



Republic of the Philippines  
City of Bago  
Office of the Sangguniang Panlungsod

**ORDINANCE NO. 22-07**

**AN ORDINANCE PROVIDING FOR THE GENDER-BASED PROTECTIVE MEASURES AGAINST SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.**

**WHEREAS**, the State values the dignity of every human person and guarantees full respect for human rights and to recognize the role of women in nation-building, and ensure the fundamental equality before the law of women and men;

**WHEREAS**, the State also recognizes that both men and women must have equality, security, and safety in private and in public spaces;

**WHEREAS**, the passage of RA No. 11313, otherwise known as the Safe Spaces Act (SSA) expands the law on sexual harassment in the country to cover all of its forms including verbal, non-verbal and physical and it seeks to secure all persons, regardless of sex, sexual orientation, and gender identity and expression, from all kinds of gender-based violence and discrimination such as sexual harassment, both in private and public spaces;

**WHEREAS**, guided by the Local Government Code, local government units (LGUs) are mandated to promote the general welfare of their constituents and as such, Section 8 of the Safe Spaces Act and Section 9 of its Implementing Rules and Regulations (IRR) mandate all LGUs to prevent and respond to gender-based sexual harassment (GBSH) in streets and public spaces;

**WHEREAS**, DILG-PCW JMC 2020-001 dated December 7, 2020 was issued to provide guidelines on the localization of the Safe Spaces Act and its IRR, particularly the provisions on gender-based sexual harassment (GBSH) in streets and public spaces;

**WHEREAS**, pursuant to the mandate of RA 11313, the Province of Negros Occidental enacted a Provincial Ordinance adopting this act through the SAFE SPACES ORDINANCE OF NEGROS OCCIDENTAL;

**WHEREAS**, in order to properly implement the mandate of RA 11313 within the City, there is a need to pass and adopt a local ordinance that would provide safe spaces to concerned sectors against any and all forms of sexual harassment and discrimination;

**NOW THEREFORE**, on motion of SP Member Marina Javellana-Yao, unanimously seconded by the members present, **BE IT ORDAINED** by the Sangguniang Panlungsod of Bago City in regular session assembled:

**ARTICLE I**

**GENERAL PROVISIONS**

**SECTION 1. TITLE:** This ordinance shall be known as the "Safe Spaces Ordinance of Bago City".

**SECTION 2. PURPOSE.** – This Ordinance is enacted to localize RA 11313.

**SECTION 3. DEFINITION OF TERMS.** — As used in this Ordinance, the following terms shall be understood and defined as:

(a) Anti-Sexual Harassment (ASH) Desk – a physical facility, managed by an ASH Desk Officer, where victim-survivors of sexual harassment can immediately go to seek assistance. This may also refer to Violence Against Women and their Children (VAWC) Desk Officer in each barangay and Committee On Decorum and Investigation (CODI)/Public Assistance and Complaints Desks (PACD) in public and private institutions or establishments.

(b) ASH Hotline – a communication link in which calls or reports of GBSH in streets and public spaces are directed to the service providers.

(c) Catcalling - refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;

(d) Community service - consists of any actual physical activity which inculcates civic consciousness, and is intended towards the improvement of a public work or promotion of a public service.

(e) 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: Provided, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;

(f) Employer - refers to a person who exercises control over an employee: Provided, That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;

(g) 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;

(h) 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, cyber stalking and online identity theft;

(i) Gender identity and/or expression - refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, or may have been assigned a particular sex at birth but who identifies with the opposite sex, or may have an identity that does not correspond to one's sex assigned at birth or to one's primary or secondary sex characteristics, in which case this person is considered transgender.

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

(k) Homophobic remarks or slurs are any statements in whatever form or however delivered, which are indicative of fear, hatred or aversion towards persons who are perceived to be or actually identify as lesbian, gay, bisexual, queer, pansexual and such other persons of diverse sexual orientation, gender identity or expression, or towards any person perceived to or actually have experienced same-sex attraction.

