



Republic of the Philippines
PROVINCE OF LEYTE
 Provincial Capitol
 Tacloban City

Item No.: 04
 Date: 20 2024 AUG

Province of Leyte
Legal Office
 Released: [Signature]
 Time: 19:20
 Date: 8-12-24

SANGGUNIANG PANLALAWIGAN
PROVINCE OF LEYTE
 AUG 14 2024
 [Signature]

PROVINCIAL LEGAL OFFICE

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2nd INDORSEMENT

July 16, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 11 of the Sangguniang Bayan of Capooacan, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 11 S. 2023 entitled: **“An Ordinance Enacting the New Gender and Development (GAD) Code of the Municipality of San Isidro, Province of Leyte.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is in accordance to its power under Section 16¹ and Section 447² of the Local Government Code of 1991 (R.A 7160), an exercise of the power essential to the promotion of the General Welfare.

Moreover, said Ordinance incorporates mandates under R.A. 11313 otherwise known as the “Safe Spaces Act”, RA 7192 otherwise known as “Women in Development and Nation Building Act” and other new policies and laws promoting gender equality.

This office noted, however, that said ordinance contains provisions imposing penalties for violations thereof which are inconsistent with existing laws.

The tests of a valid ordinance are well established. A long line of decisions has held that for an ordinance to be valid, it must not only be within the corporate powers of the local government unit to enact and must be passed according to the procedure prescribed by law, it must also conform to the following substantive requirements: (1) *must not contravene the Constitution or any statute*; (2) *must not be unfair or oppressive*; (3) *must not be partial or discriminatory*; (4) *must not prohibit but may regulate trade*; (5) *must be general and consistent with public policy*; and (6) *must not be unreasonable*.³

Hence, this office recommends that the LGU revisits and make appropriate revisions to ensure that the same does not contravene with any existing laws.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer [Signature]

¹ Section 16-General Welfare Clause- Every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare xxx.

² Section 447. Powers, Duties, Functions and Compensation. -

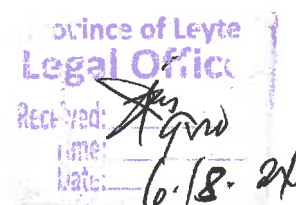
(a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code xxx.

³ G.R. NO. 118127 : April 12, 2005.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
14 June 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance. 11, series of 2023 of the Municipality of Capoocan, Leyte, entitled: An Ordinance Updating the Gender and Development Code of the Municipality of Capoocan, Leyte.**


FLORINDA JILL SUYVICO
Secretary to the Sanggunian



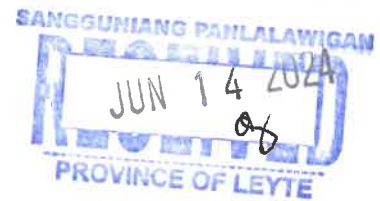
Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Capoocan
Office of the Sangguniang Bayan

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June 11, 2024

THE HONORABLE BODY

Sangguniang Panlalawigan
Legislative Building
Capitol Grounds
Tacloban City



Dear Gentlemen / Mesdames:

Good Day!

Submitting herewith, **ORDINANCE NO. 11, Series of 2023, "AN ORDINANCE UPDATING THE GENDER AND DEVELOPMENT CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"**, with the following attachments:

1. Minutes of the Public Hearing
2. Public Hearing Attendance
3. Certification that the proposed ordinance was posted at conspicuous places.
4. Certification that a Public Hearing was conducted regarding the proposed ordinance.

For your review and approval.

Earliest and favorable action shall be gratefully acknowledged.

Respectfully yours,

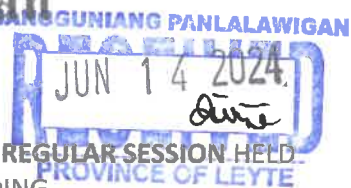

JUDE R. DELA TORRE

Secretary to the Sanggunian



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SANGGUNIANG BAYAN OF THE MUNICIPAL GOVERNMENT OF CAPOOCAN, LEYTE IN ITS 93rd REGULAR SESSION HELD ON APRIL 2, 2024 AT THE MUNICIPAL SESSION HALL LEGISLATIVE BUILDING

ORDINANCE NO. 11, Series of 2023

AN ORDINANCE UPDATING THE GENDER AND DEVELOPMENT CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE

SPONSOR:	HONORABLE GRACIA G. PIGAR
CO-SPONSORS:	HONORABLE EMMANUEL D. ARBOSO
	HONORABLE FLORENCE R. CAROLINO-MISAGAL
	HONORABLE ROBERTA C. PEÑARANDA
	HONORABLE DAVE A. NIDERA

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of the Municipality of Capoocan, Province of Leyte, in a Regular Session duly assembled, that:

CHAPTER I GENERAL PROVISIONS

Article I

TITLE, STATEMENT OF POLICY, AND DEFINITION OF TERMS

SECTION 1. TITLE. This ordinance shall be known as the "Updated Gender and Development Code of Capoocan, Leyte" hereinafter referred to as the **GAD Code**.

SECTION 2. DECLARATION OF GENERAL POLICY.

It shall be the policy of the Local Government of Capoocan Leyte to uphold the rights of women, men and children and the belief in their worth and dignity as human beings. Women shall be recognized as full and equal partners of men in development and nation building and shall share equally in all forms of productive, reproductive community activities and political life.

The Local Government Unit of Capoocan, Leyte shall actively contribute to the establishment of nation and international economic order based on sustained, equitable growth and balanced ecology. And that any development efforts undertaken should enhance women's full potentials, uplift their status and lead to the improvement of their quality of lives, their families and that of their communities.

Pursuant to Republic Act 11313 otherwise known as the "Safe Spaces Act", it shall be the policy of the Local Government Unit of Capoocan, Leyte 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. 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.

