




Republic of the Philippines
MUNICIPALITY OF LINGAYEN
Province of Pangasinan

Office of the Sangguniang Bayan

SP SECRETARIAT OFFICE
Lingayen, Pangasinan

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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF LINGAYEN, PANGASINAN HELD ON APRIL 11, 2022 VIA ZOOM.

PRESENT: **Presiding Officer**
VICE-MAYOR JUDY DL. VARGAS-QUIOCHO

Sangguniang Bayan Members (SBM)

SBM Mac Dexter G. Malicdem
SBM Jay Mark Kevin D. Crisostomo
SBM Jonathan Carl R. Arcinue
SBM Ramon Anselmo M. Cuaresma
SBM Sheila V. Castañeda
SBM Randall Q. Bernal
SBM Ricardo R. Ferrer
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SBM Darwin B. Jimenez
SBM Gabriel Ivan C. Tuazon

— ABC President
— SKF President

ABSENT: None

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ORDINANCE NO. 109, S-2022

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

Section 1. Short Title. This Ordinance shall be known as the *Safe Spaces or Bawal Bastos Ordinance of the Municipality of Lingayen, Pangasinan*.

Section 2. Declaration of Policy. It is the policy of the Municipality of Lingayen, Pangasinan to:

- a. Eliminate discrimination against women by recognizing, protecting, respecting, and promoting their rights, especially those in the marginalized sector;
- b. Value the dignity of every human person and guarantee full respect for human rights;
- c. Recognize the role of women in nation-building and ensure 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;
- d. Stop or eradicate widely held, but oversimplified and erroneous beliefs and ideas that condone, encourage, or perpetuate gender-based violence against women which provide support and justification for the notion that women and men are not structurally equal;

- e. Provide women the rights, protection, and opportunities that are available to every member of society and provide the necessary mechanisms to enforce women's rights.

Section 3. Legal Bases. The following laws, provisions, of laws, and related issuances provide legal bases for this ordinance:

- a. Republic No. Act 7160 (*Local Government Code of 1991*);
- b. Republic Act No. 11313 (*Safe Spaces Act*);
- c. Section 8 of the *Safe Spaces Act* and Section 9 of its IRR; and
- d. Department of the Interior and Local Government – Philippine Commission on Women (DILG – PCW) Joint Memorandum Circular No. 2020-001 dated December 7, 2020.

Section 4. Definition of Terms. As used in this Ordinance:

- a. *Anti-Sexual Harassment (ASH) Desk* – is a physical facility, managed by an ASH Desk Officer, where victim-survivors of sexual harassment can immediately go to seek assistance.
- b. *ASH Hotline* – is a communication link in which calls or reports of gender-based sexual harassment (GBSH) in streets and public spaces are directed to the service providers.
- c. *Catcalls* – are unwanted sounds, words, or remarks directed towards a person, commonly in the form of wolf-whistling and misogynistic, trans-phobic, homo-phobic, and sexist slurs.
- d. *Employee or worker* – is one who performs activities and renders services which are usually necessary or desirable in the usual business or trade of the employer, which includes the government and its agencies. An employee includes outsourced personnel of private employers and personnel hired by government offices under a *job order* or *contract of service*.
- e. *Flagrante Delicto* – is a legal term, which means that a person who has just performed or is performing an act, which is against the law was caught or was seen while doing such act. In Tagalog, it means *huli sa akto*. In Pangasinan, *narel ed akto*.
- f. *Gender* – is the set of characteristics, norms, roles, attitudes, values and expectations, which are used or assigned by a society to identify and classify the social behavior of men and women, and the relations between them.
- g. *Gender identity and/or expression* – is the personal sense of identity as shown by, among other means, manner of clothing, inclinations, and behavior in relation to generally accepted masculine or feminine forms of expression. A person who is physically, or anatomically, male or female may have a female or male identity, respectively. A person may be transgender, who has a different sense of identity which is different from his or her sex at birth or primary or secondary sex characteristics.
- h. *Gender-based streets and public spaces sexual harassment* – is any act committed in streets and public spaces through any unwanted and uninvited sexual actions or remarks against any person, regardless of the motive for such acts or remarks.
- i. *Homophobic remark* – is any statement in any form and delivered in any manner which indicates fear, hatred, or aversion toward a person who is perceived or suspected to be, or actually identified as lesbian, gay, bisexual, queer, pansexual, and such other person with a different sexual orientation or gender identity; or any expression toward a person who is perceived to be or actually has experienced same-sex attractions.