(l) Information and Communication Technology or Technology- shall refer to text messaging, phone calls, electronic mail or any other forms of information and communication systems. "Information and communications system" shall refer 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 and any procedure related to the recording or storage of electronic data messages or electronic documents.

(m) Misogynistic remarks or slurs are any statements in whatever form or however delivered, that are indicative of the feeling of hating women or the belief that men are inherently better than women.

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

Specifically, for purposes of this ordinance, public spaces will also include other spaces to or are offered to be accessed by the public, to wit:

(i) Education and Training Institutions – refers to places or entities that provide educational, instructional, technical, vocational, and other related services to individuals of all ages, including establishments that accept On-the-Job training or apprenticeships for educational or job hiring requirements or other purposes;

(ii) Buildings – any structure or part thereof and the grounds of said structure, used primarily for governmental or public, commercial, and professional work or services, for religious purposes, or for accommodations, including but not limited to hospitals, clinics, and medical therapy centers; churches, chapels, memorial parks, and cemeteries; factories, mills, warehouses, machine shops and repair shops; offices, malls, shopping centers, and stores; hotels and other accommodation establishments, including condominiums, apartments, dormitories, and boarding houses;

(iii) Recreational Spaces – refers to spaces such as, but not limited to, restaurants, cafes, function rooms, bars and clubs, resorts, water parks, theme parks, camping grounds, casinos and cockpits, theaters and cinemas, sports and fitness facilities, spas and wellness centers, and all other privately-owned places of similar nature that may be accessed by the public;

(iv) Public Utility Vehicles – refers to jeepneys, taxis, buses, tricycles, trisikad, habal-habal, private carpool, app-based transport network vehicles, bancas, rafts, boats and airplanes used for carrying or transporting passengers or goods or both, by land, water, or air, for compensation;

(v) Rural Areas- regardless of ownership and status , this term shall refer to agricultural areas, fields, forests, rivers, lakes, territorial seas, natural parks and nature reserves, ancestral domains, and lands of the public domain; and

(vi) Workplaces – all spaces where persons work under the employ of others, or which non-employees access, either as suppliers, dealers, agents, customers, clients, patients, collectors, couriers, suppliers of contractual services, and others who have transactions or dealings with the workplace. Workplaces include all sites, locations, spaces, where work is being undertaken within or outside the premises of the usual place of business.

(o) Safe space - is a formal or informal place where a person feels comfortable, physically and emotionally safe, and enjoys the freedom of self-expression without the fear of judgment or harm.

(p) Sexist remarks or slurs are statements in whatever form or however delivered, that are indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women.

(q) 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.

(r) Transphobic remarks or slurs are any statements in whatever form or however delivered, that are indicative of fear, hatred or aversion towards persons whose gender identity and/or expression do not conform with their sex assigned at birth.

## ARTICLE II

### GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT

#### **SECTION 4. 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 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, statement of sexual comments and suggestions, public masturbation or flashing of private parts, 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. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

**Section 4.a.** - Where the Acts committed are punishable under RA 11313, they shall be punished under the said law. As provided in Sec. 4, RA 11313. 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.

**Section 4.b.** - Where the acts committed are committed in public places as defined under this ordinance but said public spaces are not covered by the definition of public spaces under RA 11313, the penalties shall be as follows:

(a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety:

(1) The first offense shall be punished by a fine of One Thousand Pesos (P1,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by arresto menor /by imprisonment (6 to 10 days) or a fine of Three thousand pesos (P3,000.00)

(3) The third offense shall be punished by arresto menor/ by imprisonment (11 to 30 days) and a fine of Five thousand pesos (P 5,000.00).

