



PAMAHALAANG BAYAN NG TAYTAY TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 103rd REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN, TAYTAY, RIZAL, HELD ON AUGUST 24, 2021, 1:19 PM AT THE SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL

PRESENT:

Hon. Michell B. Bermundo	-	Vice Mayor/Presiding Officer
Hon. Sophia Priscilla L. Cabral	-	Councilor
Hon. Ma. Jeca B. Villanueva	-	“
Hon. Patrick John P. Alcantara	-	“
Hon. Joanne Marie P. Calderon	-	“
Hon. Ceferino R. Resurreccion Jr.	-	“
Hon. Kyle Georic Y. Gacula	-	“
Hon. Ma. Elaine T. Leonardo	-	“
Hon. Philip Jeison J. Cruz	-	“
Hon. Frank Luster L. Santos	-	LnB President
Hon. Roda May A. Diño	-	SK Federation President

Authored & Sponsored by:	Coun. Joanne Marie P. Calderon
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	Coun. Sophia Priscilla L. Cabral
	Coun. Ma. Jeca B. Villanueva
	Coun. Patrick John P. Alcantara
	Coun. Ceferino R. Resurreccion Jr.
	Coun. Kyle Georic Y. Gacula
	Coun. Ma. Elaine T. Leonardo
	Coun. Philip Jeison J. Cruz
	LnB Pres. Frank Luster L. Santos
	SK Fed. Pres. Roda May A. Diño

ORDINANCE NO. 715 series of 2021

AN ORDINANCE LOCALIZING ARTICLE 1 AND ADOPTING REPUBLIC ACT NO. 11313 OR THE SAFE SPACES ACT “AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR”

WHEREAS, Section 11, Article II of the 1987 Constitution, it is the 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, Republic Act No. 9208, otherwise known as the “Anti-Trafficking in Persons Act of 2003”. Declares that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of the society;

WHEREAS, Republic Act No. 9262, otherwise known as “The Anti-Violence Against Women and their Children Act of 2004”, emphasizes the commitment of the State on safeguarding the dignity of women and children while ensuring full respect of their human rights and to protect them from violence and threats to their personal safety and security;

WHEREAS, Republic Act No. 9710, also known as “The Magna Carta of Women”, a comprehensive women’s human rights law that affirms the role of women as it seeks to eliminate discrimination against women by recognizing protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sector of the society. It conveys a framework of rights for women based directly on international law;

WHEREAS, Sexual harassment as a form of gender-based violence, seriously inhibits women’s ability to enjoy rights and freedom on a basis of equality with men. Sexual harassment in streets and public spaces will not be tolerated by the State as it violates the dignity and human rights of a person;

WHEREAS, the passage of RA No. 11313, otherwise known as the Safe Spaces Act (SSA) expands the law on sexual harassment in the country to cover all of its forms including verbal, non-verbal and physical. Further, it seeks to secure all persons, regardless of sex, sexual orientation, and gender identity and expression, from all kinds of gender-based violence and discrimination such as sexual harassment, not only in private spaces but also in public spaces.

WHEREAS, Guided by RA 7160 also known as the Local Government Code of 1991, Local Government Units (LGUs) are mandated to promote the general welfare of their constituents. As such, Section 8 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, pursuant to the Joint Memo. Circular No. 2020-01, by the Department of Interior and Local Government (DILG), and Philippine Commission of Women (PCW) providing “Guidelines in the Localization of RA 11313 or the Safe Spaces Act.

NOW THEREFORE, BE IT ENACTED, as it is hereby enacted by the 11th Sangguniang Bayan of Taytay, Rizal, in session assembled, by virtue of the power vested in it by law, that:

Section 1. RA 11313 Adoption - It is hereby the policy of the Municipality of Taytay to adopt and localized the implementation of the Safe Spaces Act and ensure that all provision of the law will effectively be implemented.

Section 2. Definition of Terms:

- 2.1 **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.
- 2.2 **ASH Hotline** – a communication link in which calls or reports of GBSH in streets and public spaces are directed to the service providers.