- j. *Misogynistic remark or slur* – is a statement in any form or delivered in any manner that shows a feeling of hating women or the belief that men are inherently better than women.
- k. *Public spaces* – are streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public restrooms and washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, public utility vehicles as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinemas, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, that are open to, or offered to be accessed by the public.
- l. *Safe space* – is a formal or informal place where a person feels comfortable, physically and emotionally safe; and can enjoy the freedom of self-expression without fear of judgment.
- m. *Sexist remark or slur* – is a statement in any form or delivered in any manner, which shows prejudice, stereotyping, or discrimination on the basis of sex, typically against women.
- n. *Stalking* – is unwanted and obsessive attention directed at a person, which involves being seen by, or being near to such person, communication without mutual consent, or a combination of such acts 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.
- o. *Transphobic remark or slur* – is any statement in any form or delivered in any manner that indicates fear, hatred, or aversion toward a person whose gender identity and or expression do not conform to his or her assigned sex at birth.

Section 5. Declaring Gender-Based Sexual Harassment (GBSH) in Streets and Public Spaces as Crimes in the Municipality of Lingayen, Pangasinan. The Municipal Government of the Municipality of Lingayen declares as crimes and condemns the following gender-based acts of sexual harassment in streets and public spaces within the municipality:

- 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; which may include cursing, leering, or looking with a sideways or oblique glance, which suggests lascivious interest or sly and malicious intention intrusive gazing, or taunting;
- g. Persistent telling of sexual jokes, use of sexual names; and
- h. Stalking.

Section 6. Gender-Based Online Sexual Harassment. Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, 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, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing, false abuse reports to online platforms to silence victims.

Section 7. Implementing Bodies for Gender-Based Online Sexual Harassment. For gender-based online sexual harassment, the Philippine National Police Anti-Cybercrime Group (PNP ACG) as the National Operational Support Unit of the PNP is primarily responsible for the enforcement of pertinent laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting on real-time gender-based online sexual harassment acts; and for arresting perpetrators or suspects.

The Cybercrime Investigation and Coordinating Center (CICC) of the Department of Information and Communications Technology shall also coordinate with the PNP ACG to devise appropriate and effective measures to monitor, investigate, and prosecute gender-based online sexual harassment.

Section 8. Gender-Based Sexual Harassment in the Workplace. The crime of gender-based sexual harassment in the workplace includes the following:

- a. 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;
- b. 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; and
- c. 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.

In relation to letter a, *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 9. 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. The employer or person of authority, influence or moral ascendancy shall:

- a. Distribute or post in conspicuous places copies of this Ordinance in the workplace;
- b. Implement measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;
- c. Create an independent internal mechanism or a committee on decorum and investigation to investigate and act on complaints of gender-based sexual harassment. The internal mechanism or committee on decorum shall:
 - 1) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;
 - 2) Designate a woman as its head and at least half of its members should be women;
 - 3) Be composed of members who must be impartial and not connected or related to the alleged perpetrator;
 - 4) Investigate and decide on the complaints within ten (10) days or less from receipt of a complaint;
 - 5) Observe due process;
 - 6) Protect the complainant from retaliation; and
 - 7) Guarantee confidentiality to the greatest extent possible.
- d. Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:
 - 1) Clearly reiterate that any form of gender-based sexual harassment is prohibited;
 - 2) Describe the procedures of the internal mechanism or committee on decorum; and
 - 3) Set administrative penalties.

Section 10. Duties of Employees and Co-workers. Employees and co-workers shall:

- a. Not commit any act of gender-based sexual harassment;
- b. Discourage any form of gender-based sexual harassment in the workplace;
- c. Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and
- d. Report acts of gender-based sexual harassment witnessed in the workplace.

Section 11. Liability of Employers. In addition to liabilities and penalties for committing acts of gender-based sexual harassment, employers may also be held liable for their failure or refusal to:

- a. Perform their duties under Section 9 of this Ordinance, as provided in the penal provisions; or
- b. Take prompt and proper action on reports about acts of gender-based sexual harassment committed in the workplace.

Section 12. Routine Inspection. The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct unannounced yearly inspections to ensure that employers and employees comply with their obligations under this Ordinance.

Section 13. Gender-Based Sexual Harassment in Educational and Training Institutions. All public and private schools in the Municipality of Lingayen, Pangasinan shall designate an action officer to receive complaints regarding violations of this Ordinance; and to ensure that victims are provided with a gender-sensitive environment that is both respectful to their needs and conducive to telling the truth without any fear or pressure.

Every school in the Municipality of Lingayen, Pangasinan must adopt and publish grievance procedures to facilitate the filing and receiving of complaints from students, faculty members, and non-academic personnel.