(b) For acts such as 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 –

(1) The first offense shall be punished by a fine of Three thousand pesos (P 3,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by arresto menor/by imprisonment (11 to 30 days) or a fine of Four thousand pesos (P4,000.00);

(3) The third offense shall be punished by arresto mayor/by imprisonment (1 month and 1 day to 6 months) and a fine of Five thousand pesos (P 5,000.00).

(c) For acts such as stalking, and any of the acts mentioned in Section 4 paragraphs (a) and (b), when 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 11 paragraphs (a) and (b) –

(1) The first offense shall be punished by arresto menor/ by imprisonment (11 to 30 days) or a fine of Five thousand pesos (P 5,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by arresto mayor/ by imprisonment (1 month and 1 day to 6 months) or a fine of Five thousand pesos (P5,000.00);

(3) The third offense shall be punished by arresto mayor/ by imprisonment (6 months and 1 day to one year and a fine of Five thousand pesos (P 5,000.00).

All penalties collected under this Ordinance shall accrue to the Gender and Development Fund of the City.

**SECTION 5. GENDER-BASED SEXUAL HARASSMENT IN RESTAURANT AND CAFES, BARS AND CLUBS, RESORTS AND WATER PARKS, HOTEL AND CASINOS, CINEMAS, MALLS, BUILDINGS AND OTHER PRIVATELY-OWNED PLACES OPEN TO THE PUBLIC.**

Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender -based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

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

**SECTION 6. GENDER-BASED SEXUAL HARASSMENT IN PUBLIC UTILITY VEHICLES.** – In addition to the penalties in RA 11313, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

**SECTION 6a.** - Where the vehicle is a habal-habal or a trisikad or any other vehicle that carries passengers or goods for compensation but is not covered by Land Transportation Franchising and Regulatory Board (LTFRB) requirements, when the driver of said vehicle is the perpetrator of an act of

gender based sexual harassment against a passenger or against a pedestrian, in addition to the penalties prescribed by RA 11313 or by this ordinance, the following penalties shall be imposed:

(1) First offense – the driver shall not be allowed to operate any habal-habal, tricycle, trisikad, or other vehicle for hire or for payment of compensation for five (5) days;

(2) Second offense - the driver shall not be allowed to operate any habal-habal, tricycle, trisikad, or other vehicle for hire or for payment of compensation for fifteen (15) days;

(3) Third offense - the driver shall not be allowed to operate any habal-habal, tricycle, trisikad, or other vehicle for hire or for payment of compensation for thirty (30) days;

**SECTION 7. 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 Office (CSWDO ) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the “Juvenile Justice and Welfare Act of 2006”.

**SECTION 8. DUTIES AND RESPONSIBILITIES OF THE CITY** — the City shall bear primary responsibility in enforcing the provisions under Article I of this Ordinance. Specifically it shall:

(a) Post in conspicuous places, official websites and social media pages, copies of this Ordinance;

(b) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;

(c) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Ordinance;

(d) Create an anti-sexual harassment hotline;

(e) In addition, it shall:

1. Designate traffic enforcers and other local law enforcement units to be Anti-Sexual Harassment Enforcers (ASHEs) and ensure that they undergo Gender-Sensitive Training (CST) and orientation on the law;

2. Disseminate or post in conspicuous places, official websites and social media pages, copies of the Safe Spaces Act and related ordinances;

3. Engage with academic institutions, civil society organizations (CSOs), and local media such as TV and radio stations in the conduct of advocacy campaign against GBSH in streets and public spaces;

4. Develop, produce, and distribute IEC materials, preferably translated in local dialect, that raise awareness for and condemn gender-based sexual harassment, inform the public of the penalties for committing gender-based sexual harassment, and contain info graphics on reporting and referral mechanisms and hotline numbers;

5. Set-up an Anti-Sexual Harassment (ASH) Desk at the city hall for the purpose of expediting the receipt and processing of complaints and reports of GBSH in streets and public spaces, and the same shall be strengthened;

6. Establish an ASH Desk Hotline to receive and respond to calls on GBSH in streets and public spaces;

7. Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces;

