



Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag

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OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 58th REGULAR SESSION OF THE 6th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON April 13, 2009.

OFFICERS/MEMBERS	POSITION	PRESENT	ABSENT	OB	OL
Hon. Michael F. Morpos	Mun. Vice Mayor	—/—	—	—	—
Hon. Francisco D. Gumban	SB Member	—/—	—	—	—
Hon. Roger M. Pacalioga	SB Member	—/—	—	—	—
Hon. Nita T. dela Torre	SB Member	—/—	—	—	—
Hon. Corazon J. Mandao	SB Member	—/—	—	—	—
Hon. Onofre E. Paculaba	SB Member	—/—	—	—	—
Hon. Agustin M. Adapon	SB Member	—/—	—	—	—
Hon. Edgar G. Daarol	SB Member	—/—	—	—	—
Hon. Reynante G. Borling	SB Member	—/—	—	—	—
Hon. Bayani Nanong	Ex- Officio Member	—/—	—	—	—
Hon. Lyndelle Pacalioga	Ex -Officio Member	—/—	—	—	—
Mrs. Jessyl B. Palon	SB Secretary	—/—	—	—	—

Ordinance No. 12^s. 2009

AN ORDINANCE ENACTING THE GENDER AND DEVELOPMENT (GAD) CODE OF THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR, AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Bayan of Dumingag, Zamboanga del Sur, in session assembled that:

ARTICLE A.

Title, Declaration of Policies, Definition of Terms

Section 1.A. **TITLE.** This ordinance shall be known and cited as the "Gender and Development Code of Dumingag, Zamboanga del Sur" herein referred to as GAD CODE.

Section 2.A. **DECLARATION OF POLICIES.** It shall be the policy of the Local Government of Dumingag Zamboanga del Sur to uphold the rights of both women and men, believe in their worth, and protect their dignity as human beings in accordance with the fundamental freedoms guaranteed by the constitution and the provisions of the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments of which the Philippines is a party.

Women shall be recognized as full and equal partners of men in the development of our nation, participate directly in development programs and benefit equally in the fruits of development.

The local government of Dumingag, in its commitment to the establishment of a national and international order based on sustainable and equitable growth undertakes to facilitate the full families, and that of their communities.

The Local Government of Dumingag, fully cognizant of women's efforts towards empowerment and self-determination, shall vigorously pursue and implement gender-responsive development policies, design an integrated gender and development support system, and implement measures to protect and promote their rights.

Section 3.A. DEFINITION OF TERMS

- a. **Violence against women and their children.** As used in Republic Act. No 9262, refer to any act or a sense of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child, whether legitimate, within or without the family abode, which resulted in or is likely to result in physical, sexual, psychological harm or suffering or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.
- b. **Work education or Training-related Harassment.** As defined in RA No. 7877, is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor or any other person, who having authority, influences on moral

ascendancy over other in a work or training or education environment, regardless of whether the demand, request or requirement for submission is accepted by the object of said fact.

- c. *Commodification of Women* - is a practice which puts women in a subordinated situation, which results in the treatment of women as both consumers and objects of consumption, as consumers women are allured to buy beauty products to enhance their physical attractiveness, as an objects of consumption, women are reduced to a sexual commodity for manipulation and utilization for one's sexual desire and interest, usually in exchange of money or goods that women have no power or control to reject such utilization or manipulation
- a. *Gender Equality*. It is the role required or expected of women and men as prescribe by the society.
- b. *Gender mainstreaming*. It is strategy of integrating gender and development concerns and issues at all levels of government undertaking.
- c. *Gender Perspective*. It is a way of viewing issues and problems that take into consideration the different realities of women and men's lives, and recognizing that there is an unequal relationship between the two.
- d. *Gender Sensitive*. It is having an understanding of the marginalized position of women and consciously challenging the attitudes and behavior that reinforce women subordinate status.
- e. *Prostitution*. It is the sale, purchase and exchange of women and minor for sexual exploit, cash profit or other economic consideration by an individual, including but not limited to the pimp, procurer of the service, parent, owner of establishment such as bars, sauna bath, massage clinics, hotel and restaurants and any other person who uses various schemes to prostitute women and minors.
- f. *Reproductive Health*, As defined in the Information Conference on Population and Development and World Health Organization and affirmed in the Beijing Conference, 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 its function and process.
- g. *Trafficking in women*. It is a covert or overt recruitment of women into sex trade industry. It includes new forms of sexual exploitation such as sex tourism, the illegal recruitment for domestic labor to work in foreign nationals, promoting or initiating a system in which women become movable properties and object of exchange.
- h. *Battering*. A series of physical, emotional, and psychological abuse. It is repeated and habitual cyclic patterns as means of intimidation and imposition of the batterer's will and control over the survivor's life.
- i. *Sexual Battering* - this includes physical attacks on the women's breasts, genital, or forced sexual activity.
- j. *Psychological Battering* - this includes threats of suicide, violence against women or her family, punching holes in the walls, 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. It may also include controlling the victim's lawful or usual activities, the use of foul words or statements and threats or abandonment and expulsion such as forcing the wife to leave the conjugal dwelling. This provision shall likewise apply to common-law relations but does not include adulterous ones as contemplated in the Revised Penal Code.
- k. *Economic Battering* - this includes deprivation of women of economic resources, their generation and mobilization so as to create dependency and submissiveness to men and to any established structures of domination.
- l. *Benefit Dance/Disco* - refers to a dance in the locality where women are commodified for fund raising purposes.
- m. *Development* - the improvement of the quality of life of all regardless of age, sex, gender, tribe, race, creed, and religion. It is characterized by sustained and equitable growth in a balanced ecology.

