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#### OFFICE OF THE SANGGUNIANG BAYAN



Sta. Cruz, Laguna

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF SANTA CRUZ, LAGUNA HELD ON OCTOBER 14, 2024, MONDAY, 09:30 IN THE MORNING, BATASANG BAYAN, ESCOLAPIA BUILDING, SANTA CRUZ, LAGUNA.

Honorable LAARNI A. MALIBIRAN VICE MAYOR NAME Presiding Office AND BAKE DATE 2000 Honorable Ambiel John C. Panganiban Councilor O, TIME Honorable Lea A. Almarvez Councilor Councilor Honorable Norman T. Tolentino Honorable Esmeraldo C. De Las Armas, Jr. Councilor Councilor Honorable Rizaldy N. Kalaw Honorable Lucena R. Odejar Councilor Councilor Honorable Alan T. Pamatmat Councilor - ABC Federation President Honorable Laura P. Obligacion Councilor - SK Federation President

Councilor - legal reason Honorable Mark Anthony P. Joven

Honorable Mark Anthony M. Juangco

**MUNICIPAL ORDINANCE NO. 25-S2024** 

AN ORDINANCE PROHIBITING GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT WITHIN THE JURISDICTION OF THE MUNICIPALITY OF SANTA CRUZ, LAGUNA, ADAPTING AND LOCALIZING FOR THE PURPOSE THE APPLICABILITY OF REPUBLIC ACT NO. 11313 OTHERWISE KNOWN AS "AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES AND EDUCATIONAL OR TRAINING PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES INSTITUTIONS, THEREFORE".

WHEREAS, Section 11, Article II of the 1987 Constitution, it is policy of the State to value the dignity of every human person and guarantees full respect for human rights. Section 14, Article II of the same Constitution articulates that "The State recognizes the role of the women in nation - building, and shall ensure the fundamental equality before the law of women and men" and also recognizes that both men and women must have equality, security, and safety not only in private spaces but also in public spaces;

WHEREAS, quided by RA 7160 also known as the Local Government Code of 1991, Local Gevernment Units (LGUs) are mandated to promote the general welfare of their constituents. As such, Section 9 of RA 11313 and Section 9 of its Implementing Rules and Regulations (IRR) mandate all LGUs to prevent and respond to Gender-Based Sexual Harassment (GBSH) in streets and public spaces;

WHEREAS, the Commission on Human Rights Regional Office No. IV-A issued Human Rights Advisory Numbered CHR IV-A HRA 2021-001 on the Localization of Article 1 (Gender Based Streets and Public Spaces Sexual Harassment ) of Republic Act No. 11313 (otherwise known as "Safe Spaces Act') in the Cities and Municipalities of Region IV-A (CALABZON);

WHEREAS, Section 8, Paragraph (a) of Republic Act No. 11313 mandates Local Government ♀ Units to pass an ordinance which shall localize the applicability of this Act within 60 days from the effectivity of the law;

WHEREAS, the Municipality of Santa Cruz, Laguna adheres to the policy of the state to value the dignity of every human person and to guarantee full respect for human rights.

NOW THEREFORE, on motion of Hon. Alan T. Pamatmat, duly seconded by Hon. Norman T. Tolentino, Hon. Lucena R. Odejar and Hon. Ambiel John C. Panganiban and with the approval of the members of the Sangguniang Bayan present, it was

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF SANTA CRUZ LAGUNA IN ITS REGULAR SESSION ASSEMBLED:

SECTION 1. Short Title- This Ordinance shall be known as Safe Spaces Ordinance of Santa Cruz, Laguna.

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HON, ALAN T. PAMATMAT

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SECTION 2. Declaration of Policy – It is hereby declared the policy of the Municipality of Santa Cruz, Laguna to value the dignity of every human person and guarantee full respect for human rights. It is the policy of the Municipality of Santa Cruz, Laguna to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The Municipality of Santa Cruz, Laguna also recognizes that both men and women must have equality, security and safety not only in private, but also on streets, public spaces online, workplaces and educational and training institutions.

