

For correction



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 JUNE 26, 2023

PRESENT:

(OIC) VICE MAYOR MANNY V. DATUINPresiding Officer
COUN. FELIPE K. DE VERAMajority Floor Leader
COUN. ARDIESON B. SORIANOMember
COUN. HAVERDANI DAS B. MESINAMember
COUN. GERALD C. AFICIALMinority Floor Leader
COUN. ELIAS S. VILLANUEVAMember
COUN. MYC D. SISONMember
ABC PRES. CARLITO A. DIONMember, Ex-Officio
S. K. FED. PRES. VANESSA S. ZULUETAMember, Ex-Officio

ABSENT: N O N E

ORDINANCE NO. 7, SERIES OF 2023

**AN ORDINANCE PROHIBITING GENDER - BASED SEXUAL HARASSMENT IN STREETS AND
PUBLIC SPACES IN THE MUNICIPALITY OF CALASIAO PANGASINAN, PROVIDING FOR THE
GUIDELINES IN THE IMPLEMENTATION THEREOF AND PRESCRIBING PENALTIES THEREFOR**

Author: Hon. COUN. ELIAS S. VILLANUEVA

EXPLANATORY NOTE

WHEREAS, the decades of struggle by the women's rights movement to persuade the international community to view gender-based violence against women as a human rights concern and not just as a private matter in which the State should not interfere, had come into fruition, when the CEDAW Committee asserted in its General Recommendation No. 19 in 1992, that violence against women is a form of discrimination;

WHEREAS, gender-based violence seriously hinders women's ability to enjoy rights and freedoms on a basis of equality with men, hence, on December 1993, the Declaration on the Elimination of Violence Against Women, recognized that violence against women violates women's rights and fundamental freedoms and called on states and the international community to work toward the eradication of violence against women;

WHEREAS, in 2017, the CEDAW Committee, marking 25th anniversary of its General Recommendation No. 19, further elaborated international standards on gender-based violence against women in its General Recommendation No. 35;

WHEREAS, both the Declaration on the Elimination of Violence Against Women and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) General Recommendation No. 35 provides for the concept of due diligence obligation of States where under this obligation, States have a duty to take positive action to prevent and protect women from violence, punish perpetrators of violent acts and compensate victims of violence;

WHEREAS, preventing and addressing gender-based violence against women is therefore not a charitable act but a legal and moral obligation requiring legislative, administrative and institutional measures and reforms and the eradication of gender stereotypes which condone or perpetuate gender-based violence against women and underpin the structural inequality of women with men;

(page 1)

WHEREAS, on April 17, 2019, during the Third Regular Session of the Seventeenth Congress, Republic Act 11313 otherwise known as the Safe Spaces Act or the "Bawal Bastos Act" was passed into law to address existing gaps and issues on equality, security, and safety of both women and men in private and public spaces;

Hence, this Ordinance is enacted to eradicate Gender-Base Sexual Harassment in the Municipality of Calasiao. Be it enacted by the Sangguniang Bayan of Calasiao duly assembled that:

SECTION 01. SHORT TITLE. This Ordinance shall be known as the "Safe Spaces or Bawal Bastos Ordinance of the Municipality of Calasiao Pangasinan."

SECTION 02. Declaration of Policy. It is hereby the declared policy of the Municipality of Calasiao Pangasinan:

1. To eliminate discrimination against women by recognizing, protecting, fulfilling and promoting their rights, especially those in marginalized sector;
2. To value the dignity of every human person and guarantee full respect for human rights;
3. To recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men and adopt and undertake all legal measures necessary to foster and promote equal opportunity for women to participate and contribute politically, economically, socially, and culturally;
4. To eradicate gender stereotypes which condone or perpetuate gender-based violence against women and underpin the structural inequality of women with men;
5. To accord women the rights, protection, and opportunities available to every member of society and provide the necessary mechanisms to enforce women's rights.

SECTION 03. Legal Basis

1. Republic Act 7160 otherwise known as the Local Government Code of 1991 mandating LGUs to promote the general welfare of its constituents;
2. Republic Act 11313 or the Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor or the Safe Spaces Act;
3. Section 8 of the Safe Spaces Act and Section 9 of its IRR mandate all LGUs to prevent and respond to Gender-Base Sexual Harassment in Streets and Public Spaces;
4. DILG-PCW Joint Memorandum Circular No. 2020-001 dated December 7, 2020 providing for the Guidelines on the Localization of the Safe Spaces Act. Ordinance No. 302-2021, Page 3

Section 04. Definition of Terms.