[Handwritten signatures and initials of the officials mentioned in the ordinance]

Towards this end, the Local Government Unit of Capoocan, Leyte shall pursue and implement vigorously gender-responsive development policies, design integrated gender economic development support system, taking into consideration women's immediate economic survival with support for their efforts to empowerment measures to protect and promote their rights.

TO ATTAIN THE FOREGOING POLICY:

1. A reasonable amount from the Official Development Assistance received from foreign governments and multilateral agencies and organizations shall be set aside and utilized to support programs and activities for women in accordance with the provisions of **RA 7192 (Women in Development and Nation Building Act)**, by the Local Government Unit of Capoocan, Leyte, provided that it shall conform with the requirements and conditions set forth by the funding agencies.
2. All Local Government Unit departments and agencies of Capoocan, Leyte shall ensure that women benefit equally and participate directly in the development programs and projects of said departments and agencies, to ensure the full participation and involvement of women in the development process pursuant to RA 7192.
3. All Local Government Unit project proposals shall ascertain the inclusion of gender responsive indicators and guidelines while not being remiss in locating the roots of women's oppression, pursuant to the United Nations Declaration of which the Philippine Government is a signatory.
4. All Local Government Unit departments and agencies of Capoocan, Leyte, upon effectivity of this Code, shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein and shall complete the same within two years.
5. The Capoocan Local Council of Women, as provided for under SECTION 35, Article III, Chapter II shall actively be consulted in matters dealing with official development assistance or foreign aid so as to determine gender biases and implications on women.

SECTION 3. DECLARATION OF PRINCIPLES. The Local Government of Capoocan, Leyte ensures the protection of the human rights of women, men and children while recognizing the existence of gender inequality.

Hence, it shall strive to achieve gender equality by recognizing the rights of women that are defined and declared by the United Nations under the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) which we hereby adopt as follows:

- a. Women have the right to the prevention of and from all forms of violence and coercion against their persons, freedom, sexuality or individuality;
- b. Women have the right to freely and fully participate individually or collectively in the political processes of their communities;
- c. Women have the right to the means for assuring their economic welfare and security;
- d. Women have the right to the necessary knowledge and means for the full exercise of their reproductive choice in accordance with the Constitution and their beliefs and preferences;
- e. Women have the right to choose a spouse in accordance with their values and preferences, maintain equality in marriage or its dissolution, and obtain adequate support for rearing and caring for their children;
- f. Women have the right to an adequate, relevant and gender-fair education throughout their lives from childhood to adulthood;
- g. Women have the right to adequate nutrition and proper health care.

- h. Women have the right to humane living conditions;
- i. Women have the right to nurture their personhood, collectively and individually, to secure an image of themselves as whole and valuable human beings, and to build relationships based on respect, trust and mutuality;
- j. Women have the right to equality before the law in principles as well as in practice.

SECTION 4. DEFINITION OF TERMS: As used in this Code, the following terms shall mean:

- 1. **Adolescent Sexuality** – refers to the reproductive system, gender identity, values or beliefs, emotions, relationships & sexual behavior of young people as social being. Adolescence refers to a life stage and pertains to people aged between 10-19.
- 2. **Battering** – is a series of physical, emotional and psychological abuse. It is a repeated and habitual cyclic pattern of intimidation and imposition of the batterer's will and control over the survivor's life. Battering constitutes the following kinds of behavior but is not limited to:
 - a. **Sexual Battering** – this includes physical attacks on the women's breasts, genitals or forced sexual activity, accompanied by either physical violence or the threat of physical violence;
 - b. **Psychological Battering** – this includes threats of suicide, violence against the woman or her family, punching, breaking or defacing or otherwise destroying the house or any part thereof or of the personal belongings of a woman; threatening to take the children away; threatening deportation of wives with foreign citizenship; threatening to kidnap children or take them to foreign country and forcing the victim to do degrading things; controlling the victim's lawful or usual activities; the use of foul and insulting words or statements and threats of 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.
 - c. **Economic Battering** – this includes deprivation of women of economic resources, their generation and mobilization so as to create dependency and submission to men or partner and to any established structures of domination.
- 3. **Catcalling** refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs.
- 4. **Child labor** – employment of children below 15 years of age in public and private undertakings as provided in R.A. 7610 and as amended in R.A. 7658.
- 5. **Children** – refers to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- 6. **Commercial Sexual Exploitation** – it is a condition wherein women, men and children are treated as sexual objects and as commercial objects which constitutes a form of coercion and violence against women and children that tantamount to forced labor and a contemporary form of slavery. This includes cybersex activities.

7. **Commodification of Women** – is a practice which puts women in subordinate situation which results in the treatment of women as both consumers and objects. As consumers, women are always allured to buy beauty products to enhance their physical attractiveness. As objects of consumption, women are reduced to asexual commodity for manipulation and utilization for one's sexual desire or interest usually in exchange for money or goods so that women have no control for power to reject such utilization or manipulation.
8. **Community-based Rehabilitation Program** – refers to the programs providing a community setting developed for purposes of intervention and diversion of women, men and children.
9. **Crisis Intervention Center** – substitute home/residential facility for victims of VAWC and others who are in extremely difficult circumstances needing temporary shelter while their eventual return to family is facilitated.
10. **Dating Relationship** – refers to a situation wherein the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing basis during the course of the relationship. This excludes casual acquaintance or ordinary socialization between two individuals in a business or social context.
11. **Development** – is the improvement of the quality of life of all regardless of age, gender, tribe, race, creed and religion. It is characterized by an enrichment of Filipino indigenous resources, sustainable utilization of the natural resources of the country and freedom from dependency. It is therefore, a sustainable equitable growth and balanced ecology.
12. **Differently-Abled Person** – is a survivor of physical and/or mental impairments and have differentiated needs and potentials.
13. **Differently-Abled Women** – are women survivors of physical and/or mental impairments and have differentiated needs and potentials.
14. **Discrimination Against Women** – any distinction, exclusion or restriction made on the basis of sex which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by women of their rights irrespective of their marital status.
15. **Entertainment industry** – consists of establishments identified as places of amusement including but not limited to night clubs or day clubs, cocktail lounges, supper or family clubs, disco houses, minus-one or sing along houses, bars or beer houses/gardens, fast food centers showing sports video cassette films/movies, beach resorts and other places of amusement where one seeks admission to entertain oneself whether by seeing or viewing or by direct participation.
16. **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: Provided, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee.
17. **Employer** refers to a person who exercises control over an employee: Provided, That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded.
18. **Family Members** – are persons intimately related to one another such as spouses, live-in partners, children and other similar relationships whether living together or not or between persons with a common child. Family members include relatives by consanguinity or affinity up to the fifth civil degree including step parents and step children.

