



Republic of the Philippines
Province of Batangas
CITY OF TANAUAN



Office of the Sangguniang Panlungsod

EXCERPTS FROM THE MINUTES OF THE 142nd REGULAR SESSION OF THE
SANGGUNIANG PANLUNGSOD OF THE CITY OF TANAUAN, BATANGAS
HELD AT THE BULWAGANG EBRON SESSION HALL, NEW CITY HALL BUILDING,
BARANGAY NATATAS, CITY OF TANAUAN, BATANGAS ON APRIL 25, 2022

PRESENT:

HON. ATTY. HERMINIGILDO G. TRINIDAD, JR.	City Vice Mayor and Presiding Officer,
Hon. Joseph M. Castillo,	Member,
Hon. Simeon M. Platon,	Member,
Hon. Czulene T. Marqueses,	Member,
Hon. Angel C. Burgos,	Member,
Hon. Glen Win D. Gonzales,	Member,
Hon. Angel V. Atienza,	Member,
Hon. BGen. Benedicto C. Corona (Ret.),	Member,
Hon. Herman R. De Sagun,	Member,
Hon. Herminigildo O. Trinidad, Sr.,	Member, and
Hon. Isidro M. Fruelda,	Member,
Hon. John Kennedy N. Macalindong,	Member (SK Federation President).

ON LEAVE:

Hon. Dr. Kristel N. Guelos,	Member.
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ABSENT:

None.

CITY ORDINANCE NO. 2022-14

AN ORDINANCE DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR

Introduced by:

*Hon. Czulene T. Marqueses
Hon. Dr. Kristel N. Guelos*

Sponsored by:

The Committee on Laws, Rules and Privileges

*Hon. Joseph M. Castillo
Chair*

*Hon. Benedicto C. Corona
Vice Chair*

*Hon. Czulene T. Marqueses
Hon. Herminigildo O. Trinidad, Sr.
Hon. John Kennedy N. Macalindong
Members*



Republic of the Philippines
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CITY OF TANAUAN



Office of the Sangguniang Panlungsod

WHEREAS, Section 11 of Article II of the 1987 Constitution states that, “the State values the dignity of every human person, and guarantees full respect for human rights”;

WHEREAS, Section 1(a) of Article XIII of the 1987 Constitution states that the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities shall be given highest priority;

WHEREAS, the Philippines being a state-party to the United Nations (UN) Convention on the Eliminations of All Forms of Discrimination Against Women (CEDAW) also known as the International Bill of Rights of Women shall pursue and implement programs and projects and activities that will contribute to the achievement of women’s empowerment and gender equality;

WHEREAS, Section 8(a) of RA 11313 otherwise known as Safe Spaces Act mandates that local government units (LGU’s) shall pass an ordinance which localize the applicability of the said act;

WHEREAS, in Tanauan City, sexual harassment and sexual violence in public places are a daily occurrence rooted in longstanding gender biases which is being exacerbated by the culture of silence on these various forms of harassment in public places;

NOW, THEREFORE, in view of the foregoing, the immediate approval of this Ordinance is earnestly sought.

Section 1. Title. This ordinance shall be known as the “*Safe Spaces Ordinance of Tanauan City*”

Section 2. Definition of Terms. For the purpose of this Ordinance, the following terms shall be defined as follows:

(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 or the owner of the business establishments or any industry that employs manpower;



Office of the Sangguniang Panlungsod

(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 on the 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** - refer 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 crimes 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.

Gender-based streets and public spaces sexual harassment includes:

1. Catcalling
2. Wolf-whistling
3. Unwanted invitations
4. Misogynistic
5. Transphobic, homophobic and sexist slurs
6. Persistent uninvited comments or gestures on a person's appearance
7. Relentless requests for personal details
8. Statement of sexual comments and suggestions
9. Public masturbation or flashing of private parts



Office of the Sangguniang Panlungsod

10. Groping or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks.

Section 4. Streets and Public Spaces. The Streets and Public Spaces are, but not limited to, the following:

