increased in 2001 to 42 essential drug varieties worth a total of PhP 100,000,000.00. These were then made available nationwide through the 72 DOH retained hospitals and a few LGU devolved hospitals.

795. Secondly, the DOH enlisted the support of the pharmaceutical industry, both local and multinationals companies, to help bring down the prices of drugs and medicines. Two drug companies, United Laboratories, Inc. (Unilab) and Glaxo Smith Klein have put in the market a line of products 30-50 per cent less than their regular prices. Unilab's line is marketed as Rite Med and this started in 2002. Glaxo Smith Klein announced that it was reducing by at least 30 per cent the prices of its saleable essential medicines beginning early 2004.

796. Generics companies have also been allowed to provide medicines to hospitals at competitive prices. Four local drug companies have been allowed to consign products in DOH pharmacies. To ensure that only high quality medicines will be made available to the public, all prospective suppliers were pre-screened and were required to have a Certificate of Good Manufacturing Practice from the BFAD.

797. A third initiative was the promotion of generic products by the DOH through television commercials. Promotion of generic products has been a DOH concern ever since the *Generics Law* was passed in 1988.

798. The fourth initiative was the widening of the distribution system for common everyday drugs and medicine. The Rolling Stores of the NFA were given a special license to sell household remedies and herbal medicines while *Botika ng Barangays* (BnBs) were established to sell 2 prescription antibiotics (amoxicillin and cotrimoxazole), common over the counter medications and herbal medicines in far-flung and hard to reach *barangays*. DOH supervises the setting up and regulation of these BnBs. This program continues to expand with a target of 1,500 new BnBs by middle of 2004. To provide for the needed capitalization for the BnBs, PCSO allocated money for the purchase of medicines.

5.d. Effect of these measures on the health situation of the vulnerable and disadvantaged groups

799. As a result of all of the initiatives on cutting off medicine prices, headway was slowly being made. In the SWS survey of the last quarter of 2002, 49 per cent of respondents who bought medicines two weeks before the SWS interview claimed they were able to buy low-(priced medicines. Forty two per cent said that they thought prices of medicines were now cheaper.

5.e. Measures taken to reduce stillbirth rate and infant mortality and promote healthy development of the child

800. Following the launching of the global *Safe Motherhood Initiative* in Nairobi, Kenya, in 1987, the Philippines hosted its own Safe Motherhood Conference in 1988.

801. The following years saw the revitalization of the *Safe Motherhood Task Force*, the formulation of the *National Safe Motherhood Policies and Framework* and the holding of the *First National Safe Motherhood Congress* (1988) as well as the *Second National Safe Motherhood Congress* (2003). These efforts were executed to reciprocate the international initiatives and supplement efforts at country-level consensus building among key stakeholders in the safe motherhood initiative.

802. The four (4) pillars of the safe motherhood initiative include: proper antenatal care to all mothers; proper training of all birth attendants and proper post-partum care to the mother and new born; proper emergency obstetric care; and family planning program.

803. In 1992, the Philippine Congress enacted RA 7600 into law. RA 7600, otherwise known as *The Rooming-In and Breast-Feeding Act of 1992*, adopts rooming-in as a national policy and supports the practice of breastfeeding. The law was passed on the recognition of the need to create an environment where the basic physical, emotional, and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding.

804. In 1996, the government launched the *Women's Health and Safe Motherhood Project* (WHSMP). The WHSMP is a five (5)-year project of the DOH and LGUs at the provincial, municipal and *barangay* levels. Generally, it aims to establish partnership arrangements among NGOs, LGUs and the DOH, with the objective of empowering women and their communities to improve their health situations. While it is the DOH which would provide all technical and managerial directions, LGUs would be responsible for the actual delivery of the project services.

805. In 1999, the government launched a five (5)-year *Early Child Development Project* (ECD). ECD is part of a broader program to promote the development of Filipino children and to address the great risks that children from poor and disadvantaged families face. In 2002, the government institutionalized the program by legislating the *Early Child Care and Development Act* (RA 8980), which established governance structures and delivery systems for children 0-6 years.⁴⁶ Please refer to pars. 429 to 430.

806. On 3 November 2000, EO 310 was issued authorizing the adoption and implementation of the *Philippine Strategic Framework for Plan Development for Children, 2000-2025* or *Child 21*. *Child 21* is a strategic framework that aims to guide stakeholders in planning programs and interventions that promote and safeguard the rights of Filipino children in the 21st century. *Child 21* aims to synchronize family, community, and national efforts towards the full realization of the rights of children by 2025. The framework weaves child rights (survival, development,

⁴⁶ The ECD's overarching goal is to maximize the survival and developmental potential of children, particularly those most vulnerable and disadvantaged. It aims to minimize the health risks to very young children; to contribute to the knowledge of parents and the community about child development and encourage their active involvement; to advocate for child-friendly policy and legislation; to improve the ability and attitude of child-related service providers; and to mobilize resources and establish viable financing mechanisms for ECCD projects. The ECD program set specific quantitative goals, such as decreasing the child mortality rate. The program uses health, nutrition, early education, and social services programs that provide for the basic needs of young children. It uses a multitude of instruments, among them a national child surveillance and referral system; investments in essential, child-focused services for parents, caregivers, and service providers; expanded community participation and local ownership to ensure sustainability; and the establishment of ECCD Coordinating Councils at all levels of government to monitor implementation.

protection and participation) with the child's life cycle. As a strategic framework, it operates as a road map for the national government as well as for local government units, private initiatives and non-governmental organizations in setting priorities for action and in allocating and utilizing resources to promote the rights of Filipino children.

807. The government also implements community-based programs to provide basic services at the *barangay* level.⁴⁷

808. Concomitant capacity building for health workers was conducted especially for the rural midwives, village health volunteers, and traditional birth attendants. The training was focused on ensuring safe pregnancy, delivery and postpartum care, breastfeeding counseling, and strategies for post-natal follow up for mothers. The *Midwives Manual on Maternal Care* was developed and distributed.

4.f. Measures taken to improve all aspects of environmental and industrial hygiene

809. Enumerated below are the legislative and executive issuances enacted to improve all aspects of environmental and industrial hygiene.

810. Presidential Decree No. 856, otherwise known as the *Sanitation Code*, updates and collates all sanitary laws to ensure that they are in keeping with modern standards of sanitation.

⁴⁷ The DOH has an *Essential Health Care Package for Mothers and the Unborn* which includes antenatal registration, tetanus toxoid immunization, vitamin A, folate and iron supplementation, treatment of existing conditions, early detection and management of complications before delivery, clean and safe delivery, breastfeeding, information services for family planning, HIV/STD prevention and management, and dental care. The corresponding essential newborn care elements include resuscitation, prevention and management of hypothermia, routine eye prophylaxis, immediate and exclusive breastfeeding up to six (6) months, birth registration, newborn screening, prevention and management of infection, birth weight and growth monitoring.

In furtherance of its healthy development of the child campaign, the government has put in place the *Integrated Management of Childhood Illness Program*. The program includes preventive health care aspects of immunization, nutrition, and growth monitoring, prenatal/postnatal care of mothers. The government's service delivery network for this program extends to the BHUs.

Also, the DOH holds twice annually the *Garantisadong Pambata* Campaign (Preschoolers' Health Week Campaign). The campaign serves to highlight routine health services for children who missed their routine services on immunization, Vitamin A supplementation, weighing, oral-health and other services. In addition, the *Prent-Effectiveness Program* was enriched by adding modules on *Keeping a Healthy Environment* and *For Your Children's Health and Nutrition*.

811. Presidential Decree No. 1151 requires all instrumentalities of the government and all private corporations and entities to prepare, file and include in every action, project or undertaking which significantly affects the quality of the environment a detailed statement of the environmental impact of the proposed action.

812. Presidential Decree No. 1152, otherwise known as *Philippine Environment Code*, enunciates the country's environmental management policies and environmental quality standards aimed at protecting and improving the country's water, air and land resources.

813. Presidential Decree No. 1586 establishes the *Environmental Impact Statement System*, which is founded and based on the environmental impact statement required in PD 1151.

814. Presidential Decree No. 984, otherwise known as the *Pollution Control Law*, authorizes the National Pollution Control Commission to order the immediate discontinuance of discharge of sewage, industrial wastes, or other wastes into the water, air, or land.

815. Republic Act No. 4850, also known as the *Laguna Lake Development Authority (LLDA) Act of 1966*, provides for the creation of the LLDA. The LLDA has been tasked with carrying out the social and economic development of the Laguna Lake region with due regard and adequate provisions for environmental management and control, preservation of the quality of human life and ecological systems, and the prevention of undue ecological disturbances, deterioration, and pollution.

816. Republic Act No. 6969, otherwise known as *Toxic Substance and Hazardous Wastes Act*, encourages proper management of hazardous wastes by promoting, in order of preference: minimization of generation; recycling and reuse; treatment to render hazardous waste harmless; and landfill of inert residues.

817. Republic Act No. 8749, also known as the *Clean Air Act of 1999*, provides for the comprehensive air pollution policy to establish and operate appropriate devices necessary to monitor ambient air. It also provides for the elimination of certain industrial processes as means of disposal.

818. Republic Act No. 9275, otherwise known as the *Clean Water Act*, covers the management of all water resources in the country and control of potential sources of water pollution.

819. Republic Act 9003, otherwise known as the *Solid Waste Management Act of 2000*, adheres to the principles of solid waste minimization, thereby promoting the use of clean production, resource recovery, and solid waste prevention. It also aims to promote clean technology processes and practices and the adoption of industries to lessen their impact on the environment.

820. In 1994, the Presidential Task Force on Waste Management (PTFWM) was created through Administrative Order No. 90. The PTFWM was mandated to (a) extend technical assistance to cities and municipalities in the country which are beginning to be affected by solid waste problems; (b) assist LGUs in enhancing their capacity to meet local development needs, especially the improvement of their system for managing solid waste; (c) refine the framework plan and monitor/evaluate its implementation; and (d) generate the necessary mass support by linking with other sectors and coordinating all efforts on solid waste management.

821. In 1998, the DENR adopted the *Ecowatch* project, the department's compliance monitoring system which provides promotion of waste minimization, pollution prevention and clean technology. The project's objectives are to promote compliance with existing environmental laws, rules and regulations through public pressure and scrutiny; encourage pollution reduction beyond compliance through public recognition and praise; create incentives for polluters to develop internal environmental management systems; and develop the foundations for ISO 14000.⁴⁸

822. Pursuant to the provisions of the *Clean Air Act*, the government adopted the Metro Manila Air Quality Improvement Sector Development Program (MMAQISDP). MMAQISDP is a comprehensive government effort to support the implementation of the *Clean Air Act* and address issues in air quality management. The objective of the Program is to promote policy reforms and investment requirements that improve air quality through the abatement of mobile and stationary sources of air pollution, all integrated within an agreed policy matrix termed the Air Quality Action Plan. It focuses on the Metro Manila air shed, the location of the main concentrations of air pollution, which consists of the National Capital Region, and parts of Regions III and IV-A.

823. For its part, the Department of Energy (DOE) embarked on an *Alternative Fuels and Technology Program* that aims to achieve energy supply security, reliability and affordability and fuel diversification, while meeting environmental challenges. Through the program, the DOE aims to create public and private sector partnerships to increase awareness of sources and harmful effects of air pollution and to promote alternative fuels for transport such as the compressed natural gas, bio-diesel, liquefied petroleum gas and possibly fuels cells and hydrogen.

824. The Department of Science and Technology (DOST) adopted the *Integrated Program for Clean Technologies* as one of its flagship programs. The program aims to promote sustainable development and strengthen the competitiveness of Philippine industries, especially small and medium enterprises (SMEs), by providing them with technical information and implementation assistance in adopting clean technologies (CT). They thus formulate guidelines and policies for the promotion of CT, provide information, decision support and implementation assistance to SMEs adopting cleaner production techniques and CT, provide industrial extension services to regional SME processing plants and evaluate the economic and environmental impacts of adopting CT on the environment.

⁴⁸ *Ecowatch* does not only identify major polluters but rates all industrial firms in terms of their environmental management performance through a color coding system. Colors range from Gold for companies that reached excellent levels of environmental management; Green for companies that have reached very good levels; Blue for those firms that achieve baseline compliance with applicable environmental regulations consistently for at least one year; Red and Black ratings reflect the lowest ratings meaning they're the most polluting firms.

825. Following are jurisprudence which emphasize environmental and industrial hygiene:⁴⁹

- *Metro Manila Development Authority v. JANCOM*, G.R. No. 147465, 30 January 2002;

⁴⁹ ***Metro Manila Development Authority v. JANCOM***. Facts: Sometime in 1997, the Presidential Task Force on Waste Management entered into a Build-Operate-and-Transfer (BOT) contract with a waste management company known as JANCOM. On 5 March 1998, the BOT contract was submitted to President Fidel V. Ramos but was left unsigned and subsequently endorsed to incoming President Joseph Ejercito Estrada. With the passage of the *Clean Air Act of 1999*, the Metro Manila Development Authority (MMDA) sought to set aside the contract with JANCOM. Among the reasons cited by MMDA was that the *Clean Air Act of 1999* banned the process of incineration as a method of waste disposal. Inasmuch as JANCOM's proposed waste management contract involved incineration, MMDA argued that its contract has been superseded by the incineration ban. Issue: Is incineration banned by the *Clean Air Act*? Held: Section 20 of the *Clean Air Act* does not absolutely prohibit incineration as a mode of waste disposal; rather it bans only those burning processes which emit poisonous and toxic fumes.

Laguna Lake Development Authority v. Court of Appeals. Facts: A group of residents calling themselves the Task Force Camarin Dumpsite of Our Lady of Lourdes Parish, Camarin, Caloocan City, filed a complaint with the Laguna Lake Development Authority seeking to stop the operation of the 8.6-hectare open dumpsite in the Tala Estate of Barangay Camarin. They alleged that the dumpsite poses hazards to the health of the residents and pollute the waters of the Laguna Lake. The Laguna Lake Development Authority (LLDA) issued a cease and desist order against the City Government of Caloocan enjoining the dumping of garbage in the area. The City Government questioned the power and authority of the LLDA to issue the cease and desist order. Issue: Is the LLDA authorized to order the City Government of Caloocan to desist from dumping garbage in the river? Held: By its express terms, Republic Act No. 4850, *An Act Creating the Laguna Lake Development Authority*, authorizes the LLDA to "make, alter or modify orders requiring the discontinuance of pollution." Sec. 4, paragraph (d) explicitly authorizes the LLDA to make whatever order may be necessary in the exercise of its jurisdiction.

Tatel v. Socrates. Facts: To curtail the practice of cyanide fishing, the legislative council of Puerto Princesa City passed an ordinance banning the export of live fish from the city. On another level, the *sanguniang panlalawigan* of the Province of Palawan also passed an ordinance prohibiting the catching of certain coral-dwelling aquatic organisms for a period of five (5) years. Petitioners questioned these ordinances on the ground that these ordinances have, in effect, deprived them of their livelihood without due process of law. Issue: Are these ordinances valid? Held: The ordinances in question are meant precisely to protect and conserve our marine resources to the end that their enjoyment may be guaranteed not only for the present generation, but also for generations to come. What must likewise be borne in mind is the State policy enshrined in the Constitution regarding the duty of the State to protect and advance the right of the people to a healthful and balanced ecology in accord with the rhythm and harmony of nature. The general welfare clause of the Local Government Code of 1991 expressly mentions this right when it states that "within their respective territorial jurisdictions, local government units shall ensure and support, among others, the preservation and enrichment of culture, and enhance the right of the people to a balanced ecology."

- *Laguna Lake Development Authority v. Court of Appeals*, G.R. No. 110120, 16 March 1994;
- *Tatel v. Socrates*, G.R. No. 110249, 21 August 1997;
- *Oposa v. Factoran*, G.R. No. 101083, 30 July 1993;
- *Pollution Adjudication Board v. Court of Appeals*, G.R. No. 93891, 11 March 1991;
- *Rodriguez, Jr. v. Intermediate Appellate Court*, G.R. No. 74816, 17 March 1987.