19. **Family Planning** – program that enables couples and individuals to decide freely and responsibly the number and spacing of their children; to have the information and means to do so; and to have informed choice and access to a full range of safe and effective family planning methods, either natural or artificial.
20. **Gender** – is a socially constructed difference between men and women. Differences are created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures of society. **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.
21. **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.
22. **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 in which case this person is considered transgender.
23. **Gender and Development (GAD)** – refers to the development perspective which recognizes the equal contribution of women and men in all aspects/sectors of development. Such a perspective involves the process of the searching for new and innovative initiatives which help transform unequal gender relations into opportunities which are equally/equitable beneficial to both women and men. It is also a conscious effort at improving the quality of lives of women and men based on sustained growth and balanced ecology. It sees society as a gender system in all its aspects-economic, political and social.
24. **Gender Equality** – the absence of discrimination in opportunities, allocation of resources or benefits or in access to services, on the basis of one's sex
25. **Gender Equity** – fairness and justice in the distribution of benefits and responsibilities between women & men & often requires women-specific projects and programs to end existing inequalities.
26. **Gender Responsive** – characterizes policies and programs that systematically incorporate or address gender analysis of the situation this may also refer to programs in which gender equality issues are fully integrated or mainstreamed in all aspects and activities; programs that include a gender equality component to redress specific inequalities that may impact on women's benefiting from program implementation; or programs designed exclusively with the objective of promoting gender equality.
27. **Gender-Sensitive** – an understanding of the marginalized position of women and consciously challenging the attitudes and behavior that reinforce women's subordinate status.
28. **Gender Sensitivity Training** – is an experiential and critical process of learning and unlearning by an individual, female or male, of the causes and effects of the culturally determined roles of women and men. It is also known as gender sensitization.
29. **Gender-Based Violence** – is any act that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, men and children, including threats of such act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It shall include but is not limited to the following;

- a. Physical, sexual and psychological violence occurring in the family and other close relationships, including battering, sexual abuse of children in the household, dowry-related violence, marital rape, genital mutilation and other traditional practices harmful to women, men and children, non-spousal violence and violence related to exploitation;

- b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, men and children and forced prostitution;
- c. Physical, sexual and psychological violence perpetrated against women, men and children and condoned by the State, wherever it occurs;
- d. Violations of the human rights of women, men and children in situations of armed conflict, in particular murder, physical and psychological torture, systematic rape, sexual slavery and forced pregnancy;
- e. Forced sterilization and forced abortion, coercive/forced use of contraceptives, prenatal selection and infanticide;
- f. To buy or sell a woman, man and child or any of his/her body parts for profit;
- g. Feminization or poverty which is regarded as a condition when the gap between the rich and the poor widens and grassroots women bear the brunt in economic instability and unequal distribution of wealth. Such gap reinforces non-response to both practical and strategic interests of women; and
- h. Other forms of violence such as abuse, neglect, abandonment, cruelty, exploitation and other conditions prejudicial to the welfare and development of women.

30. Indecent Shows – are shows which include nude or other provocative gestures which further project and exhibit women, men and/or children as sex objects.

31. Land – Based Projects – are activities designed systematically to provide women the opportunity to have full access and control over the maximum utilization of land and other indigenous resources, which shall promote and ensure food security, utilizing science, women friendly and appropriate technology and instilling collectivism.

32. Places of Amusement – include theaters, cinemas, concert halls, circuses and other places of amusement where one seeks admission to entertain oneself by seeing or viewing the show or performance.

33. Pornographic Shows – includes live or none live shows either nude or other provocative gestures that further project and exhibit women, men and children as sex objects.

34. Pornography – written, graphic or other forms of communications intended to excite lascivious feelings.

35. Prostitution – is the sale, purchase and exchange of women, men and minors for sexual exploitation, cash, profit or other economic consideration by an individual, including but not limited to pimp, procurer of the service, parents, owners of establishments such as disco houses, bars, sauna baths, massage clinics, hotels and restaurants and any person who uses various schemes to prostitute women, men and minors.

36. Public spaces refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas.

37. Psychosocial/Psychological/Psychiatric Program – an intervention using a systems approach to conditions of individuals as it views the individual's differentiated needs in a social context.

38. Rape. R.A. 8353 or The Anti-Rape Law of 1997 stipulates:

When & how Rape is Committed. Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

- a. By using force or intimidation.
- b. When the woman is deprived of reason or otherwise unconscious; and
- c. When the woman is under twelve years of age or is demented. [Article 335, Revised Penal Code as amended by Republic Act No. 7659].

39. Reproductive Health – 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.

40. Reproductive Health Care – the access to a full range of methods, techniques and services that shall address reproductive health related problems, the purpose of which is enhancement of life and personal relations.

41. Reproductive Rights – the rights of individuals and couples, subject to applicable laws, to decide freely and responsibly the number, spacing and timing of their children, to make other decisions concerning reproduction free of discrimination, coercion and violence; to have the information and means to do so; and to attain the highest standard of sexual & reproductive health.

42. Reproductive Tract Infection (RTI) – includes sexually transmitted diseases and other types of infections affecting the reproductive system.