SECTION 3. Definition of Terms – as used in this ordinance, the following terms are defined, thus

- a) Anti-Sexual Harassment (ASH) Desk a physical facility, managed by an ASH Desk Officer, where victim-survivors of sexual harassment can immediately go to seek assistance.
- b) ASH Hotline a communication link in which calls or reports of GBSH in streets and public spaces are directed to the service providers.
- Catcalling refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- d) 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.
- Community Service consists of any actual physical activity which inculcates civic consciousness and is intended towards the improvement of a public work or promotion of a public service.
- f) Cyberstalking is a form of stalking that is committed through an electronic medium in which online communication takes place.
- g) Gender refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;
- h) Gender 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 at one's primary or secondary sex characteristics, in which case this person is considered transgender;
- i) Gender-Based Streets and Public Spaces Sexual Harassment is an act committed in streets and public spaces through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.
- j) Homophobic remarks or slurs are any statement in whatever form or however delivered, which are indicative of fear, hatred or aversion towards persons who are perceived to be or actually identified 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;
- k) Information and communication system refers to a system for generating, sending and receiving storing or otherwise processing electronic date 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.
- Misogynistic remarks or slurs are any statements in whatever form or however delivered, that are indicative of the feeling of hating women or the belief that men are inherently better than women.
- m) Public spaces refers 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.

ESMERALDO C. DELAS ARMAS, JR. HON. RIZALDY N. KALAW Councilor

HON NORMAN, TOLENTINO

HON LEA A ALMARVEZ

ON. AMBIEL JOHN C. PANGANIBAN

HON. LUCENA R. ODEJAR

HON. ALAN T. PAMATMAT

HON. LAURA P. OBLIGACION
ABC Federation President

HOH HIDARK ANTHONY M. JUANGO SK. Federation President



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

**SECTION 4.** Gender-Based Streets and Public Spaces Sexual Harassment. - The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment includes among others

- Catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs;
- b. Persistent uninvited comments or gestures on a person's appearance;
- Relentless requests for personal details;
- d. Statement of sexual comments and suggestions;
- e. Public masturbation or flashing of private parts, groping, making offensive body gestures at someone, and other similar lewd sexual actions;
- f. Any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety. This may include cursing, leering and intrusive gazing, and taunting.
- g. Persistent telling of sexual jokes, use of sexual names; and
- h. Stalking

SECTION 5. Gender-Based Sexual Harassment (GBSH) in Restaurant And Cafes, Bars and Clubs, Resorts and Water Parks, Hotel and Casinos, Cinemas, Malls, Buildings and other Privately-Owned Places Open to the Public – The management of restaurants, bars, cinemas, malls, 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 CBSH 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 customer, and placed in a conspicuous area within the vicinity of the establishment;
- 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.
- Disseminate or post in conspicuous places, official websites, and social media pages, copies
  of the Safe Spaces Act and related ordinances.
- 4) Engage with academic institutions, Civil Society Organizations (CSOs), local medial such as TV and Radio stations in the conduct of advocacy campaigns against GBSH in streets and public spaces.
- 5) Develop, produce, and distribute IEC materials, preferably translated in local dialect, that raise awareness for and condemn gender-based sexual harassment, inform the public of the penalties for committing gender-based sexual harassment, and contain infographics on reporting and referral mechanism and hotline numbers.

HON. ESMERALDO C. DELAS ARM.

HON, NORMAN T. TOLENTINO

HON LEA A ALMARALEZ

ON. AMBIEL JOHN C. PANGANIBAN Coupcilor HON. LUCENA R. ODEJAR

HON. ALAN T. PAMATMAT

HON. LAURA P. OBLIGACION
ABC Federation President

HON BEART AND HON'T IN. JUANG SK Federation President



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- 6) Establish an ASH Desk Hotline to receive and respond to calls on GBSH in streets and public spaces.
- 7) Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks in their respective areas to aid in the filing cases and gathering of evidences as well as in the prevention of GBSH in streets and public spaces.
- 8) Organize an ASH Sub-Committee under the Gender and Development Focal Point System (GADFPS) to supervise, support and coordinate the operations of the ASH Desk and Hotline;
- 9) Establish an Anti-Sexual Harassment (ASH) Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victim-survivors of GBSH in streets and public spaces.
- b) Measures to address the occurrence of GBSH in such places, including, among others:
  - Provision of assistance to victims of GBSH by coordinating with local police authorities immediately after GBSH is reported. This includes accompanying to the police authorities, whenever necessary;
  - 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;
  - 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 establishments. 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 to these places that are open to the public.

