



Republic of the Philippines
City of Bago
OFFICE OF THE SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 23-10

AN ORDINANCE AMENDING CERTAIN PORTIONS OF ORDINANCE NO. 19-12 ENTITLED "AN ORDINANCE UPDATING THE BAGO CITY GENDER AND DEVELOPMENT CODE AND FOR OTHER PURPOSES".

EXPLANATORY NOTE:

WHEREAS, a review of Ordinance No. 19-12 shows that it needs further updating to incorporate important provisions in order that it will be more responsive to the needs of the sector it seeks to provide.

WHEREAS, after thorough deliberation, it is the consensus of the August body to accordingly amend Ordinance No. 19-12 to include the supplemental provisions to enhance its responsiveness to the concerned sector.

NOW, THEREFORE, upon motion of SP Member Marina Javellana-Yao, unanimously seconded by SP Members Present, be it enacted by the Sanggunian Panlungsod, that:

SECTION 1. Article I, Section 5, letter p is accordingly amended to read as follows:

"p. Pornography - refers to any representation through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes."

SECTION 2. The following are hereby added to the Definition of Terms in Section 5 of Ordinance No. 19-12:

"z. Trafficking in Persons- refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation, or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude, or removal or sale of organs.

The recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation shall also be considered as "trafficking

in persons” even if it does not involve any of the means set forth in the preceding paragraph.

aa. Child- refers to a person below eighteen (18) years of age or one who is (18) or above but is unable to fully take care or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

bb. Prostitution- refers to any act, transaction, scheme, or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit, or any other consideration.

cc. Sex Tourism- refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages of activities, utilizing and offering escort and sexual services as enticements for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.

dd. Sexual Exploitation – refers to participation by a person in prostitution, pornography, or the production of pornography, in exchange for money, profit, or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or legal process, taking advantage of the vulnerability of the person or giving or receiving of payments of benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in this Act.

dd. Debt Bondage- refers to the pledging by the debtor of his/her personal services or labor or of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined when the value of services as reasonably assessed is not applied toward the liquidation of the debt.

ee. LCAT-VAWC - refers to the Local Committee on Anti-Trafficking and Violence against Women and their Children.

ff. Local Inter-Agency Task Force — The Local Inter-Agency Task Force Against Trafficking in Persons. This is the local task force under Section 26, Art. 7, IRR of R.A. 9208.

gg. National Council- refers to the National Inter-Agency Council Against Trafficking in Persons as created under Section 20 of R.A. 9208.

hh. Forced Labor and Slavery — is the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion including deprivation of freedom, abuse of authority or moral ascendancy, debt bondage or deception.”

SECTION 3. New provisions are hereby added after Section 91 of Article XII of Ordinance No. 19-12 as follows:

“Section 91-A. ROLE OF THE CITY GOVERNMENT OF BAGO — In order to help in the international and national efforts to address the problem of trafficking in persons, the City Government of Bago shall implement programs, services, and activities that will contribute to the prevention, protection,

rehabilitation of victims of human trafficking in the city and the prosecution of offenders. The Local Committee on Anti-Trafficking and Violence against Women and their Children (LCAT-VAWC) shall be the primary arm of the City Government in the implementation of the provisions of R.A. 9208 as amended by R.A 10364 and this Ordinance. Its composition shall be as follows:

Chairperson: The City Mayor

Members:

- 1. SP Chairperson of the Committee on Women, Children & Family Welfare*
- 2. SP Chairperson of the Committee on Social Welfare & Services*
- 3. Liga ng mga Barangay President*
- 4. City Planning and Development Office (CPDO)*
- 5. City Health Officer, CHO*
- 6. Chief of Police, Local PNP*
- 7. City Prosecutor, DOJ*
- 8. City Social Welfare and Development Officer, CSWDO*
- 9. City Public Employment Services Officer, PESO*
- 10. City Local Government Operations Officer, DILG*
- 11. CSO/NGO Representatives of the following sectors:*
 - 11.1 Women*
 - 11.2 Children*
 - 11.3 Overseas Filipino Workers*

SECTION 91-B. FUNCTIONS OF THE LOCAL COMMITTEE ON ANTI-TRAFFICKING AND VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (LCAT-VAWC) IN BAGO CITY:

- 1. Institute policies and programs to protect women and children who are victims of trafficking and violence (Formulate local ordinances and resolutions);*
- 2. Create and establish a system of surveillance, investigation, and rescue to ensure effective and efficient coordination;*
- 3. Undertake information, education, and advocacy campaign against trafficking in persons and VAWC;*
- 4. Monitor and oversee the strict implementation of RA 9208 as amended by R.A 10364, RA 9262, and other related laws for the protection of women and children and of the Inter-Agency Council Against Trafficking (IACAT) and Inter-agency Council on Violence against Women and their children (IAC-VAWC) national plans of action.*

In addition, it shall implement the programs and activities as stated in the national plan of action.

