

HON. JULIUS G. JAMERO
SB Member

HON. JO VINCENT J. MORPOS
SB Member

HON. DEAN KAISER C. TANGALIN
SB Member

HON. FRANCIS JOERAY T. GUMBAN
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Ex-Officio Member

HON. KIRBY TRACY V. ESTILLORE
Ex-Officio Member

JESSYL B. PALON
Secretary to the Sanggunian

HON. EDGARDO G. JAMERO
Municipal Vice Mayor

HON. GERRY T. PAGINAWAN
Municipal Mayor

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
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OFFICE OF THE SANGGUNANG BAYAN

EXCERPT FROM THE MINUTES OF THE 80th REGULAR SESSION OF THE 11th SANGGUNANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON JULY 22, 2024.

OFFICERS/MEMBERS:	POSITION	PRESENT	ABSENT	OB	OL
Hon. Edgardo G. Jamero	Municipal Vice Mayor	—/—	—	—	—
Hon. Julius G. Jamero	SB Member	—/—	—	—	—
Hon. Jo Vincent J. Morpos	SB Member	—/—	—	—	—
Hon. Dean Kaiser C. Tangalin	SB Member	—/—	—	—	—
Hon. Francis Joeray T. Gumban	SB Member	—/—	—	—	—
Hon. Jerson L. Cabahug	SB Member	—/—	—	—	—
Hon. Julito C. Mandac	SB Member	—/—	—	—	—
Hon. Percalixia Y. Bazar	SB Member	—/—	—	—	—
Hon. Efren A. Costanilla	SB Member	—/—	—	—	—
Hon. Domingo M. Gingco	Ex - Officio Member, LnB	—/—	—	—	—
Hon. Kirby Tracy V. Estillore	Ex - Officio Member, SK	—/—	—	—	—

Municipal Ordinance No. 11th-13-2024

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

Be it ordained by the 11th Sangguniang Bayan of Dumingag, Zamboanga del Sur, in session assembled, that:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. TITLE

This Ordinance shall be known and cited as the "Safe Spaces Ordinance" of the municipality of Dumingag, Zamboanga del Sur.

SECTION 2. RATIONALE

The Safe Space Ordinance is crucial in ensuring that everyone in the municipality feels safe, respected, and free from harassment. Although the national Safe Spaces Act (RA 11313) provides a general framework, localizing it allows us to address our community's specific needs and challenges more effectively.

Creating a local ordinance for the Safe Spaces Act customizes solutions to our community, giving the residents a sense of responsibility and accountability. This empowers authorities to quickly handle issues and offer support, promoting empathy and unity within the municipality.

SECTION 3. DECLARATION OF POLICY

It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men.


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The State also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions.

SECTION 4. LEGAL BASES

The 1987 Philippine Constitution provides policies and legal framework for legislation aimed at promoting gender equality, protecting the rights of women, and addressing issues such as discrimination, harassment, and violence against women.

Republic Act No. 7160, otherwise known as the Local Government Code of 1991, mandates all Local Government Units to promote the general welfare of their constituents.

Republic Act No. 11313, also known as the "The Safe Spaces Act" and its IRR, covers all forms of gender-based sexual harassment (GBSH) committed in public spaces, educational or training institutions, workplace and online space.

Joint Memorandum Circular No. 2020-001 of the Department of Interior and Local Government and the Philippine Commission on Women dated December 7, 2020, provides guidelines on the localization of Republic Act No. 11313 or the Safe Spaces Act.

SECTION 5. DEFINITION OF TERMS

As used in the Ordinance, the following terms are defined as follows:

- a. Catcalling refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs.
- b. Common carriers refer to persons, corporations, firms or associations engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation, offering their services to the public.
- c. Cyberstalking is a form of stalking that is committed through an electronic medium in which online communication takes place.
- d. 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. Employees in the informal economy are included herein. Provided, that for the purposes of the law and these rules, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee.

In the public sector, the term employee refers to any person who is in the service of the government or any of its agencies, divisions, subdivisions or instrumentalities including government-owned and controlled corporations with or without an original charter, or state universities or colleges with a regional charter.