When school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, they must promptly investigate to determine if such information or knowledge is true and, if so, to know all the facts and circumstances about such act. The school authorities shall take such prompt action even if the victim or concerned person does not want to file a complaint or does not request the school to take any action on behalf of a student, faculty member, or non-academic personnel.

If school authorities know or reasonably should know about acts of gender-based sexual harassment or sexual violence that create an unfriendly and hostile environment, they must take immediate action to stop said acts, prevent their recurrence, and act on their effects.

Once a perpetrator or suspect is found guilty, the school authorities shall exercise its rights to take action against him or her, and to impose and implement the appropriate penalties, subject to the observance of due process.

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

Section 14. Duties of School Heads. School heads shall have the following duties:

- a. Distribute or post in conspicuous places copies of this Ordinance in the school;
- b. Implement measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;
- c. Create an independent internal mechanism or a CODI to investigate and act on complaints of gender-based sexual harassment. The internal mechanism or CODI shall:
 - 1) Adequately represent the school administration, the trainers, instructors, professors, coaches, or non-academic personnel and students or trainees, students and parents, as the case may be;
 - 2) Designate a woman as its head and at least half of its members should be women;
 - 3) Ensure equal representation of persons of diverse sexual orientation, gender identity and/or expression (SOGIE), in the CODI as far as practicable;
 - 4) Be composed of members who must be impartial and not connected or related to the alleged perpetrator;
 - 5) Investigate and decide on the complaints within ten (10) days or less from receipt of a complaint;
 - 6) Observe due process;

- 7) Protect the complainant from retaliation; and
 - 8) Guarantee confidentiality to the greatest extent possible.
- d. Provide and disseminate, in consultation with all persons in the school, a code of conduct or school policy which shall:
- 1) Clearly reiterate that any form of gender-based sexual harassment is prohibited;
 - 2) Describe the procedures of the internal mechanism or committee on decorum; and
 - 3) Set administrative penalties.

Section 15. *Liability of School Heads.* In addition to liabilities and penalties for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in any school or training institution may also be held liable for their failure or refusal to:

- a. Perform their duties under Section 14 of this Ordinance, as provided in the penal provisions; or
- b. Take prompt and proper action on reports about acts of gender-based sexual harassment committed in the school or training institution.

Section 16. *Liability of Students.* Minor students who are found to have committed acts of gender-based sexual harassment shall be held liable only for violation of school rules and regulations as in the school handbook, manual, or other document.

Section 17. *Routine Inspection.* The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct unannounced yearly inspections to ensure that school heads and authorities comply with their obligations under this Ordinance.

Section 18. *Designation of Anti-Sexual Harassment Enforcers (ASHEs).* The Municipal Traffic Rules Enforcers of the Municipal Government of Lingayen shall be designated as Anti-Sexual Harassment Enforcers (ASHEs). The said personnel shall undergo gender-sensitive training (GST) and orientation on Republic Act No. 11313.

Section 19. *Duties and Functions of the Anti-Sexual Harassment Enforcers.* The ASHEs shall have the following functions:

- a. Receive complaints on GBSH in streets and public spaces;
- b. Immediately arrest the perpetrator or suspect if he or she is caught in the act of committing a prohibited act;
- c. Immediately bring the perpetrator or suspect to the nearest police station for appropriate action; and
- d. Together with the Women's and Children's Desk of the PNP Lingayen Police Station, keep a record or log book of perpetrators or suspects.

Section 20. Establishment of Anti-Sexual Harassment (ASH) Desk.

a. The ASH Desk

The Municipal Mayor and the Punong Barangays of the Municipality of Lingayen shall designate an area at the Municipal Hall and in each Barangay Hall, where the ASH Desk will be set-up in such a way that the right to privacy of the victim-survivor is protected at all times; and

The ASH Desk shall have the necessary furniture and fixtures, which include table, chairs, and separate filing and storage cabinets where records, office supplies, logbook, tools, and equipment shall be stored.

b. The Municipal ASH Desk Officer

The Municipal Mayor shall designate an ASH Desk Officer, preferably a woman, who shall be directly in charge of the daily operations of the ASH Desk.

c. Barangay ASH Desk Officer

d. The Punong Barangays of the Municipality of Lingayen shall designate the Violence Against Women (VAW) Desk persons as the ASH Desk Officers of their respective barangays. The ASH Desk Officer/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 21. Qualifications of an ASH Desk Officer. The person to be appointed ASH Desk Officer person must have the following:

- a. Empathy with, and understanding of, victim-survivors and commitment to maintain the confidentiality of information about cases;
- b. Knowledge and competence in the proper ways of handling cases and reports of gender-based violence and sensitivity to the needs of complainants and victim-survivors in different situations; and
- c. Basic knowledge about gender-based violence, different forms of sexual harassment, and diverse sexual orientations and gender identities and expressions (SOGIE).

