

EXCERPTS FROM THE MINUTES OF THE 30<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIAN BAYAN OF BACOR, CAVITE HELD AT THE SESSION HALL, BACOR MUNICIPAL HALL, BACOR, CAVITE ON THE 31<sup>ST</sup> DAY OF MARCH 2008.

**PRESENT:**

HON. MIGUEL N. BAUTISTA ----- Acting Presiding  
Officer

HON. ROLANDO S. REMULLA ----- Councilor  
HON. AVELINO B. SOLIS ----- Councilor  
HON. HUBERT V. GERVACIO ----- Councilor  
HON. REYNALDO M. FABIAN ----- Councilor  
HON. NORMITA D. CELESTINO ----- Councilor  
HON. AVELINO S. DE CASTRO ----- Councilor  
HON. BAYANI M. DE LEON ----- Councilor  
HON. GIANNE LOUISE OLEGARIO ----- Councilor (SKF-Pres)  
HON. CATHERINE SARINO ----- Councilor(ABC-Pres.)

**Municipal Ordinance No. 4-B  
Series of 2008**

**AN ORDINANCE ENACTING THE GENDER AND DEVELOPMENT  
CODE OF THE MUNICIPALITY OF BACOR.**

*Sponsored by Councilor Hubert Gervacio*

**WHEREAS**, pursuant to the powers of the Sangguniang Bayan of Bacor, Cavite, its members conducted a series of public hearings in aid of legislation intended to assess the issue of gender equality in the municipality, among others.

**WHEREAS**, the Sangguniang Bayan hired legal consultants for the purpose of determining the existence of any municipal ordinance pertaining to the above-mentioned issue and assist the Sangguniang Bayan in drafting the necessary legislation to address the same.

**WHEREAS**, after conducting the necessary consultations and

public hearing, a draft ordinance entitled the "Gender and Development Code of the Municipality of Bacoor" was presented to the Sangguniang Bayan for review and consideration.

**WHEREAS**, after a thorough deliberation on the merits of the said proposed municipal ordinance, the Sangguniang Bayan decided to suspend its Internal Rules and proceeded to vote on the said piece of legislation;

**NOW, THEREFORE:**

Be it ordained by the Sangguniang Bayan of Bacoor, Cavite in regular session assembled upon motion of Councilor Hubert Gervacio and unanimously seconded by all its members that:

Section 1. The Gender and Development Code of the Municipality of Bacoor is hereby unanimously enacted. A copy of the said municipal ordinance is attached hereto as **Annex "A"**.

Section 2. Should any provision of the said municipal ordinance be declared void, the remaining provisions of the above-mentioned ordinance not affected thereby shall remain valid and in effect.

Section 3. The said ordinance shall take effect immediately after its publication in a newspaper of general circulation.

Section 4. Let copies of the said municipal ordinance be sent to the Office of the Municipal Mayor and to all the concerned departments of the municipal government of Bacoor, Cavite.

**ENACTED** by the Sangguniang Bayan of Bacoor, Province of Cavite this 31<sup>st</sup> day of March, 2008.

**Attested by:**

**ORIGINAL SIGNED**  
**ATTY. KHALID A. ATEGA JR.**  
*Secretary to the Sangguniang Bayan*

Certified by:

**ORIGINAL SIGNED**  
HON. ROSETTE M. FERNANDO  
*Vice Mayor/Presiding Officer*

Approved by:

**ORIGINAL SIGNED**  
HON. STRIKE B. REVILLA  
*Municipal Mayor*

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## **THE GENDER AND DEVELOPMENT CODE**

### **GENERAL PROVISIONS CHAPTER I – BASIC PRINCIPLES**

#### **ARTICLE I**

##### **TITLE, STATEMENT OF PRINCIPLES AND DEFINITION OF TERMS**

**Section 1. Title.** This ordinance shall be known and cited as the "**GENDER AND DEVELOPMENT CODE OF THE MUNICIPALITY OF BACOR,**" hereinafter referred to as the **GENDER CODE.**

**Section 2. Statement of Principles.** This Gender Code's mission is to illustrate the full compliance of the Municipality of Bacor to the democratic principle that equality between women and men in the transformation of system, practices and cultures in a civil society is not contrary to any existing fundamental law. This initiative is aimed at mainstreaming women's concern to create a wider arena for women's active involvement in the development process, and to protect their rights and be given opportunities equal to that of men.

