



Republic of the Philippines
Province of Pangasinan
MUNICIPALITY OF CALASIAO

MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF
CALASIAO, PANGASINAN HELD AT THE SANGGUNIANG BAYAN SESSION HALL
ON MAY 27, 2024

PRESENT:

VICE MAYOR NESTOR A. GABRILLO	.....Presiding Officer
COUN. MANNY V. DATUIN	.....Member
COUN. FELIPE K. DE VERA	.....Majority Floor Leader
COUN. ARDIESON B. SORIANO	.....Member
COUN. HAVERDANI DAS B. MESINA	.....Member
COUN. GERALD C. AFICIAL	.....Minority Floor Leader
COUN. ELIAS S. VILLANUEVA	.....Member
COUN. MYC D. SISON	.....Member
COUN. JOSE A. LORESCO	.....Member
LIGA PRES. PATRICK A. CARAMAT	.....Member, Ex-Officio

ABSENT:

S.K. FED. PRES. NARAYANA RSI DAS S. MESINAMember, Ex-Officio

ORDINANCE NO. 03, SERIES OF 2024

THE GENDER AND DEVELOPMENT (GAD) CODE OF
CALASIAO (PANGASINAN)

ARTICLE 1
GENERAL PROVISIONS

Section 1. **TITLE** – This Ordinance shall be known and cited to as “**THE GENDER AND DEVELOPMENT (GAD) CODE OF CALASIAO (PANGASINAN)**”.

Section 2. **LEGAL BASES** – The promulgation of this Ordinance is in line with the following legal mandates:

1) **NATIONAL LAWS**

- a) REPUBLIC ACT NO. 7192 (Women In Development And Nation-Building Act of 1992)
- b) REPUBLIC ACT NO. 7877 (Anti-Sexual Harassment of 1997)
- c) REPUBLIC ACT NO. 11313 (Anti Bastos Law or Safe Space Act)
- d) REPUBLIC ACT NO. 9262 (Anti Violence Against Women and their Children Act of 2004)
- e) REPUBLIC ACT NO. 9710 (The Magna Carta Of Women)
- f) REPUBLIC ACT NO. 7160 (Local Government Code)
- g) REPUBLIC ACT NO. 11861 (Expanded Solo Parents Welfare Act of 2022)
- h) REPUBLIC ACT NO. 9344 (Juvenile Justice And Welfare Act of 2006)
- i) EXECUTIVE ORDER NO. 273 (Approving and Adopting the Philippine Plan for Gender-Responsive Development (PGGD) 1995-2025)

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2) ADMINISTRATIVE ISSUANCES

- a) PCW Memorandum Circular 2009-01 (Gender and Development Code)
- b) PCW Memorandum Circular 2011-01 (guidelines for the Creation, Strengthening and Institutional of the Gender and Development (GAD) Focal Point System)
- c) JOINT CIRCULAR 2021-01 (Guidelines for the Preparation of Annual Gender and Development (GAD) Plans and Budgets and Accomplishment Reports to Implement the Magna Carta Of Women)
- d) JOINT MEMORANDUM CIRCULAR NO. 2013-01 issued by the Philippine Commission of Women (PCW), Department of Interior and Local Government (DILG), Department of Budget and Management (DBM) and the National Economic and Development Authority (NEDA) Providing for the Guidelines On The Localization Of The Magna Carta Of Women
- e) COA Circular 2014-001 (revised Guidelines in the Audit of Gender and Development (GAD) Funds and Activities in Government Agencies)
- f) MEMORANDUM CIRCULAR NO. 2009 – 1, 16 September 2009 issued by the Philippine Commission on Women (PCW) Providing for the Guidelines On the Formulation, Implementation, Monitoring And Evaluation Of Gender And Development (GAD) Code

3) LOCAL ISSUANCES

- a) MUNICIPAL ORDINANCE NO. 66 – 06 (Gender And Development Code of CalasiaoPangasinan)

4) INTERNATIONAL CONVENTIONS

- a) Convention on the Elimination of All Forms of Discrimination Against Women (UN-CEDAW)
 - To incorporate the principle of equality of men and women in the legal system and laws and adopt appropriate ones prohibiting discrimination or abolishing all discrimination against women;
 - To establish tribunals and other public institutions to ensure the effective protection of women against discrimination;
 - To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.
- b) Beijing Platform for Action (BPfA)
 - It was resulting document of the Fourth World Conference on Women in Beijing, China in 1995 adopted in consensus by the United Nations (UN).
 - It is during this Conference the governments and the UN agreed to promote gender mainstreaming as a strategy to ensure that a gender perspective is reflected in all policies and programs at the national, regional, and international levels.
- c) Sustainable Development Goals (SDG) No. 5

Section 3. PURPOSES – This Ordinance aims to:

- 1) Affirm and operationalize the national and international mandates and frameworks on gender equality and women's empowerment, women's human rights at the municipality;
- 2) Harmonize the Municipality's development efforts with national and international commitments on GAD;
- 3) Guide and support the Municipality in the identification, implementation, monitoring and evaluation of GAD-related programs and/ or services;
- 4) Ensure the equal influence of men and women in decision-making and policy making in Calasiao(Pangasinan)
- 5) Enable men and women to reconcile their occupational and family obligations;
- 6) Improve the status of women and increase their opportunities in Calasiao (Pangasinan)

Section 4. **DECLARATION OF POLICIES AND PRINCIPLES** – Calasiao Pangasinan, hereby adopts the following policies and principles.

- 1) *Respect for the human rights of men and women.* The promotion of gender equality shall respect the human rights of men and women including: respecting the dignity of men and women as individuals, no direct and indirect gender-based discriminatory treatment, securing opportunities to display abilities as individuals; eliminating human rights abuses between men and women – physical, psychological, economical and abuse such as sexual abuse.
- 2) *Consideration of social system or practices.* Social systems and practices that reflect rigid gender-based division of roles shall be considered so as not to hinder a man or woman's unrestricted activity.
- 3) *Securing joint participation in planning and deciding policies.* Concerted efforts to promulgate gender and development shall secure opportunities for men and women, as equal partners in society, to jointly participate in the planning and deciding of policies made by the Municipality, businesses and other organizations.
- 4) *Compatibility of family, work and other community activities.* In upholding gender equality, men and women shall be able to, with mutual cooperation and support from society, take responsibility, as household members and smoothly perform home-related activities, including child-raising and nursing of family members, while performing work or other activities in the community. Promote gender and development with the understanding that it is a goal undertaken by the United Nations and shall be conducted with an international perspective; and
- 5) Ensure that men and women respect each other's gender and decisions on pregnancy, childbirth and other reproductive and sexual matter, and for their lifelong physical and psychological health.

ARTICLE 2 **DEFINITION OF TERMS**

Section 1. **DEFINITION OF TERMS** – as used in this Ordinance, the following terms shall mean:

- 1) **GAD CODE** – is a comprehensive piece of Ordinance to support the Municipality's efforts in promoting, protecting and fulfilling women's human rights towards the attainment of women's empowerment and gender equality in the Municipality. (Memorandum Circular No. 2009- 1, 16 September 2009)
- 2) **GENDER** – refers to the distinct roles that men and women are assigned in any society. As a result, women and men assume distinct socially and culturally defined responsibilities and tasks both within the household and in the wider community;
- 3) **DEVELOPMENT** – pertains to men and women becoming empowered to bring about positive changes in their lives; about personal growth together with public action; about both the process and the outcome of challenging poverty, oppression and discrimination and about the realization of human potential through social and economic justice. Above all, it is about the process of transforming lives and transforming societies;
- 4) **GENDER EQUALITY** – refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with this State recognizing that all human beings are free and equal in dignity and rights.

- 5) **GENDER EQUITY** - refers to the policies, instruments, programs, services, and actions that address disadvantaged position of women in society by providing preferential treatment and affirmative action. Such temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discriminatory but shall in no way entail as a consequence the maintenance of unequal or separate standards. These measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
- 6) **GENDER AND DEVELOPMENT (GAD)** – refers to the development perspective and process that are participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices; seeks to transform society's social, economic, and political structures and questions the validity of the gender roles they ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance; and stresses the need of women to organize themselves and participate in political processes to strengthen their legal rights.
- 7) **GENDER MAINSTREAMING** – refers to the strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. It is the process of assessing the implications for women and men of any planned action, including legislation, policies, or programs in all areas and at all levels.
- 8) **WOMEN EMPOWERMENT** – refers to the provisions, availability and accessibility of opportunities, services, and observance of human rights which enable women to actively participate and contribute to the political, economic, social, and cultural development of the nation as well as those which shall provide them equal access to ownership, management, and control of production, and of material and information resources and benefits in the family, community, and society.
- 9) **DISCRIMINATION AGAINST WOMEN** – refers to any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.

It includes any act or omission, including by law, policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges.

A measure or practice of general application is discrimination against women if it fails to provide for mechanisms to offset or address sex or gender-based disadvantages or limitations of women; as a result of which women are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges; or women, more than men, are shown to have suffered the greater adverse effects of those measures or practices. *Provided, finally,* That discrimination compounded by or intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or religion shall be considered discrimination against women under this Ordinance.

- 10) **MARGINALIZATION** – refers to a condition where a whole category of people is excluded from useful and meaningful participation in political, economic, social, and cultural life.
- 11) **MARGINALIZED** – refers to the basic, disadvantaged, or vulnerable persons or groups who are mostly living in poverty and have little or no access to land and other resources, basic social and economics services such as health care, education, water and sanitation, employment and livelihood opportunities, housing, social security, physical infrastructure, and the justice system.

These include, but are not limited to, women in the following sectors and groups:

- (a) **“Small Farmers and Rural Workers”** refers to those who are engaged directly or indirectly in small farms and forest areas, workers in commercial farms and plantations, whether paid or unpaid, regular or season-bound. These shall include but are not limited to, (1) small farmers who own or are still amortizing for lands that is not more than three (3) hectares, tenants, leaseholders, and stewards; and (2) rural workers who are either wage earners, self-employed, unpaid family workers directly and personally engaged in agriculture, small-scale mining, handicrafts, and other related farm and off-farm activities.
- (b) **“Fisherfolk”** refers to those directly or indirectly engaged in taking, culturing or processing fishery or aquatic resources. These include, but are not to be limited to, women engaged in fishing in municipal waters, coastal and marine areas, women workers in commercial fishing and aquaculture, vendors and processors of fish and coastal products, and subsistence producers such as shell-gatherers, managers, and products of mangrove resources, and other related producers:
- (c) **“URBAN POOR”** refers to those residing in urban and urbanizable slum or blighted areas, with or without benefit of security of abode, where the income of the head of the family, cannot afford in a sustained manner to provide for the family’s basic needs of food, health, education, housing, and other essentials in life;
- (d) **“Workers in the Formal Economy”** refers to those who are employed by any person acting directly or indirectly in the interest of an employer in relation to an employee and shall include the government and all its branches, subdivisions, and instrumentalities, all government- owned and -controlled corporations and institutions, as well as non-profit private institutions or organizations;
- (e) **“Workers in the Informal Economy”** refers to self-employed, occasionally or personally hired, subcontracted, paid and unpaid family workers in household incorporated and unincorporated enterprises, including home workers, micro-entrepreneurs and producers, and operators of sari-sari stores and all other categories who suffer from violation of workers’ rights:
- (f) **“Migrant Workers”** refers to Filipino who are to be engaged, are engaged, or have been engaged in a remunerated activity in a State of which they are not legal residents, whether documented or undocumented;
- (g) **“Indigenous Peoples”** refers to a group of people or homogenous societies identified by a self-ascription and ascription by other, 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 customs, tradition, and other distinctive cultural traits, or who have, through resistance to political, social, and cultural inroads of colonization, non- indigenous religions and culture, became historically, differentiated from the majority of Filipinos.

They 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 invasions 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 as defined under Section 3(h), Chapter II of Republic Act No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997" (IPRA of 1997);

- (h) "**Children**" refers to those who are below eighteen (18) years of age or over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;
 - (i) "**Senior Citizens**" refers to those sixty (60) years of age and above;
 - (j) "**Differently-abled Persons**" refers to those who are suffering from restriction or different abilities, as a result of a mental, physical, or sensory impairment to perform an activity in the manner or within the range considered normal for a human being; and
 - (k) "**Solo Parents**" refers to those who fall under the category of a solo parent defined under Republic Act No. 8972, otherwise known as the "Solo Parents Welfare Act of 2000".
- 12) **SUBSTANTIVE EQUALITY**– refers to the full and equal enjoyment of rights and freedoms contemplated under this Act. It encompasses *de jure* and *de facto* equality and also equality in outcomes.
- 13) **VIOLENCE AGAINST WOMEN**– refers to any gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life. It shall be understood to encompass, but not limited to, the following:
- (a) Physical, sexual, psychological, and economic violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;
 - (b) Physical, sexual, and psychological, violence occurring within the general community including rape, sexual abuse, sexual harassment, and intimidation at work, in educational
- It also includes acts of violence against women as defined in Republic Acts No. 9208 and 9262.
- 14) **WOMEN IN THE MILITARY**– refers to women employed in the military, both in the major and technical services, who are performing combat and/or noncombat functions, providing security to the State, and protecting the people from various forms of threat. It also includes women trainees in all military training institutions.
- 15) **SOCIAL PROTECTION** – refers to policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of all women, especially the marginalized by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risk. Its components are labor market programs, social insurance, social welfare, and social safety nets.

ARTICLE 3
UPDATING OF GENDER AND DEVELOPMENT (GAD)
WORK AND FINANCIAL PLAN

Section 1. **UPDATING OF WORK AND FINANCIAL PLAN FOR THE PROMOTION OF GENDER AND DEVELOPMENT** – Calasiao, through the GAD Focal Point System (GADFPS), shall update the existing Work and Financial Plan for the Promotion of Gender and Development where said plan shall be responsive to the needs of times including the GAD Plan and Budget of the Twenty-Four (24) barangays. The same shall be drawn through the consultative and participatory involvement of the non-government organizations and other concerned groups and agencies and shall be incorporated in the annual development and short and long-term plans of the Municipal.

Section 2. **LEGISLATIVE ACTION** - The Sangguniang Bayan of Calasiao (Pangasinan) shall ensure that in the enactment of legislative measures, issues and concerns on gender equality and development shall be take into consideration.

ARTICLE 4
ANTI - SEXUAL HARRASMENT

Section 1. **LEGAL BASIS** – This Article is pursuant to **REPUBLIC ACT NO. 7877 (Anti-Sexual Harassment Act of 1995)**

Section 2. **DEFINITION OF TERMS** – as used in this article, the following terms shall mean:

- a) **SEXUAL HARASSMENT** – is an act or a series of acts involving any unwelcome sexual advance, requestor demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by a government employee or official in a work-related, training- or education- related environment.
- b) **CSC**– means the Civil Service Commission
- c) **DISCIPLINING AUTHORITY**– means the:
MUNICIPAL MAYOR – for the Executive Department;
MUNICIPAL VICE MAYOR – for the Legislative Department
HEAD/MANAGERS – for other offices or agencies
- d) **CODI**– Committee on Decorum and Investigation

Section 3. **FORMS OF SEXUAL HARASSMENT**

- 1) **Physical**
 - a) Malicious Touching
 - b) Overt sexual advances
 - c) Gestures with lewd insinuation
- 2) **Verbal** – such as but not limited to, requests or demands for sexual favors, and lurid remarks
- 3) Use of objects, pictures or graphics, letters or written notes with sexual underpinnings
- 4) Other forms analogous to the foregoing.



Section 4. PLACES OF COMMISSION UNDER THE PROVISIONS OF THE CIVIL SERVICE COMMISSION (CSC) RESOLUTION NO. 01-0940 Sexual harassment may take place:

- 1) in the premises of the workplace or office or of the school or training institution;
- 2) in any place where the parties were found, as a result of work or education or training responsibilities or relations;
- 3) at work or education- or training-related social functions;
- 4) while on official business outside the office or school or training institution or during work or school or training-related travel;
- 5) at official conferences, fora, symposia or training sessions; or
- 6) by telephone, cellular phone, fax machine or electronic mail.

Section 5. SEXUAL HARASSMENT COMMITTED IN THE EMPLOYMENT OR WORK-RELATED ENVIRONMENT– Work-relate sexual harassment is committed when the:

- 1) submission to or rejection of the act or series of acts is used as basis for any employment decision (including but not limited to, matters related hiring, promotion, raises in salary, job security, benefits and any other personnel action) affecting the applicant/employee; or
- 2) the act or series of acts have the purpose or effect of interfering with the complainant's work or performance, or creating an intimidating, hostile, or offensive work environment; or
- 3) act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense, humiliation to a complainant who may be co-employee, applicant, customer, or ward of the person complained of.

Section 6. SEXUAL HARASSMENT COMMITTED IN AN EDUCATION OR TRAINING ENVIRONMENT – Education or training related sexual harassment is committed when the:

- 1) submission to or rejection of the act or series of acts is used as a basis for any decision affecting the complainant, including, but not limited to, the giving of a grade, the granting of honors or a scholarship, the payment of a stipend or allowance or the giving of any benefit, privilege, or consideration; or
- 2) act or series of acts have the purpose or affect of interfering with the performance, or creating an intimidating, hostile or offensive academic environment of the complainant; or
- 3) act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a trainee, apprentice, intern, tutee or ward of the person complained of.

Section 7. A MUNICIPAL GOVERNMENT OFFICIAL/EMPLOYEE IS LIABLE FOR SEXUAL HARASSMENT; WHEN – A Municipal government official or employee, regardless of sex, is liable for sexual harassment when he/she:

- 1) directly participates in the execution of any act of sexual harassment as defined by the Administrative Disciplinary Rules on Sexual Harassment Cases;
- 2) induces or directs another others to commit sexual harassment as defined by this Code;
- 3) cooperates in the commission of sexual harassment by another through an act without which the sexual harassment would not have been accomplished; or
- 4) cooperates in the commission of sexual harassment by another through previous or simultaneous acts.

Section 8. **COMMITTEE ON DECORUM AND INVESTIGATION (CODI)** – The Committee on Decorum and Investigation shall be composed of the following:

1) **FOR THE MUNICIPAL GOVERNMENT**

Municipal Legal Officer
Municipal Administrator
Human Resources Management Officer
Secretary to the Sangguniang Bayan
Municipal Social Welfare and Development Officer

- 2) **FOR OTHER OFFICES OR AGENCIES**– They may create their own CODI and may adopt their own procedures in handling sexual harassment cases, provided that those rules comply with the requirements of applicable laws, rules and regulations.

Section 9. **FUNCTIONS OF THE COMMITTEE ON DECORUM AND INVESTIGATION (CODI) IN SEXUAL HARASSMENT CASES**– The CODI shall:

- 1) Receive complaints of sexual harassment;
- 2) Investigate sexual harassment complaints in accordance with the prescribed procedure;
- 3) Submit a report of its findings with the corresponding recommendation to the disciplining authority for decision; and
- 4) Lead in the conduct of discussions about sexual harassment within the Municipality government or agency or institution to increase understanding and prevent incidents of sexual harassment.