The ASH Desk Officer must not have any derogatory record related to violation of laws protecting women and commission of acts constituting gender-based violence.

After the appointment of an ASH desk officer, he or she must undergo the trainings and orientation in the following areas to develop or hone his or her skills and capacities that are needed in the performance of his or her duties and functions:

- a. Gender sensitivity training;
- b. Salient provisions of the Safe Spaces Act;
- c. Salient provisions of other laws protecting women, children and members of SOGIE, including but not limited to, the following:
 - 1) *Anti-Sexual Harassment Act* (R.A. No. 7877);
 - 2) *Anti-Violence Against Women and their Children Act* (R.A. No. 9262);
 - 3) *Anti-Photo and Video Voyeurism Act* (R.A. No. 9995);
 - 4) *Anti-Child Pornography Act* (R.A. No. 9775);
 - 5) *Special Protection of Children Against Abuse, Exploitation, and Discrimination Act* (R.A. No. 7610);

- 6) *Anti-Trafficking in Persons Act* (R.A. Nos. 9208 and 10364);
 - 7) Provisions of the *Revised Penal Code*, which are related to gender-based violence;
 - 8) Relevant provisions of the *Family Code*.
- d. Existing services of the Municipal Government and those provided under the *ASH Referral Network*; and
 - e. Protocols in handling gender-based sexual harassment cases.

Section 22. Duties and Functions of the ASH Desk Officer. The ASH Desk Officer shall have the following duties and functions:

- a. Receive documents, and act on or respond to complaints and reports of GBSH cases that take place in streets and public spaces;
- b. Promptly refer cases and persons to the appropriate public and private service providers for the needed assistance and services, which may include legal, medical, psychosocial, safety, security, and other services;
- c. Record reports of GBSH cases that happen in streets and public spaces that are received and referred to other agencies; and submit quarterly reports to the DILG Municipal Field Office and the Municipal Social Welfare and Development Office (MSWDO);
- d. Ensure that case records are kept confidential and secure, and that only authorized personnel have access to such records;
- e. Help in formulating and updating policies; preparation and development of plans, programs, projects and activities; and educational and awareness campaigns regarding GBSH case that happen in streets and public spaces;
- f. Coordinate with pertinent agencies in monitoring the status of GBSH-related complaints and reports; and
- g. Perform other related functions that may be assigned from time to time.

Section 23. Establishment of ASH Desk Hotline. The Municipal Government of Lingayen shall establish an *ASH Desk Hotline* to receive and respond to calls on GBSH cases that happen in streets and public spaces;

The Municipal Government shall ensure that the personnel assigned to the *ASH Desk Hotline*, have adequate knowledge on gender-based sexual harassment (GBSH) cases and the forms of the needed assistance that the municipality can provide.

Section 24. Qualifications of ASH Hotline Operator. The ASH Hotline Operator must have the following qualifications:

- a. Good communication and listening skills;
- b. Can speak and understand Pangasinan or Filipino;
- c. Empathy with, and understanding of, victim-survivors and commitment to maintain the confidentiality of reports and information about cases;
- d. Knowledge and competence in the proper ways of handling cases and reports of gender-based violence and sensitivity to the needs of complainants and victim-survivors in different situations;
- e. Familiarity on gender-sensitive manner in handling complaints/reports of gender-based sexual harassment; and trainings and orientation on the following:
 - 1) *Anti-Sexual Harassment Act* (R.A. No. 7877);
 - 2) *Anti-Violence Against Women and their Children Act* (R.A. No. 9262);
 - 3) *Anti-Photo and Video Voyeurism Act* (R.A. No. 9995);
 - 4) *Anti-Child Pornography Act* (R.A. No. 9775);

- 5) *Special Protection of Children Against Abuse, Exploitation, and Discrimination Act* (R.A. No. 7610);
- 6) *Anti-Trafficking in Persons Act* (R.A. Nos. 9208 and 10364);
- 7) Provisions of the *Revised Penal Code*, which are related to gender-based violence;
- 8) Relevant provisions of the *Family Code*;
- 9) Existing services of the Municipal Government and those provided under the *ASH Referral Network*; and
- 10) Protocols in handling gender-based sexual harassment cases.