- n. *Differently-abled Persons* - are survivors of physical impairments that have differentiated needs and potentials.
- r. *Discrimination against Women* - any distraction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of their rights irrespective of their marital status.
- s. *Equity* - is a concept of distributive justice which is remedial and is intended to overcome bias, favoritism and inequalities.
- t. *Empowerment* - refers to a process by which women are mobilized to understand, identify and overcome gender discrimination.
- u. *GAD* - Gender and Development
- v. *Gender* - refers to the differentiated social roles, behavior, capacities and intellectuals, emotional and social characteristic attributed by a given culture to women and men, in short all differences besides the strictly biological. There are two kinds of gender: masculine ascribed to the male sex and feminine ascribed to the female.
- w. *Gender and Development* - shall refer to a development perspective which promotes greater focus on people both as development agents and participant. It encourages the equal contributions of women and men in all aspect/sectors of development. Such a perspective involves the process of searching new and innovative initiatives which help transform unequal gender relations into opportunities which equally/equitably both men and women. It recognizes that the unequal relation between women and men is major deterrent to social and economic progress. It acknowledges that the difficulties encountered by women have to be addressed to ensure their effective participation in development. It envisions a future society where women and men equally contribute to and benefit from development.
- x. *Gender Equality* - is the role required by or expected of women and men as prescribed by society. As a key to development, gender equality means the equal empowerment and participation of women, men and other subgroups of society, i.e. homosexual, in all spheres of public and private life.
- y. *Gender Planning* - means taking account of gender issues in planning. In development planning, it means that gender issues are recognized in the identification of problems addressed in development objectives.
- z. *Gender Sensitive/Responsive* - having an understanding of the marginalized position of women and consciously challenging the attitudes and behavior that reinforce women's subordinate status.
- aa. *Gender Sensitization* - is an experimental and critical process of learning and unlearning of an individual female or male of the cause and effects of the culturally determined role's of women and men. *Gender Sensitivity Training* - means providing people with formal learning experience in order to increase their awareness. The overall purpose of the training is to provide the knowledge and skills necessary to recognize and address gender issues in the programming process. At the center of the learning process is the conscientisation, involving the ability to recognize the underlying issues of gender inequality which form a pervasive obstacle to program progress.
- bb. *Indecent Shows* - are shows which include nude or other provocative gestures which further project and exhibit men and women as sex objects.
- cc. *Indigenous People* - a group of people who have continuously lived as organized community or communally bounded and define territory, and who have under claims of ownership since time immemorial occupied possessed and utilized such as territories sharing common bonds of language, custom, traditions and other distinctive cultural traits, they are regarded as indigenous on account of their decent from the populations who inhabited the country at time of conquest or colonialization and who retains some or all of their own social, economic, cultural and political institute and have been displaced from their traditional domains who have remitted outside their ancestral domain.
- dd. *Minors* - refers to persons below 18 years of age and unable to take care of themselves from abuse, neglect, cruelty, exploitation or discrimination.
- ee. *Land - Based Projects* - are project designed systematically in order to provide women the

opportunity to have full access and control over the maximum utilization of land and other indigenous resources.

- ff. *Other Places of Amusement* - include all other places of amusement not specifically enumerated or otherwise provided for in this code included but not limited to night clubs or day clubs, cocktail lounges, super or family clubs, disco houses, minus- one or sing along houses, bars or beer houses, fast food centers showing sports competitions, replay videocassette films/movies and other places of amusement where one seeks admission to entertain oneself by seeing or viewing or by direct participation.
- gg. *Places of Amusement* - includes theaters, cinemas, concert halls, circuses and other place of amusements where one seeks admission to entertain oneself by seeing or viewing the show or performances.
- hh. *Pornography Scenes, Picture, Publications* - written or graphic or other forms of communications intended to entertain lascivious feelings.
- ii. *Prostitution* - is the sale, purchase and exchange of men and women and minors for sexual exploitation or other economic considerations by an individual including but not limited to pimp, procurer of the service parents, owners of establishment such as hotels and restaurants and any other persons who use various schemes to prostitute women and minors. It is the act as defined under the Revised Penal Code of the Philippines and shall be recognized as a violation of human rights and exploitation of women have no real choices for survival.
- jj. *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 function and process. It constitute 10 elements namely:
1. Maternal and Child Health and Nutrition
 2. Family Planning
 3. Prevention and Treatment of Reproductive Tract Infection (RT) Including STD, HIV and AIDS.
 4. Prevention and Management of Abortion Complication
 5. Education and Counseling on Sexuality and Sexual Health of Breast and reproductive
 6. Tract Cancers and other Gynecological Situation
 7. Prevention and Treatment of Infertility and Sexual Disorders
 8. Men's Reproductive Health
 9. Violence Against women
 10. Adolescent Reproductive Health
- kk. *Violence Against Women* - any violation of women's personhood, mental or physical integrity of freedom of movement.

ARTICLE B.