This is in consonance with the declaration of the United Nations, to wit:

- a. Women have the right to prevention of and protection from all forms of violence and coercion against their person, their freedom, their sexuality and their individuality;
- b. Women have the right to freely and fully participate individually or collectively – in the political process prevalent in their communities and nations;
- c. Women have the right to the knowledge and means necessary for the full exercise of their reproductive rights according to their beliefs and preferences;
- d. Women have the right to the means of ensuring their economic welfare and security;
- e. Women have the right to choose their spouses in accordance with their values and preferences maintain equality in marriage, work for its dissolution, if need be, and obtain adequate support for the rearing and caring of their children;
- f. Women have the right to an adequate, relevant, and gender fair education throughout their lives, from childhood to adulthood;
- g. Women have the right to adequate nutrition and proper health care;
- h. Women have the right to humane living conditions;



i. Women have the right to nurture their personhood, collectively and individually to secure an image of themselves as whole and valuable human beings to build relationships based on respect, trust, and mutuality;

j. Women have the right to equality before the law in principle as well as in practice;

In the light of historical gender biases, inequalities and inequities, this piece of local legislation will provide the Municipal Government a policy direction to formulate program and strategies, among others, that will:

1. Mainstream gender concerns in sectoral development plan, policies, and programs;

2. Intensify awareness campaign on gender issues and concerns;

3. Strengthen Government, Private and Non-government Organization (GO-PO-NGO) partnership to maximize the effectiveness of programs and services addressing Gender and Development (GAD) concerns;

4. Encourage, support and expand the participation of grass roots women in the planning, implementation, monitoring and evaluation of development programs and projects;

5. Recommend appropriate curricula at all academic levels that are gender-sensitive;

6. Provide gender-responsive relief and rehabilitation programs with special focus on women and children's need;

7. Involve men in reproductive health programs, child care and nutrition concerns, and engage them in projects that enhance the well-being of the family;

8. Set up crisis intervention centers and shelters in the Municipality of Bacoar for survivors of violence against women and children and other social conflicts;

9. Promote gender sensitivity in local media and advertising agencies;

10. Increase the members of women in decision and policy making posts in the locality through implementation of capability building programs;

11. Establish the necessary mechanism to enable indigenous women to participate in development programs and gain process to non-traditional sources of livelihood, credit financing, productive skills and labor saving technologies; and,

12. Integrate gender and development in the planning and budgeting system through the formulation of GAD Plans;

**Section 3. Definition of Basic Terms and Related Concepts.** As defined by law,



and reiterated in this Code the following are defined to wit:

**ACTS OF LASCIVIOUSNESS** - acts that are lascivious in nature, which include but are not limited to, intentional touching, either direct or through clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks; or the introduction of any object into the genitalia, anus or mouth of a woman with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genital or pubic area of a person, etc.

**ASSAULT** - an attempt or threat to inflict injury upon a woman when coupled with an apparent present ability to do so and any intentional display of force such as would give her reason to fear or expect immediate bodily harm. It may be committed without actually touching, striking, or doing bodily harm to her.

**BATTERING** - an act of inflicting physical harm on a woman resulting to physical and psychological or emotional distress preventing her from doing what she wishes, or forcing her to behave in a manner that is unacceptable to her.

**BISEXUAL** - One who is sexually attracted to both men and women, or engaging in both heterosexual and homosexual activity; having both male and female characteristics; having male and female reproductive organs.

**CHILD** - a person below 18 years of age, or over 18 years of age but is unable to fully take care of herself/ himself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

**COERCION** has been categorized into two:

**Grave Coercion** - an act of violence, threat or intimidation done by any person who, without any authority of law, prevents a woman from doing something not prohibited by law, or compels her to do something against her will, whether it be right or wrong.

**Light Coercion** - an act committed by any person who, by means of violence, shall seize anything belonging to a woman debtor for the purpose of applying the same to the payment of debt.

**CONCUBINAGE** - an act of keeping a mistress in the conjugal dwelling, or shall have sexual intercourse, under scandalous circumstances, with a woman who is not a wife, or shall cohabit with her in any other place.

**DIFFERENTLY-ABLED** - are those suffering from restriction or different abilities, as result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being;

**ECONOMIC ABUSE** - denial of access or control over economic resources. This includes but is not limited to, denial or withdrawal of financial support, prohibiting the woman to get a job to support the family while her partner refuses to get a job of his

own, control over conjugal finances, using family money for his vices, destroying household property and other abuses that pertain to economic conditions.

**FORCED LABOR AND SLAVERY-LIKE PRACTICES** - an act of extracting of work or services from a woman, or the appropriation of the legal identity or physical person of a woman by means of violence or threat of violence, abuse of authority of dominant position, debt bondage, and deception.

**FORCIBLE ABDUCTION** - an act of taking away or grabbing a woman against her will with lewd designs.

**FREELANCE** – one who pursues a certain profession without a long-term commitment to any one employer.

**GAD BUDGET** - The portion of the Municipality government's yearly general appropriation that is allocated for the implementation of its annual plan for gender and development.

**GAD BUDGET POLICY** - A policy in the Philippine General Appropriations Act that directs all agencies of government to allocate a minimum of five percent (5%) of their total annual budgets for gender programs, projects and activities.

**GAD FOCAL POINT** - A person tasked to facilitate and monitor the implementation of gender mainstreaming in each government agency.