5.g. Measures taken by the government to prevent, treat and control epidemic, endemic, occupational and other diseases

826. The government's responsiveness to epidemics, particularly in times of calamities and disasters has been improved with the establishment of the *National Epidemic Sentinel Surveillance System* (NESSS). NESSS operated through a network involving 15 regional health offices called the *Regional Epidemiology and Surveillance Unit*. The system monitors cases of 14 infectious diseases with epidemic potential, including, but not limited to, cholera, typhoid, hepatitis, dengue, malaria, measles. The system is functional in all regions of the country^S and monitoring is done through selected hospitals (sentinel sites) nationwide. Surveillance personnel conduct daily rounds in these hospitals and interview patients. Only cases that meet the system's case definitions are entered into the data set. Since only cases hospitalized in the sentinel sites are captured by the system, data from this surveillance system provide information on disease trends rather than actual disease burden. The system also facilitates timely detection of outbreaks.

827. To enable local health personnel to respond to disease outbreaks at their level, basic epidemiology and surveillance training courses were designed and regularly conducted by the DOH.

828. The DOH also maintains the Research Institute for Tropical Medicine (RITM), its principal research arm in infectious and tropical diseases. The primary function of RITM is two-fold - to undertake research in the prevention, diagnosis and treatment of tropical diseases of public health importance and to produce vaccines for the control of vaccine-preventable diseases.

829. The RITM is equipped with ample technical support for the conduct of valid and reliable scientific investigations. It also has the equipment support need to undertake its varied research activities.

830. In line with the government's thrust to be vaccine self-sufficient, the RITM is currently constructing a vaccine production plant which was designed to meet "good manufacturing practice" standards for the production of selected vaccines for local use as well packaging of filled vaccine vials from bulk. A research and development facility has been integrated as part of this project. The facility aims to help accelerate biotechnology in the Philippines such that indigenous raw materials could eventually be used for local vaccine production.

831. The DOH has renewed its fight against tuberculosis in the country with the establishment of the *National Tuberculosis Control Program*. In line with this, the DOH has also initiated a cooperation project with the Japanese government to improve the control of tuberculosis in the country by building the *National TB Reference Laboratory* (NTRL).

832. Since 1996, the DOH has adapted a hierarchy of dengue warning signals designed to timely alarm communities so that appropriate interventions can be taken in a timely manner. These include a dengue alert, dengue hot spot, and dengue epidemic.

833. In 1999, the National Center for Disease Prevention and Control (NCDPC) was tasked to lead and synchronize all government efforts in disease prevention and control.

5.h. Measures taken by the government to assure to all medical service and medical attention in the event of sickness

834 The government maintains a network of hospitals, rural health units and *barangay* health stations to deliver medical services.

Question No. 6. Measures taken by the government to ensure that the rising costs of health care for the elderly do not lead to infringements of these persons' right to health

835 Republic Act No. 7876, otherwise known as the *Senior Citizens Center Act of the Philippines*, as amended by RA 9257, mandates that senior citizens, defined as any person 60 years of age, be granted: (a) free medical and dental service, diagnostic and laboratory fees in all government facilities; (b) 20 per cent discount on medical and dental service, diagnostic and laboratory fees, including professional fees of attending doctors in all private hospitals and medical facilities; and (c) 20 per cent discount on the purchase of medicines in all establishments.⁵⁰

Question No. 7. Measures taken to maximize community participation in the planning, organization, operation and control of primary health care

836. With the passage of the Local Government Code of 1991, local health boards (LBHs) were mandated to act as the main mechanisms to ensure broader community participation and involvement in local health development. LHB members include the mayor as chairman, municipal health officer as vice-chairman, local councilor for health, a representative of the

⁵⁰ Sec. 8 of the Implementing Rules and Regulations of RA 9257 reads, “*The senior citizen shall be provided free medical and dental services and diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests in all government facilities x x x*” Sec. 9 of the same rules states, “*The senior citizen shall be granted twenty per cent (20 per cent) discount on medical and dental services and diagnostic and laboratory fees such as but not limited to x-ray, computerized tomography scans and blood tests, including professional fees of attending doctors in all private hospitals and medical facilities x x x*”.

DOH and a member of a health non-governmental organization who represents the community in the LHB. As advisory bodies, LHBs were tasked to propose annual budgetary allocations for the operation of health services, serve as advisory committees to the legislative council, and create advisory committees on personnel selection, promotion and discipline, bids and awards, budget review, etc.

837. To sustain community efforts in primary health care, the Government has adopted the Minimum Basic Need Approach (MBN) using four areas of intervention to assist communities, namely: (1) social preparation of families and communities; (2) building capabilities of community volunteers, leaders and families; (3) accessing social welfare services; and (4) monitoring and evaluation.

838. Also, the DOH's Community Health Service conceptualizes, develops and manages foreign-funded and pilot program components which tap community involvement in project planning and implementation.

Question No. 8. Measures taken to provide education concerning prevailing health problems and the measures of preventing and controlling them

839. Health education is made available to the general public through the following: (a) development, publication and distribution of manuals, information materials and health advisories; (b) communication campaigns of different programs through tri-media; (c) radio-television guestings on health issues by health officials; and (d) dissemination of health information through magazines and newspapers; (e) enter-educate (education through environment).

840. Support and educational materials have been developed and are integrated in appropriate subject areas in the elementary and secondary level of education.

841. In 1997, Administrative Order No. 341 was passed mandating the establishment of the *Philippine Health Promotion Program through Healthy Cities*. The program is a multi sectoral-health promotion strategy aimed at communicating health messages and building health supportive environments through advocacy, networking and community action.

Question No. 9. Role of international assistance in the full realization of the right to health

842. The government has formed partnerships with international agencies that supplement its funding for the promotion of health, including aspects of environmental and industrial hygiene, with substantial amounts of financial assistance.

843. More recently, the World Bank-assisted Women's Health and Safe Motherhood Project produced the following outputs: (a) upgraded obstetric units in 70 Rural Health Units (RHUs) and 74 Barangay Health Stations (BHS) in 36 provinces, including the provision of furniture and equipment; (b) trained 2,450 Public Health Providers, 26 Project Coordinators, 16 Trainors on the Syndromic Approach to Diagnosis and Management of Reproductive Tract Infection/Sexually Transmitted Disease (RTI/STD) care in ten (10) provinces in Visayas and

Mindanao and public health workers in the 70 RHUs and 74 BHSs in 36 provinces; and (c) constructed and provided 10 RTI/STD clinics with diagnostic equipment in the 36 provinces.

Challenges and difficulties

844. Air pollution remains a problem in metro Manila and major urban centers the last two decades. A 1992 report estimated that 80 per cent of Metro Manila residents and 31 per cent of residents in Metro Cebu are exposed to Total Solid Particulates (TSP) in the air above normal standards. It is projected that the volume of air pollutants (e.g., TSP, Particulate Matter, Sulfur Oxide, Nitrogen Oxide) will continue to increase due to increasing industrial activity, traffic and the number of vehicles plying the streets including the many smoke-belching public utility vehicles. Majority of TSP concentration is contributed by motor vehicles. Increasing air pollution load was reported by the WHO in 1996 to contribute to the high incidence of upper respiratory tract diseases in major urban centers like Metro Manila.

845. Despite the high average rainfall, the supply of freshwater is diminishing due to over extraction of groundwater, water pollution, denuded forests/watersheds and lack of catchment basin and, occasionally, the El Niño phenomenon.

846. The issues besetting the water sector include disparities in water supply coverage across regions, depletion of groundwater especially in Metro Manila and Metro Cebu, lack of cost recovery on investments, institutional weaknesses and low willingness of consumers to pay.

847. In addition, pollution of water sources such as rivers and lakes is evident in many parts of the country. About 457 water bodies have already been classified by the Department of Environment and Natural Resources. Of these, however, about 51 per cent still meet the water quality standard, as of 1996. About 16 rivers nationwide are considered biologically dead during the dry months. About half (48 per cent) of water pollutants are domestic waste, about a third (37 per cent) are agricultural wastes, and the remainder are industrial wastes (15 per cent). Pollution of rivers, streams and lakes contaminate ground and surface waters, thus, exposing the population to environmentally-related diseases. Water pollution is decreasing the primary productivity of many water bodies. Heavy loads of inorganic pollutants have made water increasingly a threat to life. A report by the WHO in 1996 cited the rise in morbidity rate caused by gastrointestinal diseases from 502 in 1982 to 5,151 per 1000,000 population.

848. Solid waste generation in Metro Manila is estimated at 5,345 tons per day. This is expected to double by 2010. Waste collection in Metro Manila is only about 65-75 per cent of total wastes generated and recycling level is estimated to be about 13 per cent. The 25 to 35 per cent uncollected wastes are just thrown anywhere, especially in esteros and creeks. These threaten the health of the population and contribute considerably to flooding.

849. Urbanization has inevitably increased the use of chemicals, which resulted in an increasing number of incidents involving chemicals, particularly the release of ammonia and chlorine over the years. Presently, only about 45 per cent of the total industries using chemicals such as cyanide, mercury, asbestos and ODS have been registered. For polychlorinated biphenils (PCB), only about 25 per cent have been inventoried.

850. Based on the JICA Study (2001), about 700 industrial establishments in the Philippines generate about 273,000 tons of hazardous wastes per annum. It was further estimated that with 5,000 potential hazardous waste generators, about 2.41 million tons of hazardous wastes will be generated. A study of the Asian Development Bank on hospital wastes reported that there are about 30,000 tons of hospital wastes generated per annum.

851. At present, there is no integrated treatment facility for hazardous wastes in the country. However, there are about 95 small to medium-scale treatment facilities that treat hazardous wastes. There is approximately 50,000 tons of hazardous wastes stored on or offsite due to lack of proper treatment and landfill facilities. Other hazardous wastes are exported to other countries for recovery and disposal (i.e., metal bearing sludge and used solvents) and treatment (i.e. PCB).

Article 13

Question No. 1. Full realization of the right to education

Situationer

852. The Philippines has one of the shortest basic education systems in Asia-Pacific, with six years of elementary and four years of high school. The average Filipino child starts formal schooling in elementary at age six. However, children, who are expected to avail of private education undergo pre-schooling at the age of three. Reference may be made to pars. 429 to 430 on pre-schooling under ECCD.

1.a. Primary education

853. Section 2, Article XIV of the 1987 Constitution provides, “The State shall establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school-age.”

854. The Philippine education system, one of the most mature in Asia, can boast of impressive quantitative achievements. Universal access to elementary education was reached as early as the mid-60s.

1.b. Secondary education

855. As in the case of primary education, secondary education is generally available and accessible to all. Republic Act No. 6655, otherwise known as the *Free Secondary Education Act*, declares it the policy of the State to provide for a free public, secondary education to all qualified students. As such, students enrolled in secondary schools established, administered, maintained and funded by government are free from payment of tuition and other school fees” except “fees related to membership in the school community such as identification cards, student organizations and publications.”

856. There are two types of schools according to funding source: public and private schools. Both public and private high schools offer the four year Basic Education Curriculum (BEC) - secondary education. However, some schools have special and enriched curricula like Regional Science High School, schools with Special Programs in the Arts, Special Program in Sports,

Science and Technology Oriented - Classes, and Technical-Vocational Schools. These schools offer additional subjects and/or electives to enrich the general curriculum (the BEC) as well as to develop various talents/skills of students.⁵¹

1.c. Higher education

857. The delivery of higher education in the Philippines is provided by private and public higher education institutions. Of the 1,605 higher education institutions in the country, 1,431 are private and 174 are public. The average enrolment for the last nine (9) academic years, from School Year 1994-1995 to School Year 2002-2003, is 2,222,395. Based on the country's estimated population of 88 million, those who are attending higher education comprise 2.8 per cent of the population. Since this per cent age is much higher than most countries, it would seem that access to higher level education is less of a problem in the Philippines than in other countries. However, numbers alone do not reveal the problem with regard to access to and equity of higher education.

858. The cost of higher education has substantially gone up, especially in the last 4 decades. The per student cost of university education now ranges from PhP 5,000.00 to PhP 90,000.00 per school year. The wide range is due to the difference in the quality of education available from the different classes of tertiary education.

859. The tuition fee charged by the different institutions per unit vary greatly. (A course or subject in college is usually two (2) or three (3) units. One course unit is equivalent to 14 to 18 hours of lecture or class contact time.) Some state universities still charge PhP 8.00 per unit while some high quality private universities PhP 1,000.00.00 per unit. The University of the Philippines (UP) charges PhP 300.00 per unit. This is augmented with government subsidy, to enable UP, which is the premier state university, to provide quality education.

860. The problem of cost of tertiary education is addressed to some extent by the state universities and colleges. There are 111 State Universities and Colleges (SUCs), 56 Local Universities and Colleges (LUCs), one (1) CHED Supervised Higher Education Institutions

⁵¹ *Regional Science High School* - established in each of the country's region. Science high schools offer additional subjects and electives in Science, Mathematics, Research and English in addition to the requirements of the Basic Education Curriculum (secondary level). *Science and Technology Oriented-Classes* - implemented in 110 schools across the country. It was originally funded from a Worldbank loan of the Department of Science and Technology for the Engineering and Science Education Program (ESEP). *Technical-Vocational High School* - a special secondary school with a mission of preparing high school students for gainful employment and for higher learning. *Special Program in the Arts (SPA)* - a special program for high school students with special talents in the different fields of art namely: music, visual arts, theater arts, media arts, dance and creative writing which have been pilot implemented in the fifteen (15) schools across the country. *Special Program in Sports (SPS)* - a program that addresses the needs of talented students-athletes in the different sports discipline. They undergo additional two (2) hour training under trained coaches specializing in the sports where they excel in (athletics, badminton, baseball/softball, basketball, football, gymnastics, sepak takraw, swimming, table tennis, taekwondo, tennis and volleyball).

(CSIs), five (5) Special Higher Education Institutions (SHEIs), and 9 Other Government Schools (OGS), making a total of 182 public tertiary level institutions as of January 2006. Comparatively, there are 1,465 privately-run colleges and universities which are totally dependent on tuition fees for support.

861. SUCs are chartered public higher education institutions established by law, administered and financially subsidized by the government. LCUs are those established by the local government through resolutions or ordinance. They are financially supported by the local government concerned. CSIs are non-chartered public post-secondary education institutions established by law, administered, supervised and financially supported by the government. OGS are public secondary and post-secondary education institutions usually a technical-vocational education institution that offer higher education programs. SHEIs are directly under the government agency stipulated in the law that created them. They provide specialized training in areas such as military science and national defense.

862. As for private-run colleges and universities, these institutions are established under the Corporation Code and are governed by special laws. Non-sectarian schools are duly incorporated, owned and operated by private entities that are not affiliated to any religious organization while sectarian universities and colleges are usually non-stock, non-profit, duly incorporated, owned and operated by a religious organization.

1.d. Education for those who have not received or completed primary education

863. In response to the needs of special groups, the State provides, through the DepED, the CHED, and the TESDA, special educational services which include among others, the following:

(a) **Nonformal education** which is any organized, systematic educational activity carried outside the framework of the formal school system to provide types of learning to a segment of the population;

(b) **Technical-vocational education** which is any non degree program at the post-secondary education level leading to proficiency in skills. Reference may be made to pars. 147 to 156 on TVET;

(c) **Work education** or practical arts which provides basic education to develop proper attitudes toward work; and;

(d) **Special education** which develops the capabilities of individuals who are physically, mentally, emotionally, socially or culturally disabled as well as gifted children. In terms of school practices and services, the clientele is served with a modified education program.

Question No. 2. Difficulties encountered in the realization of the right to education

864. The quality of basic Philippine education has been deteriorating continuously. Basic education bore the effects of continuing rapid population growth, estimated at 2.3 per cent annually. The public school system is hard-pressed to cope with the requirements of an expanding student population, particularly at the secondary level, due to, among others, the implementation of free public secondary education. Severe budgetary constraints have led to underinvestment in basic education.

i. Primary and secondary education

865. For primary and secondary education, DepED has noted the following difficulties, viz:

Access to Basic Education

866. In 2000, there were 4,569 *barangays* (about 10 per cent of the total *barangays*) without elementary schools. However, it was identified in 2001 that only 1,617 of these *barangays* needed schools because the rest had access to schools outside of their *barangays*. Of these *barangays* identified as having without access to elementary education, only 118 remain unserved as of 2004.

Efficiency

867. High drop out rate is credited to both school and non-school factors such as poor health and/or nutrition, parental attitude, financial capability, geography, political conflicts, and disability; and teacher factor.

Quality

868. Another urgent and pressing challenge is improving the quality of education. Results of various achievement tests indicate a serious problem in the quality of education in the country. In 2002, only 51.73 per cent of elementary students passed the National Elementary Achievement Test. In the recent High School Readiness Test, only 0.52 per cent of the examinees achieved grades of 75 per cent and above.