Section 25. Functions of the ASH Hotline Operator. The ASH Hotline Operator shall have the following functions:

- a. Receive complaints and reports involving gender-based sexual harassment;
- b. Assess the nature of the assistance needed and facilitate the referral of cases to the ASH Desk or to the appropriate providers of the needed assistance and services in the following areas: legal, medical, psycho-social, safety, and security;
- c. Record, maintain, and update records and database of complaints and reports that are received through the ASH Hotline; and
- d. Perform other related functions that may be assigned from time to time.

Section 26. Protocols in Handling Complaints/Reports Received through the ASH Hotline. The ASH Hotline Operator must observe the following procedures and protocols in the handling of complaints and reports that are received through the ASH Hotline:

- a. At all times, stay calm when speaking in Pangasinan, Filipino, or other language used and understood by the complainant or caller;
- b. Get as many details as possible, including the personal circumstances of the caller and/or the victim-survivor, to have a clear and comprehensive picture of the incident being reported;
- c. Ask the caller what specific assistance or service he or she seeks or needs; and if the caller has no specific request, assess the complaint or report and the information obtained and determine what assistance or service may be given to him or her. In all cases, the consent of the caller shall first be obtained before the case he or she reported shall be referred to another agency or officer;
- d. Written records and audio recordings of complaints and reports, if available, reports, and inquiries involving sexual harassment shall be preserved; and, at all times, kept confidential and separate from the other emergency reports. Such records shall be preserved for at least one year. Therefore, the ASH Hotline Operator shall ensure that such written records, audio recordings, and reports shall not be used, viewed, copied, revealed, or published; except upon orders of a court or other body with proper power and authority; and
- e. When the calls are mere queries related to the *Safe Spaces Act* and other related laws, ordinances, rules, and regulations, the caller may be directed to the ASH Desk Officer, who will be given enough time to explain.

Section 27. Establishment of an Anti-Sexual Harassment (ASH) Referral Network. The Municipal Government of Lingayen and barangays shall establish Anti-Sexual Harassment (ASH) Referral Networks to strengthen coordination and cooperation among public and private service providers in serving the needs of victim-survivors of GBSH cases that happen in streets and public spaces. The ASH Referral Networks in the municipality and barangays shall provide legal, medical, psychosocial, safety, security, and other relevant services.

The members of ASH Referral Networks shall receive, and efficiently act on, referrals from the ASH Desk and ASH Hotline for the provision of services needed by victim-survivors and witnesses of gender-based sexual harassment. The needed protocols shall be formulated through an executive order, ordinance, or memorandums of agreement with the service providers.

Section 28. *Members of the ASH Referral Network.* The *ASH Referral Network* may be composed of the following service providers:

- a. VAW/ASH Desk of every barangay in the municipality;
- b. Municipal Health Office;
- c. Municipal Social Welfare and Development Office;
- d. Law enforcement agencies such as, PNP-Women and Children Protection Desk and the National Bureau of Investigation Women and Children Unit;
- e. Legal services providers such as Office of the Prosecutor, Public Attorney's Office, and other legal associations;
- f. Schools and educational Institutions; and
- g. Non-government organizations (NGOs), civil society organizations (CSOs), and faith-based organizations (FBOs), which are involved in gender equality and human rights and those providing medical, psycho-social, economic, legal, and social services.

The respective representative/s of the different offices, agencies, institutions and organizations shall act on and process referrals and provide and deliver the proper service needed.

Section 29. *Establishment of the ASH Sub-committee.* The Municipal Government shall establish and 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.

The Mayor shall convene the ASH Sub-committee of the GADFPS within thirty (30) days from the establishment of the sub-committee, which shall initiate, through its chairperson, the establishment of the ASH Referral Network, in the following manner:

- a. Convene an initial stakeholder's meeting. The ASH Sub-committee chairperson shall be guided by the lists of government and private service providers that are relevant to the issue of gender-based sexual harassment. The invitation to the meeting must clearly state the issues, concerns, and matters to be discussed so that those with the needed expertise, knowledge, or interest will attend.
- b. Conduct a participatory mapping exercise. The mapping exercise shall identify community resources, available services, requirements for referrals, ways to facilitate access to support services and other existing mechanisms and structures to promptly and properly act on gender-based sexual harassment cases.
- c. Establish a referral network. The establishment of the referral network and creation of a *directory of resources* shall follow the mapping exercises. The *directory* shall be updated regularly. The members of the referral network shall define and clarify their working arrangement, specific roles, and responsibilities. A focal person for each office, agency, institution and organization shall be identified.

Members will be given copies of printed reference materials and documents, which include the protocols and procedures to be observed, as well as the referral and feedback forms.