Section 10. **FILING OF COMPLAINT; PROCEDURAL REQUIREMENTS** – The following shall be observed:

- 1) A complaint for sexual harassment may be filed ANYTIME WITHIN OFFICE HOURS;
- 2) The complaint may be filed with the CODI, for the Municipal government, or with disciplining authority of the office/agency concerned; In the absence of a CODI, the head of office/agency shall cause the creation of a CODI in the accordance with the law and rules and transmit the complaint to said Committee.
- 3) The complaint must be in WRITING, signed and sworn to by the complainant and must contain the following:
 - a) Full name and address of the complainant;
 - b) Full name, address, and position of the president;
 - c) A brief statement of the relevant facts;
 - d) Residence, in support of the complaint, if any; and
 - e) A certification of non-forum shopping.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed without prejudice to its refiling.

- 4) The withdrawal of the complaint at any stage of the proceedings shall NOT preclude the CODI from proceeding with the investigation when there is obvious truth or merit to the allegations in the complaint or where there is documentary or direct evidence that can prove the guilt of the person complained of.

Section 11. **ACTION OF CODI UPON RECEIPT OF COMPLAINT**

- 1) Upon receipt of a complaint that is sufficient in form and substance, the CODI shall require the person complained of to submit a Counter-Affidavit/ Comment under oath within three (3) days from receipt of the notice, furnishing a copy to the complainant; otherwise, the Counter-Affidavit/ Comment shall be considered as not filed.

- 2) The CODI shall conduct a preliminary investigation which shall involve the *ex parte* examination of documents readily available.
- 3) During the preliminary investigation, the parties may submit affidavits and counter affidavits.
- 4) Upon THOROUGH examination and evaluation of all documents presented, the CODI may now recommend whether a *prima facie* case exists to warrant the issuance of a formal charge.
- 5) Strict confidentiality of the proceedings during preliminary investigation by the CODI shall be exercised.

Section 12. **DURATION OF THE PRELIMINARY INVESTIGATION** – The preliminary investigation shall commence not later than five (5) days from receipt of the complaint by the CODI. It shall be terminated within fifteen (15) working days thereafter.

Section 13. **SUBMISSION OF INVESTIGATION REPORT ON THE PRELIMINARY INVESTIGATION** – The CODI shall submit the Investigation Report and the complete records of the case to the disciplining authority within five (5) working days from the termination of the preliminary investigation.

Section 14. **ACTION OF THE DISCIPLINING AUTHORITY AFTER PRELIMINARY INVESTIGATIONS** – Within three (3) working days from receipt of the investigation report, the disciplining authority shall issue a formal charge if a *prima facie* case is established during the investigation. If a *prima facie* case is not established during the investigation, the complaint shall be dismissed within three (3) working days from receipt of the investigation report.

Section 15. **CONTENTS OF THE FORMAL CHARGE**

- 1) A specification of the charge/s;
- 2) A brief statement of material or relevant facts;
- 3) Certified true copies of the documentary evidence, if any;
- 4) Sworn statement covering testimony of witness/es;
- 5) A directive to answer the charge/s in writing under oath in not less than seventy-two (72) hours from receipt thereof;
- 6) An advice for the respondent to indicate in his/her answer whether or not he/she elects a formal investigation of the charges; and
- 7) A notice that he/she is entitled to be assisted by a counsel of his/her choice.

THE RESPONDENT MAY SUBMIT ADDITIONAL EVIDENCE EVEN AFTER THE PRELIMINARY INVESTIGATION

Section 16. **CONTENTS OF THE ANSWER OF THE RESPONDENT** – The answer, which must be in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including documentary evidence, sworn statements covering testimonies of witnesses, if any, in support of respondent's case. It shall also include a statement indicating whether he/she elects a formal investigation. The answer must be filed within seventy-two (72) hours from receipt of the formal charge.

Section 17. **EFFECTS IF RESPONDENTS FAILS OR REFUSES TO ANSWER WITHIN THE 72-HOUR REQUIREMENT** – It shall be considered a waiver of respondent's right to answer and a formal investigation may commence.

Section 18. **FORMAL INVESTIGATION**– If the CODI deems that a formal investigation is necessary to decide the case judiciously, it shall conduct an investigation not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer. It shall be finished within thirty (30) days from the issuance of the formal charge or the receipt of the answer unless the discipline authority extends the period.

Section 19. **FORMAL INVESTIGATION REPORT**– Within fifteen (15) days after the conclusion of the formal investigation, a report containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the CODI to the disciplining authority together with the complete records of the case.

Within thirty (30) days from receipt of the investigation report, the disciplining authority shall render his/her decision on the case.

Section 20. **DECISION ON A SEXUAL HARASSMENT CASE BY THE DISCIPLINING AUTHORITY; PENALTY OF SUSPENSION; FINAL AND EXECUTORY; APPEAL TO THE CSC**– The decision of the disciplining authority is final and executory when the penalty of suspension is not more than thirty (30) days or a fine of not more than the equivalent of thirty (30) days salary is imposed.

A penalty of suspension exceeding thirty (30) days or a fine exceeding the equivalent of thirty (30) days salary of the respondent shall be appealable to the CSC after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed.

A notice of appeal, including the appeal memorandum, shall be filed with the appellate authority with a copy furnished to the disciplining office. The latter shall submit the records of the case, which shall be automatically chronologically arranged, paged and securely bound to prevent loss with its comment within fifteen (15) days, to the appellate authority.

Section 21. **REMEDIES AFTER A DECISION**

1. Motion for reconsideration by the adverse party.
2. Appeal to the CSC if penalty imposed exceeds thirty (30) days suspension or fine exceeding the equivalent of thirty (30) days salary. The appeal may be initially appealed to the department head (for decisions rendered by the bureau or office head that are appealable to the CSC).
3. Petition for review with the CSC by a complainant for a decision of a disciplining authority dismissing a complaint for lack of *prima facie* case.
4. Petition for review with the Court of Appeals on a decision made by the CSC.
5. Petition for certiorari in the proper court by the aggrieved party.

Section 22. **MOTION FOR RECONSIDERATION** – The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the decision within fifteen (15) days from receipt thereof.

Such is deemed filed on the date stamped on the official copy by the proper receiving authority and if sent by mail, on the date shown by the postmark on the envelope, which shall be attached to the records of the case.

The filing of the motion for reconsideration within the reglementary period shall stay the execution of the decision sought to be reconsidered.

Section 23. **BASIS FOR A MOTION FOR RECONSIDERATION**

- 1) New evidence has been discovered which materially affects the decision rendered; or
- 2) The decision is not supported by the evidence on record; or
- 3) Errors of law or irregularities have been committed prejudicial to the interest of the movant.

ONLY ONE motion for reconsideration shall be entertained.

Section 24. **APPEAL DEEMED FILED; APPEAL FEE**

- 1) An appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope, which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon by the proper office.
- 2) The appellant shall pay an appeal fee of three hundred pesos (P300.00) and a copy of the receipt shall be attached to the appeal.

Section 25. **APPEAL DEEMED PERFECTED** – The appeal is perfected when the applicant shall have submitted within fifteen (15) days from receipt of the decision the following:

- 1) Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;
- 2) Three copies of appeal memorandum containing, the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the document or evidence;
- 3) Proof of service of a copy of the appeal memorandum to the disciplining office;
- 4) Proof of payment of the appeal fee; and
- 5) A statement or certification of non-forum shopping

Section 26. **EFFECT OF FAILURE TO COMPLY WITH THE ABOVE REQUIREMENTS WITHIN THE REGLEMENTARY PERIOD** – It shall be construed as failure to perfect an appeal and shall cause its dismissal.

Section 27. **EFFECT OF APPEAL** – The appeal shall not stop the decision from being executory. In case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the period of the appeal, in the event he wins the appeal.

Section 28. **CLASSIFICATION OF ACTS OF SEXUAL HARASSMENT** – Sexual Harassment is classified as:

1) **GRAVE OFFENSES**

- a) unwanted touching of private parts of the body (genitalia, buttocks, and breasts);
- b) sexual assault;
- c) malicious touching;
- d) requesting for sexual favor in exchange for employment, promotion, local or foreign, travels, favorable working conditions or assignments, a passing grade, the granting of honors or scholarship, or the grant of benefits or payment of a stipend or allowance; and
- e) other analogous cases.

2) **LESS GRAVE OFFENSES**

- a) unwanted touching or brushing against a victim's body;
- b) pinching not falling under grave offenses;
- c) derogatory or degrading remarks or innuendoes directed toward the members of one sex or one's sexual orientation or used to describe a person;
- d) verbal abuse or threats with sexual overtones; and
- e) other analogous cases.

3) **LIGHT OFFENSES**

- a) surreptitiously looking or stealing a look at a person's private part or worn undergarments;
- b) telling sexist/smatty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing, or even without such advise, when they are by their nature clearly embarrassing, offensive or vulgar;
- c) malicious leering or ogling;
- d) the display of sexually offensive pictures, materials or graffiti;
- e) unwelcome inquiries or comments about a person's sex life;
- f) unwelcome sexual flirtation, advances, propositions;
- g) making offensive hand or body gestures at an employee;
- h) persistent unwanted attention with sexual overtones;
- i) catcalling
- j) unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver; and
- k) other analogous case

The disciplining authority or head of the office or agency who fails to act on the complaint within fifteen (15) days from receipt of any complaint for sexual harassment properly filed against any employee in that office shall be charged with neglect of duty.

Any person found guilty of sexual harassment shall, after the investigation, be meted the penalty corresponding to the gravity of the offense.

Section 29. **PENALTIES FOR OFFENSES OF SEXUAL HARASSMENT**

1) **Grave offenses** – Dismissal

2) **Less grave offenses**

1st offense - Fine or suspension for thirty (30) days but not exceeding six (6) months

2nd offense – Dismissal

3) **Light offenses**

1st offense - Reprimand

2nd offense – Fine or suspension not exceeding thirty (30) days

3rd offense – Dismissal

Section 30. **PENALTY IF THE RESPONDENT IS FOUND GUILTY OF TWO (2) OR MORE CHARGES OR COUNTS**– The penalty to be imposed shall be that corresponding to the most serious charges or count and the rest shall be considered as aggravating circumstances.

ARTICLE 5 **BAWAL BASTOS**

Section 1. **LEGAL BASES**– This Ordinance is in accordance with **REPUBLIC ACT No. 11313 (Safe Spaces Act)** and **ORDINANCE NO. 21-10 (Bawal Bastos Ordinance Of Calasiao (Pangasinan))**

Section 2. **DEFINITION OF TERMS** – As used in this Article:

- a) **CATCALLING**– refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- b) **EMPLOYEE**– refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement;
- c) **EMPLOYER**– refers to a person who exercises control over an employee;
- d) **GENDER**– refers to a set of socially ascribed characteristics, norms, roles, attitudes, values, and expectations identifying the social behavior of men and women, and the relations between them;
- e) **GENDER-BASED ONLINE SEXUAL HARASSMENT**–refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;
- f) **GENDER IDENTITY AND/OR EXPRESSION**– 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 physiological characteristics of the opposite sex in which case this person is considered transgender;
- g) **PUBLIC SPACES** – refers to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles, covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and
- h) **STALKING**– refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

Section 3. **GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT**

The offenses of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

The following acts are unlawful and shall be penalized under this Article:

- 1) Cursing;
- 2) Stalking;
- 3) wolf-whistling;
- 4) catcalling
- 5) leering and intrusive gazing;
- 6) taunting;
- 7) pursing;
- 8) unwanted invitations;
- 9) misogynistic (*strongly prejudiced against women*);
- 10) transphobic (*having or showing a dislike of or prejudice against transexual or transgender people*), homophobic (*having or showing a dislike of or prejudice against gay people*), and sexist slurs (*prejudice or discrimination base on sex*);
- 11) persistent unwanted comments on one's appearance;
- 12) relentless requests for one's personal details such as name, contact and social media details or destination;
- 13) the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identify and/or expression including sexist, homophobic, and transphobic statements and slurs;
- 14) persistent telling of sexual jokes, use of sexual names, comments and demands; and
- 15) any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety;

Section 4. **PLACES WHERE THE ABOVE ACTS CAN BE COMMITTED**– The acts mentioned above may be committed in public spaces such as:

- 1) alleys;
- 2) roads;
- 3) sidewalks;
- 4) parks;
- 5) buildings;
- 6) schools;
- 7) churches;
- 8) restaurants;
- 9) malls;
- 10) public washrooms;
- 11) bars;
- 12) internet shops;
- 13) public markets;
- 14) transportation terminals; or
- 15) public utility vehicles.

Section 5. **DUTIES OF OWNER OF ESTABLISHMENTS ON GENDER-BASED SEXUAL HARASSMENT IN RESTAURANTS AND CAFES, BARS AND CLUBS, RESORTS AND WATER PARKS, HOTELS AND CASINOS, CINEMAS, MALLS, BUILDING, AND OTHER PRIVATELY-OWNED PLACES OPEN TO THE PUBLIC** – Restaurants, bars, cinemas, malls, buildings, and other privately-owned places open to the public shall adopt a zero- tolerance policy against gender-based streets and public spaces sexual harassment.

These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with the PNP, Calasiao (Pangasinan) immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

All restaurants, bars, cinemas, and other places of recreation shall install in their business establishments clearly-visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in *flagrante delicto* and are required to immediately coordinate with local authorities.

Section 6. GENDER-BASED SEXUAL HARASSMENT IN PUBLIC UTILITY VEHICLES - In addition to the penalties in this Ordinance, the Land Transportation Office (LTO) may cancel the license of perpetrators found by competent court to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise or transportation operators who commit gender-based streets and public spaces sexual harassment acts.

The Municipal Government of Calasiao (Pangasinan) may, likewise revoke the franchise and permit it issued to operators of a tricycle if found guilty by competent court of violating the provisions of this Ordinance.

Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

Section 7. GENDER-BASED SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES COMMITTED BY MINORS - In case the offense is committed by a minor, the Municipal Social Welfare and Development Office (MSWDO) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006".

Section 8. DUTIES OF THE MUNICIPAL GOVERNMENT OF CALASIAO (PANGASINAN) - The Municipal Government of Calasiao (Pangasinan) shall bear primary responsibility in enforcing the provisions of this Ordinance. It shall:

- 1) Disseminate to all concerned the provisions of this Ordinance;
- 2) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information
- 3) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Ordinance
- 4) Create an anti-sexual harassment hotline; and
- 5) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Ordinance.

Section 9. **GENDER-BASED ONLINE SEXUAL HARASSMENT**– Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through:

- 1) physical, psychological, and emotional threats;
- 2) unwanted sexual misogynistic, transphobic, homophobic, and sexist remarks and comments online whether publicly or through direct and private messages;
- 3) invasion of victim's privacy through cyberstalking and incessant messaging;
- 4) uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online;
- 5) impersonating identities of victims online;
- 6) posting lies about victims to harm their reputation; or
- 7) filing, false abuse reports to online platforms to silence victims.

Section 10. **IMPLEMENTING BODIES**– *Unless otherwise provided in this Ordinance, the provisions of this Ordinance shall be implemented by the following:*

- 1) Office of the Municipal Mayor, through the office of the Municipal Administrator;
- 2) Public Order and Safety Office (POSO);
- 3) Philippine National Police (PNP), Calasiao (Pangasinan); and Members of the Barangay Council, headed by the Punong Barangay, of all barangays within the municipal's jurisdiction.

Section 11. **GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE**– The crime of gender-based sexual harassment in the workplace includes the following:

- 1) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically, or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- 2) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically, or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;
- 3) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: *Provided*, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee, and
- 4) Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

Section 12. **DUTIES OF EMPLOYERS** – Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace.

Towards this end, the employer or person of authority, influence or moral ascendancy shall:

- 1) Disseminate or post in a conspicuous place a copy of this Ordinance to all persons in the workplace;
- 2) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;
- 3) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall:
 - a) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;
 - b) Designate a woman as its head and not less than half of its members should be women
 - c) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
 - d) Investigate and decide on the complaints within ten (10) days or less upon receipt thereof;
 - e) Observe due process;
 - f) Protect the complainant from retaliation; and
 - g) Guarantee confidentiality to the greatest extent possible
- 4) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:
 - a) Expressly reiterate the prohibition on gender-based sexual harassment;
 - b) Describe the procedures of the internal mechanism
 - c) Set administrative penalties.

Section 13. **DUTIES OF EMPLOYEES AND CO-WORKERS**— Employees and co-workers shall have the duty to:

- 1) Refrain from committing acts of gender-based sexual harassment;
- 2) Discourage the conduct of gender-based sexual harassment in the workplace;
- 3) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and
- 4) Report acts of gender-based sexual harassment witnessed in the workplace.

Section 14. **LIABILITY OF EMPLOYER** – In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

- 1) Non-implementation of their duties under this Ordinance, as provided in the penal provisions; or
- 2) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Section 15. **GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL AND TRAINING INSTITUTIONS** – All schools, whether public or private, shall designate an officer- in- charge to receive complaints regarding violations of this Ordinance, and shall, ensure that the victims are provided with a gender- sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members.

Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation.

If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

Section 16. DUTIES OF SCHOOL HEADS– School heads shall have the following duties

- 1) Disseminate or post a copy of this Ordinance in a conspicuous place in the educational institution;
- 2) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaign;
- 3) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:
 - a) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
 - b) Designate a woman as its head and not less than half of its members should be women;
 - c) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;
 - d) Be composed of members who should be impartial and not connected or related to alleged perpetrator
 - e) Investigate and decide on complaints within ten (10) days or less upon receipt, thereof;
 - f) Observe due process
 - g) Protect the complainant from retaliation; and
 - h) Guarantee confidentiality to the greatest extent possible.
- 4) Provide and disseminate, in consultations with all person in the education institution, a code of conduct or school policy which shall:
 - a) Expressly reiterate the prohibition on gender-based sexual harassment
 - b) Prescribe the procedures of the internal mechanism created under this Ordinance; and
 - c) Set administrative penalties

Section 17. LIABILITY OF SCHOOL HEADS– In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any older person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

(Continuation- GAD Code 2024)

- 1) Non-implementation of their duties under this Ordinance, or
- 2) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Section 18. **LIABILITY OF STUDENTS**– Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

Section 19. **CONFIDENTIALITY** – At any stage of the investigation, prosecution and trial of an offense under this Ordinance, the right of the victim and the accused who is a minor shall be recognized.

Section 20. **RESTRAINING ORDER** – Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place or employment, or any specified place frequented by the offended person.

Section 21. **REMEDIES AND PSYCHOLOGICAL COUNSELLING**– A victim of gender-based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well psychological counselling services with the aid of the LGU and the DSWD, in coordination with the DOH and the PCW. Any fees to be charged in the course of a victim's availment of such remedies or psychological counselling services shall be borne by the perpetrator.

Section 22. **ADMINISTRATIVE SANCTIONS**– The penalties imposable under this Ordinance are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

Section 23. **EXEMPTIONS**– Acts that are legitimate expressions of indigenous culture and tradition, as well as breast feeding in public shall not be penalized.