8. Ensure the establishment of an ASH Desk in every barangay;

9. 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;

10. Establish an Anti-Sexual Harassment (ASH) Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victim-survivors of GBSH in streets and public spaces;

11. Provide training on the law for the Punong barangays and members of the Lupong Tagapamayapa in cases covered by the Katarungang Pambarangay system, for traffic enforcers under their jurisdiction, and adopt training modules for concerned LGU personnel down to the barangay level; and

12. Provide technical and financial assistance in the implementation of programs, projects and activities related to the capacity development of I-GU personnel on and awareness campaign against GBSH in streets and public spaces and the operationalization of ASH Desk and Hotline.

**SECTION 9. BARANGAY GOVERNMENT.** – All barangays shall:

1. Pass an ordinance, in line with provisions stated in RA 11313, to prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces; and designate public spaces regardless of ownership and nature as safe spaces against GBSH;

2. Designate barangay tanods, community brigades, and community service units to be the ASHES;

3. Establish an ASH Desk for the purpose of expediting the receipt and processing of complaints and reports of sexual harassment. The Violence Against Women (VAW) Desk shall also serve as the ASH Desk;

4. Ensure the participation of ASHES, ASH Desk Officer and members of the Katarungang Pambarangay in gender-sensitivity training; orientation on the Safe Spaces Act, and protocols in responding to GBSH in streets and public spaces;



5. Distribute IEC materials, developed by the city/municipality and other entities, that raise awareness for and condemn GBSH in streets and public spaces;

6. Create a mechanism for handling and documentation of complaints including those cases covered by the Katarungang Pambarangay system;

7. Establish an Anti-Sexual Harassment (ASH) Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victim-survivors of GBSH in streets and public spaces; and

8. Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces.

**SECTION 10. FUNCTIONS OF ANTI-SEXUAL HARASSMENT ENFORCERS (ASHEs).** - The ASHE shall have the following functions:

(a) Receive complaints on GBSH in streets and public spaces;

(b) Immediately apprehend the perpetrator if caught in the act of committing the crime;

(c) Immediately bring the perpetrator to the nearest police station for appropriate action; and

(d) Together with the Women's and Children's Desk of the PNP stations, keep a ledger of perpetrators for the purpose of determining if the perpetrator is a first-time, second-time or third-time offender.

**SECTION 11. ESTABLISHMENT OF ANTI-SEXUAL HARASSMENT (ASH) DESK.** -

1. Setting-up the ASH Desk.

1.1 The local chief executive (LCE) shall designate an area in the city or barangay hall, as the case may be, where the ASH Desk may be set-up in such a way that the right to privacy of the victim survivor is protected at all times; and

1.2 It shall have the necessary furniture and fixtures, such as, but not limited to, table, chairs, and separate filing cabinet where the logbook and tools/equipment for documentation are stored.

2. Designation of ASH Desk Officer

2.1 The city mayor and Punong barangay shall designate an ASH Desk Officer, preferably a woman, who shall be directly in charge of the daily operations of the ASH Desk.

2.2 In barangays, the designated VAW Desk person shall serve as the ASH Desk Officer. For this purpose, the VAW Desk person shall be trained on the forms of sexual harassment, as well as the functions and protocols in responding to GBSH in streets and public spaces.

### 3. Functions of the ASH Desk Officer

3.1 The ASH Desk Officer shall have the following functions:

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

**SECTION 12. Role of the DILG.** – The DILG, through its City Local Government Operations Officer (CLGOO), shall ensure the full implementation of RA 11313 and this Ordinance by:

- (a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of RA 11313 and this ordinance;
- (b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing RA 11313 and Ordinance; and
- (c) Providing assistance in the conduct of awareness campaigns and capacity-building and training activities to build the capability of local government officials to implement RA 11313 and this ordinance.
- (d) Monitor and submit reports on LGU compliance with the law and its IRR and its guidelines; and
- (e) Assist the LGU in the conduct of safety audits.