869. The DepEd administered diagnostic tests at the start of 2002-2003 for Grade IV pupils and Year I students in public schools showed that students had very poor competencies in Math, Science and English.

870. Far more alarming were the results of the testing conducted for incoming first-year students in SY 2004-2005, where only about half of a per cent of the examinees got scores within the 79-94 per cent range and less than 20 per cent got 50 per cent scores, which is the start of mastery level. Majority of the students garnered scores of 49 per cent or below. But it is worth noting that actual pupil performance in 21 provinces supported by the Third Elementary Education Project (TEEP) generally showed scores significantly higher (56 per cent) than the national mean of 44 per cent. TEEP is one of the official development assistance projects aimed to improve the quality of education in the provinces. Other province-based projects include AusAID-assisted Basic Education Assistance in Mindanao (BEAM), Japan's Educational Facilities Improvement Projects, the United Nations Children's Fund or UNICEF-assisted Fifth Country program for Children, and the School-Based Training Program.

871. The problem of poor quality has been traced to a number of causes which include among others teacher-related factors in terms of competencies and skills, the need for institutionalized support system to strengthen in-service training, clearly defining career paths and prospects of mobility in the teaching profession to enhance motivations to stick to the profession, and to regulate the teaching load, which according to a study conducted revealed that the Filipino teacher has 72 tasks other than teaching.

872. Teacher qualifications remain to be an issue, especially at the secondary education level, both in terms of content and pedagogy. As of SY 2004-2005, only 80 per cent of the public school teachers teaching math have math majors. In the sciences, 44 per cent of Biology teachers are majors in the subject, compared with 34 per cent in Chemistry, and 27 in Physics. The other teachers are science generalists. However, even for teachers who are specialists in these subject areas, the level and quality of subject competency appears to be wanting, too.

873. Other factors affecting quality which may be identified are the school curriculum which is rather congested - the shortest as compared to other ASEAN countries and where learning materials are inadequate; the system's Bilingual Policy which has affected the performance in Science and Mathematics which require for English proficiency; as well as student and family characteristics and pedagogical processes which provide students very little opportunity to "explore and discover" knowledge.

Underinvestment in education

874. The country's public allocation for education is relatively low. For SY 2005-2006, 88 per cent per cent of total expenditures went to salaries.

875. As a result of underinvestment in education classroom backlog reached 4 per cent in the public elementary schools in 2000. Classroom gap for SY 2006-2007, despite the employment of double-shift classes, reached 3,416 units. Textbook shortage reached 67.30 million for SY 2006-2007 on a 1:1 ratio.

876. Teacher-pupil ratio was registered at 1:36 in elementary level and 1:42 in the secondary level, both for SY 2003-2004. The average class by level consists of 38.64 for the elementary level and 56.37 for the secondary level, also for SY 2003-2004. Failure of the education sector to modernize was evident in the past because of the absence of some basic services, facilities and equipment, which proved crucial to efforts at maximizing the advantages of technological developments.

877. While the national ratios may appear sound, the data when disaggregated by division/province showed serious gaps such as classrooms being used by more than 100 children, a two-seater desk shared by three to four children, and a teacher holding a class of 100 or more pupils. In addition, excess teachers in some areas cannot be redeployed to areas with severe shortage because that is disallowed by the Magna Carta for Public School Teachers Act.

ii. Higher education

878. Higher education faces the same problems faced by the primary and secondary sectors. In 2000, CHED formulated the Long-Term Higher Education Development Plan (LTTHEDP), 2001-2010. LTTHEDP is a comprehensive document, which spells out the vision and mission of higher education in the Philippines as well as the strategic directions to be adopted in order to address the different issues and concerns of higher education and outline its future directions.

879. The major initiatives of the higher education was geared towards the attainment of four (4) goals, namely:

(a) *Quality and Excellence* - the provision of undergraduate and graduate education that meets international standards of quality and excellence;

(b) *Relevance and Responsiveness* - generation and diffusion of knowledge in the broad range of disciplines relevant and responsive to the dynamically changing domestic and international environment;

(c) *Access and Equity* - broadening the access of deserving and qualified Filipinos to higher education opportunities; and;

(d) *Efficiency and Effectiveness* - the optimization of social, institutional, and individual returns from the utilization of higher education resources.

Question No. 3. Statistics on education

Literacy rate

880. Based on the 2003 Functional Literacy Education and Mass Media Survey (FLEMMS), the Philippines' basic or simple literacy rate stood at 93.9 per cent. There was a significant difference between male (93.2 per cent) and female (94.6 per cent). Compared to 1994 data, the females had a 0.6 per cent age point improvement in simple literacy while males had 0.5 per cent age decrease.

881. Across regions, the NCR posted the highest literacy rate at 99.1 per cent while ARMM registered the lowest with 70.7 per cent. Other regions with higher literacy rate than the national level were Region I (Ilocos Region) with 97.1 per cent, Region V (Bicol Region) with 95.5 per cent. In terms of functional literacy, the rate improved from 83.8 per cent in 1994 to 85.1 per cent in 2003.

Statistics for elementary education

882. At present, there are more than 42,000 public elementary and secondary schools in the country, all of which are providing education free of charge.

883. Enrolment in public and private elementary schools reached 13 million in SY 2003-2004 representing an increase of 1.96 per cent from the SY 2000-2001 level of 12.8 million. Based on school-age population of 6-11 years old, the participation rate at the primary or elementary level stood at 90 per cent in SY 2002-2003. The most recent data on participation rate suggest that there is a need for greater effort to achieve the target of universal access to elementary education. Across regions, the ARMM registered the highest participation rate with 91 per cent while the lowest was registered in the NCR with 77 per cent.

884. Schooling data for SY 2003-2004 showed that girls have higher participation rates than boys at elementary (82.59 per cent vs. 80.88 per cent) and high school (51.19 per cent vs. 42.97 per cent) levels.⁵² Disparity is generally minimal across regions at the elementary level except in the ARMM, which posted a gender parity index (GPI)⁵³ of 1.10 (93.91 per cent: 84.85 per cent). Larger ratio discrepancies were posted in the secondary level with GPIs ranging from 1.08 (58.02 per cent: 53.8 per cent) in the NCR to 1.34 per cent (48.99 per cent: 36.66 per cent) in Eastern Visayas.

885. Enrolment figures for Grade 1 (SY 2003-2004) likewise indicated that there were more girls (45.99 per cent) who started school than boys (41.88 per cent).

886. Cohort survival rate (CSR) at elementary level showed continuing improvement from 67.21 per cent in SY 2000-2001 to 69.84 per cent in SY 2002-2003. In the same period, completion rate showed slight improvement from 66.13 per cent to 66.85 per cent. Conversely, dropout rate for elementary slightly declined from 7.67 per cent in SY 2000-2001 to 7.34 per cent in SY 2002-2003.

887. Though ARMM registered a high participation rate in public elementary schools in SY 2003-2004, it posted the lowest cohort survival rate and completion rate of 37.02 per cent and 33.34 per cent, respectively. On the other hand, Region I (Ilocos Region) posted the highest cohort survival rate and completion rates of 76.98 per cent and 75.97 per cent, respectively. The highest simple dropout rate was registered in Region VII (Central Visayas) with 3.27 per cent.

888. Data for SY 2003-2004 show that in terms of completion rate, girls still emerged to be at an advantage over boys at both elementary (66.86 per cent vs. 57.76 per cent) and secondary (63.7 per cent vs. 48.77 per cent) levels.

889. The results of the 2002 Annual Poverty Indicators Survey (APIS) also offered useful insights. Schooling status data showed more females attending school than males (72 per cent vs. 66 per cent) - a trend consistent in both urban and rural areas. For males, the most frequently cited reasons for not attending school were employment concerns (30 per cent), lack of personal interest (25 per cent), and the high cost of education (23 per cent). Employment-related concerns (22 per cent) also turned out to be the primary deterrent among females in attending school followed by the high cost of education (21 per cent) and housekeeping responsibilities (16 per cent).

⁵² All education data cited in this Report cover only public schools.

⁵³ Gender Parity Index is the ratio of female to male values of an indicator. A GPI of 1.0 indicates gender parity (equality). A GPI greater than 1.0 indicates a gender disparity in favour of females (i.e., there is a higher proportion of females than males in school).

Statistics for secondary education

890. For SY 2006-2007, there were 8,059 public and private secondary schools in the country. Enrolment in public and private secondary schools reached 6.78 million in the same year representing an increase of 1.69 per cent from the SY 2000-2001 level of 5.8 million.

891. CSR, using EFA formula, declined from 71.68 per cent in SY 2000-2001 to 65.63 per cent in SY 2002-2003. In the same period, completion rate also declined from 70.62 per cent to 59.79 per cent. Conversely, dropout rate (school leavers rate) increased from 8.50 per cent in SY 2000-2001 to 13.10 per cent in SY 2002-2003.

Statistics for higher education

892. The average enrolment for the last 11 academic years, from SY 1994-1995 to SY 2004-2005, is 2,256,248. Based on the country's estimated population of 88 million, those who are attending tertiary level school comprise 2.8 per cent of the population.

893. The variety of undergraduate and graduate programs being offered by the higher education institutions in the country can be classified into 20 clusters of disciplines or fields of study: (i) Agriculture, Forestry, Fisheries and Veterinary Medicine; (ii) Architectural and Town Planning; (iii) Business and Management Education; (iv) Education and Teacher Training; (v) Engineering and Technology; (vi) Fine and Applied Arts; (vii) General Education; (viii) Home Economics; (ix) Humanities (x) Information Technology; (xi) Law and Jurisprudence; (xii) Maritime Education; (xiii) Mass Communication and Documentation; (xiv) Mathematics; (xv) Medical and Allied; (xvi) Natural Science; (xvii) Religion and Theology; (xviii) Service Trades; (xix) Social and Behavioral Science; (xx) Trade, Craft and Industrial.

894. Enrolment is high in the medical and allied discipline group, education and teacher training, business administration and related fields, engineering courses, and information technology courses. At present, the nursing program is becoming increasingly attractive to students in view of the perceived high demand abroad.

895. The present over-all cohort survival rate ranges from 20 to 22 per cent from first year to fourth year college. The cohort survival in private schools is much lower than in the government or state schools.

Policies and programs taken by the government to promote education at all levels

896. Several institutional and program development were put in place to improve access to and quality of education and learning efficiency.

897. For many years, the administration, supervision and regulation of the educational system was vested in only one agency of the government - the then Department of Education, Culture and Sports.⁵⁴ However, the department's bureaucratic and priority foci were primarily geared towards basic education.

898. In 1991, Congress came out with the Congressional Commission on Education Report recommending the restructuring of the education sector bureaucracy. The report provided the impetus for Congress to pass RA No. 7722 and RA No. 7796 in 1994 creating CHED and TESDA, respectively.

899. As a result of the trifocalization of education, the DepED concentrates only in the administration, supervision and regulation of basic education (elementary and secondary education). CHED, a department-level agency attached to the Office of the President, oversees the higher education subsector. By focusing its attention on system governance and policy guidance over public and private higher education institutions, CHED monitors and evaluates the programs of these institutions, formulates and implements development plans, policies and standards and undertakes developmental programs and projects on higher education. On the other hand, TESDA, an agency attached to the DOLE, oversees the post-secondary technical and vocational education including skills orientation, training and development of out-of-school youths and community adults.

900. The Local Government Code of 1991 gave the LGUs with greater resources to support elementary and secondary education. The law has empowered the LGUs with more autonomy and spending power primarily through their Internal Revenue Allotments and their greater authority for resource generation and mobilization. However, more than the enhanced capacity to spend on education, the biggest contribution of the law could very well be that it has brought the direction of education closer to the stakeholders, and with it, the greater responsibility that they now have over their respective communities' educational future.

901. More specifically, the law provided for the creation of a Special Education Fund (SEF) in every provincial, city or municipal treasury. The SEF consists of the respective shares of provinces, cities, and *barangays* in the proceeds of the additional tax, equivalent to 1 per cent, imposed on real property. Under Sec. 272 of the code, the proceeds of the tax imposed shall be allocated for the operation and maintenance of public schools, construction and repair of school buildings, facilities and equipment, educational research, purchase of books and periodicals, and sports development as determined and approved by the Local School Board.

⁵⁴ In August 2001, Republic Act 9155, otherwise called the Governance of Basic Education Act, was passed transforming the name of the Department of Education, Culture and Sports (DECS) to the Department of Education (DepED) and redefining the role of field offices (regional offices, division offices, district offices and schools). RA 9155 provides the overall framework for (i) school head empowerment by strengthening their leadership roles and (ii) school-based management within the context of transparency and local accountability. The goal of basic education is to provide the school age population and young adults with skills, knowledge, and values to become caring, self-reliant, productive and patriotic citizens.

902. School partnership with various stakeholders such as the community, parents, local government units, non-government organizations and business groups are further encouraged.

Primary education

903. In SY995-96, DepED lowered the entry age for Grade I to six and a half years and subsequently to six years the following school year. To give itself time to plan effectively for teaching assignments, classrooms and textbooks, DepED, instituted the National School Enrolment Day (NSED) for children who shall have reached the age of six and a half (later reduced to six years) by the beginning of the school year. The NSED is held on the last Monday of January of every year.

904. The *Multigrade Program in Philippine Education* (MPPE) supports the DepED's mandate to improve access to and quality elementary education. The program consists of several projects.⁵⁵

⁵⁵ These are the following projects under the Multi-Level System: *Multigrade Demo Schools Projects (MDSP)* - Multi-grade Demonstration School Project (MDSP) has been established to improve the overall performance of MG schools through the training of teachers and school officials and the provision of textbooks and instructional materials.

Pupil Learning Enhancement Program (PLEP) - The UNDP-assisted Pupil Learning Enhancement Program undertakes direct support to multi-grade classes through the provision of supplementary pupil learning materials and encourages community support to the program. The project is focused on four (4) selected provinces: Surigao del Sur, Zamboanga del Sur, North Cotabato, and Negros Oriental.

Little Red School House Project (LRSP) - In 1998, the Department of Education (then DECS) forged a partnership with the Coca-Cola Foundation, Phil. Inc. (CCPI) in organizing the Little Red School House Project (LRSH). The LRSH aimed at providing fifty (50) three-room school buildings to selected multigrade schools across the country. A three-phase training on multigrade instruction is also given to the teachers, coordinators and schoolheads of the recipient MG schools to equip them with skills in quality management.

Integrated Curriculum for Multigrade Classes (IC-MG) - To further ensure the institutionalization of the MG program, DepED issued Department Order No. 96, s. 1997 setting the policies and guidelines in the organization and operation of multi-grade classes. As of 1999, the multigrade teaching program is being implemented in all regions except the NCR.

905. There are numerous other programs being implemented by the DepEd which aim to improve access to and quality elementary education.⁵⁶

⁵⁶ *Alternative Delivery Mode Community School Approach* The Alternative Delivery Mode Community School Approach was also adopted to solve congestion in schools with big class sizes and mobilize and strengthen community support. The project's initial pilot implementation started in October 2005 in 4 regions covering a total of 14 elementary schools.

Sineskwela. Using television sets to teach science was introduced in the public elementary schools in June 1995 through a program called *Sine'skwela*. Produced by the ABS-CBN Foundation, said show is designed to supplement the elementary science curriculum. Hence, its viewing was made mandatory. The Continuing Science Education via Television (CONSTEL) was also launched in 1995 to boost the development of science awareness among Filipinos. DECS Order No. 53, s. 1996, enjoined the institutionalization of the use of CONSTEL tapes in elementary and secondary schools.

Third Elementary Education Project. More recently, the Government, in cooperation with the World Bank and Japan Bank for International Cooperation, implemented the Third Elementary Education Project (TEEP). The project's overall aspiration is to improve the quality and access to elementary education. The project consists of three (3) main component groups, viz: (a) civil works, which includes the construction and rehabilitation of classrooms and division offices; (b) finance and administration, including procurement, financial management, management information system and project management; and (c) educational development, encompassing student assessment, textbooks and instructional materials. The special features of TEEP include: decentralization and school empowerment; local educational planning and management; school improvement and innovation facility; adequate textbooks and instructional materials; needs-based training for teachers, principals and supervisors; local school construction and equipment; multi-grade program; and partnership with stakeholders.