SECTION 6. Assistance to Victims of Gender-based Sexual Harassment – Establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court or any competent authority, and providing a safe gender –sensitive environment to encourage victims to report gender-based sexual harassment at the first. All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in the act of committing gender-based sexual harassment and are required to immediately coordinate with local authorities and/ or law enforcers.

SECTION 7. Citizen's Arrest – 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 the places enumerated in the preceding section 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 local authorities. The Philippine National Police (PNP) shall issue guidelines on the deputization of security guards.

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, actually committing or is attempting to commit GBSH; and
- 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.

JR. HON. RIZALDY N. K Councilor

HON. ESMERALDO C. DELAS ARMAS, Councilor

HON NORMANT, TOLENTINO

HON LEA A. ALMARVEZ

HON. AMBIEL JOHN C. PANGANIBAN Councilor HON. LUCENA R. ODEJAR

HON. ALAN T. PAMATMAT

ABC Federation President

HOR: MARK ANTHONY M. JUAN SK Federation President



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SECTION 8. Gender-Based Sexual Harassment In Public Utility Vehicles (PUV) - In addition to the penalties under this Ordinance and in RA 11313, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in public utility vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

In cases of GBSH in PUVs, the LTO or the LTFRB may suspend or revoke the use of driver's license after finding of substantial evidence that the perpetrator committed any violation of the law, subject to LTO's own administrative procedures on suspension or revocation of driver's license.

When a case is filed in the appropriate court, upon finding of guilt, the court may order the cancellation of the operator's license, or revocation or suspension of their franchise. Whereupon the LTO or the LTFRB, as the case may be, shall order such cancellation, suspension or revocation.

In case where the court decision did not include such order, the LTO and LTFRB, may, after the filing of an administrative case, and hearing thereof, order such cancellation, suspension, or revocation. The court decision may form part of the evidence which may be presented by the complainant to the LTO or LTFRB.

When the GBSH is committed in a Motorized Tricycle, in addition to the penalties imposed under this Ordinance and Republic Act No. 11313, the CMTO and the Tricycle Franchising Regulatory Board, after due hearing, may order the revocation of the Tricycle Franchise.

SECTION 9. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors. - In case the offense is committed by a minor, the Municipal Social Welfare and Development Office (MSWDO) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006". The program shall include ageappropriate gender sensitivity and anti-sexual harassment awareness activities.

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.

SECTION 10. Measures to Prevent the Occurrence of GBSH - The Local Government Unit, through the Municipal Social Welfare and Development Office shall conduct Gender Sensitivity Training (GST), Orientation on the law, as well as capability building be provided to the deputized ASHE.

The Liga ng mga Barangay, in coordination with the Legal Officer, shall provide training on R.A. No. 11313 for the Punong Barangays and members of the Lupong Tagapamayapa in cases covered by the Katarungang Pambarangay System.

The annual training shall likewise be provided to call ASH Desk Officers to keep them abreast of the recent policies and laws relative to the fight against, sexual harassment, discrimination and non-equality on regular basis.

SECTION 11. Anti-Sexual Harassment (ASH) Desks - There shall be established a Anti-Sexual Harassment Desks in the Municipal Hall and in every Barangay preferably staffed by a woman. VAW Desks may also serve as the ASH Desks who shall be responsible in addressing GBSH in the Barangays, including instances falling within the Katarungang Pambarangay System.

SECTION 12. Traffic Enforcers as Deputized Anti-Sexual Harassment Officers - Traffic Enforcers are hereby designated as Deputized Anti-Sexual Harassment Officers under their areas of responsibility.

SECTION 13. Specific Acts and Penalties for Gender Based Sexual Harassment in Streets and Public Spaces – The following acts are unlawful and shall be penalized as follows:

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DELAS/ARMAS, ESMERALDO C.