**SECTION 13. Duties of the PNP and Women and Children’s Protection Desks.** – The women and children’s protection desks in the local police station shall act on, and attend to, all complaints covered under this Ordinance. They shall coordinate with all Person/s-In-Charge and Anti-Sexual Harassment Officers (ASHO) of all public spaces in the enforcement of this Ordinance.

The local units of the PNP shall deputize their enforcers to be Anti Sexual Harassment Enforcers (ASHE). The ASHE unit together with the Women’s and Children’s Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under RA 11313 and this ordinance for purposes of determining if a perpetrator is a first-time, second-time or third-time offender.

**SECTION 14. Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces.** – The Women and Children’s Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce this ordinance. Provided, that they have undergone prior Gender Sensitivity Training (GST). For gender-based streets and public spaces sexual harassment, the local PNP and local Traffic Enforcers shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in flagrante delicto. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed. The ASHE unit together with the Women’s and Children’s Desk of PNP station shall keep a ledger of perpetrators who have committed acts prohibited under this Ordinance for purposes of determining if a perpetrator is a first-time, second-time or third-time offender.

The LGU shall also ensure to set-up CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The CSWDO in coordination with the City Health Office (CHO) shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

### **ARTICLE III**

#### **GENDER-BASED ONLINE SEXUAL HARASSMENT**

**SECTION 15. 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 cyber stalking 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 16. Implementing Bodies for Gender-Based Online Sexual Harassment.** — For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNPACG) as the National Operational Support Unit of the PNP is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

### **ARTICLE IV**

#### **QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT**

**SECTION 17. Qualified Gender-Based Sexual Harassment** – Where the violation of the city ordinance is qualified by any of the following circumstances, the penalty to be imposed shall be the penalty for the third commission of the offense:

(a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver/conductor of the vehicle and the offended party is a passenger:

(b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;

(c) If the offended party is diagnosed with a mental problem tending to impair consent;

(d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and

(e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

## ARTICLE V

### GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE

**SECTION 18. 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 19. 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;

(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 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 19 (c) of this Ordinance ; and

(3) Set administrative penalties.

**SECTION 20. Duties of Employees and Co-Workers** – Employees and co-workers shall have the duty to:

(a) Refrain from committing acts of gender-based sexual harassment;

(b) Discourage the conduct 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 21. 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 20 of this Ordinance, as provided in the penal provisions: or

(b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Two thousand pesos (P2,000.00) nor more than Five thousand pesos (P5,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Three thousand pesos (P 3,000.00) nor more than Five thousand pesos (P 5,000.00).

In case of juridical persons, their accountable officers, managers or president shall be liable.

**SECTION 22. Routine Inspection.**— The Department of Labor and Employment (DOLE) for the private sector, the Civil Service Commission (CSC) for the public sector and the Joint Inspection Team (JIT), in case of the City, shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Ordinance.

## ARTICLE V

### GENDER-BASED SEXUAL HARASSMENT IN EDUCATION AND TRAINING INSTITUTIONS

**SECTION 23. Gender Based Sexual Harassment in Educational and Training Institutions.**—All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Ordinance, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

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

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

**SECTION 24.** Gender-based sexual harassment in educational institutions and in workplaces occurs between parties, at least one of whom is directly connected with the educational institution or workplace, persons who have transactions with the workplace, for instance, suppliers, dealers, agents, customers, clients, patients, collectors, couriers, providers of contractual services, and parents and other persons associated with students and learners in the educational institution may be parties to Gender Based Sexual Harassment under this Section.