- e. Employer refers to a person who exercises control over an employee: Provided, that for the purpose of the law and this Ordinance, the status or conditions of the latter's employment or engagement shall be disregarded.

In the public sector, the term employer refers to the head of government agencies, divisions, subdivisions or instrumentalities including government-owned and controlled corporations with or without an original charter, or state universities or colleges with a regional charter which exercises control over an employee.

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- f. 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.
- g. Gender-based online sexual harassment refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft.
- h. 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.
- i. Homophobic remarks are statements or comments that express dislike, prejudice, or discrimination against individuals based on their sexual orientation, particularly towards those who 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. These remarks often involve derogatory language, insults, or slurs that demean or belittle LGBTQ+ individuals.
- j. 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.
- k. Information and Communications Technology or ICT shall mean the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information.
- l. Misogynistic remarks are statements or comments that express dislike, prejudice, or discrimination against women. These remarks often involve derogatory language, insults, or slurs that demean, belittle, or undermine women based on their gender. Misogynistic comments reinforce gender inequality, the belief that men are inherently better than women and contribute to a hostile environment for women.
- m. 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, public utility vehicles (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.
- n. 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.

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- o. 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.
- p. 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.
- q. Workplaces refers to any location, physical or virtual, where an employee performs work for an employer. This includes all sites, locations, spaces, where work is being undertaken by an employee within or outside the premises of the usual place of business of the employer.

ARTICLE II GENDER-BASED SEXUAL HARASSMENT

SECTION 6. GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT

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 7. GENDER-BASED SEXUAL HARASSMENT (GBSH) IN RESTAURANTS, CAFES, BARS AND CLUBS, RESORTS AND WATER PARKS, BUILDINGS AND OTHER PRIVATELY OWNED PLACES OPEN TO THE PUBLIC.

The management of restaurants, bars, buildings and other privately-owned places open to the public shall adopt a policy of zero tolerance in their establishments against gender-based streets and public spaces sexual harassment. Such policy, which will apply to all persons who are within its area or vicinity, shall include:

a. Measures to prevent the occurrence of GBSH in such places, including among others:

1. Installation in their business establishments of clearly visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number(s), which may include that of the nearest police station, in bold letters. The warning signs must be readable, written in a language that is understandable by customers, and placed in a conspicuous area within the vicinity of the establishment.
2. Designation of at least one (1) anti-sexual harassment officer to receive GBSH complaints. Provided that, the officer must be competent and knowledgeable on GBSH and on the appropriate assistance to be provided to victims.

b. Measures to address the occurrence of GBSH in such places, including, among others:

1. Provision of assistance to victims of GBSH by coordinating with local police authorities immediately after GBSH is reported. This includes accompanying the victim to the police authorities, whenever necessary.
2. Where it is required, and/or whenever possible, installation of functional closed-circuit television (CCTV) cameras. To the extent possible, the CCTV footages shall be made available to victims of GBSH as part of the package of assistance.

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3. Making CCTV footage available when ordered by the court. This is without prejudice to the prerogative/practice of establishments to make CCTV footage accessible even without a court order.
4. Provision of a safe gender-sensitive environment to encourage victims to report GBSH as soon as it happens. This includes, among others, having a secure and private area where the victim can narrate the events of GBSH, and whenever possible, providing an online platform for reporting GBSH incidents.
5. Development of protocols to be followed in cases of GBSH in their establishment. This will include procedures to speedily and effectively address reports and/or complaints of instances of GBSH. The complaint may be made immediately in person or online to the management of these places that are open to the public.

Whenever GBSH happens, a security guard or any person who witnessed the crime may conduct a citizen's arrest and apprehend the perpetrator in accordance with law. The security guards in these places may be deputized to apprehend perpetrators caught in flagrante delicto (or in the act of committing a crime) and are required to immediately coordinate with the Dumingag Municipal Police Station.

A citizen's arrest is when any private person may arrest, without need of warrant under the following circumstances:

- a. When, in the presence of the private person, the person to be arrested has committed, is actually committing or is attempting to commit GBSH.
- b. When GBSH has in fact just been committed, and the private person has personal knowledge of facts indicating that the person to be arrested has committed it.