- a. Restaurants and Cafes
- b. Bars and Clubs
- c. Resorts and Water Parks
- d. Hotels and Casinos
- e. Cinemas
- f. Internet Shops
- g. Malls
- h. Educational and Training Institutions
- i. Buildings and other privately-owned places open to public
- j. Public Markets
- k. Transportation Terminal
- l. Public Utility Vehicles

Section 5. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors. In case the offense is committed by a minor, the City Social Welfare and Development (CSWD) Office 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 6. Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces. – The following acts are unlawful and shall be penalized as follows:

- (1) The first offense shall be punished by a fine of One Thousand pesos (P1,000.00) and attendance to a Gender Sensitivity Seminar to be conducted by the CSWD Office.
- (2) The second offense shall be punished by a fine of Three Thousand pesos (P3,000.00) and imprisonment of arresto menor (1 day to 30 days).
- (3) The third offense shall be punished by a fine of Five Thousand pesos (P5,000.00) and imprisonment of arresto mayor (1 month and 1 day to 6 months).

Section 7. 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,



Office of the Sangguniang Panlungsod

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 8. Penalties for Gender-Based Online Sexual Harassment. – The penalty of Arresto Mayor in its maximum period of 1 month and 1 day to 6 months or a fine of Five Thousand Pesos (P5,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

Section 9. 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;

(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; and

(d) 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 10. 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:

(a) Disseminate or post in a conspicuous place a copy of this Ordinance to all persons in the workplace;



Office of the Sangguniang Panlungsod

(b) Provide 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 (CODI) to investigate and address complaints of gender-based sexual harassment which 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 not less than half of its members should be women;
- (3) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
- (4) Investigate and decide on the complaints within ten days or less upon receipt thereof;
- (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) Expressly reiterate the prohibition on gender-based sexual harassment;
- (2) Describe the procedures of the internal mechanism created under Section 8(c) of this Ordinance; and
- (3) Set administrative penalties.

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Section 11. Liability of Employers. In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

(a) Non-implementation of their duties under Section 10 of this Ordinance, as provided in the penal provisions: or

(b) Failure to act on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violated subsection a and b of this section shall, upon conviction, be penalize as follows:

- (1) The first offense shall be punished of a fine of Two Thousand Pesos (P2,000.00).
- (2) The second offense shall be punished of a fine of Three Thousand Pesos (P3,000.00).
- (3) The third offense shall be punished by a fine of Five Thousand Pesos (P5,000.00) and the revocation of the business permit for the fiscal year.



Republic of the Philippines
Province of Batangas
CITY OF TANAUAN



Office of the Sangguniang Panlungsod

If the penalty or noncompliance happened during the 4th Quarter of the fiscal year, such penalty will be carried over to the next year and the establishment will be part of the negative list of the Business Permit and Licensing Office (BPLO).

Section 12. Independent Action for Damages. Nothing in this Ordinance shall preclude the victim of work-related Gender-based Sexual Harassment from instituting a separate and independent action for damages and other affirmative relief.

Section 13. Routine Inspection. The Business Permits and Licensing Office (BPLO) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Ordinance.

Section 14. 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 Act, 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 15. Duties of School Heads. School heads shall have the following duties:

(a) Disseminate or post a copy of this Ordinance in a conspicuous place in the educational institution;



Office of the Sangguniang Panlungsod

(b) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns:

(c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:

- (1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
- (2) Designate a woman as its head and not less than half of its members should be women;
- (3) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;
- (4) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
- (5) Investigate and decide on complaints within ten (10) days or less upon receipt thereof;
- (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 educational institution, a code of conduct or school policy which shall:

- (1) Expressly reiterate the prohibition on gender-based sexual harassment;
- (2) Prescribe the procedures of the internal mechanism created under this Ordinance; and
- (3) Set administrative penalties.

Section 16. Liability of School Heads and Heads of Training Institutions. In addition to liability 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 an educational or training institution may also be held responsible for:

(a) Non-implementation of their duties under Section 15 of this Ordinance, as provided in the penal provisions; or

(b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violated subsection a and b of this section shall, upon conviction, be penalize as follows:

- (1) The first offense shall be punished of a fine of Two Thousand Pesos (P2,000.00).
- (2) The second offense shall be punished of a fine of Three Thousand Pesos (P3,000.00).