As used in this Ordinance:

- a. Anti-Sexual Harassment (ASH) Desk - a physical facility, managed by an ASH Desk officer, where victim-survivors of sexual harassment can immediately go to seek assistance.
- b. ASH Hotline - a communication link in which calls or reports of GBSH in streets and public spaces are directed to the service providers.
- c. Catcalling - refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs.

d. **Flagrante delicto** - is a legal term used to indicate that a criminal has been caught in the act of committing an offence (compare *corpus delicti*). The colloquial "caught red-handed" and "caught rapid" are English equivalents.

e. **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.

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, or may have been assigned a particular sex at birth but who identifies with the opposite sex, or may have an identity that does not correspond to one's sex assigned at birth or to one's primary or secondary sex characteristics, in which case this person is considered transgender.

g. **Gender-based streets and public spaces sexual harassment** - is an act committed in streets and public spaces through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

h. **Homophobic remarks** - is any statement on whatever form or however delivered which are indicative of fear, hatred or aversion towards a person who are perceived to be or actually identified as lesbians, gay, bisexual, queer, pansexual and such other persons of diverse sexual orientation or gender identity or expressions or towards a person perceived to or actually have sex experienced same sex attractions.

i. **Misogynistic remarks or slurs** - are any statement in whatever form or however delivered that are indicative of the feeling of hating women or the belief that men are inherently better than women.

j. **Public spaces** - refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, PUVs as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public.

k. **Safe space** - is a formal or informal place where a person feels comfortable, physically and emotionally safe, and enjoy the freedom of self-expression without the fear of judgment.

l. **Sexist Remarks or slur** - are statement in whatever form or however delivered that are indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women.

m. **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.

n. **Transphobic remarks or slurs** - are statement in whatever form or however delivered that are indicative of fear, hatred or aversion towards person whose gender identity and or expression do not conform with the sex assigned at birth.

Section 05. Declaring Gender-Based Sexual Harassment (GBSH) in Streets and Public Spaces as Crimes in the Municipality of Calasiao.

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The Municipality of Calasiao hereby declared as crimes and condemned any gender-based sexual harassment in streets and public spaces within the territorial jurisdiction of the municipality.

Local Chief Executive of the municipality shall ensure that no unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks shall take place within their respective territorial jurisdiction. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles which includes among others the following:

- (a) Catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs.
- (b) Persistent uninvited comments or gestures on a person's appearance.
- (c) relentless requests for personal details.
- (d) statement of sexual comments and suggestions.
- (e) public masturbation or flashing of private parts, groping, or making offensive body gestures at someone and other similar lewd sexual actions.
- (f) any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety. This may include: i. cursing; ii. leering or to look with a sideways or oblique glance, especially suggestive of lascivious interest or sly and malicious intention; iii. intrusive gazing or taunting.
- (g) Persistent telling of sexual jokes, use of sexual names; and
- (h) Stalking.

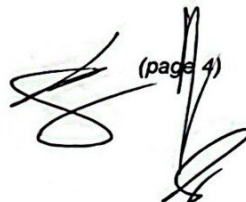
Section 06. Duties and Responsibilities of the Local Government Units.

Pursuant to the Implementing Rules and Regulations of Republic Act 11313 or the Safe Space Act, local government units shall bear primary responsibility in enforcing the Gender-Base Street and Public Spaces Sexual Harassment, consistent thereto Local Government Unit of Calasiao is hereby mandated to ensure the effective implementation of this Ordinance and as such shall perform the following duties and responsibilities:

A. Local Government Unit of Calasiao:

1. Prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces; and designate public spaces, regardless of ownership and nature as safe spaces against GBSH;
2. Disseminate or post in conspicuous places, official websites and social media pages, copies of the Safe Spaces Act and related ordinances;
3. Provide measures to prevent GBSH in educational and/or social institutions, such as information campaigns and anti-sexual harassment seminars;

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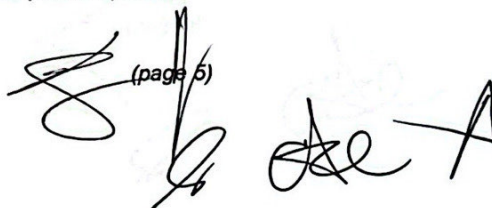