SECTION 8. GENDER-BASED SEXUAL HARASSMENT IN PUBLIC UTILITY VEHICLES (PUV)

For instances of gender-based sexual harassment in Public Utility Vehicles (PUV), in addition to the penalties provided in this Ordinance, and if the violator is the driver or conductor of the vehicle, the LGU of Dumingag may refer the violation to the Land Transportation Office (LTO) for appropriate action on the license of and to the Land Transportation Franchising and Regulatory Board (LTFRB) for any action on the franchise of transportation operator.

If the violator is a fellow passenger, the victim should seek assistance from the driver or conductor. The driver or conductor shall then report the incident to the Dumingag Municipal Police Station and/or the Dumingag Task Force Ordinance for appropriate action. Additionally, any person may conduct a citizen's arrest as outlined in Section 7 of this Ordinance.

SECTION 9. GENDER-BASED SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES COMMITTED BY MINORS

For gender-based sexual harassment in streets and public spaces committed by a minor, the Municipal Social Welfare and Development Office (MSWDO) shall take necessary disciplinary measures and diversion program as provided for under R.A. No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006". The rules and regulations issued to implement R.A. No. 9344 as amended by R.A. No. 10630 shall govern when the offense is committed by a minor.

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ARTICLE III PROHIBITED ACTS

SECTION 10. PROHIBITED ACTS FOR GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, PUBLIC UTILITY VEHICLES (PUV), RESTAURANTS, CAFES, BARS AND CLUBS, RESORTS AND WATER PARKS, BUILDINGS AND OTHER PRIVATELY OWNED PLACES OPEN TO THE PUBLIC

- a. Cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, 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.
- b. 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.
- c. Stalking, and any of the acts mentioned Section 10, 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 10, paragraphs (a) and (b).

SECTION 11. PROHIBITED ACTS ON GENDER-BASED ONLINE SEXUAL HARASSMENT

Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through:

- a. Psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages.
- b. Invasion of the victim's privacy through cyberstalking and incessant messaging.
- c. Uploading and sharing without the consent of the victim any form of media that contains photos, voice, or video with sexual content.
- d. Any unauthorized recording and sharing of any of the victim's photos, videos or any information online.
- e. Impersonating identities of victims online or posting lies about victims to harm their reputation.
- f. Filing false abuse reports to online platforms to silence victims.

For gender-based online sexual harassment, the LGU of Dumingag shall coordinate with the Dumingag Municipal Police Station and/or the PNP Anti-Cybercrime Group (PNP ACG), the national operational support unit of the PNP primarily responsible for the implementation of pertinent Philippine laws on cybercrimes.

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SECTION 12. QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT

The following shall be classified as a qualified gender-based streets, public spaces and online sexual harassment, to wit;

- a. If the act takes place in a common carrier or PUV, including, but not limited to, buses jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver 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 condition 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. For the purposes of this Ordinance, persons who belong to reserve units of the AFP are considered to be members of the uniformed services only when they are undergoing active duty training or are mobilized upon order of the President.
- e. If the act takes place in the premises of a government agency or in the LGU of Dumingag and the perpetrator is a government employee or an LGU of Dumingag employee.
- f. If the perpetrator is a member of the faculty, principal, school head, teachers instructor, professor, coach, trainer, or any person who has authority, influence or moral ascendancy over another or the offended party is a student or a trainee.

In addition to the penalties outlined in this ordinance, the LGU of Dumingag will forward the case to the Dumingag Municipal Police Station for further action, including the initiation of appropriate legal proceedings in a court of law.

SECTION 13. PROHIBITED ACTS ON GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE

The crime of GBSH in the workplace includes the following, to wit;

- a. Prohibited acts as defined in Section 10.
- b. 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.
- c. 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;
- d. A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient.
- e. GBSH in the workplace may also be committed between peers, and by a subordinate to a superior officer.

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ARTICLE IV

DUTIES OF EMPLOYERS, EMPLOYEES AND CO-WORKERS

SECTION 14. 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 GBSH 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.