43. Responsible Parenthood – the will and the ability to respond to the needs and aspirations of the family and children.

44. Safe Place or Shelter – any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by other agency or voluntary organization accredited by the DSWD for purposes of Republic Act 9262; or any other suitable place, whose resident is willing to temporarily receive a victim.

45. 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.

46. Sex – the anatomical and biological differences among individuals. These characteristics are inborn, universal and cannot be changed.

47. Sex disaggregated data – separate data of women and men.

48. Sex Workers – refers to persons who regularly offer sexual favors/services in exchange for cash, profit or economic considerations.

49. Sexual Abuse.

a. When a man inserts or attempt to insert his penis into the mouth, genitals or anus of a woman under any of the following situations;

1. Through force, threat or intimidation;
2. By means of abuse of authority or relationship;
3. When the offended party is deprived of reason or is otherwise unconscious; when the offended party is below twelve years old, even though none of the above circumstances is present;

b. When a person inserts parts of his or her body other than the sexual organ, or introduces any object or instrument into the genital or anus of a woman or man under any of the situations stated in paragraph 1;

c. When a person subjects another to have sexual intercourse with an animal under any of the circumstances stated in paragraph 1 or through any abnormal, unusual or ignominious sexual act.

- d. 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 of her body other than her sexual organ or the use of any instrument or subject which intentionally touches the genital, breast or anus of a woman; and
- e. 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.

50. Sexual Harassment – is a form of misconduct involving acts as a series of unwelcome sexual advances, requests for sexual favors, or other verbal or physical behavior of a sexual nature, made directly, indirectly or impliedly. Sexual harassment shall be unlawful in the employment, education or training environment as prescribed in Republic Act 7877 or Anti-Sexual Harassment Act of 1995. An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes.

Other Forms of Sexual Harassment. Other than the definition provided for under Republic Act 7877, the following shall likewise constitute harassment, some of which are covered by the Revised Penal Code under Acts of Lasciviousness:

- a. Persistent telling of offensive jokes such as green jokes or other analogous statements to someone who finds them offensive or humiliating;
- b. Taunting a person with constant talk about sex and sexual innuendoes;
- c. Displaying offensive or lewd pictures and publications in the workplace;
- d. Interrogating someone about sexual activities or private life during interviews for employment, scholarship grant or any lawful activity applied for;
- e. Making offensive hand or body gestures at someone;
- f. Repeatedly asking for dates despite verbal rejections;
- g. Staring or leering maliciously;
- h. Touching, pinching or brushing up against someone's body unnecessarily or deliberately;
- i. Kissing or embracing someone against his/her will;
- j. Requesting sexual favors in exchange for a good grade, obtaining a good job or promotion, etc.;
- k. Cursing, whistling or calling a woman in public with words having connotations or implications which tend to ridicule, humiliate or embarrass the woman such as "puta", "boring", "peste", etc.
- l. Any other unnecessary acts during physical examinations; and
- m. Requiring women to wear suggestive or provocative attire during interviews such as job hiring, promotion, admission.

51. Stalking – refers to an intentional act committed by a person who, knowingly and without lawful justification, persistently and annoyingly pesters another through calls, text messages, and other forms of communication or surveillance.

52. Survivors Support Group – is an organized group of women to whom a woman – survivor of violence voluntarily agrees to establish a professional helping/rehabilitation process.

53. Trafficking in Persons – it is unlawful:

- a. For any person, association, cult, religion or organization or similar entities to commit the following acts:
 - 1. Establish or carry on a business for the purpose of exploiting women, men and children for purposes of sex, sex slavery, sex trade, sex tours and other immoral activities;

2. Advertise, publish, print or distribute, or cause the advertisement, publication, printing and distribution of any brochure, flyer or propaganda material calculated to promote the above-mentioned prohibited acts;
 3. Solicit, enlist or attract/induce any women 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 the cyberspace;
 4. Use the postal services, cyberspace or satellite TV to promote the above mentioned prohibited acts.
- b. To buy or sell a woman, or any of her body parts.
 - c. To act as a procurer of a sex worker.
 - d. To violate the provisions of Republic Act 6955, otherwise known as the Anti-Mail Order Bride Law.
 - e. To violate the provisions of Republic Act 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003.

54. **Violence Against Women and their Children (VAWC)** – refers to any act or a series of acts committed by any persons 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 or illegitimate, within/without the family abode, which result 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. It includes, but is not limited to the following acts:

- a. Physical violence
- b. Sexual violence
- c. Psychological violence
- d. Economic abuse.

SECTION 5. ACRONYMS

1. **BDC** – Barangay Development Council
2. **BGFP** – Barangay GAD Focal Person
3. **BHW** – Barangay Health Worker
4. **BMBE** – Barangay Micro Business and Enterprise
5. **BPCO** – Bantay Panimalay Community Organization
6. **BPA** – Beijing Platform of action
7. **CAO** – Community Affairs Officer
8. **CEDAW** – Convention on the Elimination of All Forms of Discrimination Against Women
9. **CHED** – Commission on Higher Education
10. **CHR** – Commission on Human Rights
11. **CIU** – Crisis Intervention Unit
12. **CLERC** – Capoocan Livelihood and Economic Resource Center
13. **CODI** – Committee on Decorum and Investigation
14. **DepEd** – Department of Education
15. **DOLE** – Department of Labor and Employment
16. **DSWD** – Department of Social Welfare and Development
17. **ESWM** – Ecological Solid Waste Management
18. **GABRIELA** – General Assembly Binding women for Reforms, Integrity, Equality, Leadership and Action
19. **GAD** – Gender and Development
20. **GREAT Women** – Gender Responsive Economic Action for the Transformation of Women
21. **HIV/AIDS** – Human Immuno Virus/Acquired Immunity Deficiency Syndrome
22. **IDAWH** – International Day of Action for Women's Health
23. **ILO** – International Labor Organization
24. **LCE** – Local Chief Executive
25. **LCW** – Local Council for Women
26. **LGU** – Local Government Unit
27. **MO** – Municipal Budget Office