Section 24. **PNP WOMEN AND CHILDREN'S DESKS**– The women and children's desks existing in the Municipality's police station shall act on and attend to all complaints covered under this Ordinance. They shall coordinate with ASHE officers on the street, security guards in privately- owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Ordinance.

ARTICLE 6

ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

Section 1. **LEGAL BASES**– This Article is pursuant to **REPUBLIC ACT NO. 9262**(*Anti-Violence Against Women and Their Children Act*) and **A.M. No. 04-10-11-sc** (*Rule on Violence Against Women And Their Children*).

Section 2. **DEFINITION OF TERMS**– As used in this Ordinance, the following terms shall mean:



- 1) **VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC)** – refers to any act of gender-based violence that results in, or is likely to result in physical, sexual, or psychological harm of suffering to women, including threats of such acts, coercion, or arbitrary, psychological violence occurring within the general community including rape, sexual abuse, sexual harassment, and intimidation at work, in education institutions and elsewhere, trafficking in women, and prostitution and physical, sexual, and psychological violence perpetrated or condoned by the State, wherever it occurs. It also include acts of violence against women as defined in Republic Act No. 9262. Under the Magna Carta of Women, this term is used interchangeably with gender-based violence.
- 2) **VAWC DESK** – refers to a facility that would address VAWC cases in a gender-responsive manner, managed by a person designated by the Punong Barangay. It is situated within the premises of the barangay hall in the absence of the barangay hall, the VAWC DESK shall be established within the premises where the Punong Barangay holds office.
- 3) **VAWC DESK PERSON/CHARGE**– refers to a person trained in gender-sensitive handling of cases, preferably a woman Sangguniang Barangay Member or woman barangay tanod.

Section 3. **ESTABLISHMENT OF VAWC DESK IN THE BARANGAY** – An area within the Barangay Hall shall be designated for the VAW desk and shall be provided with the necessary furniture and fixtures such as, but not limited to table, chairs, separate filing cabinet and log book for record-keeping of cases and shall ensure the confidentiality of the cases and privacy and safety of the victim-survivor.

All barangays shall submit a report on the establishment of barangay VAWC desks to the Municipal Social Welfare and Development Officer who shall collate the data and copies of the collated data will be subsequently submitted to the Municipal Mayor and furnished the Sangguniang Bayan of this Municipality.

Section 4. **DESIGNATION OF VAWC DESK PERSON/IN-CHARGE** – The VAW Desk Person/In-charge shall be a barangay resident who is trained in gender sensitive handling of cases, preferably a woman Sangguniang Barangay Member or woman barangay tanod. In cases where there are no trained personnel, the person assigned shall undergo basic gender sensitivity training and orientation on anti- VAW laws.

Section 5. **FUNCTIONS OF THE VAWC DESK PERSON/IN-CHARGE**– The VAWC DESK Person/In-charge shall perform the following tasks:

- 1) Respond to gender-based violence cases brought to the barangay;
- 2) Record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases to the Municipal Local Government Operations Officer (MLGOO);
the Municipal Social Welfare and Development Officer, GAD Focal Point System and the PNP Women and Child Welfare Desk
- 3) Keep VAWC case records confidential and secured, and ensure that only authorized personnel can access it;
- 4) Develop the Barangay's Gender Responsive Plan in addressing gender-based violence, including support-services, capacity building and referral system;
- 5) Coordinate with and refer cases to government agencies concerned, Non-Government Organizations (NGOs), institutions, and other service providers;
- 6) Address other forms of abuse committed against women, especially senior citizens, women with disability and other women belonging to marginalized groups;

- 7) Lead advocacies on the elimination of VAWC in the community; and
- 8) Perform other related functions:

Section 6. **FUNDING** – The cost of the establishment and operations of the Barangay VAWC Desk and the Capacity Building of the VAWC Desk Person/ In-Charge shall be charged under the Barangay Gender and Development (GAD) budget.

The GAD Budget may be drawn from the barangay's maintenance and other operating expenses (MOOE), capital outlay (CO), and/or personal services (PS) based on the barangay-approved budget. All barangays shall allocate at least five percent (5%) of their total annual budget appropriations to support their respective GAD PPAs.

Section 7. **ACTS OF VIOLENCE AGAINST WOMEN AND THEIR CHILDREN UNDER R.A. NO. 9262** – Violence against women and their children is committed through any of the following acts:

- 1) Causing, threatening or attempting to cause physical harm to the woman or her child;
- 2) Threatening to cause the woman or her child physical harm ;
- 3) Attempting to cause the woman or her child physical harm;
- 4) Placing the woman or her child in fear of imminent physical harm;
- 5) 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 to 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 her child. This shall include, but is not limited to, the followings acts committed with the purpose or effect of controlling or restricting the movement or conduct of the woman or her child:
 - a) Threatening to deprive or actually depriving the woman or her child of custody or access to her/his family;
 - b) Depriving or threatening to deprive the woman or her children of financial support legally due her to her family, or deliberately providing the woman's children insufficient financial support;
 - c) Depriving or threatening to deprive the woman or her child of a legal right; and
 - d) Preventing the woman from engaging in any legitimate profession, occupation, business, or activity except in cases where the spouse or partner objects on valid, serious and moral grounds, or controlling the victim's own money or property, or solely controlling the conjugal or common money or property;
- 6) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
- 7) 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;
- 8) 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 is not limited to, the following acts:
 - a) Stalking or following the woman or her child in public or private places;
 - b) Peering in the window or lingering outside the residence of the woman or her child;
 - c) Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;

- d) Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or child; and
- e) Engaging in any form of harassment or violence; or
- 9) 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 a minor child or denial of access to the woman's child.

Section 8. PETITION FOR PROTECTION ORDER

- 1) **Form of petition** – A petition for protection order shall be in writing, signed and verified by the petitioner. It shall be accompanied by a certificate of non-forum shopping which the petitioner must sign personally.
- 2) **Who may file petition** – A petition for protection order may be filed by any of the following:
 - a) The offended party;
 - b) Parents or guardians of the offended party;
 - c) Ascendants, descendants or collateral relatives of the offended party within the fourth civil degree of consanguinity or affinity;
 - d) Officers or social workers of the Department of Social Welfare and Development (DSWD) or social workers of local government units (LGU);
 - e) Police officers, preferably those in charge of women and children's desk;
 - f) *Pulong Barangay or Barangay Kagawad*;
 - g) Lawyer, counselor, therapist or healthcare provider of the petitioner; or
 - h) Atleast two concerned, responsible citizens of the place where the violence against women and their children occurred and who have personal knowledge of the offense committed.

Section 9. BARANGAY PROTECTION ORDER (BPO)– It is an ORDER addressed to the OFFENDER ordering him to DESIST from COMMITTING or THREATENING TO CAUSE PHYSICAL harm to the WOMAN or HER CHILD.

- 1) **WHO ISSUES BPO**– A BPO is issued by:
 - a) PUNONG BARANGAY (PB);or
 - b) If PB is **UNAVAILABLE**, by BRGY. KAGAWAD. The ORDER must be accompanied by an ATTESTATION by the BARANGAY KAGAWAD that the Punong Barangay was UNAVAILABLE at the time of the issuance of the BPO.
- 2) **EFFECTIVITYAND ENFORCEABILITY OF BPO**– It is EFFECTIVE for FIFTEEN (15) DAYS and is NOT extendible All BPOs shall be **ENFORCEABLE WITHIN THE BARANGAY THAT IS ISSUED THE BPO**. Copy of BPO shall be furnished to PNP-WCPD.
- 3) **HOW DOES THE VICTIM GET A BPO**– She or her child can go to the PUNONG BARANGAY or if PB is NOT available, to any KAGAWAD and apply for a BPO. The application must be **IN WRITING, SIGNED**and **UNDER OATH**. If there is NO notary public or public prosecutor and the BPO is urgent, the applicant can attest to the truth of her statements before the PB.
- 4) The PBO is granted ex parte, WIHOUT notice and hearing.
- 5) The victim may be accompanied by any non-lawyer advocate in the proceedings before the Punong Barangay.
- 6) The Punong Barangay or Kagawad, law enforcers and other government agencies shall NOT mediate or conciliate or influence the victim for a protection order to compromise or abandon the relief sought.

- 7) Immediately after the issuance of an ex parte BPO, the PB or BK shall personally serve a copy of the same to the respondent or direct any barangay official to effect its personal service.
- 8) The BPO shall be issued FREE of charge.
- 9) Within 24 hours after a BPO is issued, the PB or available BK shall assist the victim in filing for an application for a TPO or PPO with the nearest court in the place of residence of the victim.
- 10) For INDIGENT petitioner, the barangay shall ensure that transportation and other expenses are provided for in filing for an application for a protection order with the courts.
- 11) The PLACE OF RESIDENCE or LOCATION of the victim may include the place where the victim temporarily resides or where she sought refuge/sanctuary to escape from and avoid continuing violence from the respondent

Section 10. **OTHER REMEDIES** – After the BPO, the victim can apply for a:

- 1) **TEMPORARY PROTECTION ORDER (TPO)** from the:
 - a) FAMILY COURT in her place of RESIDENCE; or
 - b) If there is NO Family Court, in REGIONAL TRIAL COURT, the MUNICIPAL TRIAL COURT or MUNICIPAL METROPOLITAN TRIAL COURT
 - Effective for THIRTY (30) DAYS (*ex parte application*). May be EXTENDED
- 2) **PERMANENT PROTECTION ORDER (PPO)**– issued AFTER NOTICE AND HEARING. Hearing shall be scheduled PRIOR to the expiration of the TPO.

The filing of a petition for protection order by the offended party suspends the right of all other authorized parties to file similar petitions. A petition filed by the offended party after the filing of a similar petition by an authorized party shall not be dismissed but shall be consolidated with the petition filed earlier.

Application must be IN WRITING, SIGNED and VERIFIED UNDER OATH by the applicant.

All TPOs and PPOs shall be enforceable ANYWHERE in the PHILIPPINES.

VIOLATION of the TPO or PPO shall be punished with a FINE ranging from P5,000.00 to P50,000.00 and/or IMPRISONMENT of SIX (6) MONTHS.

It shall also constitute CONTEMPT OF COURT (Rule 71 of the Rules of Court), without prejudice to any other criminal or civil action that the victim may file for any of the acts committed.

- 3) **Contents of the petition**– The petition filed by the offender part shall contain the following:
 - a) The name, age and residence of the offended party;
 - b) The name, age and residence of the respondent;
 - c) A description of the relationship between the offended party and the respondent;
 - d) A complete description of the alleged act constituting violence including the date, time and place of occurrence;
 - e) A request for counsel and the reasons for such;
 - f) A request for waiver of application fees;
 - g) The relief from violence prayed for, including protection orders to cover any designated family or household member who consents to such relief.
 - h) If the petitioner is not the offended party, the petition shall be accompanied by an affidavit of the petitioner attesting to the following:

- 1) facts showing the authority of the petitioner to file the petition;
- 2) circumstances of the abuse suffered by the offended party; and
- 3) circumstances of consent given by or refusal to consent of the offended party to file the petition.

When disclosure of the address will pose danger to the life of the offended party, it shall be so stated in the petition. In such a case, the petitioner shall attest that the offended party is residing in the Municipality over which the court has territorial, jurisdiction, and shall provide a mailing address for purposes of service processing.

4)Reliefs Available To The Offended Party- Pursuant to RA 9262 (*Anti-Violence Against Women And Their Children Act*) and **(Rule on Violence Against Women and Their Children)**, the protection order shall include any, some or all of the following reliefs:

- a) Prohibiting the respondent from threatening to commit or committing, personally or through another, acts of violence against the offended party;
- b) Prohibiting the respondent from harassing, annoying, telephoning, contacting or otherwise communicating in any form with the offended party, either directly or indirectly;
- c) Removing and excluding the respondent from the residence of the offended party, regardless of ownership of the residence, either temporarily for the purpose of protecting the offended party, or permanently where no property rights are violated. If the respondent must remove personal effects from the residence, the court shall direct a law enforcement agent to accompany the respondent to the residence, remain there until the respondent has gathered these things and escort him from the residence;
- d) Requiring the respondent to stay away from the offended party and any designated family or household member at a distance specified by the court;
- e) Requiring the respondent to stay away from the residence, school, place of employment or any specified place frequented regularly by the offended party and any designated family or household member;
- f) Directing lawful possession and use by the offended party of an automobile and other essential personal effect, regardless of ownership, and directing the appropriate law enforcement officer to accompany the offended party to the residence of the parties to ensure that the offended party is safely restored to the possession of the automobile and other essential personal effects;
- g) Ordering temporary or permanent custody of the child/children with the offended party, taking into consideration the best interests of the child. An offended party who is suffering from Battered Woman Syndrome shall not be disqualified from having custody of her children. In no case shall custody of minor children be given to the batterer of a woman who is suffering from Battered Woman Syndrome;
- h) Directing the respondent to provide support to the woman and/or her child, if entitled to legal support. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by his employer and to automatically remit it directly to the offended party. Failure to withhold, remit or any delay in the remittance of support to the offended party without justifiable cause shall render the respondent or his employer liable for indirect contempt of court;

- i) Prohibiting the respondent from carrying or possessing any firearm or deadly weapon and ordering him to surrender the same to the court for appropriate disposition, including revocation of license and disqualification to apply for any license to carry or possess a firearm. If the respondent is a law enforcement agent, the court shall order him to surrender his firearm and shall direct the appropriate authority to investigate him and take appropriate action thereon;
- j) Directing the DSWD or any appropriate agency to prepare a program of intervention for the offended party that provides advocacy, temporary shelter, crisis intervention, treatment, therapy, counseling, education, training and other social services that the offended party may need;
- k) Requiring the respondent to receive professional counseling from agencies or persons who have demonstrated expertise and experience in anger control, management of alcohol, substance abuse and other forms of intervention to stop violence. The program of intervention for offenders must be approved by the court. The agency or person is required to provide the court with regular reports of the progress and result of professional counseling, for which the respondent may be ordered to pay; and
- l) Awarding the offended party actual damage caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income; and compensatory, moral, and exemplary damages.

ARTICLE 7

MAGNA CARTA OF WOMEN

Section 1. **LEGAL BASIS**– This Article is pursuant to **REPUBLIC ACT NO. 9710 (Magna Carta of Women)**

Section 2. **DEFINITION OF TERMS** – As used in this Ordinance, the following terms shall mean:

- 1) **MAGNA CARTA OF WOMEN (REPUBLIC ACT NO. 9710)** – is a comprehensive women’s human rights law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in marginalized sector.
- 2) **DISCRIMINATION AGAINST WOMEN**– The Magna Carta of Women defines discrimination against women as:
 - a) any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field;
 - b) any act or omission, including by law, policy, administrative measure, practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges;
 - c) a measure or practice of general application that fails to provide for mechanisms to offset or address sex or gender-based disadvantages or limitations of women, as a result of which women are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges; or women, more than men are shown to have suffered the greater adverse effects of those measures or practices; and
 - d) discrimination compounded by o intersecting with other grounds, status, or condition, such as ethnicity, age, poverty, or religion.

Section 3. WOMEN'S RIGHTS UNDER THE MAGNA CARTA OF WOMEN – The Municipal Government of Calasiao (Pangasinan) hereby adopts the provisions of the Magna Carta of Women which spells out every woman's right to:

- a) Protection from all forms of violence, including those committed by the Municipal Government. This includes the incremental increase in the recruitment and training of women in government services that cater to women victims of gender-related offenses. It also ensures mandatory training on human rights and gender sensitivity to all government personnel involved in the protection and defense of women against gender-based violence, and mandates local government units to establish a Violence Against Women Desk in every barangay to address violence against women cases;
- b) Protection and security in times of disaster, calamities and other crisis situations, especially in all phases of relief, recovery, rehabilitation and construction efforts, including protection from sexual exploitation and other sexual and gender-based violence.
- c) Participation and representation, including undertaking temporary special measures and affirmative actions to accelerate and ensure women's equitable participation and representation in the third level civil service, development councils and planning bodies, as well as political parties and international bodies, including the private sector.
- d) Equal treatment before the law, including State's review and when necessary amendment or repeal of existing laws that are discriminatory to women;
- e) Equal access and elimination of discrimination against women in education, scholarships and training. This includes revising educational materials and curricula to remove gender stereotypes and images, and outlawing the expulsion, non-readmission, prohibiting enrolment and other related discrimination against women students and faculty due to pregnancy outside of marriage;
- f) Equal participation in sports. This includes measures to ensure that gender-based discrimination in competitive and non-competitive sports is removed so that women and girls can benefit from sports development;
- g) Non-discrimination in employment in the field of military, police and other similar services. This includes according the same promotional privileges and opportunities as their men counterpart, including pay increases, additional benefits, and awards, based on competency, and quality of performance. The dignity of women in the military, police and other similar services shall always be respected, they shall be accorded with the same capacity as men to act in and enter into contracts, including marriage, as well as be entitled to leave benefits for women such as maternity leave, as provided for in existing laws;
- h) Non-discriminatory and non-derogatory portrayal of women in media and film to raise the consciousness of the general public recognizing the dignity of women and the role and contribution of women in family, community, and the society through the strategic use of mass media;
- i) Comprehensive health services and health information and education covering all stages of a woman's life cycle, and which addresses the major causes of women's mortality and morbidity, including access to among others, maternal care, responsible, ethical, legal, safe and effective methods of family planning, and encouraging healthy lifestyle activities to prevent diseases.
- j) Leave benefits of two (2) months with full pay based on gross monthly compensation, for women employees who undergo surgery caused by gynecological disorders, provided that they have rendered continuous aggregate employment service of at least six (6) months for the last twelve (12) months;

- k) Equal rights in all matters relating to marriage and family relations. The State shall ensure the same rights of women and men to: enter into and leave marriages, freely choose a spouse, decide on the number and spacing of their children, enjoy personal rights including the choice of a profession, own, acquire, and administer their property, and acquire, change, or retain their nationality. It also states that the betrothal and marriage of a child shall have no legal effect. The Magna Carta of Women also guarantees the civil, political and economic rights of women in the marginalized sectors, particularly their right to:
- l) Food security and resources for food production, including equal rights in the titling of the land and issuance of stewardship contracts and patents;
- m) Localized, accessible, secure and affordable housing;
- n) Employment, livelihood, credit, capital and technology;
- o) Skills training, scholarships, especially in research and development aimed towards women friendly farm technology;
- p) Representation and participation in policy-making or decision-making bodies in the regional, national, and international levels;
- q) Access to information regarding policies on women, including programs, projects and funding outlays that affect them;
- r) Social protection
- s) Recognition and preservation of cultural identity and integrity provided that these cultural systems and practices are not discriminatory to women;
- t) Inclusion in discussions on peace and development;
- u) Services and interventions for women in especially difficult circumstances or WEDC;
- v) Protection of girl-children against all forms of discrimination in education, health, and nutrition, and skills development; and
- w) Protection of women senior citizen.