- d. Put system in place to develop and support the referral network. The members are encouraged to enter into a memorandum of agreement, with terms that are clear, simple, and easy to understand. The members must secure a manifestation of support and endorsement, by way of an executive order or ordinance, from the Mayor and members of the Sangguniang Bayan.

Section 30. Protocols in Handling GBSH in Streets and Public Spaces.

- a. Complaint of victim-survivors. The ASH Desk Officer shall:

- 1) Make the victim-survivor and his/her companion/s, if any, feel calm and comfortable in a safe and private room, and provide water and other immediate needs, if any;
- 2) After the victim-survivor has regained composure and can properly answer questions, conduct an initial investigation in a gender-sensitive and non-judgmental manner, and in a language that is easily understood by the victim-survivor;
- 3) Assess the situation and get initial information to determine the risks at hand;
- 4) Record the details of the incident (date, time, place, and description), relevant information about the victim-survivor, and the alleged perpetrator. If needed, immediately facilitate referral to the nearest police station or medical facility;
- 5) Inform the victim-survivor of his or her rights, the remedies available, and the procedures and processes to be followed;
- 6) If the case involves a minor, immediately refer the case to MSWDO;
- 7) If the incident is covered by the *katarungang pambarangay*, help the victim-survivor and refer the case to the *lupong tagapamayapa* within four (4) hours from receipt of the complaint; and
- 8) For all other incidents, refer and report the cases to the police station through the Women and Children Protection Desk (WCPD) within four (4) hours from receipt of the complaint; and monitor the status of cases of gender-based sexual harassment five (5) working days after the referral of the case.

- b. When Complainant is Not a Victim-Survivor. The ASH Desk Officer shall:

- 1) Verify the information and ask help from the Anti-Sexual Harassment Enforcers (ASHEs) or the local police station, if needed;
- 2) Assess the situation and facilitate the rescue of the victim-survivor, when necessary, to ensure his or her safety;
- 3) If the victim-survivor is rescued or appears before the ASH Desk, follow the same protocols in responding to direct complaints of victim-survivors;
- 4) In all cases, record the details of the incident (date, time, place, and description), and relevant information about the victim-survivor, the alleged perpetrator and the person reporting;
- 5) If the case involves a minor, refer and report the case to MSWDO within twenty-four (24) hours from receipt of the report;
- 6) If the incident is covered by the *katarungang pambarangay*, help the victim-survivor and refer the case to the *lupong tagapamayapa* within twenty-four (24) hours from receipt of the complaint;
- 7) For all other incidents, refer and report the case to the local police station through the Women and Children Protection Desk (WCPD) within four (4) hours from receipt of the complaint; and
- 8) Monitor the status of gender-based sexual harassment cases within five working days after the referral of the case.

Section 31. Education and Awareness. The Municipal Government of Lingayen through the Municipal Information Office or other appropriate office shall inform and educate all concerned about this Ordinance by:

- a. Disseminating or posting in easily seen places, official websites, and social media pages, copies of the *Safe Spaces Act* and related ordinances;
- b. Working and coordinating with academic institutions, civil society organizations (CSOs), local print media, TV and radio stations, in the campaign against GBSH in streets and public spaces;
- c. Developing, producing, and distributing information, educational, and campaign (IEC) materials, preferably in Pangasinan, that: raise awareness of the evils of gender-based sexual harassment; inform the public of the penalties for committing gender-based sexual harassment; and contain *infographics* or graphic visual representations of information, data, or knowledge that will quickly and clearly show information about reporting, referral mechanisms, and hotline numbers;

Section 32. Administrative Provision. The Municipal Government of Lingayen through the Gender and Development Office shall:

- a. Provide training on relevant laws and legal procedures for the Punong Barangays, for the members of the *Lupong Tagapamayapa* in cases covered by the *Katarungang Pambarangay* system, for the Municipal Traffic Enforcers in the Municipality of Lingayen. Thus, the Municipal Government shall adopt training modules for concerned Municipal Government and barangay personnel;
- b. Provide technical and financial assistance in the implementation of programs, projects and activities that will help develop the capacities of municipal and barangay personnel in raising awareness about the campaign against GBSH in streets and public places; and
- c. Ensure the installation and maintenance of CCTV cameras in major roads, alleys, and sidewalks that can help deter and prevent of GBSH in streets and public spaces; and facilitate the investigation and gathering of evidence in GBSH cases.

