

# GRADUATE SCHOOL



**I.6. The institution implements gender and disability sensitive rules and regulations published in a Student Handbook/Manual acceptable to students.**

**Master of Science in  
Animal Science**

**REPUBLIC OF THE PHILIPPINES  
UNIVERSITY OF SOUTHERN MINDANAO  
Kabacan, Cotabato**



**OFFICE OF STUDENT AFFAIRS**

**STUDENT MANUAL with  
SUPPLEMENTAL GUIDELINES**

**August 2022**

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**RULE XII  
EFFECTIVITY**

**Section 30.** This CMO shall take effect beginning Academic Year (AY) 2019-2020, after fifteen (15) days of its publication in the Official Gazette or in newspaper of general circulation. The required copies of this CMO shall be filed with the Office of the National Administrative Register (ONAR) of the U.P. Law Center. This CMO shall remain in force and effect until revoked or amended.

**RULE XIII  
TRANSITORY PROVISION**

**Section 31.** All existing Higher Education Institutions (HEIs) shall be required to fully comply with the provisions of this CMO beginning Academic Year (AY) 2019-2020. A Higher Education Institution (HEI) operating after the start of AY 2019-2020 shall comply with the provisions of this CMO, within one (1) year after the start of the school year of its operation.

*Issued October 2018, Quezon City, Philippines.*

**B) REPUBLIC ACT**

**ANTI-HAZING**

**IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO.  
11053 OR THE "ANTI-HAZING ACT OF 2018"**

Pursuant to the authority of the Commission on Higher Education (CHED), together with the Department of Education (DepEd), Department of Justice (DOJ), Department of the Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), Armed Forces of the Philippines (AFP), Philippine National Police (PNP), and National Youth Commission (NYC), the following rules and regulations are hereby promulgated to implement the provisions of Republic Act No. 11053.

**RULE I  
GENERAL PROVISIONS**

**Section 1. Title**

These rules and regulations shall be known as the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 11053 or the "**Anti-Hazing Act of 2018.**"

**Section 2. Coverage**

This IRR shall apply to an organized body of people which includes, but not limited to, any club, association, group, fraternity, and sorority. This IRR shall also apply to the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the Philippine Military Academy (PMA), the Philippine National Police Academy (PNPA), and other similar uniformed service learning institutions.

### **Section 3. Objectives**

It is the objective of RA 11053 and this IRR:

- a) To completely prohibit all forms of hazing and regulate other forms of initiation rites of fraternities, sororities, and other organizations;
- b) To strengthen the existing mechanism for deterrence of the commission of crimes in the conduct of initiation rites of fraternities, sororities, and other organizations;
- c) To provide rules in the conduct of initiation rites and;
- d) To provide rules in case hazing is committed in the conduct of initiation rites of fraternities, sororities, and other organizations.

### **Section 4. Definition of Terms**

For purposes of this IRR, the following terms shall mean or be understood as follows:

*Hazing* refers to any act that results in physical or psychological suffering, harm, or injury inflicted on a recruit, neophyte, applicant, or member as part of an initiation rite or practice made as a prerequisite for admission or a requirement for continuing membership in a fraternity, sorority, or organization including, but not limited to, paddling, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity, including any form of sexual harassment and abuse, which is likely to adversely affect the physical and psychological health of such recruit, neophyte, applicant, or member. This shall also include any activity, intentionally made or otherwise, by one person alone or acting with others, that tends to humiliate or embarrass, degrade, abuse, risk or endanger lives, by requiring a recruit, neophyte, applicant, or member to do menial, silly, foolish, hazardous, or inhumane tasks.

*Initiation or Initiation Rites* refer to ceremonies, practices, rituals, or other acts, whether formal or informal, that a person must perform or take part in order to be accepted into a fraternity, sorority, or organization as a full-fledged member. It includes ceremonies, practices, rituals, and other acts in all stages of membership (acceptance/ welcome or the like, neophyte/service stage or the like, and final stage or the like) in a fraternity, sorority, or organization.

*Organization* refers to an organized body of people which includes, but is not limited to, any club, association, group, fraternity, and sorority. This term shall include the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the Philippine Military Academy (PMA), the Philippine National Police Academy (PNPA), and other similar uniformed service learning institutions.

*Other Similar Uniformed Service Learning Institutions* refer to a learning institution which provides education, technical or professional training to persons rendering public service and law enforcement functions.

*Schools* refer to colleges, universities, and all other educational institutions and learning institutions/centers.

*School-Based Fraternities, Sororities and Organizations* refer to groups of people, however organized, including Student Government Bodies and Recognized Student Organizations, with

existing members who are students or plans to recruit students to be its members and are required to register with the proper school authorities before it conducts activities whether on or off-campus, including recruitment of members. For purposes of this IRR, school-based fraternities, sororities and organizations include organizations or institutions conducting military and other similar uniformed service trainings or activities.

## **RULE II PROHIBITION ON HAZING**

### **Section 5. *Prohibition on Hazing***

All forms of hazing shall be prohibited in fraternities, sororities, and organizations in schools, including citizens' military training and citizens' army training. This prohibition shall likewise apply to all other fraternities, sororities, and organizations that are not school-based, such as community-based and other similar fraternities, sororities, and organizations.

In no case shall hazing be made as a requirement for employment in any business or corporation.

### **Section 6. *Exceptions***

The following shall not be considered as hazing for purposes of this IRR:

- a) Physical, mental, and psychological testing and training procedures and practices to determine and enhance the physical, mental, and psychological fitness of prospective regular members of the AFP and the PNP as approved by the Secretary of National Defense and the National Police Commission, duly recommended by the Chief of Staff of the AFP and the Director General of the PNP;
- b) Similar procedures and practices approved by the respective heads of other uniformed learning institutions as to their prospective members;
- c) Any customary athletic event or other similar contests or competitions, subject to prior submission of a medical clearance or certificate; and
- d) Any activity or conduct that furthers a legal and legitimate objective, subject also to prior submission of a medical clearance or certificate.

## **RULE III REGISTRATION OF SCHOOL-BASED FRATERNITIES, SORORITIES, AND OTHER ORGANIZATIONS**

### **Section 7. *Registration of School-Based Fraternities, Sororities, and Other Organizations***

The following rules shall be observed on the recognition and registration of school-based fraternities, sororities, and other organizations:

- a) All existing fraternities, sororities, and other organizations otherwise not created or organized by the school but has existing members who are students or plans to recruit students to be its members shall be required to register with the proper school authorities before it conducts activities whether on or off-campus including recruitment of members;
- b) A newly established fraternity, sorority or organization in a school shall immediately register with the proper school authorities during the semester or trimester or term in which it was established or organized:

*Provided*, That the new fraternity, sorority, or organization has complied with the

requirements prescribed by the school in establishing a fraternity, sorority/organization. *Provided further*, That the schools shall promulgate their guidelines in the registration of fraternities, sororities and organizations within their jurisdiction not later than sixty (60) days from the approval of this IRR;

- c) Upon registration, all fraternities, sororities, and organizations shall submit a comprehensive list of members, which shall be updated not later than thirty (30) days from the start of every semester or trimester or term, depending on the academic calendar of the school;
- d) School officials shall have the authority to impose, after due notice and summary hearings, disciplinary penalties in accordance with the school's guidelines and regulations on the matters including suspension of the head and other officers of the fraternity, sorority and organizations who failed to register or update their roster of members as required under this section;
- e) Failure to comply with any of the registration requirements in Section 7 hereof shall result in the cancellation of registration or denial of the application for registration of the fraternity, sorority, or organization.