ARTICLE 8

EXPANDED SOLO PARENT

Section 1. **LEGAL BASES** – This Article is pursuant to **REPUBLIC ACT NO. 11861 (An Act Granting Additional Benefits To Solo Parents, Amending For The Purpose REPUBLIC ACT NO. 8972, Entitled “An Act Providing For Benefits And Privileges To Solo Parents And Their Children, Appropriating Funds Therefor And For Other Purposes”)**.

Section 2. **DEFINITION OF TERMS** – As used in this Ordinance, the following terms shall mean:

- 1) **SOLO PARENT** – any individual who falls under any of the following categories:
 - a) 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;
 - b) Parent left solo or alone with the responsibility of parenthood due to death of spouse;
 - c) 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;
 - d) 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;
 - e) Parent left solo or alone with the responsibility of parenthood due to legal separation or *de facio* separation from spouse for at least one (1) year, as long as he/she is entrusted with the custody of the children;

- f) 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;
- g) Parent left solo or alone with the responsibility of parenthood due to abandonment of spouse for at least one (1) year;
- h) 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;
- i) Any other person who solely provides parental care and support to a child or children;
- j) 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 circumstances of the parent claiming benefits under this Act, such as that he/she is no longer left alone with the responsibility of parenthood, shall terminate his/her eligibility for these benefits.

- 2) **CHILDREN OR DEPENDENTS** – 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 and who are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition: Provided, that this definition shall only apply for purposes of availing the benefits under this Article;
- 3) **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 or beneficial to the child.

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.

- 4) **WORK DISCRIMINATION**– The municipal government shall NOT discriminate against any solo parent employee with the respect to terms and conditions of employment on account of his/her status.
- 5) **CHILD MINDING CENTER** – refers to a facility or area within the workplace or in accessible locations to the solo parent or workplace of the guardian provided by the employer where the children of a solo parent employee aged seven (7) years old and below are habitually received for purposes of care and supervision during working hours;
- 6) **FLEXIBLE WORK SCHEDULE** – refers to a work arrangement granted to a solo parent employee to vary the arrival and departure time in the workplace without affecting the core work hours as defined by the employer;
- 7) **PARENTAL CARE AND SUPPORT** – refer to the acts of providing for the basic needs, health care, mental and physical safety, emotional support and formation of the personality of the child;
- 8) **SPOUSE** – refers to a husband or wife by virtue of a valid marriage or a partner in a common-law relationship as defined under Article 147 of Executive Order No. 209, otherwise known as “The Family Code of the Philippines”.
- 9) **SPO** – Solo Parents Office
- 10) **SPIC**–Solo Parent Identification Card
- 11) **MSWDO** – Municipal Social and Welfare Development Office
- 12) **MHO** – Municipal Health Office

- 13) **DILG**– Department of Interior and Local Government
- 14) **PNP** – Philippine National Police, Calasiao, Pangasinan
- 15) **PSA**– Philippine Statistics Authority

Section 13. **CATEGORIES OF SOLO PARENT** – A solo parent refers to any individual who falls under any of the following categories:

A parent who provides solo parental care and support of the child or children due to-

- 1) Birth as a consequence of rape, even without final conviction: *Provided*, that the mother has the solo parental care and support of the child or children: *Provided, further*, that the solo parent under this category may still be considered a solo parent under any of the categories in this section;
- 2) Death of the spouse;
- 3) Detention of the spouse for at least three (3) months or service of sentence for a criminal conviction;
- 4) Physical or mental incapacity of the spouse as certified by a public or private medical practitioner;
- 5) Legal separation or de facto separation for at least six (6) months, and the solo parent is entrusted with the sole parental care and support of the child or children;
- 6) Declaration of nullity or annulment of marriage, as decreed by a court recognized by law, or due to divorce, subject to existing laws, and the solo parent is entrusted with the sole parental care and support of the child or children; or
- 7) Abandonment by the spouse for at least six (6) months;
- 8) Spouse or any family member of an Overseas Filipino Worker (OFW), or the guardian of the child or children of an OFW: *Provided*, that the said OFW belongs to the low/semi-skilled worker category and is away from the Philippines for an uninterrupted period of twelve (12) months: *Provided, further*, that the OFW, his or her spouse, family member, or guardian of the child or children of an OFW falls under the requirements of this Ordinance;
- 9) Unmarried mother or father who keeps and rears the child or children;
- 10) Any legal guardian, adoptive or foster parent who solely provides parental care and support to a child or children;
- 11) Any relative within the fourth (4th) civil degree of consanguinity or affinity of the parent or legal guardian who assumes parental care and support of the child or children as a result of the death, abandonment, disappearance or absence of the parents or solo parent for at least six (6) months: *Provided*, that in cases of solo grandparents who are senior citizens but who have the sole parental care and support over their grandchildren who are unmarried, or unemployed and twenty-two (22) years old or below, or those twenty-two(22) years old or over but who are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition, they shall be entitled to the benefits of this Ordinance in addition to the benefits granted to them by Republic Act No. 9257, otherwise known as the “Expanded Senior Citizens Act of 2003”; or
- 12) A pregnant woman who provides sole parental care and support to her unborn child or children.”

Section 4. **WORK DISCRIMINATION** – No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his and her status.

Employers may enter into agreements with their solo parent employees for a telecommuting program, as provided in Republic Act No. 11165, otherwise known as the "Telecommuting Act": *Provided*, that said solo parent employees shall be given priority by their employer."

Section 5. **PARENTAL LEAVE** – In addition to leave privileges under existing laws, a forfeitable and non-cumulative parental leave of not more than seven (7) working days with pay every year shall be granted to any solo parent employee, regardless of employment status, who has rendered service of at least six (6) months: *Provided*, that the parental leave benefit may be availed of by the solo parent employees in the government and the private sector."

Section 6. **BREASTFEEDING IN THE WORKPLACE** – In keeping with the policy of the State under Republic Act No. 10028, otherwise known as the Expanded Breastfeeding Promotion Act of 2009, *the municipal government shall establish a breastfeeding area for solo parent employees.*

Section 7. **SOCIAL SAFETY ASSISTANCE** – During disasters, calamities, pandemics and other public health crises as may be declared by the DOH, the solo parent constituents and their children are entitled to social safety assistance such as food, medicines, and financial aid for domicile repair in the municipal, *subject to the guidelines of the DSWD*. The municipal government shall ensure that the budget for social safety assistance is included in the annual budget of the municipality.

Section 8. **ADDITIONAL BENEFITS** – A solo parent shall be entitled to the following additional benefits:

- 1) **MONTHLY CASH SUBSIDY** – A cash subsidy of ONE THOUSAND PESOS (P1,000.00) per month per solo parent who is earning a minimum wage and below, to be allocated by the municipal government in accordance with Section 17(b)(2)(iv) of the Local Government Code: *Provided*, that the solo parent under this section is not a recipient of any other cash assistance or subsidy from any other government programs: *Provided, finally*, that a beneficiary who is also a senior citizen or a person with disability (PWD) may continue receiving senior citizen or PWD benefits without forfeiting the benefits under this Ordinance;
- 2) **DISCOUNT AND EXEMPTION** – A TEN PERCENT(10%) DISCOUNT and exemption from the value-added tax (VAT) on baby's milk, food, and micronutrient supplements, and sanitary diapers purchased, duly prescribed medicines, vaccines, and other medical supplements purchased from the birth of the child or children until six (6) years of age of a solo parent who is earning less than Two hundred fifty thousand pesos (P250,000.00) annually, subject to adjustment in accordance with the provisions on the exempt taxable income under the National Internal Revenue Code (NIRC), as amended by Republic Act No. 10963, otherwise known as the "Tax Reform for Acceleration and Inclusion (TRAIN)". *Provided*, that nothing in this section shall violate the provisions of Republic Act No. 10028, otherwise known as the "Expanded Breastfeeding Promotion Act of 2009";
- 3) **PHILHEALTH COVERAGE** – AUTOMATIC COVERAGE under the National Health Insurance Program (NHIP) being administered by the PhilHealth with premium contributions to be paid by the National Government; and
- 4) **HOUSING PROJECTS** – Prioritization and allocation in housing projects with liberal terms of payment on municipal government low-cost housing projects in accordance with housing law provisions prioritizing applicants below poverty line as declared by the Philippine Statistics Authority (PSA).


- 5) **HOUSING PROJECTS** – Prioritization and allocation in housing projects with liberal terms of payment on Municipal government low-cost housing projects in accordance with housing law provisions prioritizing applicants below poverty line as declared by the Philippine Statistics Authority (PSA).

To avail of the additional benefits under this section, the solo parent shall present the Solo Parent Identification Card (SPIC); *Provided*, that in availing the additional benefits under this section, the solo parent booklet shall also be presented.

Section 9. LIMITATION AND TERMINATION OF THE BENEFITS OF A SOLO PARENT – Only a solo parent exercising solo parental care and support of the child or children is entitled to claim the benefits of a solo parent under this Ordinance; *Provided*, that a solo parent shall not lose his or her status as solo parent if the other parent provides occasional assistance and/or seasonal gifts that do not meet the legal requirement of a support under The Family Code of the Philippines; *Provided, further*, that the absence of a valid and legal marriage between the mother and father of a child or dependent does not automatically entitle either individual to the benefits under this Ordinance if the factual circumstances demonstrate that parental care and support are shared. When a solo parent, as defined under this Ordinance, ceases to be such by reason of change of status and circumstances, the said solo parent shall be ineligible to avail of the benefits under this Ordinance.

Section 10. THE SOLO PARENTS OFFICE (SPO); SPO HEAD AND STAFF; FUNCTIONS – There shall be established a Solo Parent Office (SPO) in the Municipality.

- a) The Head of the SPO must be licensed social worker. The Head of the SPO shall hold permanent positions with at least a Salary Grade 12 and shall be appointed by the Municipal Mayor.
- b) The SPO shall have at least three (3) staff.
- c) The Office of the Municipal Mayor, through MSWDO, shall exercise supervision over the SPO relative to their plans, programs and activities.
- d) The SPO shall establish linkages and work together with accredited civil society and nongovernmental organizations, political organizations, and the barangays in their respective areas.
- e) **FUNCTIONS** – The SPO shall:
 - a) Plan, implement, and monitor yearly work programs in pursuance of the objectives of this Ordinance;
 - b) Draw up a list of available and required services from the solo parents;
 - c) Maintain and regularly update, on a quarterly basis, the list of solo parents and issue free SPIC;
 - d) Issue free booklets to solo parents;
 - e) Serve as a general information and liaison center for solo parents;
 - f) Monitor compliance with the provisions of this Ordinance, particularly the grant of privileges and additional benefits;
 - g) Report to the Municipal Mayor, through the MSWDO, any individual, establishment, business entity, institution or agency that violates any provisions of Ordinance;
 - h) Assist the solo parents in filing the complaints against any individual, establishment, business entity, institution or agency that refuses or fails to provide the privileges and additional benefits of solo parents granted under this Ordinance; and
 - i) Provide such other services as may be required under this Ordinance.



Section 11. **RECORDING AND MAINTAINING SOLO PARENTS DATABASE** – The MSWDO, in coordination with the Department of Interior and Local Government (DILG), shall establish and maintain a centralized database of all solo parents who have been issued SPIC or booklets by the SPO.

In cases of multiple entries or other badges of fraud, the MSWDO shall notify concerned party and recommend to the Municipal Mayor appropriate action.

Section 12. **DOCUMENTARY REQUIREMENTS** – For purposes of registration and issuance of SPIC and booklet, the solo parent shall submit the **AUTHENTICATED OR CERTIFIED TRUE COPIES** of the following documents to the SPO:

- 1) For the solo parent with child or children **AS A CONSEQUENCE OF RAPE**:
 - 1) Birth certificate/s of the child or children;
 - 2) Complaint affidavit;
 - 3) Medical record on the incident of rape; and
 - 4) Sworn affidavit declaring that the solo parent has the sole parental care and support of the child or children at the time of the execution of affidavit: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, only the sworn affidavit shall be submitted every year.
- 3) For the solo parent on account of the **DEATH OF THE SPOUSE**:
 - 1) Birth certificate/s of the child or children;
 - 2) Marriage certificate;
 - 3) Death certificate of the spouse; and
 - 4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has the sole parental care and support of the child or children: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, only the sworn affidavit shall be submitted every year.
- 4) For the solo parent on account of **PHYSICAL OR MENTAL INCAPACITY OF THE SPOUSE**:
 - 1) Birth certificate/s of the child or children;
 - 2) Marriage certificate or affidavit of cohabitation;
 - 3) Medical record or medical abstract evidencing the physical or mental state of the incapacitated spouse issued not more than three (3) months before the submission; and
 - 4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, has sole parental care and support of the child or children: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3) and (4) under this paragraph shall be submitted every year.
- 5) For the solo parent on account of **LEGAL OR DE FACTO SEPARATION OF SPOUSE**:
 - a) Birth certificate/s of the child or children;
 - b) Marriage certificate;
 - c) Judicial decree of legal separation of the spouses or, in the case of de facto separation an affidavit of two (2) disinterested person attesting to the fact of separation of spouses; and

- d) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, has sole parental care and support of the child or children: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3) and (4) under this paragraph shall be submitted every year.

6) For the solo parent on account of **DECLARATION OF NULLITY OR ANNULMENT OF MARRIAGE:**

- 1) Birth certificate/s of the child or children;
- 2) Marriage certificate;
- 3) Judicial decree of nullity or annulment of marriage or judicial recognition of foreign divorce; and
- 4) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, has sole parental care and support of the child or children: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, only sworn affidavit shall be submitted every year.

7) For the solo parent on account of **ABANDONMENT BY THE SPOUSE:**

- a) Birth certificate/s of the child or children;
- b) Marriage certificate or affidavit of the applicant solo parent;
- c) Affidavit of two (2) disinterested persons attesting to the abandonment of the spouse;
- d) Police or barangay record of the fact of abandonment; and
- e) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, has sole parental care and support of the child or children: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, only sworn affidavit shall be submitted every year.

8) For the **SPOUSE OR ANY FAMILY MEMBER OF AN OFW:**

- a) Birth Certificate/s of dependents;
- b) Marriage certificate of the applicant;
- c) Overseas Employment Certificate (OEC) or its equivalent document;
- d) Copy of passport stamps showing continuous twelve (12) months of overseas work;
- e) Employment contract; and
- f) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, has sole parental care and support of the child or children: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3), (4), (5), and (6) under this paragraph shall be submitted every year.

9) For the **UNMARRIED FATHER OR MOTHER WHO KEEPS AND REARS THE CHILD OR CHILDREN:**

- a) Birth certificate/s of the child or children;
- b) Certificate of No Marriage (CENOMAR);
- c) Affidavit of a barangay official attesting the solo parent is a resident of the barangay and that the children are under the parental care and support of the applicant solo parent; and
- d) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, has sole parental care and support of the child or children: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, requirement numbers (2), (3), and (4) under this paragraph shall be submitted every year.

10) For the solo parent who is **ALEGAL GUARDIAN, ADOPTIVE OR FOSTER PARENT:**

- a) Birth certificate/s of the child or children;
- b) Proof of guardianship, foster care or adoption;
- c) Affidavit of a barangay official attesting the solo parent is a resident of the barangay and that the child or children are under the parental care and support of the applicant solo parent; and
- d) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, has sole parental care and support of the child or children: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, requirement numbers (3) and (4) under this paragraph shall be submitted every year.

11) For **ANY RELATIVE WITHIN THE FOURTH (4TH) CIVIL DEGREE OF CONSANGUINITY OR AFFINITY OF THE PARENT OR LEGAL GUARDIAN WHO ASSUMES PARENTAL CARE AND SUPPORT OF THE CHILD OR CHILDREN:**

- a) Birth certificate/s of the child or children;
- b) Death certificate of the parents or legal guardian, or police or barangay records evidencing the fact of disappearance or absence of the parent or legal guardian for at least six (6) months;
- c) Affidavit of a barangay official attesting that the children are under the parental care and support of the applicant; and
- d) Sworn affidavit declaring that the solo parent has sole parental care and support of the child or children: *Provided*, that for purposes of issuance of subsequent SPIC or booklet, requirement number (3) and (4) under this paragraph shall be submitted every year.

12) For a solo parent who is **A PREGNANT WOMAN:**

- a) Medical record of her pregnancy;
- b) Affidavit of a barangay official attesting that the applicant solo parent is a resident of the barangay and that the applicant has no spouse; and
- c) Sworn affidavit declaring that the solo parent is not cohabiting with a partner or co-parent, and has sole parental care and support of the child or children.

13) For a solo parent **AVAILING SUBSIDY AND DISCOUNTS** under this Ordinance, the following additional documentary requirements shall be submitted:

- a) Affidavit of no employment;
- b) Income Tax Return (ITR);
- c) Social case study issued by the MSWDO; or
- d) Any variable proof of income.

CUSTODIANS of the documents, records, data, or information shall ensure the utmost confidentiality of the same, in compliance with Republic Act No. 10173, otherwise known as the "Data Privacy act of 2012".

Section 13. **SOLO PARENT IDENTIFICATION CARD (SPIC) AND BOOKLET: VALIDITY** – The SPO of the municipal review and verify the documents submitted by the applicant and shall issue the SPIC and booklet, if applicable, within SEVEN (7) WORKING DAYS from receipt of complete documents.

In case of dispute, the MSWDO shall resolve the same within five (5) working days.

The SPIC and booklet are valid for ONE (1) YEAR.

Section 14. **NATIONAL SOLO PARENTS DAY AND WEEK** – To commemorate the role and significance of every parent in the Philippines, the THIRD WEEK and THIRD SATURDAY of APRIL OF EVERY YEAR are hereby declared as Solo Parents Week and National Solo Parents Day, respectively.

Section 15. **ABUSED, ABANDONED, OR NEGLECTED SOLO PARENTS OR SOLO PARENTS WHO ARE VICTIMS OF DOMESTIC VIOLENCE** – In cases where a solo parent had abused, abandoned, or neglected by his or her co-parent, he or she may seek the help of the MSWDO, which, in turn, shall coordinate with the respective barangay officials and/or police officers assigned in the Philippines National Police (PNP), Calasiao, Pangasinan in order to provide immediate assistance.

If the co-parent is gainfully employed, the abused, abandoned, or neglected parent shall have the right to retain a portion of the former's income, to be agreed upon by both parents or by a valid order issued by a court of competent jurisdiction, for the support of the child.”

Section 16. **SPECIAL PROTECTIONS FOR ADOLESCENT SOLO PARENTS** – In addition to the provisions of this Ordinance, adolescent solo parents, including victims of child marriages, shall also be provided with assistance from the MSWDO and the Municipal Health Office (MHO) which may include counseling and psycho-social services.

ARTICLE 9 **HEALTH PROGRAMS**

Section 1. **HEALTH PROGRAMS** – The Municipality shall support gender-related health programs through the efforts of the Municipal Health Office and Municipal Population Office.