Rights and Benefits for Women

Section 4.B. *RIGHTS OF WOMEN*

- To good and quality education;
- To comprehensive and other forms of financial credit;
- To access loans and other forms of financial credit;
- To join leisure, sports, cultural activities, spiritual/ religious freedom of speech, to express one's views/ beliefs for the common good;
- To decide on the number of children and on the number of years between pregnancies;
- To share parenting responsibilities;
- To gain spiritual/religious freedom of speech and to express one's view/belief for the common good;
- To be paid equally based on the work she does;
- To be free from all forms of slavery and prostitution;
- To vote, run for election and run for public office;
- To represent the country internationally.

Section 5.B. ***HEALTH RIGHTS.*** No woman shall be denied basic health and services such as those declared by World Health Organization (WHO) as necessary to respond to basic health needs especially those that relate to maternal health care on purely financial grounds or lack of access thereto.

- a. *Budget for Women's Health.* A substantial portion of the health budget of the municipal government shall be allocated for women's health and nutrition services.
- b. *Access To Safe Water.* The Municipal Government shall provide easy access to safe water supply. Appropriate water system shall be installed to ease women's workload brought about by the lack of this facility.
- c. *Gender Fair Health Care Delivery Service .* The Municipal Health Officer shall ensure that health care services are not discriminating on account of gender, age, sex, ethnicity, religion, or political affiliation.
- d. *Information Education on Women's Health.* The Municipal Health officer in collaboration of the Municipal Health Board shall endeavor to improve the implementation of education/information campaign of women's health.
- e. *Protection Against Drug Abuse.* A special task force shall be created and sustained by the Municipal for the protection against drug abuse and proliferation of illicit drugs.
- f. *Reproductive Healthcare Delivery.* The Municipal Government shall adopt the Reproductive Health (RH) care approach at all levels of Health care delivery. Such approach integrates many issues not previously considered central to population: sexually, productive tract infection, gender power relations and domestic violence and shall not be limited to family planning and child bearing.
- g. *Women's right over their bodies.* Women's decision to prevent and control pregnancy without necessarily resulting to abortion shall strengthen the Primary Health Care Delivery system in the context of reproductive health.

Section 6.B. **EDUCATION RIGHTS.** The city government shall endeavor to improve access of women technology- based education and training program.

- a. *Women Literacy and Adult and Non-formal Education.* In cooperation with the Department of Education, non- formal education classes for all shall be held in identified schools in the municipal to facilitate working person's access to education. Anyone desiring to engage in functional and practical education shall be enlisted in the adult education program which shall be set- up in the municipal.
- b. *Gender Fair Curricula.* The Municipal shall ensure that the curricula in all school of all levels in the city promote complementary roles between women and men and provide gendersensitive materials and gender sensitivity orientation to every class.
- c. *Special Education for Differently- Abled Men and Women.* The municipal government shall ensure that all interested differently-abled women shall have access to special education programs.
- d. *Sex Education.* Sex education for the pre-puberty ages shall be introduced in an appropriate way. Understanding human sexuality is an intimate and personal matter that is a concern not only of parents but also of other institutions that have the competence to carry out such obligation of molding children in the context of Godly life and love.
- e. *Scholarship Program.* The Municipal shall institutionalize its scholarship programs for poor but deserving students and shall not disqualify married women and mothers with infants and young children.

Section 7.B. **LABOR AND EMPLOYMENT**

- a. *Equal Access To Employment, Training And Promotion.* No one shall be denied of employment opportunity on account of gender, age, ethnicity, creed, religion and civil status as prescribed in the **Labor Code**, as amended by **R.A. 6725**. Likewise, no one shall be denied of training and promotion in employment.
- b. *Wage And Benefit.* Every employer shall comply with the minimum wage as may be provided by existing laws and shall grant all benefits to all employee such as maternity/paternity leave, sick and vacation leave, retirement, termination and other benefits provided by law.