### **HIV AND AIDS**

#### **RA 11166 "Philippine HIV and AIDS Policy Act"**

An act strengthening the Philippine comprehensive policy on human immunodeficiency virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) prevention, treatment, care, and support, and reconstituting the Philippine National Aids Council (PNAC), repealing for the purpose republic act no. 8504, otherwise known as the "Philippine AIDS Prevention and Control act of 1998", and appropriating funds therefore.

**Section 2. Declaration of Policies.** - The Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) are public health concerns that have wide-ranging social, political, and economic repercussions. Responding to the country's HIV and AIDS situation is therefore imbued with public interest and shall be anchored on the principles of human rights upholding human dignity.

Policies and practices that discriminate on the basis of perceived or actual HIV status, sex, gender, sexual orientation, gender identity and expression, age, economic status, disability, and ethnicity hamper the enjoyment of basic human rights and freedoms guaranteed in the Constitution and are deemed inimical to national interest.

The State shall respect, protect, and promote human rights as the cornerstones of an effective response to the country's HIV and AIDS situation. Hence, HIV and AIDS education and information dissemination should form part the right to health.

The meaningful inclusion and participation of persons directly and indirectly affected by the HIV and AIDS situation, especially persons living with HIV, are crucial in eliminating the virus. Thus unless otherwise provided in this Act, the confidentiality and non-compulsory nature of HIV testing and HIV-related testing shall always be guaranteed and protected by the State.

Towards this end, the State shall ensure the delivery of non-discriminatory HIV and AIDS services by government and private HIV and AIDS service providers, and develop redress mechanisms for persons living with HIV to ensure that their civil, political, economic, and social rights are protected.

Accordingly, the State shall:

- (a) Establish policies and programs to prevent the spread of HIV and deliver treatment, care, and support services to Filipinos living with HIV in accordance with evidence-based strategies and approaches that uphold the principles of human rights, gender-responsiveness, and age-appropriateness, including meaningful participation of communities affected by the country's HIV and AIDS situation;
- (b) Adopt a multi-sectoral approach in responding to the country's HIV and AIDS situation by ensuring that the whole government approach, local communities, civil society organizations (CSOs), and persons living with HIV are at the center of the process;
- (c) Ensure access to HIV- and AIDS-related services by eliminating the climate of stigma and discrimination that surrounds the country's HIV and AIDS situation, and the people directly and indirectly affected by it; and
- (d) Positively address and seek to eradicate conditions that aggravated the spread of HIV infection, which include poverty, gender inequality, marginalization, and ignorance.

**Section 3. Definition of Terms.** - For the purposes of this Act, the following terms shall be defined as follows:

- (a) *Acquired Immune Deficiency Syndrome (AIDS)* refers to a health condition where there is a deficiency of immune system that stems from infection with the Human Immunodeficiency Virus or HIV, making an individual susceptible to opportunistic infections;
- (b) *Anti-retroviral Therapy (ART)* refers to the treatment that stops or suppresses viral replication or replications of a retrovirus like HIV, thereby slowing down the progression of infection;
- (c) *Bullying* refers to any severe or repeated use by one or more persons of a written, verbal or electronic expression, or a physical act of gesture, or any combination thereof, directed at another person that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to one's property; creating a hostile environment for the other person; infringing on the rights of another person; or materially and substantially disrupting the processes or orderly operation of an institution or organization;
- (d) *Civil Society Organizations (CSOs)* refer to groups of nongovernmental and noncommercial individuals or legal entities that are engaged in non-coerced collective action around shared interests, purpose and values;
- (e) *Community-Based Research* refers to study undertaken in community settings, which involve community members in the design and implementation of research projects;
- (f) *Comprehensive Health Intervention for Key Populations* refers to evidence-based policies, programs, and approaches that aim to reduce transmission of HIV and its harmful consequences on health, social relations and economic conditions;
- (g) *Compulsory HIV Testing* refers to HIV testing imposed upon an individual characterized by lack of consent, use of force or intimidation, the use of testing as a prerequisite for employment or other purposes, and other circumstances when informed choice is absent;
- (h) *Discrimination* refers to unfair or unjust treatment that distinguishes, excludes, restricts, or shows preferences based on any ground such as sex, gender, age, sexual orientation, gender identity and expression, economic status, disability, ethnicity, and HIV status, whether actual or perceived, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all

persons similarly situated, of all their rights and freedoms;

(i) *Evolving Capacities of the Child* refers to the concept enshrined in Article 5 of the Convention on the Rights of the Child recognizing the developmental changes and the corresponding progress in cognitive abilities and capacity for self-determination undergone by children as they grow up, thus requiring parents and others charged with the responsibility for the child to provide varying degrees of protection, and to allow their participation in opportunities for autonomous decision-making;

(j) *Gender Expression* refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, communication or speech pattern, or body characteristics;

(k) *Gender Identity* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with the physiological characteristics of the opposite sex;

(l) *Health Maintenance Organizations (HMO)* refers to juridical entities legally organized to provide or arrange for the provision of pre-agreed or designated health care services to its enrolled members for a fixed pre-paid fee for a specified period of time;

(m) *High-risk Behavior* refers to a person's involvement in certain activities that increase the risk of transmitting or acquiring HIV;

(n) *Human Immunodeficiency Virus (HIV)* refers to the virus, of the type called retrovirus, which infects cells of the human immune system, and destroys or impairs the cells' function. Infection with HIV results in the progressive deterioration of the immune system. Leading to immune deficiency;

(o) *HIV Counseling* refers to the interpersonal and dynamic communication process between a client and a trained counselor, who is bound by a code of ethics and practice to resolve personal, social, or psychological problems and difficulties, and whose objective in counseling in the context of an HIV diagnosis is to encourage the client to anxiety and stress, plan for the future (keeping healthy, the context of a negative HIV test result, to encourage the client to explore motivations, options, and skills to stay HIV-negative;

(p) *HIV and AIDS Counselor* refers to any individual trained by an institution or organization accredited by the Department of Health (DOH) to provide counseling services on HIV and AIDS with emphasis on behavior modification;

(q) *HIV and AIDS Monitoring* refers to the documentation and analysis of the number of HIV and AIDS infections and the pattern of its spread;

(r) *HIV and AIDS Prevention and Control* refers to measures aimed at protecting non-infected persons from contracting HIV and minimizing the impact of the condition on persons living with HIV;

(s) *HIV-Negative* refers to the absence of HIV or HIV antibodies upon HIV testing;

(t) *HIV-Positive* refers to the presence of HIV infection as documented by the presence of HIV and HIV antibodies in the sample being tested;

(u) *HIV Testing* refers to any facility-based, mobile medical procedure, or community-based screening modalities that are conducted to determine the presence or absence of HIV in a person's body. HIV testing is

confidential, voluntary in nature and must be accompanied by counseling prior to and after the testing, and conducted only with the informed consent of the person;

(v) *HIV-related Testing* refers to any laboratory testing or procedure done on an individual in relation to a person's HIV condition;