**GAD-RESPONSIVENESS** - The consistent and systematic attention given to the differences between women and men in society with a view to addressing structural constraints to gender equality.

**GAY** – a homosexual male;

**GENDER** – the socially learned behavior and expectations associated with the two sexes. It also refers to the socially differentiated roles and characteristics attributed by a given culture to women and men.

**GENDER AND DEVELOPMENT (GAD) PLAN** - A systematically designed set of programs, projects and activities carried out by the Municipality government over a period of time to address gender issues and concerns within the different sectors of society and constituents.

**GENDER MAINSTREAMING AND INSTITUTIONALIZATION** - An approach that situates gender equality issues at the center of broad policy decisions, institutional structures and resource allocations, and includes women's views and priorities in making decisions about development goals and processes.

**ILLEGAL RECRUITMENT** - refers to victims who were recruited usually for a fee for various forms of local or foreign employment but ended up being victimized, i.e, no



job placement were effected or who actually job-placed but under exploitative or oppressive conditions (low salaries, long hours of work, etc.) and have lost their jobs.

**INCEST** - sexual abuse committed against a child by a person who is related to her/him within the fourth degree of consanguinity or affinity and who exercises influence, authority or moral ascendancy over her/him.

**INVOLUNTARY PROSTITUTION** - refers to victims who were recruited for various forms of employment such as receptionists, waitresses, entertainers, dancers, household help who are later on forced into prostitution.

**LESBIAN** – a homosexual woman.

**MAIL ORDER BRIDE** - Filipino women matched for marriage to foreign nationals for a fee, profit or any material or economic consideration, through the use of the postal services, tri-media, new information technology, and various modes of recruitment and advertising activities.

**MAIL-ORDER BRIDE SCHEME** - the process of matching for a fee, profit or any material or economic consideration, Filipino women for marriage to foreign nationals through the use of the postal services, tri-media, new information technology and various modes of recruitment and advertising activities.

**MALICIOUS MISCHIEF** - an act of causing damage to a woman obstructing her to perform public functions, or using any poisonous or corrosive substance on her.

**MENTALLY ILL** - the lack of mental health making a person incapable of leading a normal life.

**MUTILATION** - an act of intentionally depriving a woman, either totally or partially, of some essential organ of reproduction or any other part of her body.

**NEGLECT** - failure to provide, for reasons other than poverty adequate food, clothing, shelter, basic education or medical care so as to seriously endanger the physical, mental, social and emotional growth and development of the child.

**PEDOPHILE** - person with psycho-sexual perversion deriving gratification from child sexual abuse.

**PEDOPHILIA** - an act of psycho-sexual perversion deriving gratification from child sexual abuse.

**PHYSICAL INJURY** has been categorized as follows:

**SERIOUS PHYSICAL INJURY** - an act by any person who shall wound, beat or assault a woman, shall be guilty of the crime of serious physical injuries inflicted on the woman shall have caused any of the following:

a) become insane, imbecile, impotent or blind;

b) have lost the use of speech or the power to hear or to smell, or shall have lost an eye, a hand, a foot, an arm or a leg, or shall have lost the use of any such member, or shall have become incapacitated for the work in which she is habitually engaged;

c) become deformed, or shall have lost any part of her body, or shall have lost the use thereof, or shall have been ill or incapacitated for the performance of the work in which she is habitually engaged for a period of more than ninety (90) days;

d) have caused the illness or incapacity for labor of the injured woman for more than 30 days.

**LESS SERIOUS PHYSICAL INJURY** - an act of any person who shall inflict upon a woman physical injuries which shall incapacitate the woman for labor for ten (10) days or more, or shall require medical attendance for the same period.

**SLIGHT PHYSICAL INJURY AND MALTREATMENT** - an act by any person who shall inflict upon a woman physical injuries, which: a) shall incapacitate the woman for labor from one to nine days, or shall require medical attendance during the same period; b) do not prevent the woman from engaging in her habitual work nor require medical attendance; c) when the offender shall ill-treat another by deed without causing any injury.

**PHYSICAL VIOLENCE** - an act of inflicting physical injuries, parricide, homicide, frustrated parricide, murder or homicide, infanticide, and abortion.

**PROSTITUTION** - the sale, purchase and exchange of a woman's body for sexual exploitation for cash, profit or other considerations or favors.

**PSYCHOLOGICAL VIOLENCE** - an act or behavior committed against a woman, which destroys belief in herself, demeans, and causes mental and emotional disturbance. This includes but is not limited to verbal abuse, economic abuse, accusation of infidelity, prolonged silence, taking children away from her, ordering the woman out of the house, infidelity of the partner, threats and coercion and sexual harassment.