Early Childhood Development Project (ECDP). In line with the ECCDP, the BEE of DepED has provided for the integration of the early childhood care and development program into Grade 1 curriculum. The integration started as a summer school experiment in 1991, consisting of a six-week program for children 6.5 to 7 years of age. An evaluation of the program showed that the dropout rate for summer preschool attendees was only one (1) per cent compared to the 15 per cent among those who had no summer preschool exposure. Because of the positive results, DepED decided to continue this activity, but not during the summer considering the difficulty of getting teachers to teach and children to attend during the summer. Thus, DepED now has an 8-week program (6 weeks of pre-schooling plus 2 weeks of transition) that is introduced during the initial 2 months of Grade 1. The program has lowered dropout rates and increased cohort survival rate and school achievement.

DepED Preschool Program. DepED Preschool Program is being implemented in 22 SRA divisions composed of 1,428 classess and handled by 714 permanent preschool teachers.

Preschool Service Contracting Program - This is being implemented in the 5th and 6th class municipalities nationwide to provide the 5-year old children or prospective Grade 1 enrollees with preschool experiences. This program intends to capture children who are not accommodated in the PTCA preschool classes and day care centers.

906. DepED also issued a number of directives to intensively undertake specific interventions aimed at increasing the holding power of schools.⁵⁷

Secondary education.

907. To enhance the readiness of elementary school graduates for secondary education, the DepED adopted the Optional High School Bridge Program. Under the program, students planning to enroll for first year in public high schools will have to take a placement or readiness test. Based on the results of the test, they will either take the existing first year high school curriculum or opt for a five-year bridge curriculum focused on English, Science and Math.

908. The DepEd has also adopted several programs which aims to provide high school students with an opportunity to finish secondary education.⁵⁸

⁵⁷ DECS Order No. 24, s. 1995 called for definitive action to achieve the education mid-decade goals and targets for both participation and cohort survival rates; the completion of incomplete elementary schools by organizing combination and/or multi-grade classes; the intensification of the *balik-eskuwela* (*Back-to-School*) campaign, in which every elementary school must retrieve at least 10 out-of-school children in its catchment area; and the attainment of zero dropout rate for Grades V and VI;

DECS Order No. 45, s. 1995, enjoined the various divisions to select the best teachers for Grade I classes to ensure that Grade I pupils will stay long enough in school to complete their elementary schooling;

DepED Order no. 9, s. 2005 institutes measures to increase time of task of teachers by lessening activities that take teachers and/or students away from the classroom, maximizing the use of time allotment for every subject, and reducing the non-teaching duties of teachers;

DepED Order No. 26, s. 1997 institutionalizes the Special Education Program in the schools.

⁵⁸ There was an increase in enrolment in secondary schools largely due to the implementation of the *Secondary Education and Improvement Project (SEDIP)* as well as *Project EASE (Effective and Affordable Secondary Education)*. SEDIP is a seven-year foreign assisted project, jointly funded by Asian Development Bank and the Japan Bank for International Cooperation.

Open High School System. The DepEd has adopted the Open High School System, another mode of formal education which aims to provide students an opportunity to finish secondary education either through face-to-face instruction or via distance learning mode. The process involves the use of print such as the Project EASE modules and non-print materials. It puts premium on independent, self-pacing and flexible study to reach learners who are unable to start or complete secondary education due to problems of time, distance, education design, physical impairment, financial difficulties or family problems.

Multi-Grade and Drop-Out Intervention Program. The Program seeks to address the needs of children from poor families and far-flung areas. To increase the participation rate at the secondary level, programs on education contracting and tuition fee supplement were implemented by DepED , benefiting thousands of high school students.

Alternative Learning System. The program was implemented by DepED to allow flexible entry of learners in both formal and nonformal/informal streams of basic education and ensure their upward social mobility. It is a parallel learning system that provides a viable alternative to the existing formal education instruction.

Education Service Contracting Scheme (ESCS) and the Tuition Fee Supplement Scheme (TFSS). Through both projects, students who could not be accommodated in public schools due to overflow of enrolment are admitted in the private secondary schools. These two programs are subsumed under the *Government Assistance to Student and Teachers in Private Education (GASTPE)*. As of SY 2005-2006, the ESC has 363,187 student beneficiaries in 1,683 participating schools while the TFS has 10,692 grantees in 3 participating schools. There are 104 schools offering both programs of GASTPE.

As of 15 January 1999, the ESC has 374,918 student beneficiaries in 1,122 participating schools, while the TSF has 162,966 grantees in 638 participating schools.

BP-OSA (Balik-Paaralan Para Sa Out-Of-School Adults). Age need not be a deterring factor for those who wish to pursue secondary education. The BP-OSA is a novel alternative delivery system that provides out-of-school adults high school education and assistance on entrepreneurial and employable skills for initial job opportunity. There are presently 31 secondary schools all over the country serving almost 1,381 adult learner.

Home-Partnership Program. This program complements the existing school program in population education. The objectives of the program are to enhance knowledge, attitudes and practices of parents on PopEd related concerns and to empower them as teaching partners of the school in educating their children and other community members.

The project kicked off by conducting a modified Delphi study, which revealed that parents should handle delicate topics on adolescent reproductive health.

Community and Public Safety Training (CS-PST). has evolved and is being implemented in both private and public secondary schools as component of Citizenship Advancement Training course for all senior high school students. It aims to (a) enhance students' social responsibilities and commitment to the development of their communities, (b) develop their ability to uphold law and order as they assume active participation in community activities and (c) develop their readiness in assisting the members of the community especially in times of emergency. To date, the Bureau of Secondary Education is preparing instructional materials and the learning competencies to assist teachers in the teaching-learning process.

Revitalized Homeroom Guidance Program (RHGP.) The program assists students in their choice of a career (college course) or work (vocation) that matches their interests and aptitude. It was institutionalized in 1997 and since the introduction of BEC in 2002, its content is addressed in *Edukasyon sa Pagpapahalaga*.

Higher education

909. In cognizance of the problems besetting the higher education system in the country, CHED is pursuing various development initiatives or reform strategies. A majority of the development

Developing and Managing Curriculum Innovation (DMCI). The program is a continuing training program of the Bureau of Secondary Education. It adheres to the goal of the Department of equipping every administrator with the required skills in managing the school as curriculum managers. As such, their competencies are enhanced in nurturing the culture of innovation, designing and piloting curriculum innovations, monitoring and evaluating pilots, and institutionalizing and scaling up curriculum innovations.

TSD-MCP (Thinking Skills Development for Maximized Cognitive Performance). TSD-MCP is a research and development program which aims to improve high school students' cognitive skills through the purposeful teaching of thinking skills. It was previously tried out in six (6) schools.

School Based Education. This is a departure from the conventional external evaluation that is commonly administered to measure the performance of the school in general and the learners in particular. The advantage of the school-based evaluation is that it is initiated, planned and implemented by the principal and the teachers themselves. The program is being tried out in two (2) schools in Region I, but is limited to the area of Mathematics.

Indigenization/Localization of the Secondary Education Curriculum. The project focuses on the relevance of the curriculum to the local culture. It took off with a national workshop on the development of curriculum frameworks and sample lesson plans in eight (8) subject areas.

Population Education Program. Competitions are conducted that highlights the responsiveness of education in promoting curricular programs related to societal concerns, like population education. There are three (3) national competitions, which focus on population education, namely; National Pop Quiz, the National Poster Making Contest, and Essay Writing Contest were conducted to promote public awareness on the subject.

Funded by UNFPA under PHL6R306 "Institutionalizing Adolescent Reproductive Health through Lifeskills-Based Education Project" aims to enhance the over-all wellness of adolescents vis-à-vis his/her physical, mental, emotional, social and spiritual development contributory to better learning outcomes through the: provision of quality adolescent reproductive health education designed to address the adolescent's interests, capability, needs, concerns and other reproductive health-related requirements; provision of school and community-based health services; promotion of program advocacy through a variety of social mobilization efforts and strategies; installation of a systematic monitoring and evaluation scheme for a sustainable reproductive health programs, and building models for ARH programs in schools and communities.

The project developed ARH Age-Appropriate and Segmented Core Messages and a Secondary Teacher's Toolkit. These materials shall be pilot tested this SY 2006-2007. Likewise, the National POPQUIZ, hosted by DepED Region IV-A (CALABARZON) was successfully conducted last October 2005 where DepED Region 12 emerged as the national winner.

programs and projects of CHED are supported through the Higher Education Development Fund anchored on four major thrusts outlined above, namely: quality and excellence; relevance and responsiveness; access and equity; and efficiency and effectiveness.

910. There are a number of program and reform initiatives aimed towards improving access to higher education which currently being implemented in the country.⁵⁹

⁵⁹ *Creation of Technical Panels.* The CHED has organized the Technical Panels in thirteen clusters of disciplines. These Technical Panels, composed of experts, senior specialists, and academicians or practitioners, assist CHED in setting standards for programs and in monitoring and evaluating these programs and institutions. The CHED also created Regional Quality Assessment Teams (RQATs) in various disciplines or fields, which assists the Regional Offices in assessing the quality of the program offerings of HEIs in the region. The members of the CHED RQATs are likewise experts in their disciplines from the academe, industry or professional associations. Both the Technical Panels and the RQATs are serving on an on-call basis.

In addition, a mechanism for institutional monitoring and evaluation for quality assurance (IQuaME) of the outcomes of the programs, processes, and services of Higher Education Institutions was established by virtue of CEB Resolution No. 201-2005. The CHED Office of Programs and Standards and the CHED regional offices in coordination with the Office of the Executive Director implement the institutional monitoring and evaluation. Technical working groups and pool of assessors were also constituted to support project implementation.

Grants for Higher Education Research. Research is one of the three (3) major functions of higher education institutions (HEIs). In support of its mandate to promote research in higher education, the Commission on Higher Education (CHED) produced the ten-year National Higher Education Research Agenda (1998-2007). This document provides the policies, strategies, priorities and procedures as well as guidelines on the research environment required to promote, encourage and support research in Philippine colleges and universities public and private. Technical, logistics and financial support are provided by CHED to improve the research capacities of HEIs. Other than the research capacity building program, CHED also addresses the need to support the publication and promotion of quality research through the following intervention programs: research publication and advocacy; Integrated Research Utilization Program IRUP); research managements; and the establishment of the Research Management and Information System (RMIS).

EO 330 mandates the adoption of the Expanded Tertiary Education Equivalency and Accreditation Program (ETEEAP) as an integral part of the educational system and designates CHED as ETEEAP's implementing agency. ETEEAP is an educational assessment scheme, which recognizes knowledge, skills and prior learning obtained by individuals from non-formal and informal education experiences. After completing the equivalency and accreditation procedures, the successful applicant is awarded equivalent credits and an appropriate academic degree by the CHED deputized higher education institution.

Formulation of Minimum Standards. With the assistance of the Technical Panels, CHED has been formulating and revising minimum standards for the various undergraduate and graduate programs. Such standards spell out the minimum requirements in terms of curriculum, faculty and staff, physical facilities, laboratories and equipment, library facilities, research and extension program, etc. These minimum standards for the different programs are promulgated as CHED Memorandum Orders (CMOs). Compliance with the minimum standards is used as a gauge in determining the quality of program-offerings of HEIs.

Upgrading of Graduate Education. CHED has been implementing the policy of vertical articulation where in the offering of new graduate programs across all the higher education disciplines. Per CMO No. 36, s. 1998, Level III accreditation of undergraduate programs is a major requirement of CHED in granting permit to private HEIs to open new graduate programs except in cases when CHED believes that the opening of programs will contribute significantly to the development of high-level manpower in undersubscribed and critical disciplines. Level III accreditation of undergraduate programs is now also a major consideration in the granting of government recognition in the programs.

Identification of Centers of Excellence. CHED is strengthening public and private HEIs which have consistently exhibited qualities indicating excellence in instruction, research and extension through the establishment of Centers of Excellence (COEs) and Centers of Development (CODs) in thirteen clusters of disciplines. CHED, through its HEDF provides financial assistance to the identified COEs and CODs in the form of student scholarships, faculty and staff development, research grants, instructional materials development, library and laboratory facilities upgrading and conduct of networking activities. The idea is to focus resources on few institutions offering quality higher education programs. For their part, COEs and CODs are expected to act as role models and share their resources or expertise and provide assistance to other higher education institutional within their geographic area.

Grant of Autonomous and Deregulated Status. CHED recognizes the enormous contribution of private HEIs in the growth and prominence of tertiary education in the country. The task of supervising these private HEIs is formidable and demanding. CHED decided to rationalize its supervision of private HEIs by granting autonomy and deregulated status to deserving private colleges and universities. By virtue of CHED Resolution Number 151-2001, CHED rationalizes its supervision of private HEIs by granting autonomy and deregulated status to deserving private colleges and universities with corresponding benefits.

Improving Faculty Qualifications. The quality of faculty is one of the determinants of the quality of education. CHED requires that every faculty member should have at least a master's degree in the field in which they teach.

With the hope to upgrade the academic qualifications of tertiary faculty to masters and doctorate degree, CHED offers scholarships grants for thesis/non-thesis master's programs to be undertaken on campus/via distance learning on a full/part-time basis through its Faculty Development Program (FDP).

Question No. 4. Budget for education, system of schools, state of classrooms

Budget for education

911. The education sector enjoys the biggest budget allocation of about PhP 112 billion or 12.35 per cent of the 2005 annual budget of the Philippine government. 88.11 per cent of which was allocated for Personal Services (PS), 7.79 per cent for Maintenance and Other Operating Expenses and 4.10 per cent of which was allocated for Capital Outlay.

912. The DepED budget has an average growth rate of 7.18 per cent over the past 10 years, 1995-2005. For 2002-2004, government spending on education grew at an annual average of 4.5 per cent. The 2004 budget for basic education increased by PhP 10.8 billion or an increase of about 11 per cent from the 2001 level of PhP 98.2 billion. While this appears generous, 89 per cent of the budget goes to salaries and other personnel benefits while expenditures for developmental purposes (e.g., attendance to training programs, purchase of instructional materials, conduct of institutional supervision) are derived from its maintenance and other operating expenses budget at seven per cent. On the other hand, classrooms and instructional equipment, including computers for teaching and learning purposes are obtained from the capital outlay at four per cent.

Grants for Higher Education Research. Research is one of the three (3) major functions of higher education institutions (HEIs). In support of its mandate to promote research in higher education, the Commission on Higher Education (CHED) produced the ten-year National Higher Education Research Agenda (1998-2007). This document provides the policies, strategies, priorities and procedures as well as guidelines on the research environment required to promote, encourage and support research in Philippine colleges and universities public and private. Technical, logistics and financial support are provided by CHED to improve the research capacities of HEIs. Other than the research capacity building program, CHED also addresses the need to support the publication and promotion of quality research through the following intervention programs: research publication and advocacy; Integrated Research Utilization Program (IRUP); research managements; and the establishment of the Research Management and Information System (RMIS).

Internationalization of Philippine Higher Education. As an advocate of internationalization, CHED IAS facilitated the granting of foreign scholarships and training programs to faculty members from universities and colleges. CHED also encourages students to avail of fellowships and exchanges in foreign countries.

EO 330 mandates the adoption of the Expanded Tertiary Education Equivalency and Accreditation Program (ETEEAP) as an integral part of the educational system and designates CHED as ETEEAP's implementing agency. ETEEAP is an educational assessment scheme, which recognizes knowledge, skills and prior learning obtained by individuals from non-formal and informal education experiences. After completing the equivalency and accreditation procedures, the successful applicant is awarded equivalent credits and an appropriate academic degree by the CHED deputized higher education institution.

913. However, its share in total expenditures declined from 13.24 per cent to 12.35 per cent during the period 2003-2005. Further, the amount spent per child per year (roughly US\$ 150) is one of the smallest in the region (compare this to US\$ 950 per child that Thailand spends).

914. The basic education sub-sector continues to take on the bigger chunk of the education budget in line with the government's commitment for free and compulsory elementary education and free education.

915. In terms of spending for each educational level using FY 2005 as basis, DepED allocated 1.89 per cent for preschool education, 48 per cent for elementary education, 45.24 per cent for secondary education and .55 per cent for alternative learning systems.

System of education

916. The structure of formal education in the Philippines consists of the following three levels:

Elementary education - the first level, provides basic education, which traditionally is of six or seven grades. Generally elementary education is categorized into two levels: the **primary** level, which covers the first to the fourth grades and the **intermediate**, which includes the fifth to the sixth or seventh grade. Preschool education is adjunct to elementary education consisting of nursery and kindergarten schooling (reference may be made to par. 429 on ECCD).

Secondary education (high school) - the second level is a continuation of the basic education, which is provided at the first level. It is expanded to include learning and training in basic employable skills. This covers a period of four years of formal schooling.