Section 33. Duties and Responsibilities of the Barangay. Pursuant to the Implementing Rules and Regulations of Republic Act No. 11313 (*Safe Space Act*), the 32 barangays of the Municipality of Lingayen, Pangasinan shall be primarily responsible for ensuring the effective implementation of this Ordinance; and shall perform the following duties and responsibilities:

- a. Pass an ordinance in accordance with RA No. 11313 and this Ordinance;
- b. Designate barangay tanods, community brigades, and community service units to be the ASHs;
- c. Establish an ASH, which may also be the Violence Against Women (VAW) Desk;
- d. Ensure the participation of ASHs, 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;
- e. Distribute IEC materials, developed by the Municipal Government and other entities, that raise awareness for, and condemn GBSH, in streets and public spaces;
- f. Create a mechanism for handling and documentation of complaints including those cases covered by the *katarungang pambarangay* system;
- g. Establish an Anti-Sexual Harassment (ASH) Referral Network; and

- h. Ensure the installation and maintenance of CCTV cameras in major roads, alleys and sidewalks.

Section 34. Conduct of Safety Audit. The Municipal Government of Lingayen shall conduct safety audits every three (3) years to assess the efficiency and effectiveness of the implementation of this Ordinance.

The Municipal Government through the GAD Focal Point System shall assess the performance of barangays on their implementation of this Ordinance

Section 35. Source of Funds. There is hereby appropriated the amount of Five Hundred Thousand Pesos (P500,000.00) to be charged against the Gender and Development (GAD) budget for the implementation of this Ordinance. The use of funds shall be subject to existing accounting and auditing rules and regulations.

Section 36. Responsibilities of Restaurants and Cafés, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public. The Municipal Government of Lingayen shall ensure that the managers and employees of restaurants, bars, cinemas, malls, buildings, and other privately-owned places open to the public shall not, in any manner, allow or tolerate gender-based streets and public spaces sexual harassment.

The Municipal Government of Lingayen shall ensure that the management of said business establishments must:

- a. Prevent the occurrence of GBSH within their establishments and shall:
 - 1) Install and display in their business establishments clearly visible information materials and warning signs about 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 in a language that residents and visitors can easily read and understand; and placed in areas where they can be easily seen;
 - 2) Designate at least one (1) anti-sexual harassment officer to receive GBSH complaints. The officer must be competent and knowledgeable on GBSH and the proper assistance to be provided to a victim.
- b. Provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported. The assistance may include accompanying the victim to the police authorities, when necessary.
- c. Install, when required or necessary, closed-circuit television (CCTV) cameras; and to the extent possible, provide CCTV footage that is needed in the investigation of GBSH cases.
- d. Submit CCTV footage when ordered by the court or other authorized government official or agency. Even without such an order, a concerned establishment may voluntarily make available CCTV footage to help investigators.
- e. Provide a safe gender-sensitive environment, where victims can freely and safely report gender-based sexual harassment as soon as possible. The space must be secure and safe area, where the victim can narrate facts about an incident involving GBSH. When possible, the establishment may provide an online platform for reporting GBSH incidents.

- f. Develop protocols and guidelines to be followed in cases of GBSH to ensure that complaints and reports of GBSH cases may be speedily reported; and promptly and effectively addressed. A complaint or report may be brought immediately in person or online to the management of these places that are open to the public.

Section 37. Making Citizen's Arrest. Security guards or any person who witnessed the crime may perform or make a citizen's arrest and hold him or her in custody of the guard or person who had seen or caught a suspect or perpetrator in *flagrante delicto* or in the act of committing the crime. Such guard or person must immediately coordinate with local authorities, who shall bring the suspect or perpetrator to the nearest police station.

Citizen's arrest or arrest without a warrant may be done by any private person when:

- a. In the presence of the private person, the person to be arrested has committed, is actually committing or is about to commit the crime of GBSH; and
- b. The crime of GBSH, has in fact, just been committed and the private person has personal knowledge of facts which indicate that the person to be arrested has committed it.

The Philippine National Police may issue guidelines in the deputation of the security guards, if necessary; and may require that security guards have sufficient knowledge and awareness of the GBSH law before they can renew their licenses.

Section 38. Gender-Based Sexual Harassment in Public Utility Vehicles. When the offense is committed in Public Utility Vehicles, the Land Transportation Office (LTO) may cancel the license of the perpetrators found to have committed the acts, and the Land Transportation and Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of the operator who committed gender-based sexual harassment in public utility vehicles, and impose other sanctions against drivers and/ or operators of public utility vehicles who commit gender-based streets and public spaces sexual harassment acts.

Section 39. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors. When a minor commits the offense, the Department of Social Welfare and Development (DSWD) shall implement the necessary disciplinary measures and diversion program, pursuant to Republic Act No. 9344 (*Juvenile Justice and Welfare Act of 2006*). The program shall include age-appropriate activities related to Gender Sensitivity Training and Anti-Sexual Harassment that will raise the awareness of the minor offender.