**RAPE** - an act committed:

a. By a man who shall have carnal knowledge of a woman under any of the following circumstances:

i) through force, threat or intimidation;

ii) when the woman is deprived of reason, or otherwise unconscious;



iii) by means of fraudulent machination or grave abuse of authority; and

iv) when the offended party is under 12 years of age or is demented, even though none of the circumstances mentioned above be present.

b. by any person who, under of the circumstances mentioned in par. 1 hereof, shall commit an act of sexual assault by inserting the penis into a woman's mouth or anal orifice, or any instrument, object, or any other part of the body such as fingers or toes into the genital or anal orifice of a woman.

**REPRODUCTIVE HEALTH** - As defined in the International Conference on Population and Development and World Health Organization, and affirmed in the International Women's Conference in Beijing, reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity in all matters relating to the reproductive system and to its functions and processes, i.e. people are able to have a satisfying and safe sex life and have the capability to reproduce and the freedom to decide it, when and how to do so.

**SEDUCTION** has been categorized as follows:

**SIMPLE SEDUCTION** - an illicit sexual intercourse committed against a child who is over 12 but under 18 years of age committed by means of deceit and persuasion.

**QUALIFIED SEDUCTION** - an illicit sexual intercourse committed through persuasion of a child over 12 and under 18 years of age by a person in public authority, priest, home servant, domestic, guardian, teacher, or any person, who, in any capacity shall be entrusted with the education or custody of the child seduced.

**SEX** - the genetic and physical or biological identity of a person which indicates whether one is male or female.

**SEXUAL ABUSE** - an act, which is sexual in nature, committed against a woman without her consent. Sexual abuses include but are not limited to the following: rape, sexual harassment, acts of lasciviousness, treating a woman as a sex object, making demeaning and sexually suggestive remarks; physically attacking the sexual parts of her body, forcing her to watch pornographic video shows or see pornographic materials, catching the husband having sex with another women in the marital bedroom; forcing the wife and mistress to sleep with the husband in the same room.

**SEX DISCRIMINATION** - any distinction, exclusion, restriction or bias made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of women of human rights and fundamental freedom in the political, economic, social, cultural, civil or any other field.

**SEX TOURISM** - a program organized by travel and tourism-related establishments

and individuals, which consists of tourism packages or activities utilizing and offering escort and sexual services of a woman as enticement for tourists. This includes such services and practices offered during the rest and recreation periods for members of the military.

**SEXUAL ASSAULT** - an act causing or attempting to cause a woman to engage involuntarily in any sexual act by force, threat or force, or duress.

**SEXUAL HARASSMENT** - any unwanted or uninvited sexual attention that creates an intimidating, hostile or offensive environment on the school or workplace. It usually occurs when the harasser is in a position of power or authority over the woman victim. It can also occur in the streets and public places when men ogle, whistle, or make obscene or degrading remarks and gestures directed at women and young girls.

**THREAT has been defined as follows:**

- a) **GRAVE THREAT** - an expression and manifestation to do an act constituting a crime against the personhood, honor, and property of the woman victim and her family.
- b) **LIGHT THREAT** - an expression and manifestation to commit a wrong, not constituting a crime, against a woman.

**TRAFFICKING IN WOMEN** - the act of recruiting and transporting a woman within and across national borders for work or services by means of violence or threat of violence, abuse of authority or dominant position, debt-bondage, deception or other forms of coercion.

**TRAFFICKING THROUGH RECRUITMENT FOR EMPLOYMENT** - the acts of involving fraudulent recruitment and transportation of a woman within and across borders for work or employment resulting in slavery-like conditions and or sexual servitude.

**TRANSSEXUAL** - a person of one sex who undergoes surgery to modify his/her sex organs to become physically like the opposite sex commonly because of psychological identity with the other sex.

**VERBAL ABUSE** - use of degrading or insulting words resulting to loss of self-esteem, public humiliation, and loss of public dignity.

**VIOLENCE AGAINST WOMEN** – an act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life. It encompasses all forms of violation of women's rights, including threats and reprisals, exploitation, harassment, and other forms of control.



**WHITE SLAVE TRADE** - any person who, in any manner, or under any pretext shall engage in the business or shall profit by prostitution or shall enlist the services of any other for the purpose of prostitution.

**WIFE CRUELTY** - physical, sexual and psychological violence committed by a man against his legal wife, common law-wife, or live-in partner.

## **CHAPTER II - DEVELOPMENT CONCERNS**

### **ARTICLE I VIOLENCE AGAINST WOMEN**

#### **Section I. What constitutes Violence Against Women**

Violence Against Women shall include but is not limited to:

- a. Physical, sexual and psychological violence occurring in the family regardless of relationship, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
- b. Physical, sexual and psychological violence occurring within the general community, including rape, gang-rape, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- c. Violation of the human rights of women in situations of armed conflict and, in particular, murder, physical and psychological torture, systematic rape, sexual slavery and forced prostitution.
- d. Forced sterilization and forced abortion, coercive or forced use of contraceptives, prenatal sex selection, female infanticide, forced medical or psychological examinations without express approval of the concerned person.
- e. Buy and sell of a woman or exposure of any of her private body parts for profit.
- f. Sexual harassment and assault of women in detention.