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HON, LUCENA R. ODEJAR

MARKANTHONY M. JUANGCO Federation President



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- a) For acts of 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 jokes, use of sexual names, comments and demands, and any statement that had made an invasion on a person's personal space or threatens the person's sense of personal safety.
  - 1) The first offense shall be furnished by a fine of One Thousand Pesos (P1,000.00) and community service of twelve hours (12) inclusive or attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU. The PNP shall issue the Certificate of Completion of Community Service.
  - 2) The second offense shall be punished by a fine of Three Thousand Pesos (P3,000.00) or aresto menor ( 6 to 10 days)
  - 3) The third offense shall be prosecuted and penalized in accordance with Section 11, Par, a), Sub Par. 3) of R. A. No. 11313
- b) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effects of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping and similar lewd sexual actions, the offender shall be prosecuted and penalized under Section 11, Par. b), Sub-Pars 1), 2) & 3) of R.A. 11313.
- For acts such as stalking and any of the acts mentioned in Section 4 of this ordinance and paragraphs a) and b) above, when accompanied by touching, pinching or brush ing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 12, Pars a) and b) hereof shall be prosecuted and penalized in accordance with Section 11, Par, c) Sub pars 1), 2) & 3) of R.A. 11313.

SECTION 14. Qualified Gender-Based Streets, Public Spaces -The penalty next higher in degree will be applied in the following cases:

- (a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- (b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- (c) If the offended party is diagnosed with a mental problem tending to impair consent;
- (d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and
- (e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

**SECTION 15. Appropriations** – Funds necessary for the effective implementation of this ordinance shall be included in the Annual Program of Expenditure under the Gender and Development (GAD) Fund in the Annual Budget of the Municipality.

SECTION 16. Suppletory Clause. – The provisions of R.A 11313, otherwise known as An Act Defining Gender –Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational Training Institutions, Providing Protective Measures and Prescribing Penalties therefor and Implementing Rules and Regulations, insofar as applicable, shall be considered suppletory to this Ordinance.

SECTION 17. Separability Clause - If any provision or part hereof is declared invalid or unconstitutional; the provisions not otherwise affected shall remain valid and subsisting.

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HON, ESMERACDO C. DELAS.

VORMANT, TOLENTINO Councilor

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AMBIC JOHN C. PANGANIBAN

HON. LUCENA R. ODEJAR Councilor

HON. ALAN T. PAMATMAT

HON. LAURA P. OBLIGACION
ABC Federation President

HON MARKANTHONY M. JUANGCO



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SECTION 18. Repealing Clause - Any Ordinance, Executive Order, Rules and Regulations inconsistent with the provisions of this Ordinance is hereby repealed, modified or amended accordingly.

SECTION 19. Effectivity Clause - This Ordinance shall take effect Fifteen Days (15) after its publication in a newspaper or posting in conspicuous places and Barangay Halls within this municipality.

ORDERED: Let copies of this ordinance be furnished the Honorable Sangguniang Panlalawigan, the Honorable Mayor, the Municipal Treasurer, the Municipal Budget Officer, the Municipal Accountant, the Municipal Planning and Development Coordinator, the Municipal Social and Development Officer, the Municipal Legal Officer, the Liga ng mga Barangay, the Municipal Police Station, Civil Society Organizations, SCTMO, Schools, all establishments, and all other concerned citizens, for their information and appropriate action.

APPROVED. October 14, 2024.

I HEREBY CERTIFY to the correctness of the above-quoted ordinance.

Maria Luisa F. Jolo

ALMARVEZ

Acting Secretary to the Sangguniang Bayan

HON. ESMERALDO C.)DE LAS ARMAS, JR.

HON. AMBIEL JOHN C. PANGANIBAN

Councilor

HON. NORMAN T. TOLENTINO

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HON. RIZALDY N. KALAW Councilor

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HON. MARK ANTHONY M. JUANGCO SK Federation President

HON, ALAN T. PAMATMAT

Councilor

**ABC Federation President** 

Councilor

HON. LUCENA R. ODEJAR Councilor

ATTESTED:

HON. LAARNI A. MALIBIRAN Municipal Vice Mayor

Presiding Officer

11-8-24

APPROVED:

HON. EDGAR S. SAN LUIS

Municipal Mayor ( 12-02-24

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