- a) **Women/Maternal and Child Health.** This program emphasizes diseases prevention and wellness promotion throughout the primary reproductive years to ensure better birth outcomes and good health for women as they grow older. This also promotes best practices and conducts advocacy and education on issues related to pregnant women, new mother and their infants.
- b) **Family Planning.** This program aims to encourage couples to practice responsible planning and decision-making regarding reproductive health. It also intends to strengthen the implementation of reproductive health initiatives and activities in order to reduce unmet needs, high risk births, prevent abortions and improve sustainability.
- c) **Nutrition Program.** This program strives to safeguard the health of low-income families, infants and children, pregnant women, senior citizens and persons with disability who are at nutrition risk by providing information on healthy eating and referrals to health care. Among the activities under this program are supplementary feeding, deworming, free dental services and other future activities with the same relevance.

Section 2. **WOMEN/MATERNAL AND CHILD HEALTH PROGRAMS** – The following programs are being implemented in the Municipality:

- a) **Health promotion**
 - a) Prenatal, Intrapartal and Postnatal Care
 - b) Prevention of Reproductive Tract Infections
 - Lecture on Prevention and Early Diagnosis

(Continuation- GAD Code 2024)

- 3) Prevention and Early Diagnosis of Reproductive Tract Tumors (e.g., cervical cancer)
 - Lecture on Prevention and Early Diagnosis
 - Visual Inspection with Acetic Acid (VIAA)
- 4) Breast Cancer Awareness
- 5) Buntis Congress
- 6) Implementation of RPRH Law (RA 10354)
- 7) Social Hygiene Clinic

- b) **Child and Adolescent Health and Nutrition**
 - a) Newborn Care
 - b) Breastfeeding
 - c) Complementary Feeding
 - d) Vitamin A Supplementation
 - e) Micronutrient Power Supplementation
 - f) Deworming – Harmonized Scheduled and Combined Mass Drug Administration (HSCMDA)
 - g) Control of Diarrheal Diseases Program
 - h) Control of Acute Respiratory Infection Program

- c) **Expanded Program on Immunization**
 - a) Routine Immunization
 - b) Supplemental Immunization Activities
 - c) Measles Rubella Oral Polio Vaccine (MR OPV)
 - d) School-based Immunization
 - e) Prevention of Mother and Child Transmission
 - f) Program Implementation Review (Quarterly and Annual Accomplishments)
 - g) Disease Surveillance for Vaccine Preventable Disease (VPD)
 - h) Mortality Review
 - Maternal Death Review
 - Neonatal Death Review
 - Infant Death Review
 - Under five Death Review
- 9) Buntis Congress

Section 3. **FAMILY PLANNING SERVICES** – The following programs are being implemented in the municipal:

- a) Contraceptive Services
- b) Pregnancy Testing and Counseling
- c) Achieving Pregnancy
- d) Basic Infertility Services
- e) Pre-conception Health
- f) Prevention of Sexually-Transmitted Diseases (including HIV/AIDS)
- g) Family Planning Counselling
- h) Master listing of Women of Reproductive Age
- i) Implementation of RPRH Law (RA 10354)

Section 4. **NUTRITION PROGRAMS** – The following programs are being implemented in the municipal:

- a) Organization of the NUTRITION COMMITTEE of Calasiao, Pangasinan.
 - Pursuant to Executive Order No. 05-16, Series of 2016, the Nutrition Committee of Calasiao, Pangasinan was organized.
 - Organization of the Barangay Nutrition Committee
- b) Prevention of Underweight and Severely Underweight
 - Nutrition Month Celebration
 - Nutrition Summit
 - Purchase and distribution of supplementary and complementary foods
 - Operation TimbangGarantisadongPambata

ARTICLE 10

POPULATION AND DEVELOPMENT PROGRAMS

- a) Promotion of Family Welfare
 - Buntis Congress
 - Couple's Trail
 - Orientation on Natural and Modern Family Planning for Mothers, BSPOs and BHWs
 - Orientation on Male Involvement on Family
 - Livelihood Training Programs for Indigent Women and Solo Parents
 - Responsible Parenthood and Family Planning
 - PHILHEALTH for Indigents
 - Family Planning Advocacy Information Dissemination Campaign and Counselling Rollout of RPRH Law (RA 10354)
 - 12 Components of RPRH Law:
- a) Family planning information and services which shall include as a first priority making women of reproductive age fully aware of their respective cycles to make them aware of when fertilization is highly probable as well as highly improbable.
- b) Maternal, infant and child health and nutrition, including breastfeeding;
- c) Proscription of abortion and management of abortion complications;
- d) Adolescent and youth reproductive health guidance and counselling;
- e) Prevention, treatment and management of reproductive tract infections (RTIs), HIV and AIDS and other Sexually Transmittable Infections (STIs);
- f) Elimination of violence against women and children and other forms of sexual and gender-based violence;
- g) Education and counselling on sexuality and reproductive health;
- h) Treatment of breast and reproductive tract cancers and other gynecological conditions and disorders;
- i) Male responsibility and involvement and men's reproductive health;
- j) Prevention, treatment and management of infertility and sexual dysfunction;
- k) Reproductive health education for the adolescents; and
- l) Mental health aspect of reproductive health care.
- b) Promotion of Welfare of Women and Children
 - Women's Month Celebration
 - Family Value Enhancement Program
 - Establishment of Basic Emergency on Obstetric Care (BEmOC)
 - Improved Medical Assistance
 - Financial Assistance to PPH and RIMC

- c) Adolescent Health Development
 - Youth for Youth (U4U) Teen Trail
 - Establishment/Maintenance of Development Centers (Day Care Centers, Youth/Teen Centers and Children and Women Development Centers)
 - Establishment of Migration Information Center (MIC)
 - Teenage Pregnancy Prevention
 - Anti-Drug Campaign
 - Information Service Delivery Network (ISDN)
- d) Population and Development Welfare
 - Livelihood Programs
 - Sexual Orientation Gender Identity and Expression (SOGIE)
 - Sexually Healthy And Personally Effective (SHAPE)
 - Learning Package Parent Education (LPPED)
 - White Party
 - Equality Gayla
 - Migration Information Center (MIC)
 - KalalakihangTapatsaResponsibilidadsaPamilya (KATROPA)
 - Awarding of Outstanding Volunteer Workers

Maximizing the Accomplishment of GAD PPAs

- GAD corner
- Capability Development/Human Resource Program for Municipal Officials, Department Heads and Employees
- Capability Building for Barangay Officials, SK Officials
- Capability Building for BHWs, BSPOs, BNS, KALIPi and other volunteer groups (includes attendance to Congress, Convention, etc.)
- Barangay Nutrition Scholars Congress and BSPOs
- Seminars/Conferences/Trainings on GAD (e.g., Gender Sensitivity Training) and other GAD-related activities.

ARTICLE 11
SOCIAL WELFARE PROGRAMS

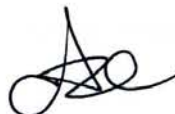
Section 1. **SOCIAL WELFARE PROGRAMS** – The Municipality of Calasiao shall support the following Social Welfare Programs for Gender and Development, through the Municipal Population Office (MPO) and Municipal Social Welfare and Development Office (MSWDO):

- a) **Crisis Intervention Center**. A center where staff and trained volunteers are available to listen, provide basic services needs such as counselling, health services, food, clothing and referrals to the proper agency that can assist them further.

Under this program, a DROP-IN CENTER was established to provide temporary shelter, care and services for a brief period of time to different clients who come or being referred unexpectedly needing intervention for their safety, comfort and protection, while their cases are being acted on for proper disposition.

The cases may involve the following:

- 1) Battered women and children
- 2) Stranded



- 3) Child-in-Conflict with the Law
- 4) Missing
- 5) Mentally deranged
- 6) Other of similar nature

Services being rendered are:

- a. Providing temporary shelter
 - b. Provision of food, clothing and others or as the need arises
 - c. Counselling
 - d. Referral to hospital/medical, police, court, institutions and others
 - e. Other services that may be needed by the concerned person
- b) **Gender Equality and Women Empowerment Program.** A program designed to provide both men and women with coping mechanisms and skills to enable them to develop self-esteem and eventually maximize their potentials. Some of the activities in this program are Parents Effective Services (PES), Solo Parenting and Women Counselling. This program caters to the following clients:
- 1) Men
 - 2) Women
 - 3) Parents
 - 4) Solo Parents
 - 5) Differently-abled Women
 - 6) Women in Especially Difficult Circumstances
 - Victims of illegal recruitment
 - Human trafficking
 - Women in Detention
 - Violence Against Women and their Children (physical, economic, sexual and psychological)
- Under this program, the municipal is regularly implementing the following:
- 1) Counselling
 - 2) Issuance of Solo Parent ID
 - 3) Referral to medical, educational, temporary shelter, legal assistance and similar services
 - 4) Conduct of livelihood trainings
 - 5) Provisions of financial assistance
 - 6) PES-Parent Effectiveness Service
 - Module 1 - Myself as a Person and as a Parent
 - Module 2 - The Filipino Family
 - Module 3 - Challenges of Parenting
 - Module 4 - Child Development
 - Module 5 - Keeping Your Child Safe From Abuse
 - Module 6 - Building Children's Positive Behavior
 - Module 7 - Health and Nutrition
 - Module 8 - Home Management
 - Module 9 - Keeping a Healthy Environment For Your Children
 - 7) Organization of Women Group
 - Kalipi women group actively participating in different community activities like brigade eskwela and the like.

(Continuation- GAD Code 2024)

- c) **Livelihood Programs and Projects.** These are innovative programs that enhance knowledge and develop skills to enable men and women to generate additional income. Among the projects under this program are livestock-raising, food processing, cocoon making, candle making and other future undertakings with the same relevance.

This program caters to the following clients:

- a) Men
- b) Women Group (Child Development Workers, KALIPi Group, Pantawid Beneficiaries)
- c) Differently-abled Persons
- d) Senior Citizens
- e) Others

Under this program, the following services are being implemented:

- 1) Capability Building
- 2) Skills Training
- 3) Provisions of seed capital
- 4) Job placement
- 5) Referral
- 6) Others

ARTICLE 12

PROTECTIVE SERVICES

Section 1. **PROTECTIVE AND LEGAL SERVICES** – The Municipality of Calasiao shall support/institutionalize/establish the following Protective and Legal Programs of the PNP:

- a) **Philippine National Police (PNP) Women and Children Protection Desk (WCPD).** The Municipality shall support the PNP Children and Women's Desk by allocating funds in its annual budget to ensure the operation of the same.

Under this program, the PNP is implementing and performing the following:

- 1) Feeding activities (WCPD and FJGAD)
- 2) Educating constituents of this municipality regarding laws on women and children like RA 9262, RA 9208 and RA 7160
- 3) Distributing Information materials
- 4) Continuously enhancing the capability of WCPD and FJGAD PNCO as service providers and protectors of women and children who are victims of abuse and violence.

- b) **Separate Detention Cell for Women.** The Municipality shall provide a separate cell for women to protect their dignity and ensure their safety despite the crime or offense they may have committed.

ARTICLE 13

SPECIAL GENDER-RELATED EVENTS

Section 1. **WOMEN'S DAY** – In compliance with **REPUBLIC ACT NO.6949** otherwise known as an "Act to Declare March 8 of Every Year as a Working Special Holiday to be Known as *National Women's Day*", the Municipality of Calasiao shall adopt the said event focusing on the promotion of gender and development. Such event shall be spearheaded by the Gender and Development Coordinating Council (GDCC).

Section 2. **WOMEN'S MONTH CELEBRATION** – March of every year shall be Women's Month Celebration. The Municipality of Calasiao will be conducting several activities focusing on the promotion of Gender and Development. Such event shall be spearheaded by the Secretariat of the GAD Focal Point System (GADFPS)

Section 3. **AIDS AWARENESS MONTH** – The month of December shall be observed as the AIDS Awareness Month. There shall be an advocacy program for the whole month of December for the dissemination of information for the prevention and control of HIV/AIDS. The Municipal Health Office, through Local Aids Council (LAC) shall assume the responsibility for holding of the event.

Section 4. **NATIONAL CHILDREN'S MONTH**– Pursuant to Proclamation No. 267 dated September 30, 1993, declaring the month of October of every year as National Children's Month, the Municipality of Calasiao shall observe the foregoing. There shall be events focusing on the promotion of the rights of children. Such activities shall be conducted by the Municipal Council for the Protection of Children through the Municipal Social Welfare and Development Office (MSWDO).

ARTICLE 14

THE LGU-GENDER AND DEVELOPMENT (GAD) FOCAL POINT SYSTEM (LGU-GFPS)

Section 1. **THE LGU-GENDER AND DEVELOPMENT (GAD) FOCAL POINT SYSTEM (LGU-GFPS)** – Pursuant to Joint Memorandum Circular No. 2013-01 and Executive Order No. 064-17, Series of 2017, the LGU – Gender and Development (GAD) Focal Point System (LGU-GFPS) was organized and shall have an EXECUTIVE COMMITTEE (ExeCom) and TECHNICAL WORKING GROUP (TWG).

Section 2. **GENERAL FUNCTIONS OF THE LGU-GFPS** – The following shall be the general functions of the LGU-GFPS:

- 1) Lead in mainstreaming GAD perspectives in the municipal policies, plans and programs. In the process, they shall ensure the assessment of the gender-responsiveness of the systems, structures, policies, programs, processes and procedures of the Municipality based on the priority needs and concerns of constituencies and employees and the formulation of recommendations, including their implementation.
- 2) Assist in the formulation of new policies such as the GAD CODE in advancing women's empowerment and gender equality.
- 3) Lead in setting up appropriate systems and mechanisms to ensure the generation processing, review and updating of sex-disaggregated data or GAD database to serve as basis in performance-based and gender responsive planning and budgeting.
- 4) Coordinate efforts of different divisions/offices/units of the Municipality and advocate for the integration of GAD perspectives in all their systems and processes.
- 5) Spearhead the preparation of the annual and performance-based LGU GAD Plan and Budget (GPB) in response to the gender issues and/or concerns of the locality and in the context of the municipal's mandate; consolidate the same following the form and procedures prescribed in the Joint Memorandum Circular (JMC). The GFPS shall likewise be responsible for submitting the consolidated GPBs of the municipal.



- 6) Lead in monitoring the effective implementation of the annual GPB, GAD Code and other GAD-related policies and plans.
- 7) Lead the preparation of the municipality's annual GAD Accomplishment Report (GAD AR) and other GAD reports that may be required under the MCW and the JMC.
- 8) Strengthen linkages with other LGUs, concerned agencies or organizations working on women's rights and gender development to harmonize and synchronize GAD efforts at various levels of local governance.
- 9) Promote and actively pursue the participation of women and gender advocates, other civil society groups and private organizations in the various stages of development planning cycle; giving attention to the marginalized sectors.
- 10) Ensure that all personnel of the municipality, including the planning and finance officers (such as the Municipal Accountant, Municipal Budget Officer, Municipal Auditor) are capacitated on GAD. Along this line, the GFPS will recommend and plan an appropriate capacity development program on GAD for its employees as part of and implemented under its regular human resource development program.

Section 3. ROLE OF THE MUNICIPAL MAYOR – The Municipal Mayor shall perform the following roles

- 1) Issue policies and/or directives that support gender mainstreaming in the policies, plans PPAs and services of the Municipality, as well as, in its budget, systems, processes and procedures of the municipality, including the creation, strengthening, modification or reconstitution of the GFPS.
- 2) Ensure the implementation of the GPB and approve GAD AR and other GAD-related reports of the Municipality as may be required by the MCW-IRR and Joint Memorandum Circular No. 2013-01, duly endorsed by the GFPS Executive Committee and with the assistance of the TWG.

Section 4. COMPOSITION OF THE EXECUTIVE COMMITTEE (ExeCom) AND ITS FUNCTIONS – The Committee shall be composed of and shall have the following functions:

A) COMPOSITION

- 1) Chairperson : Municipal Mayor
- 2) Vice Chairperson : Municipal Population Officer
- 3) Members
 - a) All LGU Department Heads
 - b) Chairperson – Sangguniang Bayan's Committee on Women, Children and Family
 - c) Chairperson – Sangguniang Bayan's Committee on Appropriations
 - d) President – Liga ng mga Barangay
 - e) President – Sangguniang Kabataan (SK) Federation, Calasiao, Pangasinan
 - f) Representative – Women's Desk, Philippine National Police (PNP), Calasiao Pangasinan
 - g) Representatives – Differently-Abled Persons Sector
 - h) Representatives – Academe/ Education Sector
 - i) Representatives – Women Association in the municipality

B) FUNCTIONS – The following shall be the functions of the ExeCom:

- 1) Provide policy advice to the Municipal Mayor to support and strengthen the GFPS and the municipal's gender mainstreaming efforts.

- 2) Direct the identification of GAD strategies, PPAs and targets based on the results of gender analysis and gender assessment, taking into account the identified priorities of the Municipality and the gender issues and concerns faced by the municipal's constituents and employees.
- 3) Ensure the timely submission of the LGU GPB, GAD AR and other GAD-related reports to the DILG which shall be consolidated for submission to PCW and appropriate oversight agencies.
- 4) Ensure the efficient and effective implementation of the GAD PPAs and the judicious utilization of the GAD budget.
- 5) Build and strengthen the partnership of the municipality with concerned stakeholders such as women's group or CSOs, NGAs, GAD experts and advocates, among others in pursuit of gender mainstreaming.
- 6) Recommend awards and/or incentives to recognized outstanding GAD PPAs or individuals who have made exemplary contribution to GAD.

Section 5. COMPOSITION OF THE TECHNICAL WORKING GROUP (TWG) AND ITS FUNCTIONS – the group shall be composed of and shall have the following functions:

A) COMPOSITION

- 1) Representatives – every LGU Executive Department (GAD Focal Person)
- 2) Representatives – Sangguniang Bayan
- 3) Representatives – Liga ng mga Barangay (GAD Focal Person)
- 4) Representatives – SK Federation (GAD Focal Person)
- 5) Representatives – Philippine National Police (PNP), Calasiao, Pangasinan (GAD Focal Person)
- 6) Representatives – Differently-abled Persons Sector (GAD Focal Persons)
- 7) Representatives – Academe/ Education Sector (GAD Focal Person)
- 8) Representatives – Women Associations in the Municipality (GAD Focal Person)

B) FUNCTIONS

- 1) Facilitate the gender mainstreaming efforts of the Municipality through the GAD planning and budgeting processes.
- 2) Formulate the municipal GPB in response to the gender gaps and issues faced by its constituents, including its women and men employees.
- 3) Assist in the capacity and competency development of and provide technical assistance to the offices or units of the Municipality. In this regard, the TWG shall work with the Human Resource Development Office (HRDO) on the development and implementation of a capacity-development on GAD for its employees, as necessary.
- 4) Coordinate with the various units/offices of the municipality and ensure their meaningful participation in the strategies and annual planning exercises on GAD, including its preparation, consolidation and submission of GPBs.
- 5) Lead the conduct of advocacy activities and the development of information, education and communication (IEC) materials to ensure critical support of municipal officials, department heads and staff and relevant stakeholders to the GFPS and to gender mainstreaming.
- 6) Monitor the implementation of GAD-related PPAs and suggest corrective measures to improve their implementation.
- 7) Prepare and consolidate the municipality's GAD Ars and other GAD-related reports.