- 2.3 **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.
- 2.4 **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.
- 2.5 **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.
- 2.6 **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.
- 2.7 **Public Spaces** - refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, PUVs as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public.
- 2.8 **Safe Space** - is a formal or informal place where a person feels comfortable, physically, and emotionally safe, and enjoy the freedom of self-expression without the fear of judgment or harm.
- 2.9 **Sexual Harassment (SH)** - occurs when the perpetrator gives unwanted, unwelcome, and uninvited sexual remarks or actions against any person that threatens the victim's sense of personal space and safety.
- 2.10 **Gender Based Online Sexual Harassment (GBOSH)** - refers to acts that use information and communications technology in terrorizing and intimidating victims.
- 2.11 **Gender Based Sexual Harassment (GBSH) in Public Spaces** - acts which are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.
- 2.12 **Gender Based Sexual Harassment in the Workplace (GBSHW)** - 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.

- 2.13 **Gender Based Sexual Harassment in Education and Training Institutions** - may be committed by principals, school heads, teachers, instructors, professors, coaches, trainers, or any person who has authority, influence or moral ascendancy over another, students, and trainees

Section 3. Duties and Responsibilities of Municipality of Taytay, Rizal - To ensure the effective implementation of the law, the Municipal and Barangay Governments shall perform the following duties and responsibilities:

- 3.1 Pass an ordinance, in line with provisions stated in RA 11313, to prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces; and designate public spaces, regardless of ownership and nature, as safe spaces against GBSH;
- 3.2 Designate traffic enforcers and other local law enforcement units to be Anti-Sexual Harassment Enforcers (ASHEs) and ensure that they undergo Gender-Sensitive Training (GST) and orientation on the law;
- 3.3 Disseminate or post in conspicuous places, official websites and social media pages, copies of the Safe Spaces Act and related ordinances;
- 3.4 Engage with academic institutions, civil society organizations (CSOs), local media such as tv and radio stations in the conduct of advocacy campaign against GBSH in streets and public spaces;
- 3.5 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 mechanisms and hotline numbers;
- 3.6 Set-up an Anti-Sexual Harassment (ASH) Desk at the municipal hall for the purpose of expediting the receipt and processing of complaints and reports of GBSH in streets and public spaces, and the same shall be strengthened;
- 3.7 Establish an ASH Desk Hotline to receive and respond to calls on GBSH in streets and public spaces;
- 3.8 Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces;
- 3.9 Ensure the establishment of an ASH Desk in every barangay;
- 3.10 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;
- 3.11 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;
- 3.12 Provide training on the law for the Punong Barangays and members of the *Lupong Tagapamayapa* in cases covered by the *Katarungang Pambarangay* system, for traffic enforcers under their jurisdiction, and adopt training modules for concerned LGU personnel down to the barangay level; and

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

Section 4. Duties and Responsibilities of the Barangays in the Municipality of Taytay, Rizal

- 4.1 Pass an ordinance, in line with provisions stated in RA 11313, to prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces; and designate public spaces regardless of ownership and nature as safe spaces against GBSH;
- 4.2 Designate *barangay tanods*, community brigades, and community service units to be the ASHs;
- 4.3 Establish an ASH Desk for the purpose of expediting the receipt and processing of complaints and reports of sexual harassment. The Violence Against Women (VAW) Desk shall also serve as the ASH Desk;
- 4.4 Ensure the participation of ASHs, ASH Desk Officer and members of the *Katarungang Pambarangay* in Gender-Sensitivity Training; orientation on the Safe Spaces Act, and protocols in responding to GBSH in streets and public spaces;
- 4.5 Distribute IEC materials, developed by the city/municipality and other entities, that raise awareness for and condemn GBSH in streets and public spaces;
- 4.6 Create a mechanism for handling and documentation of complaints including those cases covered by the *Katarungang Pambarangay* system;
- 4.7 Establish an Anti-Sexual Harassment (ASH) Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victim-survivors of GBSH in streets and public spaces; and
- 4.8 Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces.

Section 5. Establishment of Anti-Sexual Harassment (ASH) Desk

- 5.1 Setting-up the ASH Desk.
- 5.2 The local chief executive (LCE) shall designate an area in the municipal or barangay hall, as the case may be, where the ASH Desk may be set-up in such a way that the right to privacy of the victim survivor is protected at all times; and
- 5.3 It shall have the necessary furniture and fixtures, such as, but not limited to, table, chairs, and separate filing cabinet where the logbook and tools/equipment for documentation are stored.
- 5.4 Designation of ASH Desk Officer
- 5.5 The Municipal Mayor and Punong Barangay shall designate an ASH Desk Officer, preferably a woman, who shall be directly in charge of the daily operations of the ASH Desk.