- c. *Facilities And Support System For All Employees.* The Municipal Government of Dumingag shall ensure the safety and health of employees. In appropriate cases, employer may establish separate and functional toilet rooms, lavatories and lounge for men and women and establish Homecare Center in the work place to temporary cater breastfeeding, child rearing and early childhood care for working parents while on their respective jobs.
- d. *Orientation/training on gender sensitivity and family violence.* All local Offices, schools, agencies and establishments or companies, government and private in Dumingag shall conduct or sponsor orientation/training on Gender Sensitivity and Domestic violence to their respective personnel. Report of training compliance shall be submitted to the Municipal Gender and Development Council.
- e. *Setting-Up Of Grievance Machinery.* A grievance committee shall be set up in all local offices, agencies, establishments or companies to act on complaints related to violence against a person. From this purposes, a grievance procedure must be installed in every agency, office or establishment.
- f. *Gender sensitivity physical plan.* A physical plan appropriate for a gender sensitivity environment shall be adopted by all offices, agencies and establishment or companies which shall help prevent sexual harassment, sexual abuse and other forms of maltreatment in the workplace.
- g. *Access to Science and Women Friendly Farming Technology Education.* The PESO Manager shall work in the collaboration with other related line agencies, and the private sector to ensure access to updated and women- friendly technology to facilitate women's participation in the economic activities of their respective barangays.
- h. *Employment assistance program.* The Municipality of Dumingag in cooperation With the Department of Labor and Employment shall endeavor to assist poor student, the unemployed and the underemployed in securing gainful employment.
- i. *Orientation on Sexual Harassment.* All local offices, school agencies and establishment or companies, government and private, operating in the municipal shall conduct or sponsor orientation on sexual harassment to their respective personnel.
- j. *Employment Opportunities to the Different – Abled Women.* The Municipal Government in partnership with appropriate national government agencies and private groups and other entities shall develop creative employment opportunities to differently-abled women recognizing their differentiated conditions and potentials as human being.
- k. *Healthy and Gender Fair Work Environment.* The Municipal Government shall ensure that the work place, private or public, actualizes the principle of equality between women and men in all aspects of their employment. For this purpose, employers are required to provide seats proper for women and permit to use them when they are free and during working hours, provided they can perform their duties without detriment to efficiency, as well as provide workers with the necessary protective gears to guard against the detrimental effects of the nature of their functions such as the special support stockings for female workers if they are required to stand for very long hours in the performance of their functions.
- l. *Benefit for Post – Physical Women.* Women with children 0-6 months old shall be entitled to a 30-day leave without pay to be availed within the first six months of child delivery, provided that this benefit is separate and distinct from any existing maternity benefits provided for by existing laws, provided further that if the employer is already providing similar benefits over and above what is existing laws, require, such benefit being provided shall be credited in compliance thereof.
- m. *Municipal-Based Registration of Helpers.* The Municipal shall come up with an Annual Survey of domestic helpers in the barangays to monitor cases of sexual harassment, sexual abuse and other forms of maltreatment. Employer must provide their house helpers a recreational day-off at terms and conditions mutually agreed upon by both parties.
- n. *Spousal Support.* Women and their children are by law entitled to support from their spouses for this purpose. All agreements or settlements arrived at the barangay level relative to the support of the family shall be final and executory. Innovations of the agreement shall be allowed only if the same is advantageous to the children.

Section 8.B. **SOCIO-ECONOMIC BENEFITS FOR WOMEN.** The municipality shall ensure that all departments and agencies shall engage and expand their socio- economic programs to include women as beneficiaries and implement program and other projects designed to further capacitate and empower them to access economic opportunities.

- a. *Capital Assistance For Women.* All Local Government departments and agencies engaged in socio-economic programs shall increase their capital assistance and/or subsidy to women projects geared towards economic sufficiency.
- b. *Socialized Lending Scheme .* All banks, financial/lending institutions and cooperatives should open special windows for lending to women who has access to traditional sources of collateral. No women shall be deprived of credit. Lending institutions should establish a socialized lending scheme friendly to women, which shall constitute the following:
 - a) Low bank interest rates
 - b) No post-dated check
 - c) Certificate of income generating activities from the Municipal Mayor
- c. *Organization and Functionalization of Local Councils for the Protection of Women and Children.* The Municipal shall ensure the reactivation of the Barangay Councils for the protection of women and children.
- d. *Equal Access to Livelihood Assistance.* All Municipal Departments and agencies engaged in socio - economic programs shall increase their capital assistance and or subsidy to women.

ARTICLE C.

Gender and Development Programs and Concerns

Section 9.C. **GENDER SENSITIVITY ORIENTATION AND TRAINING.** All school, offices, establishment of companies, departments and agencies within the Municipality of Dumingag shall be provided with gender-sensitivity orientation and training to equip them with theoretical and practical knowledge on gender issues and concerns.

Section 10.C. **COMMUNITY-BASED ENVIRONMENT PLANS AND PROGRAMS.** Both men and woman shall participate in pollution control, zero- waste technology development and indigenous reservation with due respect for the indigenous people and right to self determination. The Municipal Government shall engage itself in the development of gender- sensitive natural resource based management program.

Section 11.C. **GENDER-SENSITIVE NATURAL RESOURCES-BASED MANAGEMENT PROGRAM.** The Local Government of Dumingag shall engage itself in gender- sensitive natural resources- based management program.

Section 12.C. **PROMOTION OF ALTERNATIVE TECHNOLOGY.** The Municipal Government shall actively promote an alternative technology that is appropriate and safe for everybody's well-being.

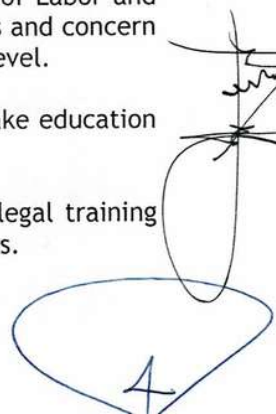
Section 13.C. **SUFFICIENT BUDGET FOR BASIC SOCIAL SERVICES.** An amount necessary to support the basic social services for all extremely difficult circumstances shall be allocated from any available source of funds.

Section 14.C. **OVERSEAS FILIPINO WORKERS' (OFW).** The municipal Government shall conduct a survey of overseas contract workers especially those who became survivors of abuses. Results of which shall serve as basis in identifying special support to all OCWs; and take the list of legitimate placement agencies for monitoring purposes.

Section 15.C. **SPECIAL COURSE ON OFWs.** In coordination with the Department of Labor and Employment special curse on overseas contract worker primarily to orient all on the issues and concern relative to migration shall be systematically introduced to all especially at the municipal level.

Section 15.C. **EDUCATION ON NATIONAL POLICIES.** Men and women shall undertake education on national policies and their implications on women and family.