- 8) Provide regular updates and recommendations to the Municipal Mayor or GFPS ExeCom regarding GFPS activities and the progress of the Municipality in gender mainstreaming based on the feedbacks and reports of the concerned Municipality offices/units, stakeholders and constituents.

Section 6. **THE SECRETARIAT** – The Municipal Population Officer shall serve as the Head Secretariat to assist the GFPS ExeCom and the TWG in the performance of their functions, specifically on the provision of administrative and logistical services, preparation of meeting, agenda and documentation of GFPS meetings and GAD-related activities.

ARTICLE 15 **GAD DATABASE**

Section 1. **ESTABLISHMENT AND MAINTENANCE OF GAD DATABASE** – Pursuant to Joint Memorandum Circular No. 2013-01, the municipality, through its Municipal Planning and Development Office (MPDO), shall spearhead the setting up and maintenance of GAD database to serve as basis for gender-responsive planning, programming and policy formulation.

The GAD database, which can either manually operated or developed through software, shall form part of the overall Management Information System (MIS) of the municipality.

Section 2. **SOURCES OF GAD DATA / INFORMATION** – Sex disaggregated and GAD-related information may be derived and/or sourced from the local National Statistics Office (NSO), now Philippine Statistics Authority (PSA), academe, CSOs, as well as, from studies, surveys and administrative reports of the local offices of NGAs, such as, but not limited to the following:

- 1) Department of Agriculture (DA);
- 2) Department of Environment and Natural Resources (DENR);
- 3) Department of Agrarian Reform (DAR);
- 4) Department of Labor and Employment (DOLE)
- 5) Department of Trade and Industry (DTI)

The LGU-GFPS or its TWG shall provide assistance to the MPDO in ensuring that the GAD database is operational.

ARTICLE 16 **GAD PLANNING AND BUDGETING**

Section 1. **GENERAL GUIDELINES** – The following guidelines shall be observed:

- 1) The municipality shall formulate its annual GPBs within the context of its mandate to ensure gender mainstreaming in its policies, programs, and projects. GAD planning and budgeting shall be integrated in its regular activities, the cost of implementation of which shall be at least FIVE PERCENT (5%) of its total annual budget.
- 2) The GAD planning and budgeting process shall be incorporated in the Comprehensive Land Use Plan (CLUP), Comprehensive Development Plan (CDP), Annual Investment PROGRAM (AIP), the Executive-Legislative Agenda (ELA).
- 3) In identifying GAD PPAs, the Municipality shall give priority to those that will address emerging and/or continuing issues and concerns on:

(Continuation- GAD Code 2024)

- 1) Provisions of basic services and facilities to protect and fulfil women's human rights, including their right to protection from all forms of violence;
 - 2) Women's economic empowerment, including women's participation in economic governance;
 - 3) Participation in local governance and decision-making; and
 - 4) Other provisions of MCW.
- 4) The Municipal Mayor shall ensure that the GPB is provided with adequate resources. As such, implementation of the GPB shall not be affected by austerity measures.
 - 5) The GAD Budget, which is the cost of implementing the GAD plan, shall form part of and is not addition to the municipality's Annual Budget.
 - 6) The municipality shall consult with its employees and constituents through accredited women or people/civil society organizations, foundations, interfaith organizations, among others to ensure the relevance of its GPBs.

ARTICLE 17 **BUDGET APPROPRIATIONS**

Section 1. **BUDGET APPROPRIATION** – Pursuant to Joint Memorandum Circular No. 2013-01, at least FIVE PERCENT (5%) of the total municipality's budget appropriations under the Annual Budget shall correspond to the activities supporting GAD Programs, Projects and Activities (PPAs).

The GAD budget shall be drawn from the Municipality's

- 1) Maintenance and Operating Expenses (MOOE);
- 2) Capital Outlay (CO);
- 3) Personal Services (PS).

ARTICLE 18 **MONITORING EVALUATION**

The GAD Focal Point System (GAD-FPS) shall make an assessment on the progress of the implementation of this Code. All concerned offices and the Twenty Four (24) Barangays shall prepare their Accomplishment Report using the Reporting Format prescribed under PCW-DILG-DBM-NEDA Joint Memorandum Circular (JMC) No. 2013-01 and submit to the LGU-GAD-FPS on biannual basis or every six (6) months.

ARTICLE 19 **ENFORCEMENT PROCEDURES FOR APPREHENDING MINORS**

The enforcement of this Ordinance shall be in accord with the provisions of *Section 21 of RA No. 9344*, to wit:

From the moment a child is taken into custody, the apprehending officer shall:

- 1) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
- 2) Inform the child of the reason for such custody and advise the child his/her constitutional rights in a language or dialect understood by him/her;

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- 3) Properly identify himself/herself and present proper identification to the child;
- 4) Refrain from using vulgar profane words and from sexually harassing or abusing or making sexual advances on the child in conflict with law;
- 5) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- 6) Refrain from subjecting the child in conflict with law to greater restraint than is necessary for his/her apprehension;
- 7) Avoid violence or unnecessary force;
- 8) Determine the age of the child pursuant to Article 20 of this Ordinance;
- 9) Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Officer or other accredited NGOs and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's act with a view towards counselling and rehabilitation, diversion from the criminal justice system and reparation, of appropriate;
- 10) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- 11) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- 12) Record the following in the initial investigation:
 - 1) Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
 - 2) That the parents or guardian of a child, the DSWD and the PAO have been informed of the apprehension and the details thereof; and
 - 3) The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and
 - 4) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parent or guardian, social welfare or legal counsel in attendance who shall affix his/her signature to the said statement.

A CHILD IN CONFLICT WITH THE LAW SHALL ONLY BE SEARCHED BY A LAW ENFORCEMENT OFFICER OF THE SAME GENDER AND SHALL NOT BE LOCKED UP IN A DETENTION CELL.

ARTICLE 20 **DETERMINATION OF AGE**

Pursuant to *Section 7 of RA No. 9344*, the child in conflict with the law shall enjoy the presumption of minority. He/She shall enjoy all the rights of a child in a conflict with the law until he/she is proven to be eighteen (18) years old or older.

The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents.

(Continuation- GAD Code 2024)

In the absence of these documents, age may be based on information from the child himself/herself, testimonies of other persons, the physical appearance of the child and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor.

Any person contesting the age of the child in conflict with the law prior to the filing of the information in any appropriate court may file a case in summary proceeding for the determination of age before the Family Court which shall decide the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties.

ARTICLE 21

MINIMUM AGE OF CRIMINAL RESPONSIBILITY

Section 6 of RA No. 9344 that a child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of RA No. 9344.

A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with RA No. 9344.

The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws.

ARTICLE 22

TREATMENT OF CHILDREN BELOW THE AGE OF CRIMINAL RESPONSIBILITY

Section 20 of RA No. 9344 provides that if it has been determined that the child taken into custody is fifteen (15) years old or below, the authority which will have an initial contact with the child has the duty to immediately release the child to the custody of his/her parents or guardian, or in the absence thereof, the child's nearest relative.

Said authority shall give notice to the local social welfare and development officer who will determine the appropriate programs in consultation with child and to the person having custody over the child.

If parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following: a duly registered nongovernmental or religious organization; a barangay official or a member of the Barangay Council for the Protection of Children (BCPC); a local social welfare and development officer, or when and where appropriate, the DSWD.

If the child referred to herein has been found by the Local Social Welfare and Development Office to be abandoned, neglected or abused by his parents, or in the event that the parents will not comply with the prevention program, the proper petition for involuntary commitment shall be filed by the DSWD or the Local Social Welfare and Development Office pursuant to Presidential Decree No.

603, otherwise known as "The Child and Youth Welfare Code"

ARTICLE 23
RIGHTS OF THE CHILD IN CONFLICT WITH THE LAW

Section 5 of RA No. 9344 provides that every child in conflict with the law shall have the following rights, including but not limited to:

- a) the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- b) the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- c) the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- d) the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/ her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances
- e) the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
- f) the right to bail and recognizance, in appropriate cases;
- g) the right to testify as a witness in his/her own behalf under the rule on examination of a child witness;
- h) the right to have his/her privacy respected fully at all stages of the proceedings;
- i) the right to diversion if he/she is qualified and voluntarily avails of the same;
- j) the right to be imposed a judgement in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
- k) the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- l) in general, the right to automatic suspension of sentence;
- m) the right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- n) the right to be free from liability for perjury, concealment or misinterpretation; and
- o) other rights as provided for under existing laws, rules and regulations.

ARTICLE 24
IMPLEMENTING AUTHORITIES

Section 1. The provisions of this Ordinance shall be implemented by the following:

- 1) Office of the Municipal Mayor, through the Office of the Municipal Administrator and Municipal Population Office;
- 2) Department of Social Welfare and Development (DSWD), Calasiao, Pangasinan
- 3) Public Order and Safety Office (POSO)
- 4) Philippine National Police (PNP), Calasiao, Pangasinan
- 5) Barangay Council of ALL barangays within the territorial jurisdiction of this Municipality.

ARTICLE 25
THE KASAMBAHAY ORDINANCE
OF CALASIAO (PANGASINAN)

Section 1. **LEGAL BASIS** – This Ordinance is pursuant to **REPUBLIC ACT NO. 10361 (An Act Instituting Policies For the Protection And Welfare of Domestic Workers)**

Section 2. **DECLARATION OF POLICIES** – It is hereby declared that:

- a) The State strongly affirms labor as a primary social force and is committed to respect, promote, protect and realize the fundamental principles and rights at work including but not limited to, abolition of child labor, elimination of all forms of forced labor, discrimination in employment and occupation, and trafficking in persons, especially women and children;
- b) The State adheres to internationally accepted working conditions for workers in general, and establishes labor standards for domestic workers in particular, towards decent employment and income, enhanced coverage of social protection, respect for human rights and strengthened social dialogue;
- c) The State recognizes the need to protect the rights of domestic workers against abuse, harassment, violence, economic exploitation and performance of work that is hazardous to their physical and mental health; and
- d) The State, in protecting domestic workers and recognizing their special needs to ensure safe and healthful working conditions, promotes gender-sensitive measures in the formulation and implementation of policies and programs affecting the local domestic work.

Section 3. **COVERAGE** – This Ordinance applies to all domestic workers employed and working within the country.

Section 4. **DEFINITION OF TERMS** – As used in this Act, the term:

- 1) **DEBT BONDAGE** refers to the rendering of service by the domestic worker as security or payment for a debt where the lengthand nature of service is not clearly defined when the value of the service is not reasonably applied in the payment of the debt.
- 2) **DEPLOYMENT EXPENSES**– refers to expenses that are directly used for the transfer of the domestic worker from place of origin to the place of work covering the cost of transportation. Advances or loans by the domestic worker are not included in the definition of deployment expenses.
- 3) **DOMESTIC WORK** refers to work performed in or for a household or households.
- 4) **DOMESTIC WORKER OR “KASAMBAHAY”** – refers to any person engaged in domestic work within an employment relationship such as, but not limited to, the following general househelp, nursemaid or “yaya”, cook, gardener, or laundry person, but shall exclude any person who performs domestic work only occasionally or sporadically and not on an occupational basis.

The term shall not include children who are under foster family arrangement, and are provided access to education and given an allowance incidental to education, i.e., “baon”, transportation, school projects and school activities.

- 5) **EMPLOYER** refers to any person who engages and controls the services of a domestic worker and is party to the employment contract.
- 6) **HOUSEHOLD** refers to the immediate members of the family or the occupants of the house that are directly provided services by the domestic worker.
- 7) **PRIVATE EMPLOYMENT AGENCY (PEA)** – refers to any individual, legitimate, partnership, corporation or entity licensed to engaged in the recruitment and placement of domestic workers for local employment.
- 8) **WORKING CHILDREN** refers to domestic workers who are fifteen (15) years old and above but below eighteen (18) years old.

Section 5. **RIGHTS AND PRIVILEGES**

- a) **STANDARDS OF TREATMENT** – The employer or any member of the household shall not subject a domestic worker or “kasambahay” to any kind of abuse nor conflict any form of physical violence or harassment or any act tending to degrade the dignity of a domestic worker.
- b) **BOARD, LODGING AND MEDICAL ATTENDANCE** – The employer shall provide for the basic necessities of the domestic worker to include at least three (3) adequate meals a day and human sleeping arrangements that ensure safety.

The employer shall provide appropriate rest and assistance to the domestic worker in case of illnesses and injuries sustained during service without loss of benefits. At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the domestic worker.

- c) **GUARANTEE OF PRIVACY** – Respect for the privacy of the domestic worker shall be guaranteed at all times and shall extend to all forms of communication and personal effects. This guarantee equally recognizes that the domestic worker is obliged to render satisfactory service at all times.
- d) **ACCESS TO OUTSIDE COMMUNICATION** – The employer shall grant the domestic worker access to outside communication during free time: *Provided*, that in case of emergency, access to communication shall be granted even during work time. Should the domestic worker make use of the employer’s telephone or other communication facilities, the costs shall be borne by the domestic worker, unless such charges are waived by the employer.
- e) **RIGHT TO EDUCATION AND TRAINING** – The employer shall afford the domestic worker the opportunity to finish basic education and may allow access to alternative learning systems and, as far as practicable, higher education or technical and vocational training. The employer shall adjust the work schedule of the domestic worker to allow such access to education or training without hampering the services required by the employer.

Section 6. **PROHIBITION AGAINST PRIVILEGED INFORMATION** – All communication and information pertaining to the employer or members of the household shall be treated as privileged and confidential, and shall not be publicly disclosed by the domestic worker during and after employment. Such privileged information shall be inadmissible in evidence except when the suit involves the employer or any member of the household in a crime against persons, property, personal liberty and security, and chastity.

Section 7. **EMPLOYMENT CONTRACT** – An employment contract shall be executed by and between the domestic worker and the employer before the commencement of the service in a language or dialect understood by both the domestic worker and the employer. The domestic worker shall be provided a copy of the duly signed employment contract which must include the following:

- a) Duties and responsibilities of the domestic worker;
- b) Period of employment;
- c) Compensation;
- d) Authorized deductions;
- e) Hours of work and proportionate additional payment;
- f) Rest days and allowable leaves;
- g) Board, lodging and medical attention;
- h) Agreements on deployment expenses, if any;
- i) Loan agreement;
- j) Termination of employment; and
- k) Any other lawful condition agreed upon by both parties.

In cases where the employment of the domestic worker is facilitated through a private employment agency, the PEA shall keep a copy of all employment contracts of domestic workers and shall be made available for verification and inspection by the DOLE.

Section 8. **PRE-EMPLOYMENT REQUIREMENT** – Prior to the execution of the employment contract, the employer may require the following from the domestic worker.

- a) Medical certificate or a health certificate issued by the Municipal Health Office (MHO).
- b) Barangay and police clearance
- c) National Bureau of Investigation (NBI) clearance; and
- d) Duly authenticated birth certificate or if not available, any other document showing the age of the domestic worker such as voter's identification card, baptismal record or passport.

However, Section 8 (a), (b), (c) and (d) shall be standard requirements when the employment of the domestic worker is facilitated through the PEA.

The cost of the foregoing shall be borne by the prospective employer or agency, as the case may be:

Section 9. **RECRUITMENT AND FINDER'S FEES** – Regardless of whether the domestic worker was hired through a private employment agency or a third party, no share in the recruitment or finder's fees shall be charged against the domestic worker by the said private employment agency or third party.

Section 10. **DEPOSITS FOR LOSS OR DAMAGE** – It shall be unlawful for the employer or any other person to require domestic worker to make deposits from which deductions shall be made for the reimbursement of loss of damage to tools, materials, furniture and equipment in the household.

Section 11. **PROHIBITION ON DEPT BONDAGE** – It shall be unlawful for the employer or any person acting on behalf of the employer to place the domestic worker under dept bondage.

Section 12. **EMPLOYMENT AGE OF DOMESTIC WORKERS** – It shall be unlawful to employ any person below fifteen (15) years of age as a domestic worker. Employment of working children, as defined under this Ordinance, shall be subject to the provisions of Section 10 (A), paragraph 2 of Section 12-A, paragraph 4 Section 12-D, and Section 13 of Republic Act No. 7610, as amended, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”.

Working children shall be entitled to minimum wage, and all benefits provided under this Ordinance.

Section 13. **EMPLOYER'S REPORTORIAL DUTIES** – The employers shall register all domestic workers under their employment in the Registry of Domestic Workers in the barangay where the employer's residence is located.

Section 14. **HEALTH AND SAFETY** – The employer shall safeguard the health and safety of the domestic worker in accordance with laws, rules and regulations, with due consideration of the peculiar nature of domestic work.


Section 15. **DAILY REST PERIOD** – The domestic worker shall be entitled to an aggregate daily rest period of eight (8) hours per day.

Section 16. **WEEKLY REST PERIOD** – The domestic worker shall be entitled to at least twenty-four (24) consecutive hours of rest in a week. The employer and the domestic worker shall agree in writing on the schedule of the weekly rest day of the domestic worker. *Provided*, That the employer shall respect the preference of the domestic worker as to the weekly rest day when such preference is based on religious grounds. Nothing in this provision shall deprive the domestic worker and the employer from agreeing to the following:

- a) Offsetting a day of absence with a particular rest day;
- b) Waiving a particular rest day in return for an equivalent daily rate of pay;
- c) Accumulating rest days not exceeding five (5) days; or
- d) Other similar arrangements.

Section 17. **ASSIGNMENT TO NONHOUSEHOLD WORK** – No domestic worker shall be assigned to work in a commercial, industrial or agricultural enterprise at a wage rate lower than that provided for agricultural or nonagricultural workers. In such cases, the domestic worker shall be paid the applicable minimum wage.

Section 18. **EXTENT OF DUTY** – The domestic worker and the employer may mutually agree for the former to temporarily perform a task that is outside the latter's household for the benefit of another household. However, any liability that will be incurred by the domestic worker on account of such arrangement shall be borne by the original employer. In addition, such work performed outside the household shall entitle the domestic worker to and additional payment of not less than existing minimum wage rate of a domestic worker. It shall be unlawful for the original employer to charge any amount from the said household where the service of the domestic worker was temporarily performed.



Section 19. **MINIMUM WAGE** – The minimum wage of domestic workers shall not be less than the following:

- a) Two thousand five hundred pesos (P2,500.00) a month for those employed in the National Capital Region (NCR);
- b) Two thousand pesos (P2,000.00) a month for those employed in chartered cities and first-class municipalities.

After one (1) year from the effectivity of this Act, and periodically thereafter, the Regional Tripartite and Productivity Wage Boards (RTPWBs) shall review, and if proper, determine and adjust the minimum wage rates of domestic workers.

Section 20. **PAYMENT OF WAGES** – Payment of wages shall be made on time directly to the domestic worker to whom they are due in cash at least once a month. The employer, unless allowed by the domestic worker through a written consent, shall make no deductions from the wages other than that which is mandated by law. No employer shall pay the wages of a domestic worker by means of promissory notes, vouchers, coupons, tokens, tickets, chits, or any object other than the cash wage as provided for under this Ordinance. The domestic worker is entitled to a thirteenth month pay as provided for by law.