28. MDC – Municipal Development Council
29. MDG – Millenium Development Goals
30. MEO – Municipal Engineering Office
31. MFI – Micro Finance Institution
32. MHO – Municipal Health Office
33. MLGOO – Municipal Local Government Operations Officer
34. MPDO – Municipal Planning and Development Office
35. MSWDO – Municipal Social Welfare and Development Office
36. MSWMB – Municipal Solid Waste Management Board
37. MTWG – Municipal Technical Working Group
38. NGO – Non-Government Organization
39. OFW – Overseas Filipino Workers
40. OSY – Out-of-School Youth
41. PCW – Philippine Commission on Women
42. PNP – Philippine National Police
43. PO – People’s Organization
44. PPAs – Programs, Projects and Activities
45. PWD – Persons with Disability
46. RH – Reproductive Health
47. RTIs – Reproductive Tract Infections
48. SB – Sangguniang Bayan
49. SC – Senior Citizens
50. STI – Sexually Transmitted Infection
51. TESDA – Technical Education and Skills Development Authority
52. VAWC – Violence Against Women and Children
53. WCPD/FJGAD – Women and Children Protection Desk/Family, Juvenile Gender and Development
54. WCPU – Women and Children Protection Unit
55. WEE – Women’s Economic Empowerment
56. WME – Women Micro Entrepreneur
57. WNGO – Women, Non-Government Organization
58. YDO – Youth Development Office

CHAPTER II DEVELOPMENTAL CONCERNS

Article I HEALTH, NUTRITION AND REPRODUCTIVE HEALTH

HEALTH, NUTRITION AND FAMILY PLANNING

SECTION 6. HEALTH, NUTRITION AND FAMILY PLANNING SERVICES: The LGU of Capoocan, Leyte shall:

- a. Provide the people of Capoocan with timely, complete and accurate information and education on reproductive health;
- b. Provide couples and individuals access to safe, affordable and quality reproductive health care services;
- c. Ensure the planning, implementation, monitoring and evaluation of appropriate and effective reproductive health care programs at the municipal and barangay levels including materials for prenatal, infant and child health care, family planning information and services for the prevention of abortion and management of post abortion complications, adolescent & youth health services, prevention & management of reproductive tract infections, elimination of violence against women, education & counseling on sexuality and sexual health; and
- d. Institute reproductive health care approach at all levels of health care delivery. Such approach integrates many issues not previously considered central to population: sexuality, reproductive tract infection, gender power relations and shall not be limited to planning and child bearing.

The elements of reproductive health include:

1. Maternal, infant and child health nutrition
2. Family Planning information and services
3. Adolescent and youth health
4. Prevention of abortion and management of post-abortion complications
5. Prevention and management of RTIs, HIV/AIDS and other sexually transmitted infections (STIs)
6. Elimination of violence against women
7. Education and counseling on sexuality and sexual health
8. Treatment of breast and reproductive tract cancers and other gynecological conditions
9. Male involvement and participation in reproductive health
10. Prevention and the treatment of infertility and sexual dysfunction.

SECTION 7. REPRODUCTIVE HEALTH SERVICES. Clinics or health workers shall not deny a woman living below the poverty line reproductive health services. Certificate of Indigency shall be issued by the MSWDO as needed.

In case of emergency, asocial worker or any authorized personnel shall conduct rapid appraisal of the socio-economic status of the patient. Refusal by clinic personnel to provide services to indigent patient shall be penalized by a fine of not more than Two Thousand Five Hundred Pesos (PhP2,500.00).

SECTION 8. WOMEN'S CONTROL OVER THEIR BODIES. Women's decision to prevent and control pregnancy shall be given appropriate support and guidance by all health professionals, private and public, at very minimal cost.

SECTION 9 UPGRADING OF HEALTH CARE DELIVERY SYSTEM. Quality health care and services that are not discriminatory on account of gender, age, sex, creed, religion and ethnicity shall be implemented

SECTION 10. BUDGET FOR WOMEN'S HEALTH. A substantial portion of the health budget of the Municipal Government shall be allocated for women's health services.

SECTION 11. ACCESS TO SAFE WATER. All barangays of Capoocan, Leyte shall provide easy access to safe water supply. Appropriate systems shall be installed to ease women's and children's workload.

SECTION 12. GENDER-SENSITIVE CRISIS INTERVENTION UNIT. The Local Government of Capoocan shall cause the establishment of a Gender-Sensitive Crises Intervention Unit at all levels of health care (primary, secondary, and tertiary), and shall provide training to all health and other allied personnel who shall be assigned to this unit.

SECTION 13. STRENGTHENING THE TECHNICAL CAPABILITY OF MUNICIPAL HEALTH OFFICE. The Municipal Health Office shall have the following functions and responsibilities:

- a. Formulate specific plans and programs as well as device strategies and system, adopt measures to ensure the efficient and effective delivery of basic reproductive health care services and provision of adequate facilities;
- b. Monitor the implementation of the Reproductive health Care Program and undertake research on pertinent health, population and sustainable human development issues that include:
 1. Community population and reproductive health survey to pinpoint or identify families with family planning unmet needs;
 2. Master listing of couples who have attended pre-marriage counseling sessions on Responsible Parenthood; and
 3. Conduct capability building and education activities for health professionals and service providers including Family Health Workers, barangay Health Workers and others concerned individuals.