(w) *HIV Testing Facility* refers to any DOH accredited on-site or mobile testing center, hospital, clinic, laboratory, and other facility that has the capacity to conduct voluntary HIV counseling and HIV testing;

(x) *HIV Transmission* refers to the transfer of HIV from one infected person to an uninfected individual, through unprotected sexual intercourse, blood transfusion, sharing of contaminated intravenous needles, or which may occur during pregnancy, delivery, and breastfeeding;

(y) *Informed Consent* refers to the voluntary agreement of a person to undergo or be subjected to a procedure based on full information, whether such permission is written or conveyed verbally;

(z) *Key Affected Populations* refers to those groups or persons at higher risk of HIV exposure, or affected populations whose behavior make them likely to be exposed to HIV or to transmit the virus;

(aa) *Laboratory* refers to an area or place, including community-based settings, where research studies are being undertaken to develop local evidence for effective HIV response;

(bb) *Mature Minor Doctrine* refers to the legal principle that recognizes the capacity of some minors to consent independently to medical procedures, if they have been assessed by qualified health professionals to understand the nature of procedures and their consequences to make a decision on their own;

(cc) *Medical Confidentiality* refers to the core duty of medical practice where the information provided by the patient to health practitioner and his/her health status is kept private and is not divulged to third parties. The patient's health status can however, be shared with other medical practitioner involved in the professional care of the patient, who will also be bound by medical confidentiality. Medical confidentiality applies to the attending physician, consulting medical specialist, nurse, medical technologist and all other health workers or personnel involved in any counseling, testing or professional care of the patient. It also applies to any person who, in any official capacity, has acquired or may have acquired such confidential information;

(dd) *Opportunistic infections* refers to illnesses caused by various organism, many of which do not cause diseases in persons with healthy immune system;

(ee) *Partner Notification* refers to the process by which the "index client", "source", or "patient" who has a sexually transmitted infection (STI) including HIV, is given support in order to notify and advise the partners that have been exposed to infection. Support includes giving the index client a mechanism to encourage the client's partner to attend counseling, testing and other prevention and treatment services. Confidentiality shall be observed in the entire process;

(ff) *Person Living with HIV (PLHIV)* refers to any individual diagnosed to be infected with HIV;

(gg) *Pre-exposure Prophylaxis* refers to the use of prescription drugs as a strategy for the prevention of HIV infection by people who do not have the HIV and AIDS. It is an optional treatment, which may be

taken by people who are HIV-negative but who have substantial, higher-than-average risk of contracting an HIV infection;

(hh) *Pre-test Counseling* refers to the process of providing an individual with information on the biomedical aspects of HIV AIDS, and emotional support to any psychological implications of undergoing HIV testing and the test result itself before the individual is subjected to the test;

(ii) *Post-exposure Prophylaxis* refers to a preventive medical treatment started immediately after exposure to pathogen(HIV) in order to prevent infection by the pathogen and the development of the disease;

(jj) *Post-test Counseling* refers to the process of providing risk-reduction information and emotional support to a person who submitted to HIV testing at the time the result is released;

(kk) *Prophylactic* refers to any agent or device used to prevent the transmission of an infection;

(ll) *Provider-initiated Counseling and Testing* refers to a health care provider initiating HIV testing to a person practicing high-risk behavior or vulnerable to HIV after conducting HIV pre-test counseling. A person may elect to decline or defer testing such that consent is conditional;

(mm) *Redress* refers to an act of compensation for unfairness, grievance, and reparation;

(nn) *Safer Sex Practices* refers to choices made and behaviors adopted by a person to reduce or minimize the risk of HIV transmission. These may include postponing sexual debut, non-penetrative sex, correct and consistent use of male or female condoms. And reducing the number of sexual partners;

(oo) *Sexually Transmitted Infections (STIs)* refers to infections that are spread through the transfer of organisms from one person to another as a result of sexual contact;

(pp) *Sexual Orientation* refers to the direction of emotional, sexual attraction, or conduct towards people of the same sex (homosexual orientation) or towards people of both sexes (bisexual orientation) or towards people of the opposite sex (heterosexual orientation) or to the absence of sexual attraction (asexual orientation);

(qq) *Social Protection* refers to a set of policies and programs designed to reduce poverty and vulnerability by promoting efficient labor markets, diminishing people's exposure to risks, and enhancing their capacity to protect themselves against hazards, and interruptions on, or loss of income;

(rr) *Stigma* refers to the dynamic devaluation and dehumanization of an individual in the eyes of others, which may be based on attributes that are arbitrarily defined by others as discreditable or unworthy, and which results in discrimination when acted upon;

(ss) *Treatment hubs* refer to private and public hospitals or medical establishments accredited by the DOH to have the capacity and facility to provide treatment and care services to PLHIV;

(tt) *Voluntary HIV testing* refers to HIV testing done on an individual who, after having undergone pre-test counseling willingly submits to such test;

(uu) *Vulnerable communities* refer to the communities and groups suffering from vulnerabilities such as unequal opportunities, social exclusion, poverty, unemployment, and other similar social exclusion,

poverty, unemployment, and other similar social economic, cultural and political conditions making them more susceptible to HIV infection and to developing AIDS; and

(vv) *Workplace* refers to the office, premise or work site where workers are habitually employed and shall include the office or place where workers, with no fixed or definite work site, regularly report for assignment in the course of their employment.

**Section 9. *The Role of DOH.*** - The National HIV and AIDS and STI Prevention and Control Program (NASPCP) of the DOH, which shall be composed of qualified medical specialist and support personnel with permanent appointments, and with adequate yearly budget, shall coordinate with the PNAC for the implementation of the health sector's HIV and AIDS and STI response as identified in the AMTP.

**Section 10. *Protection of Human Rights.*** - The country's response to the IV and AIDS situation shall be anchored on the principle of human rights and human dignity. Public health concerns shall be aligned with internationally-recognized human rights instruments and standards.

## **ARTICLE II INFORMATION, EDUCATION AND COMMUNICATION**

**Section 11. *Prevention Program.*** - There shall be an HIV and AIDS prevention program that will educate the public on HIV and AIDS and other STIs with the goal of reducing risky behavior, lowering vulnerabilities, and promoting the human rights of PLHIV.

The PNAC shall promote and adopt a range of measures and interventions, in partnership with CSOs that aim to prevent, halt, or control the spread of HIV in the general population, especially among the key populations and vulnerable communities. These measures shall likewise promote the rights, welfare, and participation of PLHIV and the affected children, young people, families, and partners of PLHIV.

The HIV and AIDS education and prevention programs shall be age-appropriate and based on up-to-date evidence and scientific strategies, and shall actively promote:

- (a) Safer sex practices among the general population, including sexual abstinence, sexual fidelity, and consistent and correct condom use especially among key populations;
- (b) Other practices that reduce risk of HIV infection;
- (c) Universal awareness of and access to evidence-based and relevant information and education, and medically safe, legally affordable, effective, and quality treatment; and
- (d) Knowledge of the health, civil, political, economic, and social rights of PLHIV and their families.