Dissemination of this Ordinance may be done through, among others:

1. Sending copies of the law and its rules through official notices or means of communications to heads of different departments, bureaus, offices, units or such subdivisions in a workplace for proper information of their members.
2. Posting a copy of the law and its rules online or in the official website of the workplace.
3. Conducting orientations on the provisions of this Ordinance and providing its employees with copies in print or electronic form as well as preparing information materials such as primers, frequently asked questions and the like.

b. Provide measures to prevent GBSH in the workplace, such as the conduct of anti-sexual harassment seminars, which shall be provided to all employees, regardless of rank and status.

Trainings on gender sensitivity, orientations on gender-based violence, and other relevant topics may also be conducted, in addition to the conduct of anti-sexual harassment seminars. Such trainings and orientations, when conducted, should form part of their staff development and basic knowledge of employees;

c. Create an independent internal mechanism or a Committee on Decorum and Investigation (CODI) to investigate and address complaints of GSBH.

d. Develop and disseminate, in consultation with all persons in the workplace, including employees or their representatives and union, if any, a code of conduct or workplace policy which shall:

1. Expressly reiterate the prohibition on GBSH.
2. Describe the procedures of the internal mechanism created.
3. Set administrative penalties.

In case of non-compliance in the public sector by the employer of their duties, an employee may file an administrative complaint with the Civil Service Commission (CSC).

SECTION 15. LIABILITY OF EMPLOYERS

In addition to the liabilities for committing acts of GBSH, employers may also be held responsible for:

- a. Non-implementation of their duties under as outlined in the Ordinance.
- b. Not taking action on reported acts of GBSH committed in the workplace.

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SECTION 16. DUTIES OF EMPLOYEES AND CO-WORKER

Employees and co-workers shall have the duty to:

- a. Refrain from committing acts of GBSH.
- b. Discourage the conduct of GBSH in the workplace;
- c. Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of GBSH.
- d. Report acts of GBSH witnessed in the workplace. Reports may be made by any person to the employer or any agent of the employer. A report may be anonymous and, unless made by the victim in her/his own name, shall not constitute a formal complaint. Any such report shall constitute sufficient notice to the employer who shall thereafter verify and refer the matter to the CODI. An employee may choose to report directly to the CODI, in which case the CODI guidelines and procedures shall be observed

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SECTION 17. INDEPENDENT ACTION FOR DAMAGES

Nothing herein shall preclude the victim of work-related GBSH from instituting a separate and independent action for damages and other affirmative relief.

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ARTICLE V

THE CODE OF CONDUCT AND THE COMMITTEE ON DECORUM AND INVESTIGATION

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SECTION 18. DEVELOPMENT OF CODE OF CONDUCT

Employers both from the public and private sector, heads of educational and training institutions and the municipal government of Dumingag shall develop a Code of Conduct, in consultation with the employees and with the student council in the case of schools and training institutions., that will:

- a. Define GBSH, its coverage, forms, classifications, appropriate penalties; when and where it may be committed and by whom. The Code of Conduct may include a prohibition against sexual harassment by:
 1. Employers or employees to customers or clients of the establishment or agency.
 2. Employers or employees in a company, office, or agency acting as a Partner On- The-Job-Training Institution to student interns, if the Code of Conduct covers the workplace.
 3. Student interns to employers, employees, or workers in a company, office.
 4. Agency that is acting as a Partner On-The-Job-Training Institution, if the Code of Conduct covers the educational or training institution;
- b. Specify the procedures in the filing of cases, investigation, and resolution and appeal thereof that will be the bases of the functions of the CODI. Rules and procedures in case of a request for inhibition of any of the members of the CODI either from the parties or a member of the CODI shall also be developed
- c. Specify the functions, responsibilities, composition, and qualifications of the members of the CODI, including the penalties to be imposed on members of the CODI in cases of non-performance or inadequate performance of functions. All

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members of the CODI shall undergo continuing training on gender sensitivity, gender-based violence, sexual orientation, gender identity and expression, and other gender and development (GAD) topics as needed.

To the extent possible, employers may also include the provision of support especially for victims of GBSH, including among others, psychological or psychosocial counseling services, or referral to such services, and assistance in the filing of administrative, civil, and/or criminal easels.