Barangay Health Workers shall be deployed in communities to perform the following functions;

- a. Provide health information regarding the different family planning methods;
- b. Organize responsible parenthood classes and special counseling sessions;

- c. Encourage parents to use all modern family planning methods such as natural family planning method, artificial spacing method and permanent method

SECTION 14. RESPONSIBLE PARENTHOOD COUNSELING. LGU Capoocan adopts the provisions of Presidential Decree No. 965 requiring all applicants for marriage license to receive instructions on family planning and responsible parenthood, the coverage of which has been expanded to include the following:

- a. Future spouses
- b. Unwed/single parents, live-in partners of common law spouses who intend to register their illegitimate children
- c. All municipal government officials and employees

SECTION 15. MARRIAGE COUNSELLING SERVICE. This is a series mandated by the Family Code which refers to efforts undertaken by the concerned worker to:

- 1. Guide/assist marriageable couples towards an informed decision about contracting marriage;
- 2. Help married couples resolve marital conflicts;
- 3. Enrich conjugal relationships;
- 4. Enable married couple petitioning for legal separations to decide for their best interest and that of their children.

It is important because it enables couples to:

- a. Acquire knowledge on the responsibilities of conjugal and family life;
- b. Assess and decide on their readiness to face and fulfill the obligations of conjugal and family life;
- c. Experience and adopt techniques of effective marital communication process;
- d. Experience and adopt effective problem-solving techniques and relationship enriching activities.

The components of marriage counselling service include:

- a. Pre-marriage Counselling – provided to couples who are contemplating marriage and/or marriage license where both parties are one or both parties are at least 18 years old but below 25.
- b. Marriage Enrichment Counselling – provided to couples who want to experience growth and improvement in their relationship.
- c. Marriage Counselling – provided to couples who are unable to resolve difference or conflict on their own and cannot be helped through marriage enrichment.
- d. Trial Separation Counselling – provided to couples undergoing a six-month trial separation as required by the court.

SECTION 16. GENDER FAIR APPROACH TO PRE-MARITAL COUNSELING PROGRAM. A review and design of the pre-marital counseling shall be jointly undertaken by the Gender and Development Resource Center, Municipal Health Office and other concerned agencies. Agencies involved shall adhere to principle of gender fair pre-marital counseling services.

SECTION 17. PARENT EFFECTIVENESS SERVICE. LGU Capoocan shall provide and expand the knowledge and skills of parents and others involved in child rearing on early childhood development, health care, behavioral management, husband-wife relationship, and parenting rights and duties.

SECTION 18. PHYSICAL FITNESS AND SPORTS DEVELOPMENT PROGRAM. LGU Capoocan, through the Municipal Youth Program Center, shall develop and institutionalize a Gender Fair Physical Fitness and Sports Development Program which will ensure equal participation of women and men for their total physical, mental and skills development. This program shall be institutionalized in all barangays through the Sangguniang Kabataan and funded from the 10% SK Fund.

Article II SOCIAL WELFARE SERVICE

RIGHT TO EDUCATION

SECTION 19. SPECIAL CLASSES FOR WOMEN AND MEN. Special classes for women and men shall be held during weekends in all schools in Capoocan to facilitate working women and men's access to education.

SECTION 20. PROMOTION OF GENDER-SENSITIVE CURRICULA. All schools in Capoocan shall actively integrate gender-sensitive professional school counseling and career education programs to encourage females and males to pursue academic and technical courses in order to widen their future career opportunities.

SECTION 21. ADULT EDUCATION. Women and men who have no access to formal education may opt to enroll with the Alternative Learning System (ALS) to be set up in all barangays of Capoocan.

SECTION 22. SPECIAL EDUCATION FOR DIFFERENTLY-ABLED PERSONS. There shall be a special education school trainings for differently-abled persons in Capoocan which shall offer appropriate technology curricula.

SECTION 23. MONITORING AND REPORTING OF STEREOTYPED PORTRAYAL OF ROLES OF WOMEN AND MEN IN EDUCATION MATERIALS. The Capoocan GAD Resource Center shall coordinate closely with the DepEd, CHED, and TESDA in monitoring and reporting the stereotyped portrayal of roles of women and men as projected in educational materials.

SECTION 24. SEX EDUCATION. Sex education for the pre-puberty ages shall be introduced in the right place and by the right people. Understanding human sexuality is an intimate and personal matter not only of parents but also of other concerned institutions that have the competence to carry out such obligation of molding their children in the context of a wholesome life.

SECTION 25. SCHOLARSHIP PROGRAM. LGU Capoocan, under the 5% GAD Fund, shall institutionalize a scholarship program for qualified and deserving but financially incapable Capoocanons to enable them to pursue secondary, tertiary academic and technical education.

RURAL WOMEN'S RIGHTS

SECTION 26. LAND FOR WOMEN-HEADED HOUSEHOLDS AND LANDLESS FAMILIES. In coordination with the Department of Agrarian Reform and the Department and Natural Resources, idle lands shall be distributed to qualified women-headed households and landless families interested in and committed to fill the land upon issuance of a Memorandum of Agreement (MOA) between the parties concerned. Ownership of such land shall be granted to women-headed households and landless families and informal settlers after ten years of continuous tillage. Support services shall be delivered by the Local Government of Capoocan as part of the MOA.

CHILD WELFARE AND DEVELOPMENT

SECTION 27. ESTABLISHMENT OF DAY CARE CENTERS IN EVERY BARANGAY. LGU Capoocan shall ensure the establishment of functional Day Care Centers in all barangays as mandated by RA 6972 and RA 7160.

SECTION 28. EARLY CHILDHOOD CARE AND DEVELOPMENT PROGRAM AND SERVICES. Appropriate support services for women and children shall include nursery and day care services for infants and toddlers as prescribed in RA 8980.

SOCIO-CULTURAL AND ECO-TOURISM PROGRAMS

SECTION 29. SOCIO-CULTURAL AND ECO TOURISM PROGRAM. LGU Capoocan shall develop and institutionalize sustainable gender sensitive socio-cultural activities and promote eco-tourism programs. This

includes preservation and enhancement of historical sites; continuously improving its cultural festival, and developing potential eco-tourism destinations.