Republic of the Philippines
Province of Batangas
CITY OF TANAUAN



Office of the Sangguniang Panlungsod

(3) The third offense shall be punished by a fine of Five Thousand Pesos (P5,000.00).

These shall not preclude the filing of administrative cases against the perpetrator with the appropriate disciplinary authority.

Section 17. 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 18. Independent Action for Damages. Nothing in this Ordinance shall preclude the victim of education or training-related Gender-based Sexual Harassment from instituting a separate and independent action for damages and other affirmative relief.

Section 19. Routine Inspection. The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Ordinance.

Section 20. Confidentiality. At any stage of the investigation, prosecution and trial of an offense under this Ordinance, the rights of the victim and the accused who is a minor shall be recognized.

Section 21. Barangay Protection Order. Where appropriate, the barangay who has jurisdiction over the street, public space, workplaces, school or educational institution, offender/suspect, or victim, may issue a Barangay Protection Order (BPO) directing the perpetrator to stay away from the offended person, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

Section 22. 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 as psychological counselling services with the aid of the City Government 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 23. Administrative Sanctions. Penalties stated herein are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

Section 24. Exemptions. Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.



Republic of the Philippines
Province of Batangas
CITY OF TANAUAN



Office of the Sangguniang Panlungsod

Section 25. Tanauan City PNP Women and Children's Desks. The women and children's desks in Tanauan City 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.

Section 26. Appropriations. Any amount necessary for the implementation of this Ordinance shall be charge against the Gender and Development (GAD) Budget of the City of Tanauan, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. In addition, the twenty percent (20%) allocation in the annual internal revenue allotment (IRA) for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" may also be use.

Section 27. Prescriptive Period. Any action arising from the violation of any of the provisions of this Ordinance shall prescribe as follows:

- A. Any offenses which include catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details and statement of sexual comments and suggestions shall prescribe in one (1) year.
- B. Any offenses which include making offensive body gestures at someone and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening, or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions shall prescribe in three (3) years.
- C. Any offenses involving stalking, coupled with other gender-based sexual harassment mentioned in Section 3 accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 3 shall prescribe in ten (10) years.
- D. Offenses committed under Section 7 of this Ordinance shall be imprescriptible.
- E. Any offense committed in the workplace and in any educational or training facility shall prescribe in five (5) years.



Republic of the Philippines
Province of Batangas
CITY OF TANAUAN



Office of the Sangguniang Panlungsod

Section 28. Anti-Sexual Harassment Desk in every Barangay. There shall be an Anti-Sexual Harassment Desk in every Barangay in Tanauan City for the purpose of expediting the receipt and processing complaints and reports of sexual harassment. The Violence Against Women (VAW) Desk Officer shall likewise serve as ASH Desk Officer.

Section 29. Anti-Sexual Harassment Hotline. A Hotline must be established to receive and respond to calls on Gender-based Sexual Harassment (GBSH) on streets and public places.

Section 30. Implementation. The City Government of Tanauan, through the CSWD Office, in coordination with Tanauan City PNP, shall formulate an IRR and Guidelines relative to this ordinance.

Section 31. Repealing Clause. All ordinances, resolutions, local executive orders, rules and regulations or any part thereof inconsistent herewith are deemed repealed, modified, or amended accordingly.

Section 32. Separability Clause. If, for any reason, any part or provision of this Ordinance is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

Section 33. Declaration of Intent to Conform with Law. This Ordinance is subject to national laws, rules and regulations governing its subject matter.

Section 34. Effectivity. This Ordinance shall take effect upon its approval and publication in at least two (2) newspapers of local circulation.

ENACTED this 25th day of April 2022 at the City of Tanauan.

Certified Correct:

REGINA M. AALA-OCAMPO
Secretary to the Sangguniang Panlungsod

Attested:

ATTY. HERMINIGILDO G. TRINIDAD, JR.
City Vice Mayor and Presiding Officer

Approved:

5-13-2022

(Date)

MARY ANGELINE Y. HALLI
City Mayor