SECTION 19. COMMITTEE ON DECORUM AND INVESTIGATION (CODI)

Employers, including the LGU of Dumingag and heads of educational and training institutions shall constitute a Committee on Decorum and Investigation (CODI) that shall serve as an independent internal grievance mechanism that will act as the main body in the investigation and resolution of cases involving GBSH in the workplace and in educational and training institutions.

- a. For workplaces, the CODI shall be composed of at least one representative each from the management, the employees from the supervisory rank, the rank-and-file employees, and the union/s or employee's association, if any. The representatives of the workers shall be selected among them and by vote. The employer may include other groups in the CODI as may be applicable. The employer shall also ensure that there will be a sufficient number of people who may immediately replace any member of the CODI in case s/he inhibits from any case, or when needed, so as not to cause any delay in the process being undertaken.
- b. For educational and training institutions, the CODI shall be composed of at least one (1) representative each from the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be. The school head or the head of the training institution may include other groups in the CODI as may be applicable. It shall be ensured that there is equal representation of persons of diverse sexual orientation, gender identity and/or expression, as far as practicable. Aside from the regular members of the CODI, the school head or the head of training institution must designate their respective permanent alternate who shall act on their behalf in case of absence of the regular member and must have the authority to render decision so as not to delay the proceedings being undertaken and to ensure continuity of deliberation.
- c. Every CODI shall be headed by a woman and not less than half of its members shall be women.
- d. Every CODI shall be composed of members who should be impartial and not connected or related to the alleged perpetrator within the fourth degree of consanguinity or affinity and have no prior record of involvement as a respondent, defendant or accused in any case of whatever nature on Sexual Harassment. Further, in case of relation by consanguinity or affinity to either the complainant or respondent, the CODI member shall inhibit from participating in any part of the proceeding, or be substituted by another.
- e. The complainant or the respondent may request a member of the CODI to inhibit, or the CODI member may, on his/her initiative, cause the inhibition based on conflict of interest, manifest partiality, and other reasonable grounds. Upon such a grant of inhibition, the member shall immediately be replaced so as not to cause a delay in the proceedings.
- f. The CODI shall, at all times, observe due process and, investigate and decide on written complaints within ten (10) working days or less upon receipt thereof. It shall ensure the protection of the complainant from retaliation and guarantee

HON. JULIUS G. JAMERO
SB Member

HON. JO VINCENT V. MORPOS
SB Member

HON. DEAN KAISER C. TANGALIN
SB Member

HON. FRANCIS JOSEPH T. GUMBAN
SB Member

HON. JERSON L. CABAHIUG
SB Member

HON. JULITO C. MANDAC
SB Member

HON. PERCALIXIA Y. BAZAR
SB Member

HON. EFREN A. COSTANILLA
SB Member

HON. DOMINGO M. GINGCO
Ex-Officio Member

HON. KIRBY TRACY V. ESTILLORE
Ex-Officio Member

JESSYL B. PALON
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HON. EDGARDO G. JAMERO
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Municipal Mayor

confidentiality to the greatest extent possible. The ten-day period will not include the period of appeal which shall be available to either party.

- g. The CODI, in accordance with the Code of Conduct, shall ensure that the respondent is given the opportunity to be properly notified of and respond to the charge/s and that parties are given information on the hearings and its outcomes. An appeal process will be ensured.
- h. The CODI shall ensure the protection of a complainant from retaliation without causing her/him any disadvantage, diminution of benefits or displacement, and without compromising his/her security of tenure. It shall also guarantee gender-sensitive handling of cases, and confidentiality of the identity of the parties and the proceedings to the greatest extent possible.
- i. Notwithstanding the duty of every employer to develop CODI guidelines, it may consider as part thereof the guidelines, policies or pertinent issuances on sexual harassment developed by the DOLE for the effective implementation of the law in the private sector. The public sector shall comply with the standards set by the Civil Service Commission (CSC).
- j. School heads or heads of training institutions covered by CHED, DepEd, and TESDA shall comply with the standards set by them, accordingly.
- k. Nothing specified herein prevents the victim from seeking redress in the appropriate courts of justice.