Tertiary education (higher education) - the third level provides prescribed courses of studies, which are credited towards degrees in academic disciplines or professions.

Building of new schools

917. School-buildings, which are funded by the Government under the General Appropriations Act (GAA), are built by the Department of Public Works and Highways. For CY 2005, the budget for school building constructions and/or repairs/rehabilitations was divided into two implementing agencies - the DPWH and the DepED. The latter, as provided in the special provisions of the GAA, will concentrate in the construction of new classrooms for areas experiencing acute classroom shortage or those schools that fall under the "red" and "black" zone of the Basic Education Information System (BEIS).

918. Local government units are also responsible for the construction and repair of classrooms and school-buildings located within their jurisdiction. Under Sec. 272 of the Local Government Code, LGUs shall apply the proceeds of the Special Education Fund for the operation and maintenance of public schools, construction and repair of school buildings, facilities and equipment, educational research, purchase of books and periodicals, and sports development as determined and approved by the Local School Board.

919. Under the CY 2005, budget for school buildings particularly that of the DepED portion, the LGUs were given the 2nd priority in the implementation of the SBP next to the NGOs.

920. Legislators, through their Countrywide Development Fund (CDF), also assist in the building of new classrooms. The CDF or Priority Development Assistance Fund refers to funds given to the members of the Senate and the House of Representatives, which the members of these bodies could use to fund projects within their jurisdiction. Ideally, legislators fund projects that would have the most impact on the lives of their constituents - those aimed at improving health, alleviating poverty, or upgrading the quality of education. Under the Country Wide Development of the Legislators, a total of 1,075 new classrooms were built for the period of January to December 2005.

921. Under the Third-Elementary Education Project, classrooms for elementary schools are built by the DepED's principals and school heads in the 22 depressed provinces. TEEP provides technical and financial assistance to LGUs in the construction and rehabilitation of school buildings in the depressed provinces of the country. Seventeen (17) of these were identified by the SRA, while the other five (5) were chosen by the Presidential Commission to Fight Poverty.⁶⁰ The TEEP has already built a total of 5,230 new classrooms and repaired 14,534 existing ones.

922. There are several other programs being implemented by the Government which aim to fill the gap in the need for classrooms.⁶¹

⁶⁰ These include the following provinces: *Luzon*: Kalinga, Apayao, Abra, Batanes, Mountain Province, Ifugao, Benguet, Aurora, Masbate; *Visayas*: Antique, Negros Oriental, Romblon, Capiz, Eastern Samar, Leyte, Southern Leyte, Biliran, Guimaras; and *Mindanao*: Agusan del Sur, Surigao del Sur, North Cotabato, Zamboanga del Sur.

⁶¹ In 2003, the DOLE launched the *Classroom Galing sa Mamamayang Pilipino Abroad* (CGMA) project. The project aims to alleviate the classroom shortage in the country through the construction of 25 classrooms in needy public schools. The project draws its funds from contributions received from overseas Filipino workers (OFWs) association and communities across the Middle East, Asia, Europe, and US. The project is under the *Kabayanihan Program of the Overseas Workers Welfare Administration* (OWWA) of DOLE. The DOLE, is being assisted by its partner agencies, the Federation of the Filipino Chinese Chamber of Commerce and Industry, Inc. (FFCCCII), and the Departments of Education (DepED) and Foreign Affairs (DFA). As of 31 March 2005, more than Php62 million in donations by overseas Filipino workers (OFWs), corporations, and philanthropists worldwide has been received by the CGMA project for the construction of 310 classrooms in selected public elementary and high schools nationwide. The CGMA Project has already completed a total of 185 new classrooms for CY 2005. Overall, this project has already accomplished a total of 234 new classrooms, which represents 74 per cent of their targets of 315 new classrooms.

The DepED also promotes the *Adopt-A-School Program* which is aimed at generating private sector support for the public basic education system. The Program yielded donations valued at over Php270 million from September 2002-January 2004. Donor assistance came in the form of classroom construction; teaching skills development, provision of basic school resources, including textbooks; computer and science laboratory equipment and school-feeding programs for children.

Schooling schedules and curricula

For primary education

923. The school calendar for elementary students was lengthened from 185 to 200 days beginning 1993. In addition, the daily student contact hours for critical subjects were increased. In particular, learning time has been increased in English in Grades I and II from 60 to 80 hours; and Mathematics in Grades I to III from 40 to 60 minutes. Science and Health was introduced in Grades I and II and given a time allotment of 40 minutes.

924. In 2003, DepED introduced the Basic Education Curriculum (BEC). BEC decongests the overcrowded curriculum by reducing the learning areas to five (5) - Math, Science, English, Filipino and *Makabayan* (Patriotism) - and increasing time on these areas. Values is integrated in all subject areas.

Secondary education

925. The high school curriculum likewise focuses on the following learning areas -English, Science, Mathematics, Filipino, and Makabayan. High school math shifted from the spiral system that introduced all math subjects in every level to the linear, sequential approach where only Elementary Algebra is taught in 1st year, Intermediate Algebra in the 2nd year and Geometry in the 3rd year.

926. Integrative and interactive teaching-learning approaches are stressed. These are characterized by group learning and sharing of knowledge and experiences between teachers, between teachers and students and among students. For instance, under the old curriculum, English teachers prepared lesson plans for English and values teachers prepared for values education. Under the BEC, the English and Values Education teachers work together on their lesson plans.

In May 2003, the DepED launched the *Brigada Eskwela* (School Brigade) to mobilize community support. This is a school maintenance project that involves time, labor and resources volunteered by the community for the rehabilitation and maintenance of classrooms, laboratories and multipurpose workshops. Since its launching, the number of participating elementary and secondary schools increased from 13,600 in 2003 to 16,086 in 2004. In May 2004, a total of 278,170 parent-volunteers joined the program and undertook rehabilitation and maintenance activities. In May 2005, a total of 20,563 public schools (17,861 elementary and 2,702 high schools) participated in the project.

The Armed Forces of the Philippines (AFP), through the AFP Engineers', also assists in the building of schools. The AFP's involvement in the building of schools has resulted in the construction of 220 school buildings for 2002 and 155 school buildings for 2003. The AFP targets the construction of an additional 48 school buildings for 2005. To date, the AFP has constructed 589 new classrooms out of its target of 802 new classrooms in selected areas under school-less *barangays* project.

Question No. 5. Equal access to education

5.a. Ratio of men and women making use of the different levels of education

927. Schooling data for SY 2003-2004 showed that girls have higher participation rates than boys at elementary (82.59 per cent vs. 80.88 per cent) and high school (51.19 per cent vs. 42.97 per cent) In terms of completion rate for SY 2003-2004, girls still emerged to be at an advantage over boys at both elementary (66.86 per cent vs. 57.76 per cent) and secondary (63.7 per cent vs. 48.77 per cent) levels.

928. With more females successfully completing high school and generally more predisposed to schooling, higher education is still female-dominated. In SY 2001-2002, females comprised 55 per cent of total enrollees. The graduation figures for SY 2000-2001 showed greater disparity as 60 per cent of those who graduated were females.

929. The entry of females into several of the “traditionally” male-dominated disciplines have steadily continued. Female enrollees (SY 2004-2005) in the fields of agriculture, forestry, fishery, veterinary medicine; and mathematics and computer science comprised 49 per cent and 57 per cent, respectively. The participation of women in the military and police academy has also increased.

930. In TVET, the total number of graduates for SY 2002-2003 indicated an almost equal distribution between females (48 per cent) and males (51 per cent). The same can be said of total enrollment based on SY 2003-2004 data, which showed a 49:50 per cent female-male share. However, regional enrollment data suggested uneven degrees of disparity. In the National Capital Region, for example, females outnumber males 14:10 while Region II, the opposite was noted with female-male ratio of 6:10.

5.b. Vulnerable and disadvantaged groups

931. The urban and rural poor as well as members of indigenous cultural communities are the most disadvantaged groups in terms of access to education services.

932. The ongoing socio-political integration of the indigenous cultural communities (ICCs) into the national mainstream is perceivably slowed down by, among others, illiteracy. The low literacy rate, in turn, is attributed to the scarcity of schools where these ICCs live.

5.c. Measures undertaken to guarantee equal access to education

933. As for those persons who have not received or completed the whole period of their primary education, there are different programs and projects, which are being implemented by the Bureau of Alternative Learning System (BALS). Such programs and projects include Nonformal Education Accreditation and Equivalency System, Mobile Teacher Project, Basic Literacy Thru Service Contracting Scheme Project and the *Balik-Paaralan Para sa Out-of-School Youth Adult Project*.

934. Functional literacy programs, which are geared toward increasing the numerical ability and communication skills of the population, are also being implemented for out-of-school youths and adults in hard-to-reach areas on a wider scale. Reference may be made to par. 749.

935. The Government also administers the Philippine Education Placement Test (PEPT) for the benefit of those who would want to continue with their schooling after stopping for a number of years. PEPT is a paper-pencil test which measures and accredits the non-formal learning experiences of the out-of-school youth so that they can qualify for re-entry and placement in the formal school system.

936. The Expanded Tertiary Education Equivalency and Accreditation Program (ETEEAP)⁶² is a comprehensive program of identifying, assessing and assigning equivalent college-level learning acquired from non-formal and informal training and related work experience towards the final granting of equivalent credits and/or awarding of appropriate academic degree. The Panel of Experts from the academe, industry and profession assesses and determines the level and extent of competencies of the applicant and the competency enhancement/supplementation for completion of the academic program requirements. There are at present 88 institutions (64 private higher educational institutions and 24 state colleges and universities) deputized to implement the ETEEAP and 50 baccalaureate degree programs and 20 graduate degree programs offered via the ETEEAP. Beginning 1999 until 2005, 1,947 students have graduated under ETEEAP.

For children of indigenous communities

937. For members of indigenous communities, Sec. 30 of the Indigenous Peoples Rights Act of 1997, RA 8371, provides that indigenous cultural communities shall have equal access. In this regard, the Government grants assistance programs to deserving indigenous peoples through the *Select Ethnic Group Educational Assistance Program* and provides them with adult education programs, which includes basic reading, writing and mathematics classes.

938. The DepED is also enjoined to develop and institute an alternative system of education for children of indigenous communities, which is culture-specific and relevant to the needs and existing situation in their communities.

Children in Muslim Mindanao

939. Confronted with the severe lack of teachers and classrooms compounded by the distance of the schools from their homes, many children in remote *sitios* and mountainous communities in Mindanao are not able to proceed and finish either primary or elementary education.

⁶² EO 330 mandates the adoption of the ETEEAP as an integral part of the educational system and designates CHED as ETEEAP's implementing agency.

940. To respond to this, the *Basic Education Assistance for Mindanao* (BEAM) was conceived. BEAM is a DepED project funded by the Government of the Philippines and the Government of Australia.⁶³

941. For Muslim children, the DepED, beginning SY 2005-2006, implemented the Madrasah Education. The offering of the Madrasah curriculum is in accordance with DepED Order 51, s. 2004 which highlights Madrasah education as a vital component of the educational system that enhances national unity. Included in Madrasah curriculum, in addition to regular subjects of English, Mathematics, Science, Filipino and Makabayan, are lessons in Arabic language and Islamic values.

Educational development of children in situations of armed conflict

942. Republic Act No. 7610, otherwise known as the *Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*, seeks to ensure the survival and protection of children in situations with on-going armed hostilities. Under the law, the Government ensures the delivery of basic services, provides physical and psychological recovery services, and protects and promotes the rights of children in situations of armed conflict. Among the activities undertaken under the program includes training of day care workers on ECCD and psychosocial interventions; production and distribution of kits on early childhood enrichment program; conduct of parent effectiveness seminars; training of community health volunteers; health and nutrition classes for mothers; training on critical incident stress debriefing for parents and care givers; and provision of safe water and sanitary facilities.

⁶³ BEAM aims to improve access to formal education in Mindanao. The project introduces distance learning as an approach to the delivery of classes, more particularly for remote and isolated communities. To ensure that these pupils will be able to proceed without having to walk and attend the daily classes in the nearest elementary public school (on the average a daily hike of 2-4 hours), classes are delivered right in their homes through a distance learning strategy. Self-paced learning materials for all the core-learning subjects in the normal grade level were developed for use of these pupils. Mobile teachers who were trained in the delivery of the instructional materials visit the children enrolled in the program on a weekly basis. The pupils are given self-paced learning modules for the week and are aided by trained local para-teachers. The self-instructional materials are also made culturally relevant to the IP children by indigenizing some of the contents and learning strategies while they remain consistent with the standard curricula requirements. BEAM's current plans for support to Muslim education focus on addressing key elements of DepED's recently released "Roadmap for Upgrading Muslim Basic Education" - a special program for the comprehensive educational development of Muslim Mindanao. A key objective of the roadmap is enhancing the capacity of the ulama/asatidz (*madrasah* teachers) as professional teachers particularly in the areas of English language proficiency, pedagogical skills and content mastery.

Access to educational opportunities to poor but deserving tertiary level students

943. To provide wide access to educational opportunities to poor but deserving tertiary level students in quality schools and priority courses programs, the Philippine Government administers and funds several scholarship programs.⁶⁴

5.d. Linguistic facilities

944. Bilingual education in the Philippines is defined operationally as the separate use of Filipino and English as the media of instruction in specific subject areas. As embodied in the DECS Order No. 25, Filipino shall be used as medium of instruction in social studies/social sciences, music, arts, physical education, home economics, practical arts and character education. English, on the other hand is allocated to science, mathematics and technology subjects. The same subject allocation is provided in the 1987 Policy on Bilingual Education, which is disseminated through Department Order No. 52, s. 1987.⁶⁵

945. However, the regional languages are to be used as auxiliary languages at the primary level. Three (3) major *lingua francas* - *Tagalog*, *Cebuano* and *Ilocano* - are used in teaching basic literacy and numeric skills for Grades I and II students. This is pursuant to the *Lingua Franca Project*, which was developed to test how the children may be taught in the local language prevalent in the region as a medium of instruction. The project includes the production of instructional materials in the vernacular. Furthermore, under the Basic Literacy Project, basic literacy learning materials were translated into seven major dialects.

⁶⁴ These are the following scholarship programs: State Scholarship Program; National Integration Study Grant Program; Selected Ethnic Group Educational Assistance Program; CHED-DND-NPUDC Grant Program for MNLF Officer Integrees; OPAPP-CHED Study Grant for Rebel Returnees; Private Education Student Financial Assistance Program; Study-Now-Pay-Later Plan Program; Student Loan Program for the Bicol Region; Student Loan Program for Centers of Excellence; CHED Scholarship Program for Bright Mindanaoan Muslim; Student Scholarship Program in BSED Major in Science and Mathematics for Selected State Colleges and Universities; College Faculty Development Program; CHED Special Study Grant Program for Congressional Districts; College Faculty Development Program; Post Baccalaureate Scholarship Program for College Faculty Members from the Underserved Islands Off Luzon; CHED-Supported Second Congressional District of Davao Oriental Scholarship Program; and UP-CHED Scholarship Program.

⁶⁵ The policy on Bilingual Education aims towards the achievement of competence in both Filipino and English at the national level, through the teaching of both languages and their use as media of instruction at all levels. The specific goals of the Bilingual Education Policy are as follows: enhanced learning through two (2) languages to achieve quality education; the propagation of Filipino as a language of literacy; development of Filipino as a linguistic symbol of national unity and identity; the cultivation and elaboration of Filipino as a language of scholarly discourse, that is to say its continuing intellectualization; and the maintenance of English as an international language for the Philippines and as a non-exclusive language of science and technology.

946. At the tertiary level, the language policy is embodied in CHED Memorandum Order (CMO) No. 59, s. 1996, which provides: language courses, whether Filipino or English, should be taught in that language; and at the discretion of the higher education institution, literature subjects may be taught in Filipino, English or any other language as long as there are enough instructional materials for the same and both students and instructors/professors are competent in that language.

Question 6. Conditions of teaching staff at all levels

Teacher training

947. To ensure that there are sufficient teachers and to enhance their competence and quality of teaching, Centers of Excellence in Teacher Education to handle pre-service training were established. These centers were put in place pursuant to RA 7784 *Excellence in Teacher Education Act* to further ensure quality education for all children.

948. Teachers in public and private elementary schools must have earned at least a bachelor's degree in elementary education. Secondary school teachers are expected to have earned a bachelor's degree in secondary education with specialization (major or minors) in secondary school subjects. Both degrees must be earned in approved teacher education courses at recognized institutions.