**Section 12. *Education in Learning Institutions.*** - Using standardized information and data from the PNAC, the DepEd, CHED, and the Technical Education and Skills Development Authority (TESDA), shall integrate basic and age-appropriate instruction on the causes, modes of transmission, and ways of preventing the spread of HIV and AIDS and other STIs in their respective curricula taught in public and private learning institutions, including alternative and indigenous learning systems. The learning modules shall include human rights-based principles and information on treatment, care, and support to promote stigma reduction.

The learning modules that shall be developed to implement this provision shall be done in coordination with the PNAC and stake holders in the education sector. Referral mechanisms, including but not limited to, the DSWD Referral System, shall be included in the modules for key populations and vulnerable communities.

The DepEd, CHED, and TESDA shall ensure the development and provision of psychosocial support and counseling in learning institutions, for the development of positive health, and promotion of values and behavior pertaining to reproductive health, in coordination with the DOH. For this purpose, funds shall be allocated for the training and certification of teachers and school counselors.

**Section 13. *Education for Parents and Guardians.*** - The DepEd in coordination with parent-teacher organizations in schools and communities shall conduct awareness-building seminars in order to provide parents and guardians with a gender-responsive and age-sensitive HIV and AIDS education.

**Section 14. *Education as Right to Health and Information.*** - HIV and AIDS education and information dissemination shall form part of the constitutional right to health.

**Section 15. *HIV and AIDS Information as a Health Service.*** - HIV and AIDS education and information dissemination shall form part of the delivery of health services by health practitioners, workers, and personnel. The knowledge and capabilities of all public health workers shall be enhanced to include skills for proper information dissemination and education on HIV and AIDS. It shall likewise be considered a civic duty of health care providers in the private sector to make available to the public such information necessary to prevent and control the spread of HIV and AIDS, and to correct common misconceptions about this disease. The training of health workers shall include discussions on HIV-related ethical issues such as confidentiality, informed consent, and the duty to provide treatment.

**Section 16. *Education in the Workplace.*** - All public and private employers and employees, including members of the Armed Forces of the Philippine (AFP) and the Philippine National Police (PNP), shall be regularly provided with standardized basic information and instruction of HIV and AIDS, including topics on confidentiality in the workplace and reduction or elimination of stigma and discrimination.

**Section 17. *Education for Filipinos Going Abroad.*** - The State shall ensure that all overseas Filipino workers and diplomatic, military, trade, and labor officials and personnel to be assigned overseas shall attend a seminar on the causes, manner of prevention, and impact of HIV and AIDS, before being granted a certification for overseas assignment: *Provided*, That Filipino workers or to the officials concerned.

The DOLE the Department of Foreign Affairs (DFA), the Commission on Filipino Overseas (CFO), and other relevant government agencies in collaboration with the DOH, shall ensure the implementation of this section.

**Section 18. *Information for Tourists and Transients.*** - Educational materials on the causes, modes of transmission, prevention, and consequences of HIV infection and list of HIV counseling testing facilities shall be adequately provided at all international and local ports of entry and exit. The PIA, together with other relevant government agencies, in coordination with the PNAC and stakeholders in the tourism industry, shall lead the implementation of this section.

**Section 19. *Education in Communities.*** - The DILG, the Union of Local Authorities of the Philippines (ULAP), the League of Provinces, the League of Cities, and the League of Municipalities, through the local HIV and AIDS Councils (LAC) or the local health boards and, in coordination with the PNAC, shall implement a locally-based, multi-sectoral community response to HIV and AIDS through various channels on evidence-based, gender-responsive, age-appropriate, and human rights-oriented prevention tools to stop the spread of HIV. Gender and Development (GAD) funds and other sources may be utilized for these purposes.

Indigenous peoples communities and geographically isolated and disadvantaged areas (GIDA) shall also be given due focus in the implementation of this section.

The DILG, in coordination with the DSWD and the NYC, shall also conduct age-appropriate HIV and AIDS education for out-of-school youth.

**Section 20. Education for Key Populations and Vulnerable Communities.** - To ensure that HIV services reach key populations at higher risk, the PNAC, in collaboration with the LGUs and CSOs engaged in HIV and AIDS education programs, such as peer education, support groups, outreach activities, and community-based research that target these populations and other vulnerable communities. The DOH shall, in coordination with appropriate agencies and the PNAC craft the guidelines, and standardized information messages for peer education, support group, and outreach activities.

**Section 21. Information on Prophylactics.** - Appropriate information shall be attached to, or provided with every prophylactic offered for sale or given as donation. Such information shall be legibly printed in English and Filipino, and contain literature on the proper use of the prophylactic device or agent, and its efficacy against HIV and STI.

**Section 22. Misinformation on HIV and AIDS.** - Misinformation on HIV and AIDS, which includes false and misleading advertising and claims in any form of media. Including traditional media, internet and social platform, and mobile applications, of the promotional marketing of drugs, devices, agents or procedures without prior approval from the DOH through the Food and Drug Administration (FDA), and without the requisite medical and scientific basis, including markings and indications in drugs and devices or agents, claiming to be a cure or a fail-safe prophylactic for HIV infection shall be prohibited.

## **INDIGENOUS PEOPLES' RIGHTS**

### **RA 8371 "The Indigenous Peoples' Rights Act of 1997"**

An act to recognize, protect and promote the rights of **indigenous cultural communities/indigenous peoples**, creating a national commission on indigenous peoples, establishing implementing mechanisms, appropriating funds therefor, and for other purposes.

**Section 2. Declaration of State Policies.** — The State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution:

- a) The State shall recognize and promote the rights of ICCs/IPs within the framework of national unity and development;
- b) The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well-being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain;
- c) The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies;
- d) The State shall guarantee that members of the ICCs/IPs regardless of sex, shall equally enjoy the full measure of human rights and freedoms without distinction or discrimination;
- e) The State shall take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on

an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population; and

f) The State recognizes its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

Towards these ends, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domains.

## **CHAPTER II**

### **Definition of Terms**

**Section 3. *Definition of Terms.*** — For purposes of this Act, the following terms shall mean:

a) **Ancestral Domains** — Subject to Section 56 hereof, refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;

g) **Free and Prior Informed Consent** — as used in this Act shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;

h) **Indigenous Cultural Communities/Indigenous Peoples** — refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

i) **Indigenous Political Structures** — refer to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holders, or any other tribunal or body of similar nature;

- j) **Individual Claims** — refer to claims on land and rights thereon which have been devolved to individuals, families and clans including, but not limited to, residential lots, rice terraces or paddies and tree lots;
- k) **National Commission on Indigenous Peoples (NCIP)** — refers to the office created under this Act, which shall be under the Office of the President, and which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to recognize, protect and promote the rights of ICCs/IPs;
- m) **Nongovernment Organization** — refers to a private, nonprofit voluntary organization that has been organized primarily for the delivery of various services to the ICCs/IPs and has an established track record for effectiveness and acceptability in the community where it serves;
- n) **People’s Organization** — refers to a private, nonprofit voluntary organization of members of an ICC/IP which is accepted as representative of such ICCs/IPs;
- o) **Sustainable Traditional Resource Rights** — refer to the rights of ICCs/IPs to sustainably use, manage, protect and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and practices.

### **CHAPTER III**

#### **Rights to Ancestral Domains**

**Section 4. *Concept of Ancestral Lands/Domains.*** — Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.

**Section 5. *Indigenous Concept of Ownership.*** — Indigenous concept of ownership sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC’s/IP’s private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights.