Section 16.C. **SPECIAL TRAINING FOR LUPONG TAGAPAMAYAPA.** A special paralegal training for Lupong Tagapamayapa shall conducted along with gender questions and related matters.



Section 17.C. **GENDER SENSITIVITY TRAINING FOR BARANGAY TANODS AND MEDIATION FORCE.** There shall be a gender sensitivity training for Barangay Tanods and Mediation Force.

ARTICLE D.

Support Services

Section 18.D. **SUPPORT PROGRAMS TO SURVIVORS OF VIOLENCE.** The Municipal Government shall provide immediate support services to survivors of violence. Support services shall be consist of the following but not limited to legal, medical, psychosocial, shelter and other forms of support services. These services shall be provided by the Municipal Social and Development Office and other involved agencies.

Section 19.D. **PSYCHOLOGICAL PROGRAM.** Women and children who are survivors of all forms of violence shall be registered in psychosocial programs which shall be carried out by the Municipal Social Welfare and Development Office, Municipal Health Office, and other related agencies.

Section 20.D. **SURVIVOR'S SUPPORT GROUP.** There shall be an organized group to whom survivor's of violence voluntarily agrees to establish a professional helping process. All investigations/hearing involving rape cases and other forms of violence against women and children conducted in the police stations, Prosecutors office and trial courts shall recognize and allow the survivors' support group to be present in the courtroom as observers and to provide moral support to the survivors who are subject of litigation as expressly allowed or requested by the offended party to the extent allowed by existing laws or the rules of court.

Section 21.D. **WOMEN AND CHILDREN PROTECTIONS DESK (WCPD).** The municipal shall establish and maintain women and children's desk to be handled by women police officers and duly trained GAD personnel. The city police station shall have a separate WCPD room.

Section 22.D. **ROLE OF FEMALE POLICE OFFICER.** Complaints of battering and other forms of abuse against women and children shall be handled by female officers in the local police who shall undergo special courses on handling case affecting abused women, whose character and credibility do not violate the accepted ethical standards in handling such cases.

Section 23.D. **CRISIS INTERVENTION CENTER.** A crisis intervention center is hereby established to serve as a temporary shelter with appropriate support services for women and children in crisis under the management and supervision of the Municipal Social Welfare Development and Gender and Development Council.

Section 24.D. **PROGRAM OF SURVIVOR OF VIOLENCE.** Women and children who were survivor of all forms of violence shall be registered in the Psycho-social intervention programs which shall be carried out by the Municipal and Development Officer which was created by this Ordinance.

Section 25.D. **SUPPORT SERVICES FOR WOMEN IN THE ENTERTAINMENT INDUSTRY.** The Municipal Government shall provide socio-economic support services for women in the entertainment industry in its desire to concretely respond to their practical needs. The MSWDO and PESO shall make available alternate sources of income and livelihood to women engaged in the entertainment industry and places of amusement.

Section 26.D. **MEDICAL ROUTINE CHECK-UP.** Medical routine check-up and medicines if needed at socialized rates shall be afforded to women in the entertainment industry and those engaged in places of amusement by the Municipal Health Office.

Section 27.D. **CONTINUING EDUCATION AGAINST SEXUAL HARASSMENT.** To foster a culture against sexual harassment, all government or private agencies and offices within the jurisdiction of the Municipality shall conduct a continuing education against sexual harassment.

For this purpose the MSWDO, WCPD and PESO shall work together to ensure that:

- a. At least one(1) activity designed to equip workers and employees with the critical and practical knowledge on gender issues and concern is conducted each year in these offices/establishment or workplace.
- b. The provision of RA 7877 otherwise known as the Anti-Sexual Harassment Law, RA 9208, RA 9262 and other provision of the Labor Code affecting women are faithfully implemented, especially the formulation of the necessary policies and procedures in resolving complaints for sexual harassment.

Section 28.D. **SUPPORT AND DEVELOPMENT OF DAY CARE CENTERS.** The Local Government of Dumingag shall ensure that day care centers are set-up in all Barangays. Day Care Centers existing in the barangays shall be responsive to the need of the community to provide childcare assistance to parents in order that they may be able to engage in economically productive activities. For this purpose, day care center shall give priority to children aged 3-4 years old.

Section 29.D. **LEGAL EDUCATION AND COUNSELING.** The Municipal Legal Officer shall:

- a. Undertake legal education and training for community leaders, Barangay officials and members of the Lupong Tagapamayapa on legal counseling and arbitration to capacitate community workers to facilitate resolution of cases and family conflicts at the barangay level in coordination with the Municipal City Social Welfare and Development Office and concerned nongovernment organizations (NGOs).
- b. Undertake a special para-legal training on gender and development issues and related matters for members of the Lupong Tagapamayapa for all barangays in a partnership with the Liga ng Barangay and other non-government organizations.

Section 30.D. **MEDICO-LEGAL DESK FOR WOMEN.** The Municipal Health Officer shall create a medico legal desk for women to attend to women's special medical needs.

Section 31.D. **SUPPORT FUND FOR THE SENIOR CITIZENS AFFAIRS.** The Municipal Government shall allocate funds for livelihood assistance, routine physical check-up, social group work programs and other appropriate socio-economic activities for the senior citizens.