The crime of Gender Based Sexual Harassment in Educational Institutions and Workplaces includes the following:

a. Gender Based Sexual Harassment as defined under Section 4, paragraphs a, and c of this ordinance; or

b. Where the ordinance involves requests or demands for sexual favors 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, when the sexual favor is made as a condition in the purchase, sale, payment, lease, availment, granting of favorable terms or privileges; or as a condition to the giving of passing grade, or honors, scholarships, payment of a stipend, allowance, benefits, privileges, consideration or the like; or the refusal to grant the sexual favor results in limiting, segregating or classifying the person which in any way would discriminate, deprive or diminish said person's opportunities or otherwise adversely affect said person or the person, entity, student, or learners for whose benefit the offended party is in the workplace or educational institution;

Upon conviction, the offender shall be penalized in accordance with the applicable provisions of RA 11313 or by imprisonment from one month to six months and fine of P 5,000.00, whichever is higher.

**SECTION 25. Duties of Employers and Heads of Education and Training Institutions.** – Employers, heads of Education and Training Institutions, and other persons of authority, influence or moral ascendancy in a workplace or education and training institution shall have the duty to prevent, deter, or punish the performance of acts of Gender-Based Sexual Harassment in Educational Institutions and Workplaces as provided under RA 11313 and by Section 7 of this Ordinance.

Towards this end, the employer or head of the Education or Training Institution or person of authority, influence or moral ascendancy shall:

(a) Disseminate or post a copy of RA 11313 and this Ordinance in a conspicuous place in the educational institution;

(b) Provide measures such as the conduct of anti-sexual harassment seminars to prevent gender-based sexual harassment in the workplace and education and training institutions, like information campaigns:

(c) Create an independent internal mechanism or a Committee on Decorum and Investigation (CODI) in accordance with the requirements of RA 11313 and RA 7877 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 workplace or the education or training institution, a code of conduct or school policy which shall:

(1) Expressly reiterate the prohibition on gender-based sexual harassment;

(2) Describe the procedures of the internal mechanism for investigating and deciding complaints; and

(3) Set administrative penalties.

The officer-in-charge designated by the school to receive administrative complaints of Gender Based Sexual Harassment under RA 11313 shall likewise receive administrative complaints regarding violations of this ordinance and the institution's code of conduct or policy, adopt and publish grievance procedures to facilitate the filing of complaints , and ensure that the victims are provided with a gender sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

The filing of an administrative complaint pursuant to this section shall not preclude the victim of work or education or training establishment GBSH from instituting an action for violation of this ordinance or of RA 11313 and/or an action for damages and other affirmative relief.

**SECTION 26. Compliance Reports.** - All persons in charge of public spaces shall submit compliance reports in connection with the implementation of this Ordinance whenever required by the LCAT-VAWC or the committee or subcommittee responsible for the implementation of this Ordinance.

**SECTION 27. Liability of Employers and Heads of Education and Training Institutions.** – Aside from 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 or liable for:

(a) Non-implementation of their duties under Section 26 of this Ordinance; or



(b) Failure to act on reported acts of gender-based sexual harassment in workplaces or educational or training institution as defined and penalized by this ordinance.

Any person who violates subsection (a) and (b) of this section, shall upon conviction, be penalized with a fine of Five thousand pesos (P5,000.00).

**SECTION 28. 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 29. 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 RA 11313.

## ARTICLE VI

### DUTIES AND RESPONSIBILITIES OF PERSONS-IN –CHARGE OF PUBLIC SPACES

**SECTION 30. Zero-Tolerance Policy.** – All privately owned public places shall adopt a zero–tolerance policy against gender-based public spaces sexual harassment. The respective person/s-in –charge are obliged to provide assistance to victims of GBSH by coordinating with local police authorities immediately after GBSH is reported , making CCTV footage available when ordered by the court , and providing a safe gender sensitive environment to encourage victims to report GBSH at the first instance.

**SECTION 31. Information Dissemination.** – Persons in charge of public spaces regardless of ownership, shall post in conspicuous places therein, official websites, and social media pages, a full copy or pertinent provisions of RA 11313 and this Ordinance and clearly-visible warning signs against gender –based public spaces sexual harassment, including such anti-sexual harassment hotline numbers as are made available.