949. Faculty qualifications in higher education have improved in terms of per cent age of collegiate faculty with masters degrees from 25.7 per cent in 2000 to 29.88 per cent in 2003. Faculty with doctorate degrees likewise increased from 7.5 per cent to 9.21 per cent for the same period.

950. All teaching degree programs are four years in length. Non-education graduates may complete an 18-unit Certificate of Professional Education program in order to qualify as primary or secondary teachers. After completion of these programs, the students are required under RA 7836, otherwise known as *Teachers Professionalization Act*, to take the Licensure Examination for Teachers to qualify them to teach both in the elementary and secondary levels.

Upgrading teacher competencies

951. The DepED regularly conducts in-service training for teachers at the division and regional levels. District and school learning action cell sessions are also regularly held to continuously improve the teachers' managerial and instructional skills.

952. The National Educators Academy of the Philippines (NEAP) responds to the demand for professional competence as well as management and leadership excellence in the educational community. To fulfill its mandate, NEAP focuses on the following three (3) components: the training and development component; program and development component; and, research and development component.

953. The annual search for the most effective public elementary and secondary schools has contributed to enhancing the capabilities of administrators and teachers in the school system. Criteria used are (1) highly motivated learners; (2) competent and highly committed teachers; (3) capable and dynamic managers; (4) adequate and wholesome learning environment; (5) harmonious school-parent-community relationships.

Salaries of teachers

954. The minimum gross basic monthly salary of public school teachers in the elementary and secondary school is Php 9,939.00 (US\$183.21).⁶⁶

Question No. 7. Proportion of schools privately owned and administered

955. As mentioned above, for SY 2006-2007, there are 42,160 elementary schools in the country, 4,668 of which are privately owned and administered. During the same period, there are 8,059 secondary schools, 3,331 of which are privately owned and administered.

956. As mentioned above, for SY 2005-2006, there are 1,647 higher education institutions in the country, of which 1,465 are privately owned and administered.

Article 15

Question No. 1. Measures adopted to realize the right of everyone to take part in cultural life

957. Republic Act No. 7356 provided for the creation for the National Commission for Culture and the Arts (NCCA). The Commission acts as the overall policy-making and coordinating body that systematizes national efforts towards the development, preservation and promotion of culture and the arts.

958. The Commission is composed of 12 representatives from the government sector and 3 representatives from the private sector. The three representatives from the private sector are elected heads of the three subcommissions, viz., Subcommittee on Cultural Heritage, the Subcommittee on the Arts, and the Subcommittee on Cultural Dissemination.

⁶⁶ Soldiers in the Armed Forces of the Philippines receive higher salaries. A public school teacher with the item Teacher 1 (entry level) only receives a gross pay of Php 9,939 (\$183.21) monthly, as mentioned above, which is equivalent to a private's salary. A chief master sergeant on the other hand has the same salary as the District Supervisor II of DepED. The master sergeant need only be a high school graduate while DepED supervisors and principals have masteral degrees. In addition, an Assistant Professor 1 at the college level belongs to the same salary grade of a Chief M/Sgt and District Supervisor II (salary grade 18) and consequently receives a gross monthly pay of Php 15,841 (\$292). A cadet of the Philippine Military Academy belongs to Salary Grade 19 and receives an even higher "subsistence allowance" than the District Supervisor who, aside from being an MA degree holder, has served the government for at least 15 years.

959. It bears mentioning that in addition to the three subcommissions mentioned above, the Commission has the Subcommission on Cultural Communities and Traditional Arts.⁶⁷

960. The NCCA supervises six (6) attached cultural agencies namely, the Cultural Center of the Philippines, the National Museum, the National Historical Institute, the National Library, the National Archives, and the Commission on the Filipino Languages.

961. The Cultural Center of the Philippines is the national center for the performing arts. It is mandated to promote excellence in the arts through the initiation and implementation of activities that aim to improve and elevate standards among cultural workers, artists and audiences and to recognize the multiplicity and differences of aesthetic experiences and standards encompassing the arts from grassroots to those formulated by academy-trained artists. It houses several venues for the performing arts as well as areas for both permanent and changing exhibits. It serves as home for the country's premier performing arts groups such as the *Ballet Philippines*, the *Philippine Philharmonic Orchestra*, *Tanghalang Pilipino* and others.

962. The National Museum is tasked with the preservation, conservation and protection of movable and immovable cultural properties and for the enjoyment of present and future generations. As an educational institution, it disseminates scientific and technical knowledge in more understandable and practical forms through lectures, exhibitions, interviews and publications for students and the general public. As a scientific organization, it conducts basic research programs combining integrated laboratory and field work in anthropology, archaeology, botany and zoology. It maintains reference collections on these disciplines to promote scientific studies in the Philippines. As a cultural center, the National Museum has taken the lead in the study and preservation of the nation's rich artistic, historic, and cultural heritage.

⁶⁷ **“The Subcommissions.** The Commission shall oversee the operation and maintenance of National Committees under the following Subcommissions:

(a) Subcommission on Cultural Heritage, which shall cover but will not be limited to the following areas: libraries and information services; archives, museums, galleries, monuments; and sites, and historical research;

(b) Subcommission on the Arts, which shall cover but will not be limited to the following areas: literary arts, visual arts, architecture, dramatic arts, broadcast arts, musical arts, dance and film;

(c) Subcommission on Cultural Dissemination, which shall cover but will not be limited to the following areas: language and translation, cultural events, cultural education and information;

(d) Subcommission on Cultural Communities and Traditional Arts, which shall cover but will not be limited to the following areas: Agta culture and art, cultures and arts of Northern cultural communities, Southern cultural communities, Muslim cultural communities, and lowland cultural communities.”

963. The National Library serves as the country's premier repository of printed and recorded materials which reflect the intellectual, literary and cultural heritage of the Philippines as well as the knowledge and wisdom of peoples elsewhere in the world. While acquiring and maintaining a comprehensive national collection of library resources, the Library promotes access to these research and information materials and makes them available for the use of the present and future generations of Filipinos.

964. The National Historical Institute (NHI) was created in 1972 to integrate the diverse functions of various historical agencies. NHI is responsible for the conservation and preservation of the country's historical legacies. Its major thrusts encompass an ambitious cultural program on historical studies, curatorial works, architectural conservation, Philippine heraldry, historical information dissemination activities, restoration and preservation of relics and memorabilia of heroes and other renowned Filipinos. The NHI continues to undertake the commemoration of significant events and personages in Philippine history and safeguard the blazoning of the national government and its political divisions and instrumentalities.

965. The Records Management and Archives Office is the official repository of the nation's permanent records and records of archival and historical value. It is mandated to plan, develop and coordinate government-wide programs, policies, rules and regulations governing the use, storage and disposition of current and non-current records as well as to render assistance to government agencies for the retrieval of vital documents.

966. The Commission on the Filipino Language is tasked to undertake, coordinate and promote researches for the development, propagation and preservation of Filipino and other Philippine languages.

967. Since 2002, initiatives of the culture sector have been focused on the implementation of policies and strategies contained in the Medium-Term Philippine Development Plan for Culture and Arts (MTPDP-CA) 2002-2005. There are seven program thrusts identified in the Plan that addresses certain needs in the sector: (a) Culture and Education; (b) Culture and Development; (c) Support for Artistic Excellence; (d) Promotion of Culture and the Arts; (e) Conservation of Cultural Heritage; and (f) Culture and Diplomacy. Towards the end of 2003, the NCCA established the seventh program, i.e., Culture and Peace. These programs were created as the framework for direction and policy development from where project ideas can be developed.

968. The Government also promotes recognition for outstanding Filipino artists through such awards such as the *Gawad Manlilikha ng Bayan* and the National Artists' Award.

Cultural centers, museums, libraries, theatres, cinemas

969. The oldest museum in the country, the University of Santo Tomas (UST) Museum of Arts and Sciences, lays claim to more than 100 years of existence. When UST was setting up its Faculty of Medicine, it had to comply with the prerequisite that it included a *Gabinete de Fisica*. The *Gabinete* was to contain what were called *materia medica* - mineral, plant and animal specimens possessing medical properties. Thus, the establishment of the Faculty of Medicine in 1871 is also considered the beginning of the UST Museum.

970. The National Museum started in 1901 as the Insular Museum of Ethnology, Natural History and Commerce under the Department of Public Instruction by virtue of Act 284 passed by the Philippine Commission. The name was changed in 1903 to Bureau of Ethnological Survey, under the Department of Interior. After the St. Louis Exposition in 1904 the Office was renamed the Philippine Museum. At the moment, the National Museum has 18 regional Museums widely distributed all over the Philippines.

971. Government museums and other centers were built at various levels and opened to introduce the arts to the masses. The CCP Museum opened in 1969 highlighting a collection of Philippine art. The Central Bank Money Museum opened in 1974 to showcase a connoisseur's collection of coins, bills and medals from the Philippines and abroad. The Metropolitan Museum of Manila opened in 1976 to exhibit non-Philippine art. Its sister museum was the Museum of Philippine Art which opened also in 1976, to focus on Philippine visual arts. In 1978, the Museo ng Buhay Pilipino, located in the Central Bank Quezon City Complex, formally opened exhibiting the furniture collection of the D. M. Guevarra Foundation. In 1979, the Intramuros Administration was created through a presidential decree tasked to preserve and revive the culture of Old Manila. The Intramuros Administration is in-charge of a museum complex comprised of the Casa Manila, Museum and the Puerta de Isabel Gallery.

972. Philippine museums have evolved in number, in structure and in the quality of programs and services. There are currently 161 museums in the country. In the National Capital Region there are 56 museums; Northern Luzon has 22 museums; Southern Luzon has 36 museums; Visayas has 36 museums and Mindanao has 11 museums. Organizational structure has not been confined to administrative and curatorial offices but has branched out to education, marketing, public relations, development, extension programs, museum shops and restaurants. Traditional programs of collections management, in-house exhibitions, research and publications have expanded to seminars, concerts, children's activities apprenticeships, training, films and technical exchanges.

973. The latest development in Philippine museums is the emergence of interactive museums and ecomuseums. An interactive museum is based on the concept of allowing the audience to interact with exhibition components to heighten their enjoyment and to facilitate their learning process. Exponents of this format are the Science Centrum and Museo Pambata. Ecomuseums, such as *Museo San Isidro de Pulilan*, *Bahay Nakpil Bautista ng Quiapo*, and *Museo ng Maynila*, are community learning centers that link the past with the present as a strategy to deal with future needs of the particular society.⁶⁸

⁶⁸ The Museo San Isidro de Pulilan was established in 1997 by a youth organization "to serve as a unifying factor for the people of Pulilan, the repository of their artifacts, the educator of their youth, the center for its intellectual and cultural development...to participate in the continued, sustainable and meaningful development of Pulilan." Bahay Nakpil Bautista ng Quiapo was soft-opened to the public in 1997 "to serve as a venue in teaching culture and history that would instill civic responsibility, aesthetics, cultural stewardship and positive values for the community". Museo ng Maynila was inaugurated in 1997 "to create a center that shall engender heritage consciousness for the city's inhabitants, a house that serve as a repository for historical and cultural relics of value, and a haven for the pantheon of local heroes."

974. Museums in the local government levels featuring history and ethnographic collection of the locality were also built. In 1969, the province of Iloilo donated a 2,000 square meter lot on the provincial capitol to house the Museo Iloilo. In 1970, the Benguet Provincial Board formed a committee on culture that established the Benguet Museum. The Cagayan Museum was conceived in 1971 and opened to the public two years later. The Museo de La Union was constructed and completed in 1979 as a repository of the rich cultural and historical artifacts gathered in the province of La Union. The Museo Iloko was restored by the Philippine Tourism Authority in 1981.

975. Military and police museums were formed to boost the morale and strengthen the military machinery. In 1974, the Philippine Air Force Museum, the Philippine Constabulary-Integrated National Police Museum and the Western Police District Museum were established. The Philippine Navy Museum was inaugurated in 1978 in Cavite City while the Philippine Army Museum opened in 1979 in Fort Bonifacio.

976. Early initiative for a corporate museum was shown by the Ayala Museum of Philippine History and Iconographic Archives. The concept of the museum was to provide a visual tour of Philippine history under one roof. Thus, intricately executed dioramas of the 60 most important historical events in the country were assembled. The Museum, a project of the Filipinas Foundation Inc. was established in 1967.

977. The Folk Arts Theater was built in 1974, while the Philippine International Convention Center was built in 1976. The Film Center was built seven years later in 1983 to accommodate the Manila International Film Festival.

Preservation and presentation of mankind's cultural heritage

978. The preservation of major monuments of Philippine culture - the Ifugao Rice Terraces, Spanish colonial period churches, art deco buildings, ethnic architecture - is a major challenge and has been attended to in a limited way. There is great urgency in cultural heritage preservation, calling for the enactment of a National Heritage Law and systematic cultural heritage preservation work.

979. The NCCA has projects which aim to support research and documentation of historical and cultural sites and landmarks, events and personalities in the different regions of the country.

980. In recognition of the importance of the preservation and protection of intangible heritage, the NCCA also supports projects for the retrieval of ethnic literature; documentation of traditional Filipino music, chants and dance; and promotion through publications and media broadcast of Philippine cultural traditions.

981. The NCCA supports conservation of cultural properties, movable and immovable giving priority to those endangered by destruction, and especially those UNESCO declared World Heritage Sites. NCCA supports a program which aims to protect the landmarks of the Filipino

achievements and creativity, while at the same time promote cultural tourism. This shall include technical assistance for the restoration of built structures, conservation and restoration of paintings and other works of art, preservation of works on paper; actual restoration work; improvement of local museums; partial funding for the establishment of new museums; and the enhancement of cultural tourism. Technical assistance is also extended to the establishment of local museums and centers for culture, libraries and archives, including the development and upgrading of the skills of the staff.

982. The NCCA encourages young people to learn and appreciate the culture and the arts of their community. Thus, the NCCA supports the [Schools of Living Traditions \(SLTs\)](#), which aims to support establishment of training activities in order to transfer knowledge and skills from the masters to the other members of the community, especially the youth, as a way of preserving traditions. The program also support festivals (*traditional arts and rituals*) as way of reviving various community rituals and exhibition of the arts and crafts of the different cultural communities. From 1995 to 2003, the NCCA approved the creation of 30 SLTs, 13 of which have already been completed; with eight currently ongoing and nine for implementation in 2004.

983. A three-year action plan has been formulated for the preservation of the *Huhhud Epic* of the Ifugaos, which was cited by UNESCO as one of the Masterpieces of the Oral and Intangible Heritage of Humanity. The *Darangan Epic* of the People of Lake Lanao in Mindanao was also submitted to the UNESCO for nomination and inclusion in the UNESCO Memory of the World Registry as an outstanding masterpiece of oral and intangible heritage of humanity.

Special interventions for Muslim Mindanao

984. In terms of initiating special interventions for Mindanao, the program for culture and peace was crafted and is being implemented to address the need to provide assistance to projects that advocate peace, particularly in Mindanao regions. The Program is based on the belief that cultural dialogue has a key role in the peacemaking process. In a similar view, projects promoting peace and national unity in Mindanao were undertaken. Most of the activities were in support of indigenous festivals, workshops aimed at helping the members of communities develop cultural programs, cultural exchange programs, and strengthening the networking of the NCCA in the regions.

985. One major undertaking being doen by the NCCA is to provide support for the *Mindanao Natin Project* spearheaded by the Office of the Presidential Adviser on the Peace Process, particularly on the Mindanao Youth Peace and Development Advocacy Component, which is being done in coordination with the National Youth Commission, Office of Muslim Affairs, NCIP, Philippine Sports Commission and DSWD.

Legislative structure and judicial decisions

986. Sections 14 to 18 of Article XIV of the Constitution pertain to the State's obligation to preserve, protect and enrich the nation's historical and cultural heritage.⁶⁹

987. The Philippines has enacted a number of laws which aim to promote and protect its cultural heritage, viz., *Cultural Properties Preservation and Protection Act* (RA 4846), *National Museum Law* (RA 8492), *National Historical Commission* (RA 4368), *Law Creating the National Commission for Culture and the Arts* (RA 7356), *Sites and Shrines* (PD 260) and *Archeological Reservations in Cagayan Valley* (PD 1109) and *Archeological Reservations in Kalinga-Apayao* (RA 4368).