**Section 6. *Composition of Ancestral Lands/Domains.*** — Ancestral lands and domains shall consist of all areas generally belonging to ICCs/IPs as referred under Sec. 3, items (a) and (b) of this Act.

**Section 7. *Rights to Ancestral Domains.*** — The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:

**Section 8. *Rights to Ancestral Lands.*** — The right of ownership and possession of the ICCs/IPs to their ancestral lands shall be recognized and protected.

**Section 9. *Responsibilities of ICCs/IPs to their Ancestral Domains.*** — ICCs/IPs occupying a duly certified ancestral domain shall have the following responsibilities:

**Section 10. *Unauthorized and Unlawful Intrusion.*** — Unauthorized and unlawful intrusion upon, or use of any portion of the ancestral domain, or any violation of the rights hereinbefore enumerated, shall be punishable under this law. Furthermore, the Government shall take measures to prevent non-ICCs/IPs from taking

advantage of the ICCs/IPs customs or lack of understanding of laws to secure ownership, possession of land belonging to said ICCs/IPs.

**Section 11. *Recognition of Ancestral Domain Rights.*** — The rights of ICCs/IPs to their ancestral domains by virtue of Native Title shall be recognized and respected. Formal recognition, when solicited by ICCs/IPs concerned, shall be embodied in a Certificate of Ancestral Domain Title (CADT), which shall recognize the title of the concerned ICCs/IPs over the territories identified and delineated.

#### **CHAPTER IV**

##### **Right to Self-Governance and Empowerment**

**Section 13. *Self-Governance.*** — The State recognizes the inherent right of ICCs/IPs to self-governance and self-determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development.

**Section 14. *Support for Autonomous Regions.*** — The State shall continue to strengthen and support the autonomous regions created under the Constitution as they may require or need. The State shall likewise encourage other ICCs/IPs not included or outside Muslim Mindanao and the Cordilleras to use the form and content of their ways of life as may be compatible with the fundamental rights defined in the Constitution of the Republic of the Philippines and other internationally recognized human rights.

**Section 15. *Justice System, Conflict Resolution Institutions, and Peace Building Processes.*** — The ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights.

**Section 16. *Right to Participate in Decision-Making.*** — ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.

**Section 17. *Right to Determine and Decide Priorities for Development.*** — The ICCs/IPs shall have the right to determine and decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy or use. They shall participate in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development which may directly affect them.

**Section 18. *Tribal Barangays.*** — The ICCs/IPs living in contiguous areas or communities where they form the predominant population but which are located in municipalities, provinces or cities where they do not constitute the majority of the population, may form or constitute a separate barangay in accordance with the Local Government Code on the creation of tribal barangays.

**Section 19. *Role of Peoples Organizations.*** — The State shall recognize and respect the role of independent ICCs/IPs organizations to enable the ICCs/IPs to pursue and protect their legitimate and collective interests and aspirations through peaceful and lawful means.

**Section 20. *Means for Development/Empowerment of ICCs/IPs.*** — The Government shall establish the means for the full development/empowerment of the ICCs/IPs own institutions and initiatives and, where necessary, provide the resources needed therefor.

## CHAPTER V

### Social Justice and Human Rights

**Section 21. *Equal Protection and Non-discrimination of ICCs/IPs.*** — Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society. Accordingly, the State shall likewise ensure that the employment of any form of force or coercion against ICCs/IPs shall be dealt with by law.

The State shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution and relevant international instruments are guaranteed also to indigenous women. Towards this end, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.

**Section 22. *Rights During Armed Conflict.*** — ICCs/IPs have the right to special protection and security in periods of armed conflict. The State shall observe international standards, in particular, the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not recruit members of the ICCs/IPs against their will into the armed forces, and in particular, for use against other ICCs/IPs; nor recruit children of ICCs/IPs into the armed forces under any circumstance; nor force indigenous individuals to abandon their lands, territories and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

**Section 23. *Freedom from Discrimination and Right to Equal Opportunity and Treatment.*** — It shall be the right of the ICCs/IPs to be free from any form of discrimination, with respect to recruitment and conditions of employment, such that they may enjoy equal opportunities for admission to employment, medical and social assistance, safety as well as other occupationally-related benefits, informed of their rights under existing labor legislation and of means available to them for redress, not subject to any coercive recruitment systems, including bonded labor and other forms of debt servitude; and equal treatment in employment for men and women, including the protection from sexual harassment.

Towards this end, the State shall, within the framework of national laws and regulations, and in cooperation with the ICCs/IPs concerned, adopt special measures to ensure the effective protection with regard to the recruitment and conditions of employment of persons belonging to these communities, to the extent that they are not effectively protected by laws applicable to workers in general.

ICCs/IPs shall have the right to association and freedom for all trade union activities and the right to conclude collective bargaining agreements with employers' organizations. They shall likewise have the right not to be subject to working conditions hazardous to their health, particularly through exposure to pesticides and other toxic substances.

**Section 24. *Unlawful Acts Pertaining to Employment.*** — It shall be unlawful for any person:

- a) To discriminate against any ICC/IP with respect to the terms and conditions of employment on account of their descent. Equal remuneration shall be paid to ICC/IP and non-ICC/IP for work of equal value; and
- b) To deny any ICC/IP employee any right or benefit herein provided for or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under this Act.

**Section 25. Basic Services.** — The ICCs/IPs have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security. Particular attention shall be paid to the rights and special needs of indigenous women, elderly, youth, children and differently-abled persons. Accordingly, the State shall guarantee the right of ICCs/IPs to government’s basic services which shall include, but not limited to, water and electrical facilities, education, health, and infrastructure.

**Section 26. Women.** — ICC/IP women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition.

The State shall provide full access to education, maternal and child care, health and nutrition, and housing services to indigenous women. Vocational, technical, professional and other forms of training shall be provided to enable these women to fully participate in all aspects of social life. As far as possible, the State shall ensure that indigenous women have access to all services in their own languages.

**Section 27. Children and Youth.** — The State shall recognize the vital role of the children and youth of ICCs/IPs in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. Towards this end, the State shall support all government programs intended for the development and rearing of the children and youth of ICCs/IPs for civic efficiency and establish such mechanisms as may be necessary for the protection of the rights of the indigenous children and youth.

**Section 28. Integrated System of Education.** — The State shall, through the NCIP, provide a complete, adequate and integrated system of education, relevant to the needs of the children and young people of ICCs/IPs.

## **CHAPTER VI** **Cultural Integrity**

**Section 29. Protection of Indigenous Culture, Traditions and Institutions.** — The State shall respect, recognize and protect the right of ICCs/IPs to preserve and protect their culture, traditions and institutions. It shall consider these rights in the formulation and application of national plans and policies.

**Section 30. Educational Systems.** — The State shall provide equal access to various cultural opportunities to the ICCs/IPs through the educational system, public or private cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning. Indigenous children/youth shall have the right to all levels and forms of education of the State.

**Section 31. Recognition of Cultural Diversity.** — The State shall endeavor to have the dignity and diversity of the cultures, traditions, histories and aspirations of the ICCs/IPs appropriately reflected in all forms of education, public information and cultural-educational exchange. Consequently, the State shall take effective measures, in consultation with ICCs/IPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among ICCs/IPs and all segments of society. Furthermore, the Government shall take effective measures to ensure that the State-owned media duly reflect indigenous cultural diversity. The State shall likewise ensure the participation of appropriate indigenous leaders in schools, communities and international cooperative undertakings like festivals, conferences, seminars and workshops to promote and enhance their distinctive heritage and values.