In rural areas, these notices and warning signs shall be installed in barangay halls, markets, extension offices, and at least three other areas where people congregate.

**SECTION 32. Anti-sexual Harassment Officer (ASHO).** – At least one (1) anti-sexual harassment officer to receive GBSH complaints shall be designated by the person in charge of privately owned public spaces.

**SECTION 33. Other Measures.** – The person/s in charge shall also institute measures to address the occurrence of GBSH, including:

1. Development of protocols to be followed in cases of GBSH, including procedures to speedily and effectively address reports and/or complaints of instances of GBSH;
2. Assistance to victims of GBSH by coordinating with local police and accompanying the victim to the police, whenever necessary;
3. Where, required, or when possible, installation of functional closed-circuit television cameras, and CCTV footages being made available to victims as part of the package of assistance or when ordered by the court;

4. Provision of a safe gender-sensitive environment to encourage victims to report GBSH as soon as it happens; and

5. Police personnel, tanods, security guards and other related persons with the same nature of responsibility, in these places may be deputized, allowed to apprehend perpetrators caught in flagrante delicto, and are required to immediately coordinate with local authorities.

## ARTICLE VII

### COMMON PROVISIONS

**SECTION 34. Confidentiality.** – At any stage of the investigation, prosecution and trial of an offense under this Ordinance and RA 11313, the rights of the victim and the accused who is a minor shall be recognized.

**SECTION 35. Restraining Order.** – Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

**SECTION 36. Remedies and Psychological Counseling.** – 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 counseling services with the aid of the City Social Welfare and Development Office, in coordination with the City Health Office. Should the victim require, the CSWDO, CHO or the component barangay, may refer her/him to further professional help. Any fees to be charged in the course of a victim's availment of such remedies or psychological counseling services shall be borne by the perpetrator.

**SECTION 37 . Administrative Sanctions.** — Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

**SECTION 38. Imposition of Heavier Penalties.** – Nothing in this Ordinance shall prevent barangays from coming up with ordinances that impose heavier penalties for the acts specified herein.

**SECTION 39. Exemptions.** — Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

## ARTICLE VIII

### FINAL PROVISIONS

**SECTION 40. PNP Women and Children's Desks.** – The women and children's desks existing in the local 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 41. Safety Audits.** – The LGU shall conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Ordinance within the City of Bago. Such audits shall be multi-sectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

**SECTION 42. Appropriations.** – As provided by RA 11313, the City Government of Bago and its component barangays, shall utilize the Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as “The Magna Carta of Women” for this purpose. In addition, LGUs may also use their mandatory twenty percent (20%) allocation of their annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991” or other sources of funds subject to the availability thereof and to the existing accounting and auditing rules and regulations.

**SECTION 43. Prescriptive Period.** - Violations penalized under this ordinance but not under RA 11313 shall prescribe after two (2) months, pursuant to Act No. 3326, Section 1.

**SECTION 44. SEPARABILITY CLAUSE.** — If any provision or part of this City Ordinance is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

**SECTION 45. REPEALING CLAUSE.** – Any Ordinance in the territorial jurisdiction of Bago City , Negros Occidental, executive order, rule or regulation contrary to or inconsistent with the provisions of this Ordinance is hereby repealed, modified or amended accordingly.


**SECTION 46. EFFECTIVITY.** – This Ordinance shall take effect fifteen days after its publication in any two (2) newspapers of general circulation in the Province of Negros Occidental.”

Enacted: March 2, 2022.

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I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Panlungsod during its Regular Session held on March 2, 2022.

ATTESTED:

  
**RAMON D. TORRES**  
City Vice Mayor-Presiding Officer

  
**ATTY. ALLAN C. GALUNAN**  
Secretary to the Sangguniang Panlungsod

Approved this 5th day of May 2022.

  
**NICHOLAS M. YULO**  
City Mayor