ARTICLE VI IMPLEMENTING OFFICES

SECTION 20. IMPLEMENTING OFFICES FOR GENDER-BASED SEXUAL HARASSMENTS

To respond to,

- a. The Dumingag Municipal Police Station (DMPS) personnel, Dumingag Task Force Ordinance, Dumingag Traffic Enforcers, Tanods and Barangay Officials shall have the authority to apprehend perpetrators and enforce the law. They shall be known as the Anti-Sexual Harassment Enforcers (ASHE).

The LGU of Dumingag and the DMPS shall ensure that the Anti-Sexual Harassment Enforcers (ASHE) undergo Gender Sensitivity Training (GST), which shall cover topics, among others, gender, sexual orientation, gender identity, gender expression, sources of gender discrimination, the roles of different institutions in society in perpetuating discrimination, sexual orientation, gender identity, gender expression, the different manifestations of discrimination, including sexual harassment, and the solutions to minimize or eliminate such forms of discrimination.

- b. The ASHE shall:
 - 1. Receive complaints on gender-based sexual harassments.
 - 2. Immediately apprehend a perpetrator if caught in flagrante delicto or in the act of committing the crime.
 - 3. Immediately bring the perpetrator to the nearest PNP station.
 - 4. 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. They shall forward its records to the Women and Children Protection Center of the DMPS.

HON. JULIUS G. JAMERO
SB Member

5. Set up an Anti-Sexual Harassment Desk in all barangays and in the Dumingag Municipal Hall.

ARTICLE VII

DUTIES AND RESPONSIBILITIES OF THE LGU OF DUMINGAG

SECTION 21. DUTIES AND RESPONSIBILITIES OF THE LOCAL GOVERNMENT UNIT OF DUMINGAG

In the implementation of this Ordinance, the LGU of Dumingag imposes unto itself the following duties and responsibilities, to wit;

- a. Disseminate or post in conspicuous places a copy of this Ordinance. The LGU of Dumingag shall come up with information, education, and communication (IEC) materials on this Ordinance which will be in a language understood by the majority of the residents;
- b. Provide measures to prevent GBSH such as gender sensitivity trainings (GST), orientation about the Ordinance, information campaigns and anti-sexual harassment seminars to be spearheaded by the MSWDO;
- c. Establish an anti-sexual harassment hotline;

The LGU will ensure that the personnel assigned to attend the hotline are knowledgeable on GBSH and the forms of assistance made available by the LGU. The hotline shall have the following functions, among others:

1. Receive and record reports/complaints.
 2. Act as a referral mechanism for complainants.
- d. Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Ordinance.
 - e. Provide training on this Ordinance for the Punong Barangay and members of the Lupong Tagapamayapa in cases covered by the Katarungang Pambarangay system, for Dumingag Task Force Ordinance, traffic enforcers and adopt training modules for concerned LGU personnel down to the barangay level.

ARTICLE VIII

COMMON PROVISIONS

SECTION 22. CONFIDENTIALITY

In all stage of the investigation, prosecution, and trial of an offense under this Ordinance and/or R.A. No. 11313, the rights of the victim and the accused who is a minor shall be recognized.

In all cases of GBSH as enumerated in this Ordinance, the confidentiality of records on the victim, and when the accused is a minor will be protected.

SECTION 23. RESTRAINING ORDER

Where appropriate, the victim may petition a court of law to 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.

HON. JULIUS G. JAMERO
SB Member

SECTION 24. REMEDIES AND PSYCHOLOGICAL COUNSELING

A victim of gender-based sexual harassment may avail of appropriate remedies as well as psychological counseling services provided by the LGU of Dumingag, through the MSWDO, and in coordination with the Municipal Health Office (MHO). Any fees to be charged in the course of a victim's availment of such remedies or psychological counseling services and other services in consonance with R.A. No. 11036 or the Philippine Mental Health Law shall be borne by the perpetrator.

HON. JO VINCENZO MORPOS
SB Member

SECTION 25. EXEMPTIONS

Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized. Expressions of indigenous culture and tradition include, among others, the wearing of traditional attires of tribes or clans that may show partial nudity. Provided that, such expressions of indigenous culture and tradition do not discriminate against women, girls, and persons of diverse sexual orientation, gender identity, and expression.