**Section 32. *Community Intellectual Rights.*** — ICCs/IPs have the right to practice and revitalize their own cultural traditions and customs. The State shall preserve, protect and develop the past, present and future manifestations of their cultures as well as the right to the restitution of cultural, intellectual, religious, and spiritual property taken without their free and prior informed consent or in violation of their laws, traditions and customs.

**Section 33. *Rights to Religious, Cultural Sites and Ceremonies.*** — ICCs/IPs shall have the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect and have access to their religious and cultural sites; the right to use and control of ceremonial objects; and, the right to the repatriation of human remains. Accordingly, the State shall take effective measures, in cooperation with the ICCs/IPs concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected. To achieve this purpose, it shall be unlawful to:

- a) Explore, excavate or make diggings on archeological sites of the ICCs/IPs for the purpose of obtaining materials of cultural values without the free and prior informed consent of the community concerned; and
- b) Deface, remove or otherwise destroy artifacts which are of great importance to the ICCs/IPs for the preservation of their cultural heritage.

**Section 34. *Right to Indigenous Knowledge Systems and Practices and to Develop own Sciences and Technologies.*** — ICCs/IPs are entitled to the recognition of the full ownership and control and protection of their cultural and intellectual rights. They shall have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, including derivatives of these resources, traditional medicines and health practices, vital medicinal plants, animals and minerals, indigenous knowledge systems and practices, knowledge of the properties of fauna and flora, oral traditions, literature, designs, and visual and performing arts.

**Section 35. *Access to Biological and Genetic Resources.*** — Access to biological and genetic resources and to indigenous knowledge related to the conservation, utilization and enhancement of these resources, shall be allowed within ancestral lands and domains of the ICCs/IPs only with a free and prior informed consent of such communities, obtained in accordance with customary laws of the concerned community.

**Section 36. *Sustainable Agro-Technical Development.*** — The State shall recognize the right of ICCs/IPs to a sustainable agro-technological development and shall formulate and implement programs of action for its effective implementation. The State shall likewise promote the bio-genetic and resource management systems among the ICCs/IPs and shall encourage cooperation among government agencies to ensure the successful sustainable development of ICCs/IPs.

**Section 37. *Funds for Archeological and Historical Sites.*** — The ICCs/IPs shall have the right to receive from the national government all funds especially earmarked or allocated for the management and preservation of their archeological and historical sites and artifacts with the financial and technical support of the national government agencies.

## **CHAPTER VII**

### **National Commission on Indigenous Peoples (NCIP)**

**Section 38. *National Commission on Indigenous Cultural Communities/Indigenous Peoples (NCIP).*** — To carry out the policies herein set forth, there shall be created the National Commission on ICCs/IPs (NCIP), which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the ICCs/IPs and the recognition of their ancestral domains as well as the rights thereto.

**Section 39. Mandate.** — The NCIP shall protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs, traditions and institutions.

#### **CHAPTER IX**

#### **Jurisdiction and Procedures for Enforcement of Rights**

**Section 65. Primacy of Customary Laws and Practices.** — When disputes involve ICCs/IPs, customary laws and practices shall be used to resolve the dispute.

**Section 66. Jurisdiction of the NCIP.** — The NCIP, through its regional offices, shall have jurisdiction over all claims and disputes involving rights of ICCs/IPs: Provided, however, that no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP.

**Section 67. Appeals to the Court of Appeals.** — Decisions of the NCIP shall be appealable to the Court of Appeals by way of a petition for review.

**Section 68. Execution of Decisions, Awards, Orders.** — Upon expiration of the period herein provided and no appeal is perfected by any of the contending parties, the Hearing Officer of the NCIP, on its own initiative or upon motion by the prevailing party, shall issue a writ of execution requiring the sheriff or the proper officer to execute final decisions, orders or awards of the Regional Hearing Officer of the NCIP.

**Section 69. Quasi-Judicial Powers of the NCIP.** — The NCIP shall have the power and authority:

- a) To promulgate rules and regulations governing the hearing and disposition of cases filed before it as well as those pertaining to its internal functions and such rules and regulations as may be necessary to carry out the purposes of this Act;
- b) To administer oaths, summon the parties to a controversy, issue subpoenas requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, agreements and other document of similar nature as may be material to a just determination of the matter under investigation or hearing conducted in pursuance of this Act;
- c) To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor; and
- d) To enjoin any or all acts involving or arising from any case pending before it which, if not restrained forthwith, may cause grave or irreparable damage to any of the parties to the case or seriously affect social or economic activity.

**Section 70. No Restraining Order or Preliminary Injunction.** — No inferior court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the NCIP or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or interpretation of this Act and other pertinent laws relating to ICCs/IPs and ancestral domains.

#### **PERSONS WITH DISABILITY (PWD)**

**RA 9442**

**AN ACT AMENDING REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE “MAGNA CARTA FOR DISABLED PERSONS, AND FOR OTHER PURPOSES”**

**Section 1.** A new chapter, to be denominated as “Chapter 8. Other privileges and Incentives” is hereby added to Title Two of Republic Act No. 7277, otherwise known as the “**Magna Carta for Disabled Persons**”, with new Sections 32 and 33, to read as follows:

**CHAPTER 8.** Other Privileges and Incentives

**SECTION 32.** Persons with disability shall be entitled to the following:

(a) At least twenty percent (20%) discount from all establishments relative to the utilization of all services in hotels and similar lodging establishments; restaurants and recreation centers for the exclusive use or enjoyment of persons with disability;

(b) A minimum of twenty percent (20%) discount on admission fees charged by theaters, cinema houses, concert halls, circuses, carnivals and other similar places of culture, leisure and amusement for the exclusive use or enjoyment of persons with disability;

(c) At least twenty percent (20%) discount for the purchase of medicines in all drugstores for the exclusive use or enjoyment of persons with disability;

(d) At least twenty percent (20%) discount on medical and dental services including diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests, in all government facilities, subject to guidelines to be issued by the Department of Health (DOH), in coordination with the Philippine Health Insurance Corporation (PHILHEALTH);

(e) At least twenty percent (20%) discount on medical and dental services including diagnostic and laboratory fees, and professional fees of attending doctors in all private hospitals and medical facilities, in accordance with the rules and regulations to be issued by the DOH, in coordination with the PHILHEALTH;

(f) At least twenty percent (20%) discount on fare for domestic air and sea travel for the exclusive use or enjoyment of persons with disability;

(g) At least twenty percent (20%) discount in public railways, skyways and bus fare for the exclusive use and enjoyment of person with disability;

(h) Educational assistance to persons with disability, for them to pursue primary, secondary, tertiary, post tertiary, as well as vocational or technical education, in both public and private schools, through the provision of scholarships, grants, financial aids, subsidies and other incentives to qualified persons with disability, including support for books, learning material, and uniform allowance to the extent feasible: Provided, That persons with disability shall meet minimum admission requirements;

(i) To the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), Social Security System (SSS), and PAG-IBIG, as the case may be, as are enjoyed by those in actual service;

(j) To the extent possible, the government may grant special discounts in special programs for persons with disability on purchase of basic commodities, subject to guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agricultural (DA); and

(k) Provision of express lanes for persons with disability in all commercial and government establishments; in the absence thereof, priority shall be given to them.