The rules and regulations issued to implement Republic Act No. 9344, as amended by Republic Act 10630, shall govern when the offense is committed by minors.

Section 40. General Provisions.

- a. Confidentiality. At any stage of the investigation, prosecution, and trial of case related to this Ordinance, the rights of the victim and the accused who is a minor shall be recognized. In all cases of GBSH covered by this Ordinance, the records of the case regarding the victim and a minor offender shall be strictly confidential.
- b. Restraining Order. When proper, the Court – even before rendering its decision – may issue an order directing the accused to stay away from the

offended person. The court shall impose the conditions for compliance with its order.

- c. Remedies and Psychological Counselling. A victim of GBSH may avail of appropriate remedies as provided in the law with the help of the Municipal Government and DSWD, in coordination with the PCW. The accused or perpetrator shall pay the fees for the remedies, psychological counselling services, and other services as provided in Republic Act No. 11036 (*Philippine Mental Law*).

The Municipal Government and partner agencies may work jointly with private entities in providing psychological services and other related services and assistance in the development of the referral system. In all instances, the accused or perpetrator shall pay the fees for the services.

Section 41. *Penalty.* Violation of any provision of this Ordinance shall be penalized as follows:

- a. First Offense: Fine of Two Thousand Five Hundred Pesos (P2,500.00) and monthly reporting to the Municipal Social Welfare and Development Office for counselling;
- b. Second Offense: Fine of Two Thousand Five Hundred Pesos (P2,500.00) and imprisonment from six (6) to ten (10) days upon discretion of the court; and
- c. Third Offense: Fine of Two Thousand Five Hundred Pesos (P2,500.00) and imprisonment from eleven (11) to thirty (30) days upon discretion of the court.

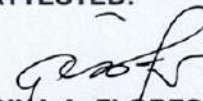
Section 42. *Repealing Clause.* Any ordinance, executive orders, and other issuances or portions thereof that are inconsistent with the provisions of this Ordinance are repealed or modified.

Section 42. *Separability Clause.* If for any reason or reasons, any portion or portions of this Ordinance is declared invalid or unconstitutional, such portions shall not affect the validity of the other provisions, which shall continue to be in full force and effect.

Section 43. *Effectivity Clause.* This Ordinance shall take effect after compliance with the posting, publication, and other requirements provided in Sections 59 and 511 of Republic Act No. 7160 (*Local Government Code*).

UNANIMOUSLY ENACTED. April 11, 2022

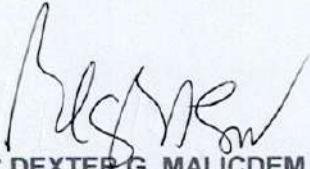
ATTESTED:



GINA A. FLORES
Secretary to the Sanggunian

CERTIFIED CORRECT:



JUDY DL. VARGAS-QUIOCHO

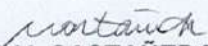
Presiding Officer

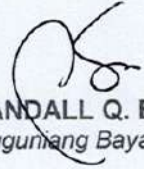

MAC DEXTER G. MALICDEM
Sangguniang Bayan Member



JAY MARK KEVIN D. CRISOSTOMO
Sangguniang Bayan Member

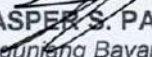

JONATHAN CARL R. ARCINUE
Sangguniang Bayan Member

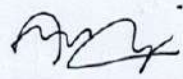

RAMON ANSELMO M. CUARESMA
Sangguniang Bayan Member

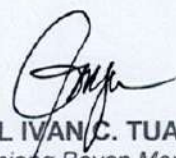

SHEILA V. CASTAÑEDA
Sangguniang Bayan Member


RANDALL Q. BERNAL
Sangguniang Bayan Member

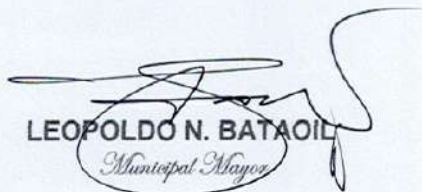

RICARDO R. FERRER
Sangguniang Bayan Member


JASPER S. PASION
Sangguniang Bayan Member


DARWIN B. JIMENEZ
Sangguniang Bayan Member
Association of Barangay Captains (ABC) President


GABRIEL IVAN C. TUAZON
Sangguniang Bayan Member
Sangguniang Kabataan Federation (SKF) President

APPROVED:


LEOPOLDO N. BATAOIL

Municipal Mayor