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

Section 6. Functions of the ASH Desk Officer - The ASH Desk Officer shall have the following functions:

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

Section 7. Functions of Anti-Sexual Harassment Enforcers (ASHEs) - The ASHE shall have the following functions:

- 7.1 Receive complaints on GBSH in streets and public spaces;
- 7.2 Immediately apprehend the perpetrator if caught in the act of committing the crime;
- 7.3 Immediately bring the perpetrator to the nearest police station for appropriate action; and
- 7.4 Together with the Women's and Children's Desk of the PNP stations, keep a ledger of perpetrators for the purpose of determining if the perpetrator is a first-time, second-time or third-time offender.

Section 8. Conduct of Safety Audit

- 8.1 Municipal and Barangay Governments shall conduct safety audits on their responsibilities enumerated in Section 8 of the law and Section 9 of the IRR every three (3) years to assess the efficiency and effectivity of the implementation of the law within their jurisdiction;
- 8.2 The Rizal shall assess the city and municipalities on the implementation of the law and its IRR; and

8.3 The Municipality of Taytay shall assess the barangays on the implementation of the law and its IRR.

Section 9. Source of Funds - The implementation and localization of the Safe Spaces Act may be charged against the Gender and Development (GAD) budget or other sources of funds subject to the availability thereof and to the existing accounting and auditing rules and regulations.

Section 10. Institutional Arrangements

- 10.1 Lead the campaign for the awareness of the law;
- 10.2 Develop educational modules and materials for awareness campaigns together with DILG, Commission on Human Rights (CHR) and in coordination with accredited/recognized CSOs actively working on the issues affecting women, children and LGBTQ community;
- 10.3 Coordinate with duly accredited/recognized CSOs actively working on the issues affecting women, children and LGBTQ community to ensure the participation of all LGUs in a sustained information campaign;
- 10.4 Provide training activities to build the capacities of local government officials and functionaries in the implementation of the law, in partnership with DILG; and

Section 11. Declaration of Intent to Conform with Law - This Ordinance is subject to national laws, rules and regulation governing its subject matter.

Section 12. Penal Provisions - Any violation of the provisions of this Ordinance, after due notice and hearing, shall suffer the corresponding penalties as provided in Republic Act No. 11313 or the Safe Spaces Act.

Section 13. Applicability Clause - All other matters relating to the impositions of this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.


Section 14. Separability Clause - If for any reasons, 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 15. Repealing Clause - All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

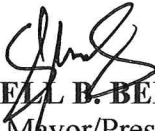
Section 16. Effectivity Clause - This Ordinance shall take effect after its approval.

ENACTED, this 24th day of August, 2021, 2:22 PM at the Session Hall of the Municipal Building, Taytay, Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay on second reading on August 24, 2021 and was passed on third and final reading on August 24, 2021, during the 103rd Regular Session held on the 24th day of August, 2021.

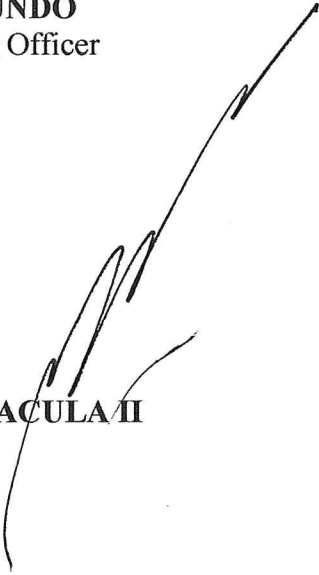

SONIA C. SAMSON
Secretary to the Sanggunian
Officer-in-Charge

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HER HONOR



HON. MICHELL B. BERMUNDO
Municipal Vice Mayor/Presiding Officer

APPROVED BY HIS HONOR
DATE 07 SEP 2021



HON. GEORGE RICARDO R. GACULA II
Municipal Mayor