4. Coordinate with the Philippine Commission on Women (PCW), the Department of the Interior and Local Government (DILG), and the Regional Committee on AntiTrafficking and Violence Against Women and their Children (RCATVAWC) for a sustained information campaign activities and provide assistance, when necessary, to component LGUs in the development of IEC materials, preferably translated in local dialect and conduct of awareness campaigns;
5. Engage with academic institutions and duly accredited/recognized women's group and civil society organizations (CSOs), local media such as tv and radio stations in the conduct of advocacy campaign against GBSH in streets and public spaces;
6. Ensure compliance of component cities and municipalities with the law and its IRR, and this guidelines;
7. Provide technical and financial assistance to component LGUs in the implementation of programs, projects and activities related to awareness campaign against GBSH in streets and public spaces, capacity building of LGU personnel and the operationalization of ASH Desks and ASH Hotlines;
8. Ensure the setting-up and maintenance of functional Closed-Circuit Television (CCTV) cameras in major roads, alleys and sidewalks to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces.

B. Municipal Government

1. Pass an ordinance, in line with provisions stated in RA 11313 and this Ordinance to prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces; and designate public spaces, regardless of ownership and nature, as safe spaces against GBSH;
2. Designate traffic enforcers and other local law enforcement units to be Anti-Sexual Harassment Enforcers (ASHEs) and ensure that they undergo Gender-Sensitive Training (CST) and orientation on the law;
3. Disseminate or post in conspicuous places, official websites and social media pages, copies of the Safe Spaces Act and related ordinances;
4. Engage with academic institutions, civil society organizations (CSOs), local media such as tv and radio stations in the conduct of advocacy campaign against GBSH in streets and public spaces;
5. Develop, produce, and distribute IEC materials, preferably translated in local dialect, that raise awareness for and condemn gender-based sexual harassment, inform the public of the penalties for committing gender-based sexual harassment, and contain infographics on reporting and referral mechanisms and hotline numbers;
6. Set-up an Anti-Sexual Harassment (ASH) Desk at the municipal hall for the purpose of expediting the receipt and processing of complaints and reports of GBSH in streets and public spaces, and the same shall be strengthened;
7. Establish an ASH Desk Hotline to receive and respond to calls on GBSH in streets and public spaces;
8. Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces;

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9. Ensure the establishment of an ASH Desk in every barangay;
10. Organize an ASH Sub-Committee under the Gender and Development Focal Point System (GADFPS) to supervise, support and coordinate the operations of the ASH Desk and Hotline;
11. Establish an Anti-Sexual Harassment (ASH) Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victim-survivors of GBSH in streets and public spaces;
12. Provide training on the law for the punong barangays and members of the Lupong Tagapamayapa in cases covered by the Katarungang Pambarangay system, for traffic enforcers under their jurisdiction, and adopt training modules for concerned LGU personnel down to the barangay level; and
13. Provide technical and financial assistance in the implementation of programs, projects and activities related to the capacity development of LGU personnel on and awareness campaign against GBSH in streets and public spaces and the operationalization of ASH Desk and Hotline.

C. Barangay Government

1. Pass an ordinance, in line with provisions stated in RA 11313 and this Ordinance to prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces; and designate public spaces regardless of ownership and nature as safe spaces against GBSH;
2. Designate barangay tanods, community brigades, and community service units to be the ASHEs;
3. Establish an ASH Desk for the purpose of expediting the receipt and processing of complaints and reports of sexual harassment. The Violence Against Women (VAW) Desk shall also serve as the ASH Desk;
4. Ensure the participation of ASHEs, ASH Desk Officer and members of the Katarungang Pambarangay in gender-sensitivity training; orientation on the Safe Spaces Act, and protocols in responding to GBSH in streets and public spaces;
5. Distribute IEC materials, developed by the municipality and other entities, that raise awareness for and condemn GBSH in streets and public spaces;
6. Create a mechanism for handling and documentation of complaints including those cases covered by the Katarungang Pambarangay system;
7. Establish an Anti-Sexual Harassment (ASH) Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victim-survivors of GBSH in streets and public spaces; and
8. Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces.

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Section 07. Functions of the Anti-Sexual Harassment Enforcers (ASHE).

The ASHE shall have the following functions:

1. Receive complaints on GBSH in streets and public spaces;
2. Immediately apprehend the perpetrator if caught in the act of committing the crime;
3. Immediately bring the perpetrator to the nearest police station for appropriate action; and
4. Together with the Women's and Children's Desk of the PNP stations, keep a ledger of perpetrators for the purpose of determining if the perpetrator is a first-time, second-time or third-time offender.