It shall also conduct its regular quarterly and special meetings when necessary. The agenda of such meetings shall include, but not limited to, the development and implementation of policies/programs/projects/activities (PPPAs) relative to the promotion, protection, and fulfillment of women's and children's rights especially those who are victim-survivors of TIP and VAWC. A majority of its members shall constitute a quorum in order to officially conduct its business.

SECTION 91-C. LCAT -VAWC Plans. *There shall be LCAT-VAWC Annual Work and Financial Plan (AWFP) which may include the following:*

a. *Maintain database on cases of Trafficking in Person (TIP) and Violence Against Women and their Children (VAWC);*

b. *Undertake information, education, and advocacy campaign against Trafficking in Person (TIP) and Violence Against Women and their Children (VAWC);*

c. *Conduct capacity-building programs for all stakeholders involved in handling Trafficking in Person (TIP) and Violence Against Women and their Children (VAWC) cases;*

d. *Provide services to trafficked persons and VAWC victim-survivors, including services that respond to their special needs, interests, and concerns;*

e. *Create and establish systems on surveillance, investigation, and rescue to ensure effective and efficient coordination; and*

f. *Institute policies and programs to protect women and children who are victims of trafficking and violence (formulate local ordinances and resolutions).*

LCAT-VAWC's AWWP shall be submitted to the LGU concerned for inclusion in the Local Development Investment Program/Annual Investment Program to ensure its funding.

SECTION 91-D. LCAT -VAWC Budget /Funding. - Funds to cover the financial requirements of the local committee and the programs/projects/activities that will be implemented for anti-trafficking in persons and VAWC shall be taken from the 5% GAD Budget, other funds of the Local Government Unit and/or funds coming from donors, if there be any.

Funds for monitoring the LCAT-VAWC functionality shall be charged against LGU budget, subject to the usual accounting and auditing rules and regulations.

SECTION 91-E. Accomplishments. - The accomplishment report of LCAT-VAWC shall include the activities undertaken based on the approved AWWP.

SECTION 91-F. LCAT-VAWC SECRETARIAT AND MONITORING AND DOCUMENTATION OF CASES. The Office of the City Social Welfare and Development Officer (CSWDO) shall act as the Secretariat of the Local Committee on Anti-Trafficking and VAWC (LCAT-VAWC) and shall be primarily responsible for monitoring and documentation of cases and receive reports from any person, from the barangay, any government officials, local agencies or private NGOs.

SECTION 91-G. - The Local Inter-Agency Task Force is hereby created which will be led by the LCAT-VAWC, as provided in Section 26, Art. 7 of IRR of R.A. 9208 as amended by R.A 10364.

SECTION 91-H. VISITORIAL POWERS. For the effective implementation of R.A. 9208 as amended by R.A 10364 and this Ordinance, the City Mayor or his authorized representatives shall have the power to conduct inspections of houses, establishments, buildings, premises, or the like,

reportedly being used for trafficking in persons or any related activities and for violations of R.A. 9208 as amended by R.A 10364 and/or this Ordinance.

SECTION 91-I. DEPUTIZATION OF BARANGAYS. *The City Mayor shall have the power to deputize the Barangay Officials as additional enforcement arms in the implementation of this Ordinance. The barangays are authorized to require all prospective recruiters to present their authority issued by DOLE, for Local Employment, and by POEA, for Overseas Employment, before engaging in any recruitment activity in their respective jurisdictions.*

Any unauthorized or illegal recruitment shall be reported immediately to the nearest Police, Prosecutor's Office, Fiscal, DOLE, DSWD, PESO or City Social Welfare and Development Office, or any concerned agency.

SECTION 91-J. INFORMATION AND EDUCATION CAMPAIGN. *In partnership with the Philippine Information Agency (PIA) or any media organization, the City Government may undertake the production and publication of information, education, and communication materials about trafficking in persons such as but not limited to primers, flyers, brochures, posters, stickers, television/radio/print advertisements and websites, which shall be made available in piers, ports, airports, bus and jeepney terminals, and other similar places.*

SECTION 91-K. SUPPORT OF COMMUNITY-BASED INITIATIVES. *The City Government shall encourage and support community-based initiatives which address the issue of trafficking in persons. It shall provide support services and technical assistance to qualified and accredited non-government organizations and people's organizations that are engaged in activities for the protection, recovery, and reintegration of victims of trafficking.*

SECTION 91-L. SERVICES TO TRAFFICKED PERSONS. *Pursuant to Section 23 of R.A. No. 9208 as amended by R.A 10364, the City Government shall, in coordination with other concerned government agencies and NGOs, POs, or other Civilian Voluntary Organizations, provide basic services to victims of trafficking in persons and to ensure recovery, rehabilitation, and reintegration into the mainstream of society, shall provide the following:*

- (a) Emergency shelter/halfway house or appropriate housing;*
- (b) Counselling;*
- (c) Legal advice, which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation, and such other legal remedies available to trafficked persons;*
- (d) Medical or psychological services;*
- (e) Livelihood and skills training;*
- (f) Educational assistance to a trafficked child.*

Sustained supervision and follow-through mechanism that will track the progress of recovery, rehabilitation, and reintegration of the trafficked persons shall also be adopted and carried out by City Social Welfare and Development Office in a child-friendly, gender and/or culturally-sensitive manner.