The abovementioned privileges are available only to persons with disability who are Filipino citizens upon submission of any of the following as proof of his/her entitlement thereto:

- i. An identification card issued by the city or municipal mayor or the barangay captain of the place where the persons with disability resides;
- ii. The passport of the persons with disability concerned; or
- iii. Transportation discount fare Identification Card (ID) issued by the National Council for the Welfare of Disabled Persons (NCWDP).

The privileges may not be claimed if the persons with disability claims a higher discount as may be granted by the commercial establishment and/or under other existing laws or in combination with other discount programs/s.

The establishments may claim the discounts granted in sub-sections (a), (b), (c), (f) and (g) as tax deductions based on the net cost of the goods sold or services rendered: Provided, further, That the total amount of the claimed tax deduction net of value-added tax if applicable, shall be included in their gross sales receipts for tax purposes and shall be subject to proper documentation and to the provisions of the National Internal Revenue Code (NIRC), as amended.”

**SECTION 33. Incentives.** – Those caring for and living with a person with disability shall be granted the following incentives:

(a) Persons with disability shall be treated as dependents under the Section 35 (A) of the National Internal Revenue Code, as amended and as such, individual taxpayers caring for them shall be accorded the privileges granted by the code insofar as having dependents under the same section are concerned; and

(b) Individuals or nongovernmental institutions establishing homes, residential communities or retirement villages solely to suit the needs and requirements of persons with disability shall be accorded the following:

- i. Realty tax holiday for the first five years of operation; and
- ii. Priority in the building and/or maintenance of provincial or municipal roads leading to the aforesaid home, residential community or retirement village.”

**SECTION. 2.** Republic Act No. 7277 is hereby amended inserting a new title, chapter and section after Section 38 be denominated as title 4, chapters 1 and 2 and Sections 40, 41 and 42 to read as follows:

Title Four “**Prohibitions on Verbal, Non-verbal Ridicule and Vilification Against Persons with Disability**”

*CHAPTER 1. Deliverance from Public Ridicule*

**SEC. 39. Public Ridicule.** – For purposes of this chapter, public ridicule shall be defined as an act of making fun or contemptuous imitating or making mockery of persons with disability whether in writing, or in words, or in action due to their impairment/s.

**SEC. 40.** No individual, group or community shall execute any of these acts of ridicule against persons with disability in any time and place which could intimidate or result in loss of self-esteem of the latter.

*CHAPTER 2. Deliverance from Vilification*

**SEC. 41.** Vilification. – For purposes of this Chapter, vilification shall be defined as:

- (a) The utterance of slanderous and abusive statements against a person with disability; and/or
- (b) An activity in public which incites hatred towards, serious contempt for, or severe ridicule of persons with disability.”

**SEC. 42.** Any individual, group or community is hereby prohibited from vilifying any person with disability which could result into loss of self-esteem of the latter.”

**SECTION. 3.** Section 46 of Republic Act No. 7277 is hereby amended to read as follows:

**SEC. 46.** Penal Clause. –

- (a) Any person who violates any provision of this Act shall suffer the following penalties:
  - (1) For the first violation, a fine of not less than Fifty Thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than six months but not more than two years, or both at the discretion of the court; and
  - (2) For any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two years but not more than six years, or both at the discretion of the court.
- (b) Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six months or a fine of not less than Five thousand pesos (P5,000.00), but not more than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court.

**SEXUAL HARASSMENT**

**REPUBLIC ACT NO. 7877**

**AN ACT DECLARING SEXUAL HARASSMENT UNLAWFUL IN THE EMPLOYMENT, EDUCATION OR TRAINING ENVIRONMENT, AND FOR OTHER PURPOSES**

**Section 1.** *Title.* – This Act shall be known as the "*Anti-Sexual Harassment Act of 1995.*"

**Section 2.** *Declaration of Policy.* – The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

**Section 3.** *Work, Education or Training-related Sexual Harassment Defined.* – Work, education or training-related sexual harassment is committed by an employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

- (a) In a work-related or employment environment, sexual harassment is committed when:
  - (1) The sexual favor is made as a condition in the hiring or in the employment, reemployment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the

- employee which in a way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
- (2) The above acts would impair the employee's rights or privileges under existing labor laws; or
  - (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.
- (b) In an education or training environment, sexual harassment is committed:
- (1) Against one who is under the care, custody or supervision of the offender;
  - (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
  - (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
  - (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice. Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

**Section 4. *Duty of the Employer or Head of Office in a Work-related, Educational or Training Environment.*** – It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

- a) Promulgate appropriate rules and regulations in consultation with the jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation or sexual harassment cases and the administrative sanctions there for.  
Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this section:

- (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.
- (b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with other officers and employees, teachers, instructors, professors, coaches, trainers and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of the alleged cases constituting sexual harassment. In the case of a work-related environment, the committee shall be composed of at least one representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one representative from the administration, the trainers, teachers, instructors, professors or coaches and students or trainees, as the case maybe.

"The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

**Section 5. *Liability of the Employer, Head of Office, Educational or Training Institution.*** – The employer or head of office, educational training institution shall be solidarity liable for damage arising from the acts of sexual harassment committed in the employment, education or training environment if the employer

or head of office, educational or training institution is informed of such acts by the offended party and no immediate action is taken thereon.

**Section 6. *Independent Action for Damages.*** – Nothing in this Act shall preclude the victim of work, education or training-related sexual harassment from instituting a separate and independent action for damages and other affirmative relief.

**Section 7. *Penalties.*** – Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court.

Any action arising from the violation of the provision of this Act shall prescribe in three (3) years.

**Section 8. *Separability Clause*** – If any portion or provision of this Act is declared void and unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

**Section 9. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**Section 10. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspaper of general circulation.

*This Act which is a consolidation of House Bill NO. 9425 and Senate Bill 1632 was finally passed by the House of Representatives and the Senate on February 8, 1995.*

## **SOLO PARENTS**

**RA 8972                    "Solo Parents' Welfare Act of 2000"**

**An act providing for benefits and privileges to solo parents and their children, appropriating funds therefor and for other purposes**

**Section 2. *Declaration of Policy.*** - It is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development. Towards this end, it shall develop a comprehensive program of services for solo parents and their children to be carried out by the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of Education, Culture and Sports (DECS), the Department of the Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the National Housing Authority (NHA), the Department of Labor and Employment (DOLE) and other related government and nongovernment agencies.