Section 32.D. **SUPPORT TO WOMEN IN DETENTION.** The rights of all detainees shall be protected as follows:

- a. Speedy trial of the cases shall be ensured by all concerned;
- b. An appropriate program shall be designed to respond to their specific needs and problems as detainees;
- c. Separate structure, space for detention and rehabilitation for men and women shall be established.

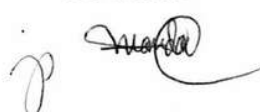
ARTICLE E.

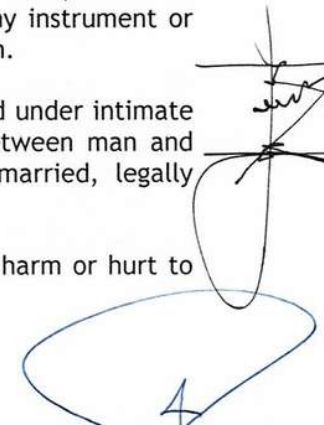
Protection Against Violence and Discrimination or Abuse

Section 33.D. **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 or anus of a woman against her will or under any of the following situations; through force, threat or intimidation by means of authority or relationship when the offended party is deprived of reason or otherwise unconscious.
- b. When an offended party is below 12 years old even though none of the above circumstances is present;
- c. When a person inserts or attempts to insert part of his on her body other than the sexual organ or introduces any object or instrument into the genital or anus of a man or woman against his/her will or under any of the situations stated in paragraph number 1 above.
- d. When a person subjects another to have sexual intercourse with an animal under any circumstances stated in the paragraph or through any abnormal, unusual or ignominious sexual act.
- e. Any intentional contact however slight of one's penis to the genital, mouth, breast or anus of a woman or intentional contact thereof, however slight, to any instrument or object which intentionally touches the genital breast or anus of a woman.
- f. Sexual Abuse in intimate marital relations. Forced sexual act committed under intimate or marital relations shall form part of sexual abuse such as those between man and woman, woman and woman, man and man relations married or unmarried, legally separated or separated in fact.

Section 34.D. **PHYSICAL VIOLENCE.** Any intentional act that causes physical harm or hurt to the victim.





Section 35.D. **PSYCHOLOGICAL/EMOTIONAL VIOLENCE.** Any intentional act that offered or cause harm or hurt-in the feelings of the victim such as but not limited to the following:

- a. Threats of suicide if the victim will not give in to the demands of the offender;
- b. Threats of harm against the victim of her family;
- c. Punching, breaking or defacing or otherwise destroying the house or any part thereof or the personal belongings of the victims;
- d. Threatening to kidnap the children or to take them to a foreign country;
- e. Threatening to take the victim's children away;
- f. Threatening deportation of the victim with foreign citizenship;
- g. Forcing the victim to do things he/she consider as dehumanizing or degrading;
- h. Controlling the victims lawful or usual activities;
- i. Use of fault and insulting words, language, or statement against a woman;
- j. Threats of abandonment and expression such as forcing the woman to leave conjugal dwelling;
- k. Shouting invectives against the victims and other forms or verbal abuse;
- l. Cursing, whistling, or calling a woman/man in the public with the words having dirty connotations or implications which ridicules, humiliates or embarrasses the woman/man such as "puta" , "peste" , "puñyeta".

Section 36.D. **BATTERING.** This refers to a series of sexual, physical, psychological/emotional or economic abuse constituting a repeated cyclic pattern as means of intimidation and imposition of the batterer's will and control over another.

Section 37.D. **ECONOMIC VIOLENCE.** This includes depriving the victim of economic resources or their generation and mobilization so as to create forced dependence and submissiveness to the offender.

Section 38.D. **DOMESTIC VIOLENCE AND SEX TRAFFICKING.** Any of the acts defined under section 37-40 shall constitute domestic violence when the offender or perpetrator is a member of the family of the victim or offender party within the fourth civil degree of consanguinity or affinity; provided, however that in case the violence committed is between persons living as husband and wife, parent and child or between persons with common child/children whether living together or not, the violence committed shall be deemed as domestic violence regardless of the legitimacy of the relationship between them.

Sex Trafficking in Women. It is unlawful for any person, association cult, religion or similar activities to commit the following acts:

- a. Establish or carry on a business for the purpose of exploiting women for purposes of sex, sex slavery, sex trade, sex tours and other immoral activities.
- 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.
- c. Solicit enlist or attract/endorse any woman to join any club, association or organization whose objective is to match women for marriage to foreigners either on mail order basis or through personal introduction or cyberspace or any other forms which facilitate the commission of the following acts:
 1. to buy or sell a woman, or any of her body parts
 2. to act as a procure of a sex worker
 3. to threaten or force a woman to become a mail order bride

This section may also include relevant provisions of Republic Act 8353 otherwise known as the Anti-Rape Law of 1997, RA 8505 or the Rape Victims Assistance and Protection Act of 1998, RA 9208 or the Anti-Trafficking in Persons Act of 2003, and RA 9262 or the Anti-Violence Against Women and their Children Act of 2004.

Section 39.D. **SOLICITATION.** It is unlawful for any person to solicit a woman's service for sexual purposes regardless of whether the solicitor-profits or not from such acts.