The Local Committees on Anti-Trafficking and VAWC may call on the assistance of non-government organizations and people's organizations working on trafficking and VAWC to assist in its formulation of localized programs and interventions to address human trafficking and VAWC whenever necessary.

SECTION 91-M. PENALTIES AND SANCTIONS. *Without prejudice to the imposition of penalties and sanctions by a court of competent jurisdiction, this Ordinance hereby imposes additional penalties:*

- (a) Upon the recommendation of the LCAT-VAWC, any establishment found violating the provisions of this Ordinance shall be permanently closed and its business permit, license, franchise, or registration, as the case may be, shall be canceled and revoked. In addition, such establishment shall pay a fine in the amount of Five Thousand (P5,000.00) Pesos, per victim, which shall be payable to the Office of the City Treasurer.*
- (b) The owner/s of guilty establishments, to include individuals, managers, partners, officers, or members of the Board of Directors of a corporation, their employees, who actively participated or aid in the commission of the violation, shall be BLACKLISTED in the files of the IACAT and the City Government of Bago to include but not limited to the Permits and Licensing Division, the Office of the City Social Welfare and Development Officer, the City Treasurer, and shall be barred from securing any business permit, license or franchise, and from engaging in any business activity in the City of Bago.*

Upon the recommendations of the LCAT-VAWC, all concerned national governmental agencies in the City of Bago charged with the registration of legal entities, such as but not limited to the Securities and Exchange Commission (SEC), the Department of Trade and Industry (DTI), Cooperative Development Authority (CDA) and similar national agencies, or charged with the issuance of permits or licenses, and the like shall likewise BLACKLIST any individual, manager, partner, officer or member of the board of directors of a corporation, officer of a legal entity, their employees, or agents, as mentioned in the immediately preceding paragraph. They shall also be barred from securing any business permit, license, franchise, or registration and from engaging in any business activity in the City of Bago by a national government agency.

SECTION 4. Additional National Laws and issuances are included and hereby adopted after Section 92 of Article XIII of Ordinance No. 19-12 as follows:

Section 92 – 28. RA 9231 – An act providing for the elimination of the worst form of child labor and affording stronger protection for the working child.

Section 92 – 29. RA 7658 – An act prohibiting the employment of children below 15 years of age in Public and Private Undertakings.

Section 92 – 30 RA 11313 – An act defining Gender Based-Sexual harassment in streets, public spaces, online workplaces, and educational or training institutions, providing protection measures and prescribing penalties therefore otherwise known as the “SAFE SPACES ACT”.

Section 92 – 31. RA 6955 – An act to declare unlawful the practice of matching Filipino Women for marriage to foreign nationals or a mail order basis and other similar practices, including the advertisement publication printing or distribution of brochures, flyers, and other propaganda materials in furtherance thereof and providing penalty therefore.

Section 92 – 32. RA. 11862 – An act strengthening the policies on Anti – Trafficking in person, providing penalties for its violations, and appropriating funds therefor, amending for the purpose republic act no.9208, as amended, otherwise known as the “Anti–Trafficking in Person Act of 2003” and other special laws. This act shall be known as the Expanded Anti–trafficking in Person Act of 2022.

SECTION 5. Additional Local Ordinance is hereby adopted after Section 93 of Article XIII of Ordinance No. 19-12 as follows:

Section 93 – 7. 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 or otherwise known as the “SAFE SPACES ORDINANCE OF BAGO CITY”.

SECTION 6. REPEALING CLAUSE. — All ordinances, resolutions, executive issuances or rules and regulations, or parts thereof, whose provisions are inconsistent with or contrary to the provisions of this Ordinance, are hereby deemed repealed, amended, or modified accordingly.

SECTION 7. APPLICABILITY CLAUSE. — The provisions of existing ordinances, resolutions, or executive orders dealing with related subject matters such as protection against child labor and exploitation, anti-violence against women and children, and the like, which are not contradictory with this Ordinance, are hereby adopted as an integral part of this Ordinance.

SECTION 8. SEPARABILITY CLAUSE. — If for any reason, any section or provision of this Ordinance is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 9. EFFECTIVITY. — This Ordinance shall take effect thirty (30) days after its publication in a newspaper of local circulation.

Enacted: July 19, 2023.

I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Panlungsod during its Regular Session held on July 19, 2023.

ATTESTED:


RAMON D. TORRES
City Vice Mayor-Presiding Officer


ATTY. ALLAN C. GALUNAN
Secretary to the Sangguniang Panlungsod

Approved this 20th day of July 2023.


NICHOLAS M. YULO
City Mayor