#### **Section 2. What constitutes Sexual Abuse**

Sexual Abuse shall include but is not limited to the following:

- a. When a man inserts or attempts to insert his penis into the mouth, genital or anus of a woman under any of the following:

- 1) through force, threat or intimidation;
  - 2) by means of abuse of authority or relationship;
  - 3) when the offended party is deprived of reason or is otherwise unconscious;
  - 4) when the offended party is *below eighteen years old*, even though none of the above circumstances is present.
- b. When a person who inserts part of his or her body other than the sexual organ, or who introduces any object or instrument into the genital or anus of a woman under any of the situations stated in paragraph 1.
  - c. When a person subjects another to have sexual intercourse with an animal under any of the circumstances stated in paragraph 1 or through any abnormal, unusual or ignominious sexual act.
  - d. Sexual abuse in intimate relationships consisting of any form of forced sexual act by a partner to the other within intimate relations as defined in the Anti-Rape Law of 2001 and Anti-VAWC Law (RA 9262) of 2004, such as those between women relations, married or unmarried, legally separated or separated in fact.
  - e. Incestuous abuse committed by any person who has authority over a person by virtue of consanguinity and/or affinity such as those perpetrated by father, mother, grandparent, brother, sister, whether whole or half-blood, an uncle, aunt, nephew or niece, or cousin to the fourth degree.

**Section 3. Partner/Wife Abuse and Battering.** It constitutes the following kinds of behavior, but is not limited to:

- a. Physical Abuse and Battering – this includes any form of inflicting wounds, pain, etc on any part of the women's body or the threat of physical violence.
- b. Sexual abuse and assault – this includes physical attack on the women's breast/genitals or forced sexual activity, accompanied by either physical violence or the threat of physical violence.
- c. Psychological abuse – this includes threats of suicide, violence against the women of her family, punching, breaking or defacing or otherwise destroying the house or any part thereof or of personal belongings of a woman, threatening to take the children away, threatening deportation of wives with foreign citizenship, threatening to kidnap children or take them to a foreign country and forcing the victim to do degrading things, controlling the victim's lawful or usual activities, the use of foul and insulting words or statements, and threat of abandonment and expulsion such as forcing the wives to leave the conjugal dwelling. This provision shall apply to any form of intimate relations such as common law relations, those between and among



members of the same household; and includes men's control over women's resources (e.g. income, property, etc.)

d. Economic abuse – this includes deprivation of women on economic resources, their generation and mobilization so as to create dependency and submissiveness to men and to any established structures of domination such as controlling over women's hard-earned money and using them for his vices, etc.

**Section 4.** Trafficking in Women shall include the following but is not limited to any person or association, cult, religion, or organization or similar entities to commit the following acts:

a. Establish or carry on a business for the purpose of matching women for marriage to foreigner either on a mail-order basis or through personal introduction or cyberspace;

b. Advertise, publish, print, or distribute, or cause the advertisement, publication, printing or distribution of any brochure, flyer or propaganda material calculated to promote the above-mentioned prohibited acts for profit or advantage;

c. Solicit, enlist, or attach/induce any woman to join any club, association or organization whose objective is to match women for marriage to foreigners either on a mail-order basis or through personal introduction or cyberspace or any form which facilitates the act of solicitation;

d. Use the postal service, cyberspace or satellite TV to promote the abovementioned prohibited acts;

e. To buy or sell a woman, or any of her body parts for profit; or to use her body by any pretext; to be used for experiments, research or the like without her consent;

f. To buy or engage the services of a prostituted woman;

g. Threaten or use violence and force a woman to become a mail-order bride;

h. Lease or sublease, use or allow to be used any house, building or establishment for the purpose of trafficking in persons; and,

i. Organize, produce or distribute pornographic materials that promote traffic in persons.

**Section 5. Sexual Harassment** – Sexual harassment shall be unlawful in the employment, education or training environment as prescribed in RA 7877.

**Section 6. Other Forms of Sexual Harassment.** – Other than the definition provided by RA 7877, the following constitute sexual harassment some of which are covered by the Revised Penal Code under Acts of Lasciviousness:

- a. persistent telling of offensive jokes such as green jokes or other analogous statements to someone who finds them offensive or humiliating;
- b. taunting a person with constant talk about sex and sexual innuendoes; displaying offensive or lewd pictures and publications in the workplace;
- c. interrogating someone about sexual activities or private life; during interviews for employment, scholarship grant of any lawful activity applied for;
- d. making offensive hand or body gestures at someone;
- e. repeatedly asking for dates despite verbal rejection;
- f. touching, pinching or brushing up against someone's body unnecessarily or deliberately;
- g. kissing or embracing someone against her will;
- h. requesting sexual favors in exchange for a good grade, obtaining a good job or promotion, etc.;
- i. cursing, whistling or calling a woman in public with words having dirty connotations or implications which tend to ridicule, humiliate or embarrass the woman such as "puta", "peste", "pokpok";
- j. any other unnecessary acts during physical examinations;
- k. requiring women to wear suggestive or provocative attire during interviews such as job hiring, promotion, admission; and,
- l. any expression of gender bias against a person with the intention to embarrass, humiliate or stigmatize.