HON. DEAN KAISER C. TANGALIN
SB Member

HON. FRANCIS JOSEPH T. GUMBAN
SB Member

SECTION 26. DUMINGAG MUNICIPAL POLICE STATION (DMPs) WOMEN, AND CHILDREN PROTECTION DESK

The DMPs Women and Children's Desk 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.

HON. JERSON L. CABAUG
SB Member

HON. JULITO D. MANDAO
SB Member

HON. PERCALIXIA Y. BAZAR
SB Member

SECTION 27. BUDGETARY REQUIREMENTS

Such amounts as may be necessary for the implementation of this Ordinance shall be indicated under the Gender and Development (GAD) budget and shall be incorporated into the Annual Investment Plan (AIP) of the municipal government of Dumingag.

SECTION 28. PENAL PROVISIONS

After finding sufficient ground for violation of any provision hereof, the following penalties shall be imposed to any person, natural or juridical, to wit;

- First Offense - a fine of one thousand five hundred pesos (₱ 1,500.00) and attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the Municipal Social Welfare and Development Office (MSWDO).
- Second Offense - a fine of two thousand pesos (₱ 2,000.00), eight (8) hours of community service and attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with MSWDO.
- Third and Succeeding Offenses - a fine of two thousand five hundred pesos (₱ 2,500.00), twelve (12) hours of community service, attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the MSWDO and/or an imprisonment of not more than three (3) months at the discretion of a competent court of law.

Gender-based sexual harassment committed by the employees and officials of the LGU of Dumingag shall be penalized, aside from the penalties stipulated herein, be filed an administrative case before the Civil Service Commission (CSC).

HON. KIRBY TRACY V. ESTILLORE
Ex-Officio Member

JESSYL B. PALON
Secretary to the Sanggunian

HON. EDGARDO G. JAMERO
Municipal Vice Mayor

HON. GERRY T. PASLINAWAN
Municipal Mayor

**ARTICLE IX
FINAL PROVISIONS**

SECTION 29. REPEALING CLAUSE

All ordinances, other orders and issuances, as well as pertinent rules and regulations thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or amended accordingly.

SECTION 30. SEPARABILITY CLAUSE

If for any reason, any section of this Ordinance shall be held unconstitutional or invalid. Other sections which are not affected thereby shall continue to be in full force and effect.

SECTION 31. EFFECTIVITY CLAUSE

This ordinance shall take effect after fifteen (15) days following the completion of the posting requirements in three (3) conspicuous places in the municipality of Dumingag and its publication in any newspaper of general circulation or posting of copies in all the municipalities and one (1) city within the province of Zamboanga del Sur.

Enacted: July 22, 2024

CONCURRED:

SANGGUNIANG BAYAN MEMBERS:

Hon. Julius G. Jamero

Hon. Dean Kaiser C. Tangalin

Hon. Jerson L. Cabahug

Hon. Percalixia Y. Bazar

Hon. Domingo M. Gingco

Hon. Jo Vincent J. Morpos

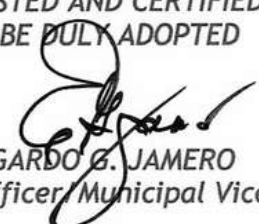
Hon. Francis Joeray T. Gumban

Hon. Julito C. Mandac

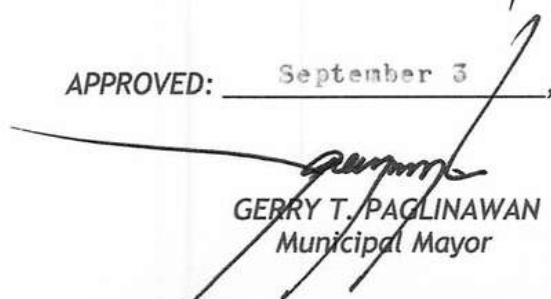
Hon. Efren A. Costanilla

Hon. Kirby Tracy V. Estillore

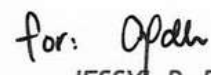
ATTESTED AND CERTIFIED
TO BE DULY ADOPTED


EDGARDO G. JAMERO
Presiding Officer/Municipal Vice Mayor

APPROVED: September 3, 2024


GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing Ordinance is true and correct.

for: 
JESSYL B. PALON
Secretary to the Sanggunian