Section 40.D. **OTHER FORMS OF TRAFFICKING IN WOMEN.** Any person or agency who encourages, influences or recruits for work abroad or locally for a particular job on a promise of a fee instead, force and deceived to engage in prostitution, domestic help or other odd jobs shall be penalized by imprisonment of 4 months or a fine of P2,500.00 or both, at the discretion of the court. Persons liable thereof, may also be prosecuted and penalized in accordance with RA 6955, an act which outlaws the practice of matching Filipinos for marriage to foreign nationals on mail order basis.

Section 41.D. **SEXUAL HARASSMENT.** Other than the acts defined as constitutive of sexual harassment under RA 7877, the following shall constitute sexual harassment punishable under this ordinance, some of which are covered by the Revised Penal code under acts of Lasciviousness.

- a. Persistent telling of offensive jokes or other analogous statements despite of having been previously requested to refrain from doing so;
- b. Taunting a person with constant talk about sex and sexual innuendoes;
- c. Displaying offensive or loud pictures and publications in the workplace;
- d. Interrogating someone about their sexual activities or private life except on physical or examination purposes;
- e. Making offensive hand or body gesture at someone;
- f. Repeatedly asking for dates despite verbal rejection;
- g. Staring or leering maliciously;
- h. Touching, pinching or brushing up against someone's body unnecessarily or deliberately;
- i. Kissing or embracing someone against one's will;
- j. Requesting sexual favors in exchange for a good grade, obtaining a good job, promotion;
- k. Any other unnecessary acts during physical examinations;
- l. Requiring a woman to wear suggestive or provocative attire during interviews, such as on job hiring, promotions;

Section 42. D. **OTHER PROHIBITED ACTS.** The following acts are declared prohibited:

- a. *Pornographic Pictures and Publication.* Printing, publication, display in any place openly accessible to children or distribution of visual materials where women appears scantily clad otherwise depicting women as sex objects;
- b. *Indecent Shows.* Public staging of indecent shows or shows offensive to the sensibilities of the public or tends to corrupt the morality of the youth.

Section 43.D. **COMMODIFICATION OF WOMEN.** Any activity or form of beauty contest which tends to commodity, abuse, humiliate or treat women as sex objects shall be strictly prohibited within the territorial jurisdiction of the municipality of Dumingag. For this purpose, the staging of beauty contests shall be permitted if it showcases not only physical beauty of a person but also her talents and abilities. For this purpose the Municipal Council for the Protection of Women and Children are hereby mandated to jointly draw up and promulgate the guidelines that shall be adhered to in the conduct of staging or shows, on beauty contest involving women and children regulations.

Section 44.D. **FORCED MARRIAGE.** No woman shall be forced to marry without her consent. Any person committing fraudulent or coercive acts to effect a forced marriage shall be held liable under this code by imprisonment of six months and a fine of P1,000.00 or both at the discretion of the court. However, the costumes and traditions of the indigenous people shall be taken into consideration and duly respected.

ARTICLE E.

Political and Public Sphere of Women and Children

Section 45.E. **MUNICIPAL SELF ORGANIZATION OF WOMEN.** The municipal government through the Municipal Gender and Development Council shall encourage and support the formation of community-based organizations and facilitate their accreditation with the Sangguniang Bayan.

Section 46.E. **NATIONAL CHILDREN'S MONTH.** Pursuant to Presidential Proclamation No. 267, dated September 30, 1993, the municipal shall observe the month of October as Children's Month and undertake projects in the observance thereafter.

Section 47.E. **PARTICIPATION OF WOMEN IN LOCAL GOVERNANCE.** To widen and enhance participation of women in local government decision-making and administration, the municipal government shall ensure the participation of women.

Section 48.E. **CREATION OF BARANGAY COUNCIL FOR WOMEN.** A Council for Women shall be organized at every Barangay from among the women organization existing in the Barangay.

Section 49.E. **INTEGRATED DEVELOPMENT PROGRAM FOR WOMEN.** The Municipal Government of Dumingag through the Municipal Gender and Development Council and concerned sectors, shall develop a program that will facilitate empowerment of women. Active support for the preservation of women's knowledge of the environment shall be incorporated in the program.

ARTICLE F.

Special Group of Citizen

Section 50.E. PERSON WITH DISABILITY (DISABLED PERSON)

- a. *Creative Employment Opportunities*: The Government shall develop creative employment opportunities for person with disability recognizing their different conditions and full potentials as human beings.
- b. *Special Education*: The Government shall support the special education setting aside a special budget for this program prioritizing indigent person with disability.
- c. *Reporting of Cases of Harassment Committed against Person with Disability*: the Government through the Municipal Gender and Development Council shall monitor and report cases of harassment committed versus disabled person.

Section 51.E. ELDERLY

- a. *Committee on Elderly*: The government shall support the council for elderly setting aside yearly budget for their programs/activities in order to advance the interests of this special group of persons.
- b. *Support Funds for Elderly*: Funds shall be allocated for livelihood assistance; routing physical check-up, social group programs and other appropriate socio-economic activities for senior citizens.
- c. *Day Care Center for Senior Citizens*: There shall be a Center for abandoned, neglected older persons to take care and render comprehensive support services.

Section 52.E. PERSON IN DETENTION. Rights of all detainees shall be protected.

- a. Speedy trial of their cases shall be ensured by all concerned;
- b. An appropriate program shall be designed to respond to their specific needs and problems as detainees;
- c. Separate structure and space for detention and rehabilitation shall be established, especially for women.