Section 08. Establishment of Anti-Sexual Harassment (ASH) Desk

A. Setting-up the ASH Desk.

1. The Municipal Mayor and the Punong Barangays shall designate an area in the municipal or barangay hall, as the case may be, where the ASH Desk may be set-up in such a way that the right to privacy of the victim-survivor is protected at all times; and
2. It shall have the necessary furniture and fixtures, such as, but not limited to, table, chairs, and separate filing cabinet where the logbook and tools/equipment for documentation are stored.

B. Designation of ASH Desk Officer

1. The city/municipal mayor and punong barangay shall designate an ASH Desk Officer, preferably a woman, who shall be directly in charge of the daily operations of the ASH Desk.
2. In barangays, the designated VAW Desk person shall serve as the ASH Desk Officer. For this purpose, the VAW Desk person shall be trained on the forms of sexual harassment, as well as the functions and protocols in responding to GBSH in streets and public spaces.

Section 09. Functions of the ASH Desk Officer.

The ASH Desk Officer shall have the following functions:

1. Receive, document, and respond to complaints and reports of GBSH in streets and public spaces;
2. Facilitate the referral of cases and persons to the appropriate public and private service providers for further assistance such as legal, medical, psychosocial, safety, security, and other services;
3. Record the number cases of GBSH in streets and public spaces received and referred to other agencies, and submit a quarterly report to the DILG Municipal Field Office and the Municipal Social Welfare and Development Office (MSWDO);
4. Keep case records confidential and secure, and ensure that only authorized personnel have access to these records;
5. Assist in the formulation/updating of policies; development of plans, programs, projects and activities; and educational and awareness campaigns to address GBSH in streets and public spaces;

(page 7)



6. Coordinate with pertinent agencies in monitoring the status of GBSH-related complaints and reports; and;

7. Perform other related functions as may be assigned.

Section 10. Source of Funds. The implementation of this Ordinance may be charged against the Gender and Development (GAD) budget or other sources of funds subject to the availability thereof and to the existing accounting and auditing rules and regulations.

Section 11. Responsibilities of Restaurants and Cafes, Bars and Clubs, Hotels and Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public.

The Municipal Mayor shall ensure that management of 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. Municipal Chief Executives shall ensure compliance of the management of these business establishments on the following:

1. Prevent the occurrence of GBSH within their establishments and shall:

a) Install in their business establishment of clearly visible warning signs against gender-based public space sexual harassment including the anti-harassment hotline numbers which may include that of the nearest police station in bold letters. The warning signs must be readable, written in the language that is understandable by customers and placed in conspicuous area within the vicinity of the establishment.

b) Designate at least one anti-sexual harassment officer to receive GBSH complaints. Provided that the officer must be competent and knowledgeable on GBSH and the appropriate assistance to be provided to the victims

2. Prevent the occurrence of GBSH in their establishment to include among others the:

a. Provision of assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported. This includes accompanying the victim to the police authorities whenever necessary.

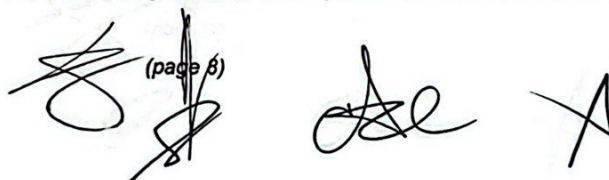
b. Where it is required and/or whenever possible, installation of functional closed-circuit television (CCTV) cameras. To the extent possible, the CCTV footage shall be made available to victim of GBSH as part of the package assistance.

c. Making CCTV footages available when ordered by the court. This is without prejudice/practice of establishment to make CCTV footages accessible even without court order.

d. Provide a safe gender-sensitive environment to encourage victims to report gender based sexual harassment as soon as it happens. This include among others, having a secure and safe area where the victim can narrate the events of the GBSH and wherever possible, providing on online platform for reporting GBSH incidents.

e. Develop protocols to be followed in cases of GBSH. This will include procedures to speedily and effectively address reports and/or complaints of instances. The complaint may be made immediately in person or thru online to the management of these places that are open to the public.

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Section 12. Security Guard of the Business Establishment May Conduct Citizen's Arrest.

Security guards or any person who witnessed the crime may conduct a citizen's arrest and apprehend perpetrators caught in flagrante delicto or in the act of committing the crime and are required to immediately coordinate with local authorities.