988. In 1997, the Supreme Court invalidated the alienation of Manila Hotel, a historic site, to foreign interests. In *Manila Prince Hotel v. Government Service Insurance System* (3 February 1997), the Court held that Manila Hotel has become part of the national patrimony and in the sale thereof, preference must be given to Filipinos pursuant to Sec. 10 (2), Art. XII of the Constitution. The aforesaid provision states that in the grant of rights, privileges and concessions covering national economy and patrimony, the State shall give preference to qualified Filipinos. According to the Court, the term national patrimony pertains to cultural heritage of which Manila Hotel has become a part.

989. Other Supreme Court decisions pertaining to the protection of cultural heritage are as follows: *Joya v. Presidential Commission on Good Government* (G.R. No. 96541, 24 August 1993), *Army and Navy Club v. Court of Appeals* (G.R. No. 110223, 8 April 1997), and *Manosca v. Court of Appeals* (G.R. No. 106440, 29 January 1996).⁷⁰

⁶⁹ Sec. 14 provides, "The State shall foster the preservation, enrichment and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic expression. Sec. 15, reads, "The arts and letters shall enjoy the patronage of the State. The State shall conserve, promote and popularize the nation's historic and cultural heritage and resources, as well as artistic creations. Sec. 16 states, "All the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition." Sec. 17 provides, "The State shall recognize, respect and the protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institution. It shall consider these rights in the formulation of national plans and policies." Sec. 18 states, "(1) The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships grants and other incentives and community cultural centers and other public venues. (2) The State shall encourage and support researches and studies on the arts and culture."

⁷⁰ In *Joya v. PCGG*, the petitioners questioned the sale by the PCGG of a part of the Marcos wealth which include a collection of the old masters and silverware on the reasoning that they were historical relics and had cultural significance. The Court, however, took note of the certification by the Director of Museum that the objects of the sale do not constitute protected cultural properties. In *Manosca v. Court of Appeals*, the government instituted expropriation proceedings over a parcel of land classified as national historical landmark, it being the

Other cultural and development programs

990. **Strengthening Social Infrastructure** [*Capability Building for Local Communities; Community Organizing; Local Cultural Exchange Projects / Intercultural Dialogues; Creation of Local Culture and Arts Councils; and Projects on advocacy for Peace*) The program is intended to assist the community to develop its cultural capabilities and value its cultural resources. It provides opportunities for the community to organize themselves, establish network and cooperation towards building a stronger social infrastructure. The program seeks to assist the different cultural communities identify their cultural resources, retrieve its traditions and values, way of governance and celebrate their culture to empower them to assert their significant presence in the Philippine society. It likewise, promotes the creation and sustainability of local culture and arts groups, through the following forms of incentive assistance: a) support for organizational development activities such as arts management training, planning, etc.; b) programs or projects that will support part of a comprehensive long term development plan.

991. **Arts for the Disadvantaged, Outreach Projects; Community Cultural Action.** Under this program, assistance and support are given especially to disadvantaged groups, which include the following - landless farmers, fisherfolk, informal sector workers, urban poor, residents of resettlement areas, street children, senior citizens, persons with disabilities, public school students and teachers, government employees. Projects under this program come in different forms.⁷¹

992. **Cultural Tourism.** The NCCA assists the Department of Tourism (DOT) and the LGUs in the development of cultural programs and heritages sites in localities with tourism potential and in production of the corresponding promotional materials. This program includes projects such as a regular cultural show; production of brochures or video materials; restoration of historical sites which will enrich tourism activities.

birthplace of the founder of the Iglesia ni Cristo. The owner of the land objected saying that the expropriation was not for public use. The Court ruled against the owner on the reasoning that “public use” must be considered in its general concept of meeting a public need. The property’s historical value justified expropriation.

⁷¹ **Cultural Tours** - support is given to cultural/ educational trips which will expose students and teachers of public schools, government employees, out- of-school youth to centers such as museums, galleries, historical sites, performing arts centers, etc. Support includes vehicle rental and admission fees. **Mounting of Artistic Creation** - support includes mounting of theatrical productions, musical performances and exhibitions by art groups or individuals from the marginalized sectors, e.g. differently abled groups, out-of-school youth, public schools, etc. **Artistic Competition** -the Commission organizes competitions that will encourage artistic excellence among the artists in the sector. **Training** - support includes lecture-demo and workshops on the different art forms. **Development of Community Arts Organization** -the Commission assists in the establishment of community arts organization in resettlement areas and by out-of-school youth.

993. **Cultural industries.** Through this program, the NCCA supports the development of crafts and products which are typical of a community and is an integral part of their culture, including weaving, pottery, bamboo instruments, basketry, music, film.

994. **Culture and governance.** [*Regional Empowerment; NCCA-DILG-LGU Collaborations; Local Cultural Planning Activities*] The NCCA encourages the culture and arts projects of LGUs, particularly those intended to identify and develop talented persons in the locality, to safeguard cultural heritage, and to develop audiences for culture and arts activities.⁷²

Education in the field of culture and the arts

995. In the efforts of the NCCA to address the need to enhance cultural literacy among Filipinos, it supports the activities of the *Philippine Cultural Education Plan (PCEP)*. The PCEP is designed to make cultural education accessible to all sectors of Philippines society particularly the youth, the teachers, the artists and cultural workers, officials and employees of the government, members of the media and civil society.

996. The plan resulted in the setting up of the Speakers' Bureau in response to numerous requests from schools, arts council, LGUs, and other cultural agencies, the conduct of trainings and conferences under its cultural enrichment program for teachers and students, and education courses in tertiary level, and the donation of more than 30,000 copies of different publications/books and almost 2,000 electronic materials to public libraries and schools nationwide.

997. Meanwhile, the *Institute for Cultural and Arts Management (ICAM)* as the educational arm of the NCCA continues to train culture and arts managers in developing their management and technical skills. Training almost 2,500 cultural workers, artists, arts managers, cultural officers of LGUs and private corporations, teachers, and cultural attaches, ICAM has reached many regions in the country since 2003. There are several projects being supported by the NCCA through ICAM.⁷³

⁷² The program includes tours within the Philippines of recognized performing groups supported by the LGU; support to a continuing performing arts season sponsored by the LGUs; technical assistance to local museums, libraries, archives and historical associations; partial sponsorship of publications on the history, culture and arts of the locality, including biographies of persons from the region who received national prominence; assistance in enabling local groups to perform at suitable national events in Metro Manila; and assistance in the scientific study and excavation of cultural heritage sites.

⁷³ (a) **Cultural Enrichment Program for Teachers** - The NCCA supports the service training of teachers and arts educators in the field of culture and the arts. This program category aims to assist Teacher Training Institutions, the DepEd, Arts Organizations, and other groups in developing and providing continued training program for teachers; (b) **Libraries Enrichment** - This is intended to assist the National Library and the DepEd to acquire culture and arts library materials to include books, magazines, journals, and audio-video for the public libraries and the libraries of the public schools all over the country; (c) **Curriculum and Instructional Materials**

998. The government also runs a secondary school for artistically gifted and talented adolescents - the Philippine High School for the Arts (PHSA). PHSA implements a special secondary education curriculum and support programs committed to the conservation and promotion of the Filipino artistic and cultural traditions. Established in 1977, PHSA strives to develop the expertise and potentials of young artist-scholars, its faculty, and staff as cultural workers capable of and dedicated to achieving the programs which are focused on the development and enhancement of a truly Filipino orientation.

Role of mass media and communications media in promoting participation in cultural life

999. The NCCA encourages the development of a self-sustaining range of publications and audio-visual materials on Philippine culture and the arts and current forms of cultural and artistic expression for Filipino and international audiences alike. NCCA supports the production of print (e.g. magazines, journals, periodicals, books) and electronic materials (e.g. video and audiotapes, compact discs, video compact discs) on culture and arts as both educational and entertainment materials. The NCCA supports the production radio and television programs in varied formats (game shows, telenovela, talk shows, etc.) which are attractive to general audience and are intended to promote the Filipino history, values, achievements, arts. To service the culture and arts sector, the NCCA maintains a web page to boost Filipino identity and broaden public awareness locally and internationally on Philippine culture and arts. This shall include development and maintenance of local and wide area network among the cultural agencies and similar offices to improve access on sharing of Information Technology resources on arts and culture.

1000. Likewise, the NCCA's *Filipino Literary Works / Comprehensive Translation Program* aim to make Filipino literary works and selected foreign classics accessible to Filipinos and international readers by encouraging translation of works written in other Philippine languages to Filipino and English and vice versa.

Development - The program supports projects for curriculum enrichment especially that of the Special School for the Arts, the Education Courses in the Tertiary level, etc. This also aims to encourage production of audio-video and printed materials to aid the teaching of culture and arts related subjects/courses; (d) **Audience Development and Cultural Awareness Program** - The program aims to support projects, which will promote awareness and develop appreciation for the Philippine culture and the arts among the Filipinos. This may include exhibit-lecture, performance-symposium, and seminar / lecture for a general audience; (e) **National Education Program/Training for Cultural Workers** - This program is the response of NCCA to the greater responsibility of spearheading the intensive cultural education program [the PCEP] as offshoot of RA 9155. The program supports projects covering any of the following areas: formal education, informal education, and informal education. Strategic thrusts and policy guidelines, and program directions shall be formulated to guide the proponents properly; (f) **Research Program** - Towards enhancement of the cultural education program, the NCCA encourages and supports scholarly research on the various areas of the Philippine culture and the arts.

1001. The NCCA also assists museums and galleries, libraries and archives, and other similar cultural institutions, government agencies, arts organizations, and schools in the design and mounting of exhibits that illuminate aspects of Philippine culture and the arts.

Question No. 2. Measures adopted to realize the right of everyone to enjoy the benefits of scientific progress and its applications

1002. In 1987, in response to increasing demands for science and technology (S&T) intervention in national development, the Government elevated the former science and technology body to a cabinet level. The cabinet body was named Department of Science and Technology (DOST) and accorded broad policy-making and program implementing functions.

Priority programs of the DOST

1003. The DOST is currently implementing six priority programs to develop competence, enhance competitiveness, and address the needs of the different sectors of society.

1004. ***Comprehensive Program to Enhance Technology Enterprises (COMPETE).*** COMPETE aims to spur private R&D initiatives, particularly among small and medium-scale enterprises (SMEs); to enhance public and private sector participation in S&T activities; and to upgrade the facilities and technical competence of government, academic and private sector institutions involved in S&T activities. Accomplishment of this is being done primarily through the establishment of Virtual Centers for Technology Innovation in the areas of microelectronics and information technology.

1005. ***Integrated Program on Cleaner Production Technologies.*** The program aims to promote sustainable development and strengthen the competitiveness of the Philippine industries, particularly small and medium enterprises, by providing technical information and assistance in adopting cleaner production technologies that include waste minimization and pollution prevention techniques. Through the adoption of these industrial practices, Philippine industries will become highly competitive in the global market. The Program has four components, viz., a) policy study on the promotion of cleaner production technology transfer; b) establishment of a center for cleaner production technology development; c) setting up of a regional network for cleaner production technology transfer; and d) the identification of market-based and command-and-control instruments for the adoption of cleaner production technologies.

1006. ***Establishment of a Packaging Research and Development (R&D) Center.*** The DOST aims to establish a national packaging R&D center that will provide, among others, a common service facility for the use of industry. Through the Center, the Department will offer testing and related services for industry; conduct training programs and information dissemination campaigns; facilitate technology transfer to industry; and develop and maintain regional industry networks on packaging technology and services, particularly for SMEs. The Center is DOST's response to the concern over the low quality and added-value, and lack of competitiveness, of Philippine export products. Through the development of attractive, inexpensive, appropriate and environment-friendly packaging materials, as well as of designs that conform to international standards, the Center aims to make Philippine export products more competitive.

1007. ***Expansion of Regional Metrology Centers.*** The DOST is currently developing a pyramidal metrology infrastructure of the country and upgrade the capabilities of public and private calibration laboratories in the regions to match the requirements of the various users. The program aims to provide the framework for promoting metrology awareness and application among all sectors and regions of the country. The Program has four components: a) identification of gaps in the present metrology system; b) the development, through the upgrading and expansion of regional/local calibration laboratories, of a national measurement system; c) the establishment of a metrology training center; and d) the development and adoption of a laboratory proficiency evaluation program.

1008. ***S&T Intervention Program for the Poor, Vulnerable and Disabled.*** The program aims to provide the poor and the disadvantaged sectors of the civil society access to DOST generated/sourced technologies and science-based approaches to resource management to meet the minimum basic needs and to facilitate technology based-livelihood opportunities through the efficient and effective delivery of S&T services. Through the Program, the marginalized coastal and upland communities, indigenous communities, displaced communities, persons with disabilities and other vulnerable groups will be provided techno-transfer training, technical assistance, higher skill/knowledge acquisition, equipment grant and/or prototyping, and linkages for resource generation, including marketing and financing, integrated with value orientation to provide a wholistic approach to development.

1009. ***S&T for Mindanao.*** The program aims to build up the Mindanao region's technological capability in order to boost its long-term attractiveness to investors. It has generated the support and collaboration of various line agencies, and the local governments including some cultural minorities from Mindanao. The Program has two major components: 1) Technology Program for Micro and Small Scale Enterprises; and b) Mindanao S&T Human Resources Development Program. To optimize the use of limited government resources, the Program will focus on four priority sectors, namely: 1) food industry; 2) marine; 3) horticulture; and 4) furniture.

Research and Development

1010. In undertaking and supporting R&D projects/activities, the Department gives priority to those that (a) address the most urgent problems of society; (b) are “use-inspired” or demand-driven; (c) enhance private sector participation; and (d) build the competence and long-term capability of the Philippine S&T community. In keeping with the new social contract, R&D activities that promote intergenerational equity (i.e. benefit future generations) will also be given high priority.

1011. The DOST works in tandem with the Department of Agriculture in implementing a comprehensive R&D program under the Agriculture and Fisheries Modernization Act (AFMA). More specifically, the DOST supports R&D aimed at increasing the productivity of the agricultural sector through the application of modern, efficient and appropriate technologies, thus enhancing their competitiveness in the world market and ensuring food security.

Technology transfer and commercialization

1012. The DOST's technology transfer and commercialization program aims to hasten the delivery, adoption and commercialization of appropriate technologies to farmers and

entrepreneurs. Through the program, support is provided for the accelerated development of technology business incubators and S&T parks in order to, respectively, assist in spinning off technologies from the laboratories to industries and provide an environment conducive to industry-academe collaboration for R&D and innovation.

S&T services, testing and calibration

1013. In line with its commitment to improve the productivity and competitiveness of the local industry, the Department is upgrading its calibration, testing and S&T services. This is in line with the MTPDP's objectives of improving product standards and quality, encouraging innovation, and protecting the consumers. The program includes the following components: Manufacturing Productivity Extension Program for Export Promotion (MPEX), Consultancy for Agricultural Productivity Enhancement (CAPE), Municipal Science and Technology Advisory Program (MSTAP), and Science and Technology Experts Volunteer Pool Program (STEVPP), and Assistance to Inventors.

1014. MPEX aims to reduce production costs and improve the productivity and profitability of SMEs through the provision of technical assistance and consultancy services. Through the CAPE Program, the Department provides technical assistance to farmers with the end-view of improving farm incomes. Under the STEVPP, experts extend free assistance (e.g., training, seminars, workshops, hands-on-demonstration) to organizations, cooperatives and other interested parties in the countryside.

1015. The Department also provides calibration, analytical and testing services to Filipino firms to ensure the quality, safety and competitiveness of their products and to assist them in obtaining ISO Certification.

Disaster preparedness and hazard mitigation

1016. The Department provides timely information, monitoring and prediction services on weather, floods, earthquakes and related natural phenomena. It will also conduct studies such as hazard identification and mapping and vulnerability and risk assessment of potentially active volcanoes, faults and *lahars*.

1017. The DOST is currently supporting a project that utilizes satellite technology to forecast weather conditions. Efforts are geared toward accurate monitoring and prediction of the location, behavior and characteristics of a weather phenomenon for warning and public safety purposes. The project, which is being implemented by the Philippine Atmospheric, Geophysical and Astronomical Services Administration, aims to establish the use of satellite data in monitoring Philippine weather systems and conducting continuous weather observations over vast mountain and ocean surfaces and other remote areas. Part of the project's goal is to use satellite technology to predict rainfall and tropical storm intensity that could help in the early warnings of flash floods, strong winds and destructive waves.

S&T human resources development

1018. Pursuant to RA 7687, the DOST provides scholarships to bright young Filipino students, especially those from underrepresented areas. The S&T Human Resources Development

Program is the Department's response to the MTPDP's call on the government to “complement its competition (and other) policies by programs aimed at encouraging investment in education and S&T in order to raise Philippine productivity to international benchmarks”. It will also trains more science and mathematics teachers under the Project RISE (Rescue Initiatives in Science Education).