No child shall be in detention as provided by R.A. 9344, the Juvenile Justice Act.

Section 53.E. SOLO PARENTS.

- a. *Support to Solo Parents*: All solo parents regardless of status shall have equal access to support services which include livelihood, provision of seed capital, job placement, value orientation, basic business skills, trainings, educational benefits for them and their children and medical assistance.
- b. *Appropriations*: To address the needs of Solo Parents, a yearly budget shall be set aside by the Municipality under the GAD or general appropriation acts.

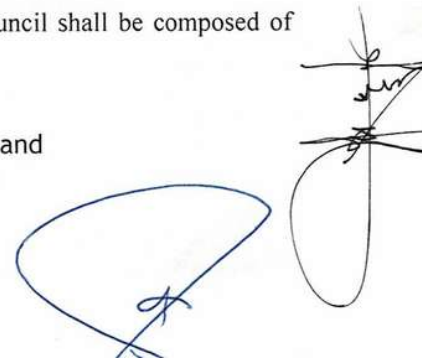
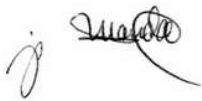
ARTICLE H.

Municipal Gender and Development Council

Section 54.H. CREATION OF MUNICIPAL GENDER AND DEVELOPMENT COUNCIL. For the mainstreaming of gender related issues and concerns, the creation of Municipal GAD Council is necessary, to ensure that women and men will equally contribute and benefit from the economic, social, political, cultural, and environmental development of the country, appropriate measures must be undertaken to provide them with equal conditions for realizing their full rights to participate in the development process and, at the same time, gain from it.

Section 55.H. COMPOSITION. The Municipal Gender and Development Council shall be composed of the following:

Chairman	:	Municipal Mayor
Co-Chairman	:	Chairman of the Committee on Women and Family of the Sangguniang Bayan
Members	:	Municipal Vice Mayor



Bayan

Members of the Committee on Women and Family of the Sangguniang

Mun. Population Officer or permanent representative:
Municipal Social Welfare and Development
PNP/Women and Children Protection Desk
Municipal Planning and Development Officer
Municipal Health Officer
Municipal Budget Officer
Municipal Treasurer
DILG Officer
MENRO
Liga President
SK Federated President
Media
Women Representative from accredited NGO/PO
Sectoral Representatives:
From Education Sector (Public and Private)
From Business Sector
From Labor Sector
Indigenous People

Section 56.H. **POWERS, FUNCTIONS AND RESPONSIBILITIES.** The Municipal GAD Council shall have the following powers, functions and responsibilities:

- a. To review existing legislation, policies and programs of the government related to gender issues;
- b. To develop and implement a GAD Comprehensive Program and facilitate the integration of the disadvantaged and marginalized women into the mainstream of society;
- c. To serve as an avenue for the implementation of R.A. 7192 otherwise known as Women in Nation-Building Act.
- d. To ensure active participation of women and men in the development, programs, and/or projects of the national government and the municipality of Dumingag including their involvement in the planning, design implementation, management, monitoring and evaluation thereof.
- e. To formulate development, programs that would provide income and employment to marginalized sector.
- f. To act as advisory council to the Sangguniang Bayan on matters affecting gender issues.
- g. To serve as access in the implementation of platform of action especially in Violence against Women (VAW).
- h. To coordinate various activities and services rendered by the different government organizations for the promotion of the Philippine Plan for Gender - Responsive Development (PPGD), 1995-2025.
- i. To perform such other functions as may be authorized by the Sangguniang Bayan.

Section 57.H. **MEETINGS.** The Council shall meet every month. However, special meetings may be called by the Chairman or upon the request of 20% of the Council.

ARTICLE I.

Penalty

Section 58.I. **PENALTY.** Any person found violating any provision of this code shall be subject to a fine of not less than one thousand (P1,000) but not more than two thousand five hundred pesos (P2,500) or imprisonment of not less than two (2) months but not more than one (1) year.

ARTICLE J.

Final Provisions

Section 59.J. **REPEALING CLAUSE.** All ordinances, resolutions, circulars, memoranda, rules and regulations in consistent with the provisions of this code are hereby repealed and modified accordingly.

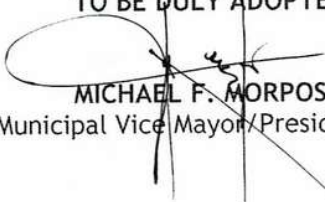
Section 60.J. **SEPARABILITY CLAUSE.** If for any reason, any portion or provision of this code is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 61.J. **SUPPLEMENTARY CLAUSE.** On matters not provided for in this code, any existing applicable laws and their corresponding Implementing Rules, Executive Orders and Relevant issuances issued therefore shall apply in a supplementary manner.

Section 62.J. **EFFECTIVITY CLAUSE.** This code shall take effect upon approval of the Sangguniang Panlalawigan and after 15 days from the date copy hereof is posted in the bulletin board and two other conspicuous places and publication in a newspaper of general circulation.

Enacted: May 25, 2009


JESSYL B. PALON
Secretary to the Sanggunian

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

MICHAEL F. MORPOS
Municipal Vice Mayor/Presiding Officer


APPROVED: NOV 26 2009, 2009

NACIENCENO M. PACALIOGA, JR.
Municipal Mayor