SOCIAL PROTECTION

SECTION 30. PROVISION OF SOCIAL PROTECTION. LGU Capoocan shall promote and/or facilitate the universal provision of gender sensitive social protection programs such as, but not limited to, PhilHealth, Pag-IBIG, SSS, and other insurances.

Article III WOMEN IN GOVERNANCE

POLITICAL AND PUBLIC SPHERE OF WOMEN

SECTION 31. DECLARATION OF MARCH 8 AS INTERNATIONAL WOMEN'S DAY. March 8 shall be declared as special working holiday through an Executive Order. There shall be a municipal level set of activities on women and the law, current issues affecting and influencing women, an assessment of women's status in the municipality and other forms of critical consciousness-raising activities.

SECTION 32. WOMEN'S SUMMIT OF CAPOOCAN, LEYTE. A Women's Summit shall be held on the first week of March every year that shall be convened and managed by a joint committee of Women Non-Government Organizations (WNGOs) and other Government Organizations.

SECTION 33. INTERNATIONAL DAY OF ACTION FOR WOMEN'S HEALTH. The Local Government of Capoocan shall cause the celebration of the International Day of Action for Women's Health on May 28, where issues and concerns relative to the protection and promotion of women's health shall be examined, deliberated, projected and government action sought.

SECTION 34. BARANGAY LEVEL SELF-ORGANIZATION OF WOMEN. Self-organization of women shall be recognized at the barangay levels to include young women.

SECTION 35. STRENGTHENING OF THE LOCAL COUNCIL OF WOMEN. The existing Local Council of Women (LCW) at the municipal level shall be strengthened and sustained.

Women organization with mass membership at the community level shall likewise be represented at the Local Council of Women. Women groups in schools, offices whether GOs or NGOs shall be represented in the Council as a cluster. Details of the Council's operation shall be stipulated in the Implementing Rules and Regulations of this Code. The Capoocan LCW shall become the consultative assembly of GAD concerns and shall hold periodic planning and programming, programs implementation, monitoring, assessment and evaluation activities.

SECTION 36. REPRESENTATION OF WOMEN IN THE LOCAL DEVELOPMENT COUNCIL STRUCTURE. The Local Government of Capoocan, Leyte shall advocate to ensure that at least 40% of the members of the MDC and BDC are women to strengthen government's recognition of women's potential in conformity with the Magna Carta of Women.

CHAPTER III GENDER AND DEVELOPMENT PROGRAMS

Article I

PROGRAM ON GENDER AND DEVELOPMENT RESOURCE CENTER

SECTION 37. CREATION OF THE PROGRAM ON GENDER AND DEVELOPMENT (Pro-GAD). The Gender and Development Resource Center is hereby created specifically to realize the provisions of this Code. It shall be

the coordinating, regulating monitoring and evaluating office which shall focus on gender sensitive projects and activities.

SECTION 38. FUNCTIONS OF THE PROGRAM ON GENDER AND DEVELOPMENT (Pro-GAD) RESOURCE CENTER. This office shall exercise the following functions to ensure consistency in the implementation of the provision of this Code.

- a. **Monitoring and Coordinative Functions** – these functions shall see through the realistic, measurable and tangible results of the implementation of this Code. These include but not limited to:
1. **Gender Sensitive Watch** – a system of services and facilities in order to monitor the status of women in Capoocan. It shall collect gender and age disaggregated data on the poverty situation and all aspects of economic activity and develop qualitative and quantitative statistical performance evaluation from a gender perspective.
 2. **Legal Aid Services Check** – a coordinated service for any legal actions needed by the women for protecting their right shall be installed
 3. **Advocacy and Campaign Management** – a coordinative advocacy and campaign with all agencies and sectors concerned to protect women from all forms of discrimination and violence shall be institutionalized and maintained, to include the conduct of Gender Sensitivity Training (GST++) in all barangays which incorporates orientations and discussions on National Laws and policies on Women's rights.
 4. **Sustainable and Gender-Sensitive Project Development** – a system of appraisals and evaluation of projects to determine sustainable impact on women and men, local economy, politics, culture and ecosystem shall be established.
- b. **REGULATORY FUNCTIONS** – these function shall include establishing protocols and standards relevant to the following concerns.
1. **Education and Training Benchmark** – Gender Sensitivity education and training for all departments and agencies of the Local Government of Capoocan shall be conducted and institutionalized.
 2. **Psychosocial Support Program** – a holistic and indigenous approach to women with social dysfunctions which includes attendance to their physical/biological, emotional, psychological and social needs shall also be set up. Indicators of program success shall be identified/formulated by the office.

Both the LGU Capoocan and GABRIELA agree on the following specific purposes of the Pro-GAD Resource Center:

1. Pro-GAD Resource Center will be the physical center in the implementation of Pro-GAD Capoocan through its components: Community Organizing, Education and Training Socio Economic and Livelihood Development, Health and Nutrition, Advocacy and Networking and Women Special Concerns of VAWC. As such, the Pro-GAD Staff will hold office in the Pro-GAD Resource Center;
2. Pro-GAD Resource Center will serve as temporary shelter facility that will cater to the needs of VAWC victims;
3. Pro-GAD Resource Center will serve as venue for Pro-GAD related meetings/trainings/workshops/discussions; and
4. Pro-GAD Resource Center will serve as the coordinating center for Pro-GAD Capoocan partners POs, NGOs, Women groups, gender advocates within and outside of Capoocan whose activities are geared towards Pro-GAD enhancement and efforts for its continuing and sustainable functions.

SECTION 39. COMPOSITION OF THE GENDER AND DEVELOPMENT RESOURCE CENTER PERSONNEL.

The Gender and Development Resource Center shall be administered by the following personnel:

- a. One (1) Community Affairs Officer who shall serve as GAD Coordinator;
- b. Two (2) GAD Staff who shall assist the CAO in the implementation of GAD Programs, Projects and Activities (PPAs); and
- c. One (1) Driver for the Pro-GAD Quick Response Patrol.