The Philippine National Police shall issue guidelines in the deputization of the security guards. Citizen's arrest or arrest without need of warrant by any private person may be undertaken under the following circumstances:

1. When in the presence of the private person, the person to be arrested has committed, is actually committing or is attempting to commit the GBSH; and
2. When the GBSH, has in fact, just been committed and the private person has personal knowledge of facts indicating that the person to be arrested has committed it. To ensure that security guards are knowledgeable on GBSH, awareness of the law shall form part of topics or modules for trainings which are conducted before Security agencies renew their license,

Section 13. Gender-Based Sexual Harassment in Public Utility Vehicles.

In addition to the penalties provided in this Ordinance, the Land Transportation Office (LTO) may cancel the license of perpetrators found 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 of transportation operators who commit gender-based streets and public spaces sexual harassment acts. 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 solidarity liable for the offenses of the employee.

Section 14. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors.

In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures and diversion program as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006". The program shall include age-appropriate Gender Sensitivity Training and Anti-Sexual Harassment awareness activities. The rules and regulations issued to implement Republic act 9344 as amended by Republic Act 10630 shall govern when the offenses are committed by minors.

Section 15. General Provisions.

1. Confidentiality - At any stage of the investigation, prosecution and trial of the offense provided in this Ordinance, the right of the victim and the accused who is a minor shall be recognized. In all cases of the GBSH provided in this Ordinance, the confidentiality on the records of the victim or when the accused is a minor shall be protected.
2. 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 of employment or any specified place frequented by the offended person.


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(Continuation – Ordinance No. 7, Series of 2023 – Anti - Bastos)

3. Remedies and Psychological counselling - A victim of GBSH may avail of appropriate remedies as provided for in the law with the aid of the LGU and DSWD, in coordination with the DSWD and PCW. Any fees to be charged in the course of victim's availment of such remedies and psychological counselling services and other services as provided in republic Act 11036 or the Philippine Mental Law shall be borne by the perpetrator. LGUs and partner agencies may partner with private entities in the provision of psychological services and other related processes in the development of referral system. In all instances, any fees or charges incurred in the course of counselling shall be borne by the perpetrator.

Section 16. Administrative Provision.

All person who violates the provision of this ordinance shall be required to attend to a Gender Sensitivity Training to be implemented by the Component Local Government Unit of Calasiao.

Section 17. Penalty.

Violation of the provisions of this Ordinance shall be penalized with a fine of TWO THOUSAND FIVE HIUNDRED PESOS (Php2,500.00) and/or imprisonment upon discretion of the court.

Section 18. Repealing Clause.

Any Ordinance, Executive Orders and Issuances, Rules and Regulations or part thereof inconsistent with the provision of this Ordinance are hereby repealed or modified accordingly.

Section 19. Separability Clause.

If for any reason or reasons, any portion or portions of this Ordinance is declared invalid or unconstitutional, the same shall not affect the validity of the other provisions not affected shall continue to be in full force and effect.

Section 20. EFFECTIVITY CLAUSE.

This Ordinance shall take effect in accordance with the applicable provisions of the Local Government Code of 1991.

ENACTED, this 26th day of JUNE, 2023.

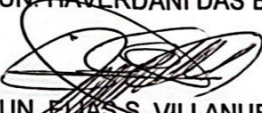
UNANIMOUSLY APPROVED.

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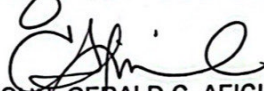

COUN. FELIPE K. DE VERA

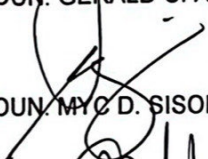

COUN. HAVERDANI DAS B. MESINA


COUN. ELIAS S. VILLANUEVA


COUN. CARLITO A. DION

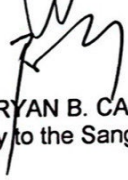

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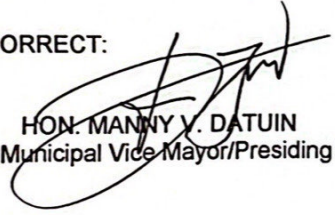

COUN. MYO D. SISON


COUN. VANESSA S. ZULUETA


ATTESTED:


BRYAN B. CALAUNAN
Secretary to the Sangguniang Bayan

CERTIFIED CORRECT:


HON. MANNY V. DATUIN
(OIC) Municipal Vice Mayor/Presiding Officer

APPROVED:


HON. NESTOR A. GABRILLO
(OIC) Municipal Mayor