Section 21. **PAY SLIP** – The employer shall at all times provided the domestic worker with a copy of the pay slip containing the amount paid in cash every pay day, and indicating all deductions made, if any. The copies of the pay slip shall be kept by the employer for a period of three (3) years.

Section 22. **PROHIBITION ON INTERFERENCE IN THE DISPOSAL OF WAGES** – It shall be unlawful for the employer to interfere with the freedom of any domestic worker to dispose of the latter's wages. The employer shall not force, compel or oblige the domestic worker to purchase merchandise, commodities or other properties from the employer or from any other person, or otherwise make use of any store or services such employer or any other person.

Section 23. **PROHIBITION AGAINST WITHHOLDING OF WAGES** – It shall be unlawful for an employer, directly, or indirectly, to withhold the wages of the domestic worker. If the domestic worker leaves without any justifiable reason, any unpaid salary for a period not exceeding fifteen (15) days shall be forfeited. Likewise, the employer shall not induce the domestic worker to give up any part of the wages by force, stealth, intimidation, threat or by any other means whatsoever.

Section 24. **LEAVE BENEFITS** – A domestic worker who has rendered at least one (1) year of service shall be entitled to an annual service incentive leave of five (5) days with pay: *Provided*, that any unused portion of said annual leave shall not be cumulative or carried over to the succeeding years. Unused leaves shall not be convertible to cash.

Section 25. **SOCIAL AND OTHER BENEFITS** – A domestic worker who has rendered at least one (1) month of service shall be covered by the Social Security System (SSS), the Philippine Health Insurance Corporation (PhilHealth), and the Home Development Mutual Fund or Pag-IBIG, and shall be entitled to all the benefits in the accordance with the pertinent provisions provided by law.

Premium payments or contributions shall be shouldered by the employer. However, if the domestic worker is receiving a wage of Five thousand pesos (P 5,000.00) and above per month, the domestic worker shall pay the proportionate share in the premium payments or contributions, as provided by law.

The domestic worker shall be entitled to all other benefits under existing laws.

Section 26. **RESCUE AND REHABILITATION OF ABUSED DOMESTIC WORKERS** – Any abused or exploited domestic worker shall be immediately rescued by the Municipality social welfare officer or a social welfare officer from the Department of Social Welfare and Development (DSWD) in coordination with the concerned barangay officials.

Section 27. **TERMINATION OF SERVICE** – Neither the domestic worker nor the employer may terminate the contract before the expiration of the term except for grounds provided for in Section 28 and 29 of this Ordinance.

If the domestic worker is unjustly dismissed, the domestic worker shall be paid the compensation already earned plus the equivalent of fifteen (15) days work by way of indemnity. If the domestic worker leaves without justifiable reason, any unpaid salary due not exceeding the equivalent fifteen (15) days work shall be forfeited. In addition, the employer may recover from the domestic worker costs incurred related to the deployment expenses, if any: *Provided*, that the service has been terminated within six (6) months from the domestic worker's employment.

If the duration of the domestic service is not determined either in stipulation or by the nature of the service, the employer or the domestic worker may give notice to end the working relationship five (5) days before the intended termination of the service.

The domestic worker and the employer may eventually agree upon within notice to pre-terminate the contract of employment to end the employment relationship.

Section 28. **TERMINATION INITIATED BY THE DOMESTIC WORKER** – The domestic worker may terminate the employment relationship at any time before the expiration of the contract for any of the following causes:

- a) Verbal or emotional abuse of the domestic worker by the employer or any member of the household;
- b) Inhuman treatment including physical abuse of the domestic worker by the employer or any member of the household;
- c) Commission of a crime or offense against the domestic worker by the employer or any member of the household;
- d) Violation by the employer of the terms and conditions of the employment contract and other standards set forth under this law;
- e) Any disease prejudicial to the health of the domestic worker, the employer, or member/s of the household; and
- f) Other causes analogous to the foregoing.

Section 29. **TERMINATION INITIATED BY THE EMPLOYER** - An employer may terminate the services of the domestic worker at any time before the expiration of the contract, for any of the following causes:

- a) Misconduct or willful disobedience by the domestic worker of the lawful order of the employer in connection with the former's work;

(Continuation- GAD Code 2024)

- b) Gross or habitual neglect or inefficiency by the domestic worker in the performance of duties;
- c) Fraud or willful breach of the trust reposed by the employer on the domestic worker;
- d) Commission of a crime or offense by the domestic worker against the person of the employer or any immediate member of the employer's family;
- e) Violation by the domestic worker of the terms and conditions of the employment contract and other standards set forth under this law;
- f) Any disease prejudicial to the health of the domestic worker, the employer, or member/s of the household; and
- g) Other causes analogous to the foregoing.

Section 30. **EMPLOYMENT CERTIFICATION** – Upon the severance of the employment relationship, the employer shall issue the domestic worker within five (5) days from request a certificate of employment indicating the nature, duration of the service and work performance.

ARTICLE 26

RESPONSIBLE PARENTHOOD AND REPRODUCTIVE HEALTH

Section 1. **LEGAL BASIS** - This Article is pursuant to **REPUBLIC ACT NO. 10354 (The Responsible Parenthood and Reproductive Health Act of 2012)**.

Section 2. **DECLARATION OF POLICY** – The Municipal government recognizes and guarantees the human rights of all persons including their right to equality and nondiscrimination of these rights, the right to sustainable human development, the right to health which includes reproductive health, the right to education and information, the right to choose and make decisions for themselves in accordance with their religious convictions, ethics, cultural beliefs, and the demands of responsible parenthood.

The Municipality also recognizes and guarantees the promotion and equal protection of the welfare and rights of children, the youth, and the unborn.

Moreover, the Municipality recognizes and guarantees the promotion of gender equality, gender equity, women empowerment and dignity as a health and human rights concern and as a social responsibility. The advancement and protection of women's human rights shall be central to the efforts of the State to address reproductive health care.

The Municipality recognizes marriage as an inviolable social institution and the foundation of the family which in turn is the foundation of the nation.

The Municipality shall also promote openness to life: *Provided*, that parents bring forth to the world only those children whom they can raise in a truly humane way.

Section 3. **GUIDING PRINCIPLES FOR IMPLEMENTATION** – This Article declares the following as guiding principles:

- a) The right to make free and informed decisions, which is central to the exercise of any right, shall not be subjected to any form of coercion and must be fully guaranteed by the Municipality, like the right itself;



- b) Respect for protection and fulfillment of reproductive health and rights which seek to promote the rights and welfare of every person particularly couples, adult individuals, women and adolescents;
- c) Since human resource is among the principal assets of the Municipality, effective and quality reproductive health care services must be given primacy to ensure maternal and child health, the health of the unborn, safe delivery and birth of healthy children, and sound replacement rate, in line with the State's duty to promote the right to health, responsible parenthood, social justice and full human development;
- d) The provision of ethical and medically safe, legal, accessible, affordable, non-abortionifacient, effective and quality reproductive health care services and supplies is essential in the promotion of people's rights to health, especially those of women, the poor and the marginalized, and shall be incorporated as a component of basic health care;
- e) The Municipality shall promote and provide information and access, without bias, to all methods of family planning, including, effective natural and modern methods which have been proven medically safe, legal, non-abortionifacient, and effective in accordance with scientific and evidence-based medical research standards such as those registered and approved by the FDA for the poor and marginalized as identified through the NHTS-PR and other government measures of identifying marginalization;
- f) The Municipality shall promote programs that (1) enable individuals and couples to have the number of children they desired with due consideration to the health, particularly of women, and the resources available and affordable to them and in accordance with existing laws, public morals and their religious convictions: *Provided*, That no one shall be deprived, for economic reasons, of the rights to have children; (2) achieve equitable allocation and utilization of resources;
- g) The provision of reproductive health care, information and supplies giving priority to poor beneficiaries as identified through the NHTS-PR;
- h) The Municipality shall respect individuals' preferences and choice of family planning methods that are in accordance with their religious convictions and cultural beliefs, taking into consideration the State's obligations under various human rights instruments;
- i) Active participation by nongovernment organizations (NGOs), women's and people's organizations, civil society, faith-based organizations, the religious sector and communities is crucial to ensure that reproductive health and population and development policies, plans and programs will address the priority needs of women, the poor, and the marginalized;
- j) While this Municipality recognizes that abortion is illegal and punishable by law, the government shall ensure that all women needing care for post-abortion complications and all other complications arising from pregnancy, labor and delivery and related issues shall be treated and counseled in a humane, nonjudgmental and compassionate manner in accordance with law and medical ethics;
- k) Each family shall have the right to determine its ideal family size: *Provided, however*, That the Municipality shall equip each parent with the necessary information on all aspects of family life, including reproductive health and responsible parenthood, in order to make that determination;
- l) There shall be no demographic or population targets and the mitigation, promotion and/or stabilization of the population growth rate is incidental to the advancement of reproductive health;
- m) Gender equality and women empowerment are central elements of reproductive health and population and development;

- n) The resources of the Municipality must be made to serve the entire population, especially the poor, and allocations thereof must be adequate and effective: *Provided*, That the life of the unborn is protected;
- o) Development is a multi-faceted process that calls for the harmonization and integration of policies, plans, programs and projects that seek to uplift the quality of life of the people, more particularly the poor, the needy and the marginalized; and
- p) That a comprehensive reproductive health program addresses the needs of people throughout their life cycle.

Section 4. **DEFINITION OF TERMS** – For the purpose of this Act, the following terms shall be defined as follows.

- a) **ABORTIFACIENT** – refers to any drug or device that induces abortion or the destruction of a fetus inside the mother's womb or the prevention of the fertilized ovum to reach and be implanted in the mother's womb upon determination of the FDA.
- b) **ADOLESCENT** – refers to young people between the ages of ten (10) to nineteen (19) years who are in transition from childhood to adulthood.
- c) **BASIC EMERGENCY OBSTETRIC AND NEWBORN CARE (BEMONC)** – refers to lifesaving for emergency maternal and newborn conditions/complications being provided by a health facility or professional to include the following services: administration of parenteral oxytocic drugs, administration of dose of parenteral anticonvulsants, administration of parenteral antibiotics, administration of maternal steroids for preterm manual removal of retained placenta. It also includes neonatal interventions which include at the minimum: newborn resuscitation, provision of warmth, and referral, blood transfusion where possible.
- d) **COMPREHENSIVE EMERGENCY OBSTETRIC AND NEWBORN CARE (CEMONC)** – refers to lifesaving services for emergency maternal and newborn conditions/complications as in Basic Emergency Obstetric and Newborn Care plus the provision of surgical delivery (cesarian section) and blood bank services, and other highly specialized obstetric interventions. It also includes emergency neonatal care which includes at the minimum: newborn resuscitation, treatment of neonatal sepsis infection, oxygen support and antenatal administration of (maternal) steroids for threatened premature delivery.
- e) **FAMILY PLANNING** – refers to a program which enables couples and individuals to decide freely and responsibly the number and spacing of their children and have the information and means to do so, and to have access to a full range of safe, affordable, effective, non-abortifacient modern natural and artificial methods of planning pregnancy.
- f) **FETAL AND INFANT DEATH REVIEW** – refers to a qualitative and in-depth study of the causes of fetal and infant death with the primary purpose of preventing future deaths through changes or additions to programs, plans and policies.
- g) **GENDER EQUALITY** – refers to the principle of equality between women and men and equal rights to enjoy conditions in realizing their full human potentials to contribute to, and benefit from, the results of development, with the State recognizing that all human beings are free and equal in dignity and rights. It entails equality in opportunities, in the allocation of resources or benefits, or in access to services in furtherance of the rights to health and sustainable human development among others, without discrimination.

- h) **GENDER EQUITY** – refers to the policies, instruments, programs and actions that address the disadvantaged position of women in society by providing preferential treatment and affirmative action. It entails fairness and justice in the distribution of benefits and responsibilities between women and men, and often requires women-specific projects and programs to end existing inequalities. This concept recognizes that while reproductive health involves women and men, it is more critical for women's health.
- i) **MALE RESPONSIBILITY** – refers to the involvement, commitment, accountability and responsibility of males in all areas of sexual health and reproductive health, as well as the care of reproductive health concerns specific to men.
- j) **MATERNAL DEATH REVIEW** – refers to a qualitative and in-depth study of the causes of maternal death with the primary purpose of preventing future deaths through changes or additions to programs, plans and policies.
- k) **MATERNAL HEALTH** – refers to the health of a woman of reproductive age including, but not limited to, during pregnancy, childbirth and the postpartum period.
- l) **MODERN METHODS OF FAMILY PLANNING** – refers to safe, effective, non-abortionifacient and legal methods, whether natural or artificial, that are registered with the FDA, to plan pregnancy.
- m) **NATURAL FAMILY PLANNING** – refers to a variety of methods use to plan or prevent pregnancy based on identifying the woman's fertile days.
- n) **PUBLIC HEALTH CARE SERVICE PROVIDER** – refers to: (1) public health care institution, which is duly licensed and accredited and devoted primarily to the maintenance and operation of facilities for health promotion, disease prevention, diagnosis, treatment and care of individuals suffering from illness, disease, injury, disability or deformity, or in need of obstetrical or other medical and nursing care; (2) public health care professional, who is a doctor of medicine, a nurse or a midwife; (3) public health worker engaged in the delivery of health care services; or (4) barangay health worker who has undergone training programs under any accredited government and NGO and who voluntarily renders primarily health care services in the community after having been accredited to function as such by the local health board in accordance with the guideline's promulgated by the Department of Health (DOH).
- o) **POOR** – refers to members of households identified as poor through the NHTS-PR by the Department of Social Welfare and Development (DSWD) or any subsequent system use by the national government in identifying the poor.
- p) **REPRODUCTIVE HEALTH (RH)** – refers to the state of complete, physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. This implies that people are able to have a responsible, safe, consensual and satisfying sex life, that they have the capability to reproduce and the freedom to decide if, when and how often to do so. This further implies that women and men attain equal relationships in matters related to sexual relations and reproduction.
- q) **REPRODUCTIVE HEALTH CARE** – refers to the access to a full range of methods, facilities, services and supplies that contribute to reproductive health and well-being by addressing reproductive health-related problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations. The elements of reproductive health care include the following:
 - 1) Family planning information and services which shall include as a first priority making women of reproductive age fully aware of their respective cycles to make them aware of when fertilization is highly probable, as well as highly improbable;

- 2) Maternal, infant and child health and nutrition, including breastfeeding;
 - 3) Proscription of abortion and management of abortion complications;
 - 4) Adolescent and youth reproductive health guidance and counseling;
 - 5) Prevention, treatment and management of reproductive tract infections (RTIs), HIV and AIDS and other sexually transmittable infections (STIs);
 - 6) Elimination of violence against women and children and other forms of sexual and gender-based violence;
 - 7) Education and counselling on sexuality and reproductive health;
 - 8) Treatment of breast and reproductive tract cancers and other gynecological conditions and disorders.
 - 9) Male responsibility and involvement and men's reproductive health;
 - 10) Prevention, treatment and management of infertility and sexual dysfunction;
 - 11) Reproductive health education for the adolescents; and
 - 12) Mental health aspect of reproductive health care.
-
- r) **REPRODUCTIVE HEALTHCARE PROGRAM** – refers to the systematic and integrated provision of reproductive health care to all citizens prioritizing women, the poor, marginalized and those invulnerable or crisis situations.
 - s) **REPRODUCTIVE HEALTH RIGHTS** – refers to the rights of individuals and couples, to decide freely and responsibly whether or not to have children; the number, spacing and timing of their children; to make other decisions concerning reproduction, free of discrimination, coercion and violence; to have the information and means to do so; and to attain the highest standard of sexual health and reproductive health: *Provided, however,* That reproductive health rights do not include abortion, and access to abortifacients.
 - t) **REPRODUCTIVE HEALTH AND SEXUALITY EDUCATION**– refers to a lifelong learning process of providing and acquiring complete, accurate and relevant age- and development-appropriate information and education on reproductive health and sexuality through life skills education and other approaches.
 - u) **REPRODUCTIVE TRACT INFECTION (RTI)** – refers to sexually transmitted infections (STIs), and other types of infection affecting the reproductive system.
 - v) **RESPONSIBLE PARENTHOOD** – refers to the will and ability of a parent to respond to the needs and aspirations of the family and children. It is likewise a shared responsibility between parents to determine and achieve the desired number of children, spacing and timing of their children according to their own family life aspirations, taking into account psychological preparedness, health status, sociocultural and economic concerns consistent with their religious convictions.
 - w) **SEXUAL HEALTH** -refers to a state of physical, mental and social well-being in relation to sexuality. It requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences free from coercion, discrimination and violence.
 - x) **SEXUALLY TRANSMITTED INFECTIONS (STI)** – refers to any infection that may be acquired or passed on through sexual contact, use of IV, intravenous drug needles, childbirth and breastfeeding.
 - y) **SKILLED BIRTH ATTENDANCE** – refers to childbirth managed by a skilled health professional including the enabling conditions of necessary equipment and support of a functioning health system, including transport and referral facilities for emergency obstetric care.
 - z) **SKILLED HEALTH PROFESSIONAL** – refers to a midwife, doctor or nurse, who has been educated and trained in the skills needed to manage normal and complicated pregnancies, childbirth and the immediate postnatal period, and in the identification, management and referral of complications in women and newborns.

- aa) **SUSTAINABLE HUMAN DEVELOPMENT** – refers to bringing people, particularly the poor and vulnerable, to the center of development process, the central purpose of which is the creation of an enabling environment in which all can enjoy long, healthy and productive lives, done in the manner that promotes their rights and protects the life opportunities of future generations and the natural ecosystem on which all life depends.

Section 5. **HIRING OF SKILLED HEALTH PROFESSIONALS FOR MATERNAL HEALTH CARE AND SKILLED BIRTH ATTENDANCE** – The municipality shall endeavor to hire an adequate number of nurses, midwives and other skilled health professionals for maternal health care and skilled birth attendance to achieve an ideal skilled health professional-to-patient ration taking into consideration DOH targets: *Provided*, That people in geographically isolated or highly populated and depressed areas shall be provided the same level of access to health care: *Provided, further*, That the national government shall provide additional and necessary funding and other necessary assistance for the effective implementation of this provision.

For the purposes of this Article, midwives and nurses shall be allowed to administer lifesaving drugs such as, but not limited to, oxytocin and magnesium sulfate, in accordance with the guidelines set by the DOH, under emergency conditions and when there are no physicians available: *Provided*, That they are properly trained and certified to administer these lifesaving drugs.

Section 6. **HEALTH CARE FACILITIES** – the municipality, upon its determination of the necessity based on well-supported data provided by its MHO shall endeavor to establish or upgrade hospitals and facilities with adequate and qualified personnel, equipment and supplies to be able to provide emergency obstetric and newborn care. *Provided*, That people in geographically isolated or highly populated and depressed areas shall have the same level of access and shall not be neglected by providing other means such as home visits or mobile health care clinics as needed: *Provided, further*, That the national government shall provide additional and necessary funding and other necessary assistance for the effective implementation of this provision.