1019. The DOST also operates the Philippine Science High School System (PSHSS) which is a special public high school. The PSHHS offers scholarships to Filipino students who are exceptionally gifted in the sciences and mathematics, “helping the country reach a critical mass of professionals in science and technology.” Graduates of the PSHS are bound by law to major in the pure & applied sciences, mathematics, or engineering upon entering college.

1020. Reference may be made to TVET programs being offered by TESDA as discussed in pars. 148 to 156.

Question No. 3. Difficulties encountered in promoting the right of everyone to take part in scientific progress

1021. The key challenges in S&T and in the mobilization of knowledge for greater productivity and economic growth include the following.

1022. ***Need to make S&T policies coherent with national development goals.*** New conditions call for new S&T policies. The key policy challenge is to boost productivity, economic growth and job creation through increased knowledge-intensive economic activities while maintaining social cohesion. Shaping up the *Philippine National Innovation System* will require S&T policies that are more focused, integrated to and coherent with other socioeconomic policies. To achieve this, a clear and better understanding of the flows of knowledge and technology among people, enterprises and institutions has to be attained. Mismatches within the system both among institutions and government policies that serve as barriers to innovation have to be identified.

1023. ***Weak knowledge base.*** The sociocultural, political and economic environment sets the stage for the formulation of appropriate economic, education, S&T, labor, trade and industry policies that collectively affect the rate with which the country's knowledge base is formed. This, however, is also conditioned by the interaction and collaboration between the academe and S&T community as producers of knowledge, and the industry as users of knowledge. The outcomes of their relationships influence the capacity of the economy to produce products and services for changing market needs.

1024. The following factors indicate the weakness of the country's knowledge base:

- Lack of critical mass of R&D. The country lacks a critical mass of R&D workers as it has only 6,803 scientists and engineers engaged in R&D in 2002, a significant decrease from 39.3 per cent form 1996 level. The decline occurred among government, public higher education and private non-profit institutions. Brain drain contributed to the country's declining number of S&T practitioners. Since knowledge and technologies are mostly embodied in human resources, this points to the urgency of the need to accelerate the development of R&D human resources in the country;

- **Underinvestment in R&D.** The country's expenditures in R&D amounted to PhP 4.5 million in 2002, only 0.11 per cent of the GDP and far too less than the standard 1 per cent of GDP recommended by the United Nations Educational, Scientific and Cultural Organization for developing countries. While the private sector (private business, private nonprofit and private higher education institutions) already contributes the bigger portion of the R&D investments (64 per cent of the PhP 4.5 billion total R&D expenditures in 2002), there is a need to promote greater R&D investments from both public and private sector;
- **Low Number of Scientific Publications and Patents.** The low number of R&D personnel in the country would naturally result in lower scientific outputs. To provide a glimpse of the poor state of S&T in the country vis-à-vis other countries, a comparison of scientific articles published by origin of author in 1999 placed the Philippines at 29th place among the 30 countries included in the Institute for Management Development survey. The Philippines had 146 published scientific articles.

1025. The average number of patents granted to residents of the Philippines from 1998 to 2000 stood at six, placing the country at 28th ranking out of 30 countries. The low number of patents granted is attributed to the lack of government's capital support for patenting as well as the lack of government and public support in the promotion of inventions.

1026. ***Need to improve the competitiveness of the country's knowledge and S&T workers.*** The Philippines was ranked 3rd out of the 49 nations in producing knowledge jobs in 2001, up from 8th in 2000, according to the META Group's Global Technology Index (GTI). The GTI is the successor of the Global New E-Economy Index, a cyber atlas that represents an important measure of the economic dynamism and strength, as well as the technological capabilities and potential of each country. However, this is still lower than the country's 1st place ranking in the knowledge jobs category in 1999, which included ranking criteria on senior management, availability of IT skills, and qualified engineers.

1027. The decline of the Philippines from 35th to 39th in the transformation of the country's digital economy in 2001 was attributed mainly to the decline of the number of computers per capita, weak deployment of cellular access and small population of internet users. Meanwhile, the significant drop, from 38th to 45th in technological innovation capacity category was due to the decrease in the number of patents issued.

1028. ***Poor mechanism for knowledge retrieval/exchange/dissemination.*** Access to knowledge and technology vital to the development of rural and remote areas in the country is still inadequate and non-existent in many regions of the country.

1029. ***Need to leverage knowledge for greater productivity and global competitiveness.*** Knowledge needs to be identified and appropriately packaged to target those who could make the most effective use of knowledge productivity-enhancing technologies. There is the need to intensify content and create knowledge by organizing knowledge networks to document and package best practices with the help of mass media, business, various church groups, academic institutions, professional organizations, LGUs, and civil society for the use of farmers, fisherfolks, ordinary office and factory workers.

1030. ***Lack of mechanism/programs to promote and encourage entrepreneurship.*** To enable micro, small and medium enterprises to a formal, viable, growing businesses, there is a need to start-up incubation centers that would provide technology, in-house credit, legal and marketing assistance to locators; promotion of microfinance for entrepreneurs, streamlined processes for loan application; provision of one-stop shops for marketing support; and provision of training to develop/enhance entrepreneurial skills.

Question No. 4. Measures taken to realize the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work of which he or she is the author

1031. Republic Act 8293, otherwise known as the *Intellectual Property Code of the Philippines*, protects the intellectual property of an individual. Intellectual property, under the law, refers to any creation or product of the human mind or intellect. It can be an invention, an original design, a practical application of a good idea, a mark of ownership such as trademark, literary and artistic works, among other things.

1032. The Intellectual Property Code declares it the policy of the State to promote the diffusion of knowledge and information for the promotion of national development and progress. Towards this end, the State aims to streamline the administrative procedures of registering patents, trademarks, copyright, liberalize the registration on the transfer of technology, and enhance the enforcement of property rights in the Philippines.

1033. The intellectual property rights under the Code are as follows:

- Copyright and related rights;
- Trademark and service rights;
- Geographic indications;
- Industrial designs;
- Patents;
- Layout designs (topographies) of integrated circuits; and
- Protection of undisclosed information.

1034. The agency of the government in charge of the implementation of the Intellectual Property Code is the Intellectual Property Office which replaced the Bureaus, namely:

- Bureau of Patents;
- Bureau of Trademarks;
- Bureau of Legal Affairs;
- Documentation, Information and Technology Transfer Bureau;

- Management Information System and EDP Bureau; and
- Bureau of Administrative, Financial and Personnel Services.

1035. The Intellectual Property Code is mandated under the law to:

- Examine applications for the grant of letters patent for inventions and register utility models and industrial designs;
- Examine applications for the registration of marks, geographic indication and integrated circuits;
- Register technology transfer arrangements and settle disputes involving technology transfer payments and develop and implement strategies to facilitate technology transfer;
- Promote the use of patent information as a tool for technology development;
- Publish regularly in its own publication the patents, marks, utility models and industrial designs, issued and approved, and the technology transfer arrangements registered;
- Administratively adjudicate contested proceedings affecting intellectual property rights; and
- Coordinate with other government agencies and the private sector efforts to formulate and implement policies to strengthen the protection of intellectual property rights in the country.

1036. The Intellectual Property Code sets the following for the duration of copyright protection of different works in the Philippines:

- Literary works: lifetime of the author and for 50 years after his/her death;
- Applied art: 25 years from the date of creation;
- Photographs: 50 years from publication (published) or from creation (unpublished);
- Audio-visual works: 50 years from publication (published) or from the date of creation (unpublished);
- Sound recordings: 50 years from 31 December which the recording took place;
- Broadcast recordings: 20 years from the date the broadcast took place;
- Copyrights generally last 25 years for corporate works, which include product designs and logos.

1037. The Intellectual Property Code also protects pending copyrights by providing automatic copyrights.

1038. The Code also provides for the “first to file rule” which states that if two (2) or more persons have made the invention separately and independently of each other, the right to the patent shall belong to the person who filed an application for such invention, or where two or more applications are filed for the same invention, to the applicant who has the earliest filing date or, the earliest priority date.

1039. Section 185 of the Code provides for fair use for criticism, comment, news reporting, teaching including multiple copies for classroom use, scholarship, research, and similar purposes of copyrighted material provided the copyrighted work will be evaluated based on the following:

- The purpose of the usage of the copyrighted material to be classified as fair use;
- The nature of the copyrighted work;
- The amount or portion of the copyrighted work being classified as fair use;
- The effect(s) the copyrighted materials has or have on the potential market and the value the item has to enriching the item of which the copyrighted material is being classified as fair use.

1040. Under the Code, moral rights are relatively expansive on the behalf of the copyright holder, which are listed below:

- Attribution;
- The right to be prominently displayed as the creator of the copyrighted material, in any form practical to the work;
- The right to change or even withhold the work from circulation;
- Integrity of ownership;
- The right to object to any alteration detrimental to the name of the creator of the material;
- The right to restraining the use of the creator's name in a work not of his making.

Annex

LIST OF ACRONYMS

AFMA - Agriculture and Fisheries Modernization Act

AFP - Armed Forces of the Philippines

AJD - Agrarian Justice Delivery

ALDA - ARC Level of Development Assessment

AMR - Annual Medical Report

AO - Administrative Order

APIS - Annual Poverty Indicators Survey

ARCs - Agrarian Reform Communities

ARMM - Autonomous Region of Muslim Mindanao

BALS - Bureau of Alternative Learning System

BEAM - Basic Education Assistance in Mindanao

BEC - Basic Education Curriculum

BHS - Barangay Health Stations

BnB - Botika ng Barangays (Pharmacy in the Village)

CAPE - Consultancy for Agricultural Productivity Enhancement

CAR - Cordillera Administrative Region

CARL - Comprehensive Agrarian Reform Law

CARP - Comprehensive Agrarian Reform Program

CBA - Collective Bargaining Agreement

CBR - Crude Birth Rate

CCHR - Coordinating Committee on Human Rights

CDF - Countrywide Development Fund

CDR - Crude Death Rate

CEDAW - Convention on the Elimination of All Forms of Discrimination Against Women

CELA - Certificate of Entitlement to Lot Allocations

CHED - Commission on Higher Education

CMP - Community Mortgage Program

CPI - Consumer Price Index

CRC - Convention on the Rights of the Child

CSC - Civil Service Commission

CSI - CHED-Supervised Higher Education Institutions

CT - Clean technologies

CWC - Council for the Welfare of Children

DA - Department of Agriculture

DAR - Department of Agrarian Reform

DBM - Department of Budget and Management

DENR - Department of Environment and Natural Resources

DepEd - Department of Education

DFA - Department of Foreign Affairs

DILG - Department of Interior and Local Government

DOE - Department of Energy

DOF - Department of Finance

DOH - Department of Health

DOJ - Department of Justice

DOLE - Department of Labor and Employment

DOST - Department of Science and Technology

DOT - Department of Tourism

DOTC - Department of Transportation and Communication

DPWH - Department of Public Works and Highways

DSWD - Department of Social Welfare and Development

DTI - Department of Trade and Industry

DTTBP - Doctor to the Barrios Program

ECCD - Early Childhood Care and Development

EHP - Early Harvest Program

EO - Executive Order

ETEEAP - Expanded Tertiary Education Equivalency and Accreditation Program

FIC - Fully Immunized Child

FLEMMS - Functional Literacy Education and Mass Media Survey

FNRI-DOST - Food and Nutrition Research Institute-Department of Science and Technology

GAD - Philippine Development Plan for Women

GDP - Gross Domestic Product

GNP - Gross National Product

GSIS - Government Service Insurance System

GTI - Group's Global Technology Index

HDI - Human Development Index

HDMF - Home Development Mutual Fund

HGC - Home Guaranty Corporation

HIV/AIDS - Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome

HLURB - Housing and Land Use Regulatory Board

HSRA - Health Sector Reform Agenda

HUCs - Highly Urbanized Cities

HUDCC - Housing and Urban Development Coordinating Council

ICAM - Institute for Cultural and Arts Management

ICC - Indigenous cultural communities

ICCPR - International Covenant on Civil and Political Rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

ILC - International Labor Organization Convention

IMR - Infant Mortality Rate

IRA - Internal Revenue Allotment

LBH - Local Health Boards

LBP- Land Bank of the Philippines

LGU - Local Government Units

LLDA - Laguna Lake Development Authority

LTHEDP - Long-Term Higher Education Development Plan

LTI - Land Tenure Improvement

LUC - Local Universities and Colleges

MBN - Minimum Basic Need Approach

MMAQISDP - Metro Manila Air Quality Improvement Sector Development Program

MMDA - Metropolitan Manila Development Authority

MMR- Maternal Mortality Rate

MO - Memorandum Order

MPEX - Manufacturing Productivity Extension Program for Export Promotion

MPPE - Multigrade Program in Philippine Education

MSTAP - Municipal Science and Technology Advisory Program

MTPDP - Medium-Term Philippine Development Plan

NCC - National Credit Commission

NCCA - National Commission for Culture and the Arts

NCDPC - National Center for Disease Prevention and Control

NCMB - National Conciliation and Mediation Board

NCR - National Capital Region

NDHS - National Demographic and Health Survey

NEAP - National Educators Academy of the Philippines

NEDA - National Economic and Development Authority

NESSS - National Epidemic Sentinel Surveillance System

NFA - National Food Authority

NGOs/POs - Non-government and people's organization

NHA - National Housing Authority

NHI - National Historical Institute

NHIP - National Health Insurance Program

NHMFC - National Home Mortgage Finance Corporation

NIA - National Irrigation Authority

NLRC - National Labor Relations Commission

NNS - Nationwide Nutrition Survey

NSCB - National Statistical Coordination Board

NSCB-FBS - National Statistical Coordination Board - Food Balance Sheet

NSED - National School Enrolment Day

NTRL - National Tuberculosis Reference Laboratory

NWPC - National Wages and Productivity Commission

OFW - Overseas Filipino Workers

OTOP - One-Town-One-Product Program

PARC - Presidential Agrarian Reform Council

PBD - Program Beneficiaries Development

PCEP - Philippine Cultural Education Plan

PCFC - People's Credit and Finance Corporation

PCHR - Philippine Commission on Human Rights

PCUP - Presidential Commission for the Urban Poor

PEPT - Philippine Education Placement Test

PESO - Public Employment Service Office

PHC - Primary Health Care

PHIC - Philippine Health Insurance Corporation

PHSA - Philippine High School for the Arts

PLEB - People's Law Enforcement Board

PMS - Presidential Management Staff

PNAC - Philippine National AIDS Council

PNP - Philippine National Police

POEA - Philippine Overseas Employment Authority

PPAN - Philippine Plans of Action for Nutrition

PPD - Permanent Partial Disability

PPGD - Philippine Plan for Gender Development

PSHSS - Philippine Science High School System

PSLMC - Public Sector Labor Management Council

PTFWM - Presidential Task Force on Waste Management

PWDs - Persons with Disability

RA - Republic Act

RDA - Recommended Dietary Allowances

RENI - Recommended Energy and Nutrient Intakes

RHU - Rural Health Units

RITM - Research Institute for Tropical Medicine

ROPOA - Real and Other Properties Owned and Acquired

RTI/STD - Reproductive Tract Infection/Sexually Transmitted Disease

RTWPB - Regional Tripartite Wage and Productivity Boards

RuMMEPP - Rural Micro-Enterprise Promotion Program

SARED - Sustainable Agribusiness and Rural Enterprise Development

SEF - Special Education Fund

SHEI - Special Higher Education Institutions

SHFC - Social Housing Finance Corporation

SHNP - School Health and Nutrition Program

SILCAB - Social Infrastructure and Capability Building

SME - Small and medium enterprises

SPES - Special Program for Students

SRA - Social Reform Agenda

SSCD - Social Services and Counseling Division

SSS - Social Security sstem

STEVPP - Science and Technology Experts Volunteer Pool Program

SUC - State Universities and Colleges

SWS - Social Weather Station

TAWAG - Tuloy Aral Walang Sagabal Project

TBA - Traditional Birth Attendants

TEEP - Third Elementary Education Project

TESDA - Technical Education and Skills Development Authority

TFR - Total Fertility Rate

TTD - Temporary Total Disability

TULAY - Tulong Alalay sa Taong May Kapansanan

TVET - Technical-Vocational Education and Training

TWC -TESDA Women's Center

UDHA - Urban Development and Housing Act

WHSMMP - Women's Health and Safe Motherhood Project