**Section 3. *Definition of Terms.*** - Whenever used in this Act, the following terms shall mean as follows:

(a) "Solo parent" - any individual who falls under any of the following categories:

- (1) A woman who gives birth as a result of rape and other crimes against chastity even without a final conviction of the offender: *Provided*, That the mother keeps and raises the child;
- (2) Parent left solo or alone with the responsibility of parenthood due to death of spouse;

- (3) Parent left solo or alone with the responsibility of parenthood while the spouse is detained or is serving sentence for a criminal conviction for at least one (1) year;
- (4) Parent left solo or alone with the responsibility of parenthood due to physical and/or mental incapacity of spouse as certified by a public medical practitioner;
- (5) Parent left solo or alone with the responsibility of parenthood due to legal separation or *de facto* separation from spouse for at least one (1) year, as long as he/she is entrusted with the custody of the children;
- (6) Parent left solo or alone with the responsibility of parenthood due to declaration of nullity or annulment of marriage as decreed by a court or by a church as long as he/she is entrusted with the custody of the children;
- (7) Parent left solo or alone with the responsibility of parenthood due to abandonment of spouse for at least one (1) year;
- (8) Unmarried mother/father who has preferred to keep and rear her/his child/children instead of having others care for them or give them up to a welfare institution;
- (9) Any other person who solely provides parental care and support to a child or children;
- (10) Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent.

A change in the status or circumstance of the parent claiming benefits under this Act, such that he/she is no longer left alone with the responsibility of parenthood, shall terminate his/her eligibility for these benefits.

(b) "Children" - refer to those living with and dependent upon the solo parent for support who are unmarried, unemployed and not more than eighteen (18) years of age, or even over eighteen (18) years but are incapable of self-support because of mental and/or physical defect/disability.

(c) "Parental responsibility" - with respect to their minor children shall refer to the rights and duties of the parents as defined in Article 220 of Executive Order No. 209, as amended, otherwise known as the "Family Code of the Philippines."

(d) "Parental leave" - shall mean leave benefits granted to a solo parent to enable him/her to perform parental duties and responsibilities where physical presence is required.

(e) "Flexible work schedule" - is the right granted to a solo parent employee to vary his/her arrival and departure time without affecting the core work hours as defined by the employer.

**Section 4. Criteria for Support.** - Any solo parent whose income in the place of domicile falls below the poverty threshold as set by the National Economic and Development Authority (NEDA) and subject to the assessment of the DSWD worker in the area shall be eligible for assistance: *Provided, however,* That any solo parent whose income is above the poverty threshold shall enjoy the benefits mentioned in Sections 6, 7 and 8 of this Act.

**Section 5. Comprehensive Package of Social Development and Welfare Services.** - A comprehensive package of social development and welfare services for solo parents and their families will be developed by the DSWD, DOH, DECS, CHED, TESDA, DOLE, NHA and DILG, in coordination with local government units and a nongovernmental organization with proven track record in providing services for solo parents.

The DSWD shall coordinate with concerned agencies the implementation of the comprehensive package of social development and welfare services for solo parents and their families. The package will initially include:

- (a) Livelihood development services which include trainings on livelihood skills, basic business management, value orientation and the provision of seed capital or job placement.
- (b) Counseling services which include individual, peer group or family counseling. This will focus on the resolution of personal relationship and role conflicts.
- (c) Parent effectiveness services which include the provision and expansion of knowledge and skills of the solo parent on early childhood development, behavior management, health care, rights and duties of parents and children.
- (d) Critical incidence stress debriefing which includes preventive stress management strategy designed to assist solo parents in coping with crisis situations and cases of abuse.
- (e) Special projects for individuals in need of protection which include temporary shelter, counseling, legal assistance, medical care, self-concept or ego-building, crisis management and spiritual enrichment.

**Section 6. Flexible Work Schedule.** - The employer shall provide for a flexible working schedule for solo parents: *Provided*, That the same shall not affect individual and company productivity: *Provided, further*, That any employer may request exemption from the above requirements from the DOLE on certain meritorious grounds.

**Section 7. Work Discrimination.** - No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his/her status.

**Section 8. Parental Leave.** - In addition to leave privileges under existing laws, parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least one (1) year.

**Section 9. Educational Benefits.** - The DECS, CHED and TESDA shall provide the following benefits and privileges:

- (1) Scholarship programs for qualified solo parents and their children in institutions of basic, tertiary and technical/skills education; and
- (2) Nonformal education programs appropriate for solo parents and their children.

The DECS, CHED and TESDA shall promulgate rules and regulations for the proper implementation of this program.

**Section 10. Housing Benefits.** - Solo parents shall be given allocation in housing projects and shall be provided with liberal terms of payment on said government low-cost housing projects in accordance with housing law provisions prioritizing applicants below the poverty line as declared by the NEDA.

**Section 11. Medical Assistance.** - The DOH shall develop a comprehensive health care program for solo parents and their children. The program shall be implemented by the DOH through their retained hospitals and medical centers and the local government units (LGUs) through their provincial/district/city/municipal hospitals and rural health units (RHUs).

**Section 12. Additional Powers and Functions of the DSWD.** — The DSWD shall perform the following additional powers and functions relative to the welfare of solo parents and their families:

**Section 13. Implementing Rules and Regulations.** - An interagency committee headed by the DSWD, in coordination with the DOH, DECS, CHED, TESDA, DOLE, NHA, and DILG is hereby established which shall formulate, within ninety (90) days upon the effectivity of this Act, the implementing rules and regulations in consultation with the local government units, nongovernment organizations and people's organizations.

**Section 14. Appropriations.** - The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

#### VAWC

**RA 9262 "Anti-Violence Against Women and Their Children Act of 2004."**

**AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES.**

**Section. 2. Declaration of Policy.** It is hereby declared that the State values the dignity of women and children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security. Towards this end, the State shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, the convention on the Elimination of all forms of discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments of which the Philippines is a party.

**Section. 5. Acts of Violence Against Women and Their Children.** The crime of violence against women and their children is committed through any of the following acts:

- (a) Causing physical harm to the woman or her child;
- (b) Threatening to cause the woman or her child physical harm;
- (c) Attempting to cause the woman or her child physical harm;
- (d) Placing the woman or her child in fear of imminent physical harm;
- (e) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:

- (1) Threatening to deprive or actually depriving the woman or her child of custody to her/his family;
  - (2) Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;
  - (3) Depriving or threatening to deprive the woman or her child of a legal right; and
  - (4) Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling the victim's own money or properties, or solely controlling the conjugal or common money, or properties.
- (f) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
- (g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;
- (h) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not be limited to, the following acts:
- (1) Stalking or following the woman or her child in public or private places;
  - (2) Peering in the window or lingering outside the residence of the woman or her child;
  - (3) Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
  - (4) Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and
  - (5) Engaging in any form of harassment or violence.
- (i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or access to the woman's child/children.

**Section 43. *Entitled to Leave.*** – Victims under this Act shall be entitled to take a paid leave of absence up to ten (10) days in addition to other paid leaves under the Labor Code and Civil Service Rules and Regulations, extendible when the necessity arises as specified in the protection order. Any employer who shall prejudice the right of the person under this Sec. shall be penalized in accordance with the provisions of the Labor Code and Civil Service Rules and Regulations. Likewise, an employer who shall prejudice any person for assisting a co-employee who is a victim under this Act shall likewise be liable for discrimination.

**Section 44. *Confidentiality.*** – All records pertaining to cases of violence against women and their children including those in the barangay shall be confidential and all public officers and employees and public or private clinics to hospitals shall respect the right to privacy of the victim. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member, without the latter's consent, shall be liable to the contempt power of the court. Any person who violates this provision shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (P500,000.00).

**Section 45. Funding** – The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act (GAA). The Gender and Development (GAD) Budget of the mandated agencies and LGU's shall be used to implement services for victim of violence against women and their children.