**Section 7. Pedophilia.** –This form of sexual perversion shall include the following acts but shall not be limited to the following:

- a. when the offender shall have sexual intercourse with a child;
- b. when the offender shall have anal intercourse with a child;
- c. when the offender does other sexual acts such as fondling, kissing the private parts of a child or taking photographs or video of the same for pornography; and,
- d. when the offender shall have in possession of pornographic photographs or videos of the same.



**Section 8. Commercial Exploitation of Women/Men and Girls/Boys.** – It shall be unlawful for any person to sell or market women's and girl's bodies in various forms of packaging. These include but are not limited to the following:

- a. Prostitution which is selling a woman's body mainly for sex;
- b. Printing, publication, display, and distribution of pornographic scenes on movies/TV shows, trailers, posters, billboards and other materials and literature that treat women/men and girls/boys as sex objects and commodities;
- c. Pornographic and indecent shows depicting women/men and children as sexual objects either in nude or provocative gestures; and
- d. Live shows where women or children are influenced or forced to dance or do naked shows in public or private places for various purposes.

**Section 9. Non-discrimination of gays, lesbians, bisexuals, and transgenders.** – It shall be regarded a violation of human rights to discriminate against any person on the basis of her/his sexual preference or orientation for employment, participation in Municipality development programs and projects, and/or other family or community activities.

## **ARTICLE II**

### **SUPPORT SERVICES FOR VICTIMS OF VAW**

**Section 1. Comprehensive Support to Women-survivors of violence.** – The Municipal government shall provide comprehensive support to women-survivors of violence in accordance with RA 9262 and the written protocol for the management of VAWC cases. Such women shall be registered with the Municipal Social Welfare Office or any office established by the Mayor for this purpose.

**Section 2. Court hearing of rape cases, Incest and other forms of Violence against Women** – All investigations or hearings involving rape cases and other forms of violence against women conducted in police stations, prosecutor's offices and trial courts shall recognize and allow the victim's support group to be present as observers and, at the same time, to provide moral support and ensure the protection of the victim's privacy.

**Section 3. Support services for women employed in the entertainment industry and/or engaged as freelance, both for entertainment and sex** –

Women in the entertainment industry are those women employed or engaged as freelance in establishments identified as places of amusements and shall include, but not limited to nightclubs or day clubs, cocktail lounges, super or family clubs, karaoke and videoke bars, beer houses/gardens, fast food centers, resorts which show TV/cable programs, films, movies, sport shows either by direct hook-up or via

satellite and other places of amusement where one seeks admission to entertain oneself.

The Municipal government shall provide basic services and the protection against sexual abuse and violence for women in the entertainment industry, including but not limited to, the issuance of health cards, weekly smearing as STI screening, provision of medicines and IEC.

### **ARTICLE III**

#### **POLITICAL AND PUBLIC SPHERE PARTICIPATION OF WOMEN**

**Section 1. Women's participation and representation in the Barangay and Municipality Development Councils and Local Special Bodies** – Both the Municipal and barangay development councils, and Local Special Bodies shall ensure that at least one-third (1/3) of its members is composed of women in recognition of their considerable leadership and involvement in various development efforts and initiatives. Both the Municipal and barangay development councils shall undergo capacity building for gender-responsive development planning to ensure that all plans, programs and projects are gender responsive.

**Section 2. Promoting gender balance at all levels of Local Government positions** – The Municipal government shall ensure that all qualified women and men have equal opportunity to assume key positions at all levels of local government, whether elective or appointive. This shall form part of the Municipal government's efforts to eliminate barriers to women's participation in the public sphere.

**Section 3. Organization of Barangay Gender and Development Coordinating Committees** – All barangays shall establish their respective BGADCC to ensure that gender issues and concerns are incorporated and addressed at the barangay level and reflected in barangay development plans. All women's organizations with mass membership at the community level shall be represented in the committee as a cluster. This committee shall appropriate at least 5% GAD budget as institutionalized and mandated by law.

**Section 4. Marking significant days for Women's Action** – The Month of March shall be celebrated as Women's Month. There shall be a coordinated Municipal and barangay level activities for women to be highlighted with the State of the Women Address by the Municipal Mayor reporting all accomplishments and initiatives to promote the status of women in Bacoar. A committee for this activity should be convened and spearheaded by the Municipal GAD team chaired by the Committee on Women and Family Welfare of the SB.

**Section 5. March 8 as International Women's Day** – March 8 as International Women's Day shall be declared as a special day for all women in Bacoar through an Executive Order.