Section 7. **ACCESS TO FAMILY PLANNING** – All accredited public health facilities shall provide a full range of modern family planning methods, which also include medical consultations, supplies and necessary and reasonable procedures for poor and marginalized couples having infertility issues who desire to have children: *Provided*, That family planning services shall likewise be extended by private health facilities to paying patients with the option to grant free care and services to indigents, except in the case of non-maternity specialty hospitals and hospitals owned operated by a religious group, but they have the option to provide such full range of modern family planning methods: *Provided, further*, That these hospitals shall immediately refer the person seeking such care and services to another health facility which is conveniently accessible: *Provided, finally*, That the person is not in an emergency condition or serious case as defined in Republic Act No. 8344. No person shall be denied information and access to family planning services, whether natural or artificial: *Provided*, That minors will not be allowed to modern methods of family planning without written consent from their parents or guardian/s except when the minor is already a parent or has had a miscarriage.

Section 8. **MATERNAL DEATH REVIEW AND FETAL AND INFANT DEATH REVIEW** – the municipality, national and local government hospitals, and other public health units shall conduct an annual Maternal Death Review and Fetal and Infant Death Review in accordance with the guidelines set by the DOH. Such review should result in an evidence-based programming and budgeting process that would contribute to the development of more responsive reproductive health services to promote women's health and safe motherhood.

Section 9. **INTEGRATION OF RESPONSIBLE PARENTHOOD AND FAMILY PLANNING COMPONENT IN ANTI-POVERTY PROGRAMS** – A multidimensional approach shall be adopted in the implementation of policies and programs to fight poverty. Towards this end, the DOH shall implement programs prioritizing full access of poor and marginalized women as identified through the NHTS-PR and other government measures of identifying marginalization to reproductive health care, services, products and programs. The DOH shall provide such programs, technical support, including capacity building and monitoring.

Section 10. **PHILHEALTH BENEFITS FOR SERIOUS AND LIFE-THREATENING REPRODUCTIVE HEALTH CONDITIONS** – All serious and life-threatening reproductive health conditions such as HIV and AIDS, breast and reproductive tract cancers, and obstetric complications, and menopausal and post-menopausal-related conditions shall be given the maximum benefits, including the provision of Anti-Retroviral Medicines (ARVs), as provided in the guidelines set by the Philippine Health Insurance Corporation (PHIC).

Section 11. **CERTIFICATE OF COMPLIANCE** – No marriage license shall be issued by the Municipal Civil Registrar unless the applications present a Certificate of Compliance issued for free by the Municipal Family Planning Office that they had duly received adequate instructions and information on responsible parenthood, family planning, breastfeeding and infant nutrition.

Section 12. **SEXUAL AND REPRODUCTIVE HEALTH PROGRAMS FOR PERSONS WITH DISABILITIES (PWDs)** – The municipality shall endeavor that barriers to reproductive health services for PWDs are obliterated by the following:

- a) Providing physical access, and resolving transportation and proximity issues to clinics hospitals and places where public health education is provided, contraceptives are sold or distributed or other places where reproductive health services are provided;
- b) Adapting examination tables and other laboratory procedures to the needs and conditions of PWDs;
- c) Increasing access to information and communication materials on sexual and reproductive health in braille, large print, simple language, sign language and pictures;
- d) Providing continuing education and inclusion of rights of PWDs among health care providers; and
- e) Undertaking activities to raise awareness and address misconceptions among the general public on the stigma and their lack of knowledge on the sexual and reproductive health needs and rights of PWDs.

Section 13. **PUBLIC AWARENESS** - The municipality shall initiate and sustain a heightened nationwide multimedia-campaign to raise the level of public awareness on the protection and promotion of reproductive health and rights including, but not limited to, maternal health and nutrition, family planning and responsible parenthood information and services, adolescent and youth reproductive health, guidance and counseling and other elements of reproductive health care under Section 4 (q).

Education and information materials to be developed and disseminated for this purpose shall be reviewed regularly to ensure their effectiveness and relevance.

Section 14. **PROHIBITED ACTS** – The following acts are prohibited:

- a) Any health care service provider, whether public or private, who shall:



- 1) Knowingly withhold information or restrict the dissemination thereof, and/or intentionally provide incorrect information regarding programs and services on reproductive health including the right to informed choice and access to a full range of legal, medically-safe, non-abortifacient and effective family planning methods;
- 2) Refuse to perform legal and medically-safe reproductive health procedures on any person of legal age on the ground of lack of consent or authorization of the following persons in the following instances:
 - (i) Spousal consent in case of married persons: *Provided*, That in case of disagreement, the decision of the one undergoing the procedure shall prevail; and
 - (ii) Parental consent or that of the person exercising parental authority in the case of abused minors, where the parent or the person exercising parental authority is the respondent, accused or convicted perpetrator as certified by the proper prosecutorial office of the court. In the case of minors, the written consent of parents or legal guardian or, in their absence, persons exercising parental authority or next-of-kin shall be required only in elective surgical procedures and in no case shall consent be required in emergency or serious cases as defined in Republic Act No. 8344; and
- 3) Refuse to extend quality health care services and information on account of the person's marital status, gender, age, religious convictions, personal circumstances, or nature of work: *Provided*, That the conscientious objection of a health care service provider based on his/her ethical or religious beliefs shall be respected; however, the conscientious objector shall immediately refer the person seeking such care and services to another health care service provider within the same facility or one which is conveniently accessible: *Provided, further*, That the person is not in an emergency condition or serious case as defined in Republic Act No. 8344, which penalizes the refusal of hospitals and medical clinics to administer appropriate initial medical treatment and support in emergency serious cases;
- b) Any public officer, elected or appointed, specifically charged with the duty to implement the provisions hereof, who, personally or through a subordinate, prohibits or restricts the delivery of legal and medically-safe reproductive health care services, including family planning; or forces, coerces or induces any person to use such services; or refuses to allocate, approve or release any budget for reproductive health care services, or to support reproductive health programs or shall do any act that hinders the full implementation of reproductive health program as mandated by this Act;
- c) Any employer who shall suggest, require, unduly influence or cause any applicant for employment or an employee to submit himself/herself to sterilization, use any modern methods of family planning, or not use such methods as a condition for employment, continued employment, promotion or the provision of employment benefits. Further, pregnancy or the number of children shall not be ground for non-hiring or termination from employment;
- d) Any person who shall falsify a Certificate of Compliance as required in Section 11 of this Article; and
- e) Any pharmaceutical company, whether domestic or multinational, or its agents or distributors, which directly or indirectly colludes with government officials, whether appointed or elected, in the distribution, procurement and/or sale by Municipality of modern family planning supplies, products and devices.



ARTICLE 27
THE ESTABLISHMENT AND IMPLEMENTATION OF THE PARENT EFFECTIVENESS SERVICES (PES) PROGRAM TO STRENGTHEN PARENTAL INVOLVEMENT IN THEIR CHILDREN'S DEVELOPMENT AND LEARNING

Section 1. **LEGAL BASIS** – This Article is pursuant to REPUBLIC ACT NO. 11908 (An Act Mandating The Establishment and Implementation Of The Parent Effectiveness Service Program To Strengthen Parental Involvement In Their Children's Development And Learning And Appropriating Funds Therefor)

Section 2. **DECLARATION OF POLICY** – It is the policy of the Municipality to recognize the sanctity of family life, protect and strengthen the family as a basic autonomous social institution and foundation of the nation, strengthen its solidarity, and actively promote its total development. The right of families or family associations to participate in the planning and implementation of policies and programs that affect them shall be promoted.

It is further the policy of the Municipality to defend the right of children to assistance, including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

Section 3. **COVERAGE** – The Parent Effectiveness Service (PES) Program shall primarily cover fathers and mothers of children and parent-substitutes.

In implementing the PES Program, the Municipality shall give priority to parents and/ or parent-substitutes with vulnerable children, such as but not limited to children at risk, children in conflict with the law, and children who have been exposed to and/or involved in violence in the homes and communities, solo parents and/or their parent-substitutes, and adolescent parents and their parents, and/or parent-substitutes.

Section 4. **DEFINITION OF TERMS** – As used in this Article:

- a) **CHILD** – refers to a person below eighteen (18) years of age or a person over eighteen (18) years but is unable to fully take care or protect oneself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psychosocial disability or condition;
- b) **MODULE** – refers to component subject consisting of a written material to be taught in a specified number of sessions that, together with other modules, shall count towards the completion of the PES Program;
- c) **PES PROGRAM** – refers to a program on the provision and expansion of knowledge and skills of parents and parent-substitutes on parenting to be able to respond to parental duties and responsibilities on the areas of early childhood development, behavior management of younger and older children, husband-wife relationships, prevention of child abuse, health care, and other challenges of parenting. It assists parents and parent-substitutes to develop and strengthen their knowledge and skills so they can assume the major educational role in their child's growth and development.
- d) **PARENT-SUBSTITUTE** – refer to a person other than the biological parent who has custody over a child and is primarily responsible for his/her care, and physical, moral and intellectual development, such as foster care parents, legal guardians and care providers: Provided that surrogate parents and care providers shall secure a certification from the proper office of the Department of Social Welfare and Development (DSWD), confirming him/her as a parent substitute; and
- e) **SURROGATE PARENT** – refers to any adult member of the family or extended family or a caregiver who chose to act as a substitute parent to a child not legally under his/her parental authority to care.

Section 5. **THE PES PROGRAM** – The PES Program shall be implemented in the Municipality and shall consist of modules to be developed by the DSWD, in coordination with the Department of Education (DepED), the Early Childhood Care and Development (ECCD) Council, the School Governing Councils (SGCs), the Department of Health (DOH), the Department of Justice (DOJ), and the Department of the Interior and Local Government (DILG), and rolled out in such number of sessions as the DSWD and the LGUs may prescribe. The core of the modules shall be consistent with existing laws and shall embody the following principles.

- a) **Parents and Parent-Substitutes and their Roles and Needs** – This aims to provide participants with deeper understanding of their different roles, needs, responsibilities, and joy as parents and parent-substitutes by going through lessons that enrich their understanding of themselves as parents and guardians. Facilitators will help participants identify individual strengths and weaknesses, describe factors that affect the characteristics of their personhood, ascertain the divergent needs of married parents, solo parents, grandparents, and other guardians in the family, and clarify family values and goals aligned with strengthening their role as parents who are best people to support all aspects of their children's growth and development, among others.
- b) **The Filipino Family** – This aims to give an overview of family dynamics in the Philippine context. Facilitators will help participants understand the importance, functions, and characteristics of the family, and inform them of the family's strengths and weaknesses to enable them to reflect building on their strengths to address their weakness so that they can responsible members of the community, among others.
- c) **Challenges of Parenting** – This aims to provide participants with a more in-depth understanding of the obstacles that will be faced by parents and how stronger parenting skills will be able to address them. Innovations, technology, changes in values, and issues brought about by globalization and social media may be considered as challenges;
- d) **Child Development** – This aims to provide participants with a proper understanding of child growth and development, age-appropriate and development-appropriate interventions, different learning avenues for children, and domains of child development. This shall likewise include the importance of encouraging parents and parent-substitutes to fully support their children's cognitive development, most importantly their skills on reading mathematics, science, and development;
- e) **Keeping Children Safe from Abuse** – This aims to prevent child abuse by educating parents about the rights of their children and familiarizing them with risk factors of warning signs of abuse in children. It shall present the basic principles on laws relevant to violence and abuse against children and how to report incidents thereon to the proper government authorities;
- f) **Building the Child's Safe from Abuse** – This aims to improve parental understanding of child behavior and promote and support the development and socialization of the child. Basic theories on child behavior, character development, and factors that can positively or negatively affect the same shall be discussed;
- g) **Health and Nutrition** – This aims to provide adequate information on common health and nutrition needs of children, including reproductive health concerns, common childhood diseases, basic nutrition principles, and growth monitoring;
- h) **Home Management** – This aims to provide participants with practical ideas on how to manage their respective households through proper time, financial and stress management.
- i) **Keeping a Healthy Physical Environment for the Child** – This aims to show the importance of maintaining clean physical environments to building a strong household. Waste management and community environmental management efforts shall be discussed;
- j) **Keeping Children Safe in Times of Disasters** – This aims to provide training on child-centered disaster risk reduction and management strategies to prepare and equip parents and parent-substitutes in preventing, mitigating and coping with risk caused by disasters; and

- k) **Investment in Adolescents** – Adolescence is the developmental period during which a dependent child grows into an independent adult. This module aims to help parents and parent-substitutes to navigate their children's risks and vulnerabilities and set them on the path to fulfill their potential. Risks and vulnerabilities may include, but not limited to dropping out of school, identify crisis, gender confusion, hormonal changes, exposure to drugs, early marriage and pregnancies. Parents and parent-substitutes shall be capacitated on how to empower their children by preparing them for adulthood and citizenship, and investing in their well-being holistic development, and active participation in society.

The municipality may design and contextualize its own modules as it deems appropriate, taking into consideration the needs and challenges of the families in the communities under its jurisdiction, and the progress and result of the PES Program implementation: *Provided, That* such modifications are consistent with existing laws.

Section 6. **ASSESSMENT OF THE PES PROGRAM** – The municipality shall continuously evaluate the effectiveness of the PES Program by devising data-driven metrics, including but not limited to, the participation rate of the parents and parent-substitutes in the PES Program and the result of the children's feedback of their parents and parent-substitutes.

Section 7. **IMPLEMENTING TOOLS FOR THE PES PROGRAM** – The PES Program, particularly the parent effectiveness sessions, shall be implemented by the municipality, through its Municipal Social Welfare and Development Office (MSWDO). Parent effectiveness sessions shall be conducted in every barangay at such schedule and interval to be determined by the MSWDO. For this purpose, the officers shall, on an annual basis, prepare and submit to the Municipal Mayor a complete program and schedule of the parent effectiveness sessions covering all barangays of their respective jurisdictions.

Reaching parents to facilitate and share skills and knowledge about parenting and support to learning may include home visits which may be effective to recognize, respect, and build on existing strengths of parents and parent-substitutes.

Section 8. **CAPACITY-BUILDING** – The municipality shall assist in developing the required competencies of facilitators. The Municipal Social Welfare and Development Office shall identify a pool of facilitators trained in the required competencies who shall include, but is not limited to, parents and parent-substitutes, educational psychologists, health professionals, social workers, teachers, accredited private organizations, and other paraprofessionals.

The capacity-building shall focus on the important skills that must be possessed by facilitators such as the ability to connect with families in a way that is mutually respectful and reciprocal, set goals with families, prepare them to adopt behaviors and engage in activities that enhance children's development and early learning, promote the rights of the child, and prevent child abuse, among others.

For the municipality and its personnel, capacity-building shall focus on the monitoring and evaluation of the PES Program in terms of facilities, modules and competence assessment of the facilitators, among others. The municipality shall designate its personnel to be trained to gather, analyze, and interpret data and establish a comprehensive action plan for a more effective implementation of the PES Program.

Section 9. **ADVOCACY CAMPAIGNS AND INFORMATION DISSEMINATION**– The MSWDO, in cooperation with barangays in the Municipality and relevant agencies, shall regularly conduct public awareness campaign which would promote the benefits and the advantages of the PES Program to parents, surrogate parents, and care providers through local training programs in the communities and the use of trimedia and social media platforms.

ARTICLE 28
PENALTIES

Any violation of the provisions of this Ordinance shall be dealt with in the following manner:

EXCEPT THE MINOR OFFENDER, any person found violating any of the provision of this Ordinance shall, ***shall upon conviction by a competent court***, be meted with the following applicable penalty/ies:

- a) FIRST OFFENSE - A fine of ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00)
- b) SECOND OFFENSE - A fine of TWO THOUSAND PESOS (P2,000.00)
- c) THIRD OFFENSE - A fine of TWO THOUSAND FIVE HUNDRED PESOS (P2,500.00) or Imprisonment of not more than THIRTY (30) DAYS or BOTH, ***at the discretion of the court.***

If the violation is committed by an institution, corporation, partnership or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense/s penalized under this Ordinance.

If the violation is by a business entity, the owner, president, manager, or the most senior officer thereof shall be held liable for the offense.

If the offender is a corporation, partnership or association, the same shall be liable under the preceding section, as a business establishment or an industry, as the case may be, which the owner, president, manager, or the most senior officer shall be liable for the offense.

However, the offender MAY OPT to pay VOLUNTARILY the amount of penalty corresponding to his/her violation in order to avoid prosecution in court. He/she may pay the applicable amount, within three (3) days from the commission of the offense, to the Office of the Municipal Treasurer and a corresponding receipt shall be issued evidencing his/her payment.

Each day or any part thereof which can prohibited business or practice is continued shall be deemed a separate violation and subject to the same penalty prescribed in the preceding paragraph.

The offender shall be penalized every inspection in accordance with the provisions of this section until he/she shall have fully complied with the provisions of this Ordinance.

Prohibited acts not herein included shall be penalized in accordance with the provisions of applicable laws, Municipal ordinances and administrative orders.

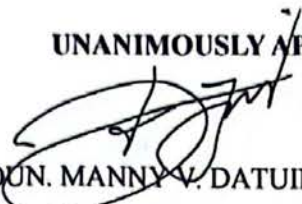
ARTICLE 29
GENERAL PROVISIONS

- 1) **SEPARABILITY CLAUSE** – The provisions of this Ordinance are separable, and in the event that any or more of such provisions are declared invalid, the validity of all the other provisions shall not be affected thereby.
- 2) **REPEALING CLAUSE** – Any ordinance, executive order, local issuance or rules and regulations, or parts, thereof, which are inconsistent with this Ordinance are hereby repealed and/or modified accordingly.
- 3) **EFFECTIVE CLAUSE** – This Ordinance shall take effect after ten (10) days following the date of its complete publication in a newspaper of general circulation in the Province of Pangasinan.

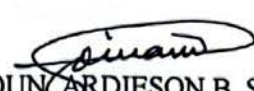
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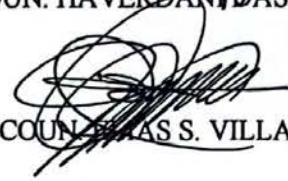

COUN. MANNY V. DATUIN


COUN. FELIPE K. DE VERA


COUN. ARDIESON B. SORIANO


COUN. HAVERDANI DAS B. MESINA


COUN. GERALD C. AFICIAL



COUN. ELIAS S. VILLANUEVA


COUN. MYC D. SISON


COUN. JOSE A. LORESCO



LIGA PRES. PATRICK A. CARAMAT

ATTESTED:


BRYAN B. CALAUNAN

Secretary to the Sangguniang Bayan

CERTIFIED CORRECT:


HON. NESTOR A. GABRILLO
Municipal Vice Mayor/Presiding Officer

APPROVED:


HON. KEVIN ROY O. MACANLALAY
Municipal Mayor