**Section 6. Day of Action for Breast Cancer Awareness** – The Municipal government shall set a day in the month of March to organize information campaign activities on breast cancer. A coordinated Municipal and barangay level activities shall be set and spearheaded by the Municipal Health Office, or such other Municipal Officer designated by the Mayor for the purpose, to promote consciousness on breast cancer.

**Section 7. Girl-Child Week** – The Municipal government shall set one week in October to organize activities to celebrate the Girl Child Week. It shall be spearheaded by the Municipal Social Welfare Office.

**Section 8. International Day of Action for Women's Health** – May 28 shall be marked as the International Day of Action for Women's Health, when issues and concerns relative to the protection and promotion of women's health shall be examined, deliberated and addressed. A coordinated Municipal and barangay level activities shall be set and spearheaded by the Municipal Health Office, or such other office to be designated by the Mayor for the purpose.

**Section 9. International Week of Action Against Violence Against Women (VAWC)** – The Municipality shall organize various events and activities to commemorate the Campaign to end violence against Women and children every November 25 - December 12, culminating on International Human Rights Day. The activity shall be spearheaded by the Municipal GAD Team.

**Section 10. Bacoor Municipal Gender and Development Summit** – The Municipal government shall set March 31 to hold a Gender and Development Summit. The Municipal GAD Coordinating Committee shall manage and coordinate the activities and affairs of the summit focusing on (a) the current situation of women in Bacoor and (b) gender issues and concerns and how these can be addressed. This summit shall come up with priority issues with their respective action points to be disseminated and proposed for adoption at the Municipal and barangay councils.

#### **ARTICLE IV**

#### **CULTURAL IDENTITY OF WOMEN**

**Section 1. Accessible and culturally appropriate schools or alternative learning systems for indigenous and Muslim communities** – The Municipal government shall provide accessible and culturally appropriate schools or alternative learning systems to indigenous communities.

**Section 2. Unprejudiced Recognition of indigenous and Muslim culture** – Indigenous and Muslim women and men shall be allowed enrolment in schools and colleges and enjoy employment opportunities without prejudice to their cultural

identity or affiliation, and where no birth and marriage certificates are issued as evidence thereto.

**Section 3. An Integrated Development Program for Indigenous/Muslim communities** - The Municipal government shall adopt an integrated development program for indigenous or Muslim communities that shall facilitate empowerment, incorporating active support for the preservation of the indigenous/Muslim communities' knowledge of the environment.

## **ARTICLE V**

### **LABOR AND EMPLOYMENT**

**Section 1. Wage and Benefits for Women** – Every employer shall comply with the minimum wage as stipulated by the Regional Wage Board or as stipulated by pertinent legislation passed by Congress and shall grant all benefits to women employees, in both public and private sector, such as maternity leave, sick and vacation leave, retirement and other benefits provided by law. The same provision shall apply to benefits covered by the Collective Bargaining Agreement (CBA), if any, between the concerned employees' union and management.

**Section 2. Maternity Leave benefits for married or unmarried Mothers in the Private Sector** – Every pregnant employee in the private sector, whether married or unmarried, is entitled to Maternity leave benefit up to sixty (60) days in case of normal delivery or miscarriage and seventy-eight (78) days in case of caesarian section delivery as mandated by law under RA 8282, with benefits equivalent to 100% of the average daily salary credit of the employee as defined by law. Government employees are also entitled to maternity leave benefit as mandated by Sections 12, 13 and 14, Rule XVI of the Civil Service Commission Resolution No. 91-1631.

**Section 3. Paternity Leave benefit as Incentive for Fathers' meaningful Participation in the care of the new born child in the public or private sector** – Paternity leave benefit is granted to all married male employees in the public and private sector as mandated by law under RA 8187.

The paternity leave shall be for seven (7) calendar days with full pay consisting of basic salary and mandatory allowances fixed by the Regional Wage Board, if any, provided that his pay shall not be less than the mandated minimum wage.

**Section 4. Increase Reproductive health benefits for Women** – A yearly twelve-day menstrual or menopausal leave for women employees in public or private offices and commercial or industrial establishments located in the Municipality, who have rendered at least one (1) year of continuous service, provided that this benefit shall be mutually agreed upon in the Collective Bargaining Agreement (CBA) between the concerned employees' union and management. Provided, further, that this benefit



shall be taken one day each month for menstrual or menopausal leave.

**Section 5. Orientation on Sexual Harassment** – All government agencies and private offices, commercial or industrial establishments located in the Municipality shall conduct regular orientation on sexual harassment for their respective employees.

**Section 6.** The Municipal government and all private offices and commercial or industrial establishments shall set up or create their own Committee on Decorum and Investigation (CODI) including the promulgation of the Implementing rules and Regulations or policy on sexual harassment that will provide or prescribe procedure for the investigation of sexual harassment cases and administrative sanctions covering all Municipality officers and employees in accordance with the provision of RA 7877 and the Civil Service rules and Regulations on sexual harassment.

**Section 7. Setting up Grievance Machinery** – A grievance committee shall be set up in all government and private offices, commercial/industrial establishments located in the Municipality, to act on complaints or cases related to various forms of discrimination against women in the workplace such as hiring, job training, promotion, and the like.

**Section 8. Equal access to Job Training and Promotion** – No woman shall be deprived of job training and promotion on account of her gender, age, ethnicity, creed, religion, and civil status.

**Section 9. Facilities and support systems for women** – The Municipal government shall ensure the occupational safety and health of women employees in both government and private offices and commercial/industrial establishments in appropriate cases, it shall require employers to:

- 1 Allow flexi-time for working mothers to allow them to breast feed their infants and bring their infants to the health centers or clinics for immunization and/or medical check-up, and to avail of pre and post natal services.
- 2 Establish separate toilet rooms, lavatories for men and women.
- 3 Establish homecare rooms or corners in the workplace to cater to breastfeeding or child care for working mothers.
- 4 Establish a child minding center within the Municipality hall compound.

**Section 10. Household-based Workers or Women in the Informal Sector** – The Municipal government shall ensure that social protection shall be accorded to women working in the informal economy. These are women vendors, sewers, laundry workers and related occupation.

Organized home-based workers may avail of social security and employees'



compensation benefits and Philhealth benefits upon proper documentation and registration with the Social Security System and Philhealth.

The Municipal government, through the Municipal Social Welfare Office and the Municipal Health Office or any designated office, shall conduct an inventory of all women involved in the informal sector for consultation and provision of appropriate support services for the sector.

**Section 11. Barangay-based House-help support** – All barangays in Bacoor, through the Barangay GAD Coordinating Committees, shall conduct compulsory education for both house-helpers and house-helper employers on gender sensitivity and Laws against VAWC. An administrative sanction shall be imposed to any barangay council which fails to comply with this provision.

**Section 12. Women in the entertainment industry** – Women engaged in legitimate occupations in the entertainment industry such as singers, dancers, guest relations officers and receptionists, shall be recognized as wage earners and shall receive minimum wage and benefits afforded to women workers and shall render services as set in the job contract and only in the place of work as specified in the business permit of the establishment concerned.

Employment of minors, that is, persons below the age of 18 in the entertainment industry, as defined in this code, is strictly prohibited in accordance with RA 7658.

**Section 13. Police Operations in Entertainment Establishments** – All police operations or raids conducted in any entertainment establishment must be undertaken with utmost care and respect for human rights. Police officers shall not take this opportunity for sexual exploitation or extortion from entertainers and other concerned parties. Violation of this provision is punishable under the Revised Penal Code and other related laws.

**Section 14. Incentives for business entities** – The Municipal government shall provide incentives to business entities, that establish, maintain, and operate a child minding center or breastfeeding corner and extend maternity leave benefits to women.

**Section 15. A monitoring system on labor standards** – A mechanism shall be installed by the Municipal GAD Team to monitor all offices, agencies and establishments or companies violating Labor Code provisions and other applicable laws and provisions of this ordinance; prepare regular reports to concerned departments and recommend appropriate actions.

## **ARTICLE VI WOMEN'S HEALTH RIGHTS**

**Section 1. Reproductive Health** - The Municipal government shall adopt the reproductive health care approach at all levels of health care delivery, which is not

limited to family planning and child bearing or safe motherhood but is widened to include sexuality, gender power relations and fertility regulations.

**Section 2. Health Care Delivery** – Quality health care and services shall be accessible to all women and men regardless of age, sex, creed, religion and ethnicity in Bacoar.

No hospital in the Municipality shall deny women and men living below the poverty line of reproductive health services. A certificate of indigency shall be issued by the Municipal social welfare worker for the purpose of verifications.

In case of emergency, a social worker or any authorized personnel shall be designated to conduct rapid appraisal of the socio-economic status of the patient for admission purposes.

**Section 3. Upgrading of health care facilities** - The Municipal government shall ensure regular expansion and upgrading of health care facilities to ensure their accessibility to all women and men.

**Section 4. Gender-sensitive Women and Children Protection Unit (WCPU)** – The Municipal government shall establish a gender-sensitive crisis intervention unit at all levels of health care, especially at the tertiary level, and shall provide service training to all health and other allied personnel who shall be assigned in this unit.

**Section 5. Appropriation.** – For the effective implementation of this Ordinance, the Municipal Government shall appropriate five percent (5%) of the Municipality's Annual Development Fund pursuant to RA 7192 and DILG-DBM-NCRFW Circular of 2001.

### **CHAPTER III FINAL PROVISIONS**

**Section 1. Separability Clause.** – If, for any reason, any section or provision of this Code is declared unconstitutional or invalid, the other sections or provision thereof which are not affected thereby shall continue to be in full force and effect.

**Section 2. Effectivity Clause.** – This Ordinance shall take effect upon approval and after publication in the newspaper of general circulation.