SECTION 40. APPOINTMENT, QUALIFICATIONS, DUTIES AND RESPONSIBILITIES OF COMMUNITY AFFAIRS OFFICER 1 (CAO 1). THERE IS HEREBY CREATED A POSITION OF Community Affairs Officer 1 (CAO 1), who shall possess the following qualifications and personal attributes:

- a. Must be a bonafide resident of Capoocan, Leyte;
- b. Must be a holder of any relevant College Degree;
- c. Must have at least a two years actual experience in GAD work; must possess an appropriate Civil Service Eligibility or its equivalent;
- d. Must have undergone a Gender Sensitivity Training prior to his/her appointment; must be a good moral standing in the community; and
- e. Must not have been convicted of any crime involving moral turpitude.

The **Community Affairs Officer** shall coordinate with the MSWDO and other offices/councils involved in the implementation and/or monitoring of GAD and other related programs, projects and activities.

SECTION 41. APPOINTMENT, QUALIFICATIONS, DUTIES AND RESPONSIBILITIES OF GENDER AND DEVELOPMENT STAFF. The Gender and Development (GAD) Staff must possess the following qualifications and personal attributes:

- a. Must be a bonafide resident of Capoocan, Leyte;
- b. Must have finished at least two (2) years of studies in college;
- c. Must have at least a two years actual experience in GAD work;
- d. Must have undergone a Gender Sensitivity Training prior to his/her appointment
- e. Must be of good moral standing in the community; and
- f. Must not have been convicted of any crime involving moral turpitude.

The GAD Staff shall assist the CAO in the performance of his/her duties and responsibilities.

SECTION 42. APPOINTMENT AND QUALIFICATIONS OF QUICK RESPONSE PATROL DRIVER. The Quick Response Patrol Driver must possess the following qualifications and personal attributes:

- a. Must be a bonafide resident of Capoocan, Leyte; and
- b. Must possess a Professional Driver's Licence.

SECTION 43. CREATION AND DEFINITION OF THE MUNICIPAL GENDER AND DEVELOPMENT (GAD) FOCAL TEAM. This body is hereby created by the Local Government of Capoocan to be the body responsible for the implementation of this Code. It addresses itself to the convergence of all local government efforts towards a municipal level coordination and cooperation to facilitate and mainstream gender and development program planning, developing, implementing, monitoring and evaluating phases.

The Municipal Gender and Development Focal Team of Capoocan, Leyte shall effect the realization of the provisions of this Code. It shall be the coordinative, regulatory and monitoring body of the local government of Capoocan, to focus on gender-sensitive projects and activities. It shall become the local expression of the Philippine Commission on Women (PCW).

SECTION 44. COMPOSITION OF THE MUNICIPAL GAD FOCAL TEAM. The GAD Focal Team shall be composed of:

- Chairperson: Municipal Mayor
- Vice Chairperson: SB Committee Chairperson on Women and Family

Members:

- Municipal Local Government Operations Officer
- Municipal Planning and Development Coordinator
- Municipal Engineer
- Municipal Agriculturist
- Municipal Budget Officer
- Municipal Treasurer
- Municipal Accountant
- Municipal Civil Registrar
- Municipal Social Welfare & Development Officer
- Municipal Health Officer
- Population Outreach Worker
- PNP Women and Children's Protection Desk Officer/FJGAD
- PNP Chief
- Representative from Accredited NGOs/POs
- Chairperson, Local Council of Women
- Youth Development Officer
- Representative from the Community-Based Youth
- Community Training and Employment Coordinator
- Public Employment Service Officer
- District Supervisor, Department of Education
- Representative, Secondary School Principal

Secretariat:

GAD Staff

SECTION 45. RESPONSIBILITIES OF THE MUNICIPAL GAD FOCAL TEAM. Specifically, the Focal Team shall be responsible for the following:

- a. Identify, determine and prioritize through Participatory Rural Appraisal-Barangay Development Planning (PRA-BDP) and/or other established consultative mechanism such as Public Assemblies, women issues and concerns from the barangay to the municipal level and the targets and measures, strategies, objectives and thrust that would effectively respond to these issues and concerns.
- b. Formulate, after the submission of the Barangay GAD plans, the Municipal GAD Plan that provides a systematic and effective utilization of the five percent (5%) mandatory GAD Budget allocation thru relevant and coordinated PPAs set with specific targets and time frame.
- c. Ensure the integration of national and municipal gender concerns into these PPAs in coordination with the Sangguniang Barangays, BGFP and volunteers.
- d. Declare special dates to commemorate special GAD milestone.
- e. Monitor and evaluate periodically GAD plans and projects.
- f. Conduct consultative assemblies between Municipal LGU and different sectors of the Capoocan, Leyte community.
- g. Install the Administrative Disciplinary Rules on Sexual Harassment Cases.
- h. Create the Committee on Decorum and Investigation (CODI).
- i. Review and recommend amendments to the GAD Code when necessary.
- j. Review and recommend amendments to the Gender Responsive Medium Term Plan When necessary.

- k. Coordinate and forge partnership with sectoral NGOs and seek external assistance from agencies whose GAD expertise and GAD focus can be of critical importance to the integration and mainstreaming of GAD in the LGU.
- l. Perform such other functions as may be necessary for the advancement of the Pro-GAD Capoocan.

Article II
VIOLENCE AGAINST WOMEN AND CHILDREN AND OTHER GENDER-BASED VIOLENCE

VIOLENCE AGAINST WOMEN AND CHILDREN (VAWC)

SECTION 46. COMPREHENSIVE SUPPORT TO WOMEN-SURVIVORS OF VIOLENCE. The Local Government of Capoocan, Leyte, through its proper agencies and offices, shall provide comprehensive support to women-survivors of violence, which consists of, but not limited to the following:

- a. Immediately conduct an investigation within twenty-four (24) hours;
- b. Provide for counseling and free medical services to the offended party;
- c. Gather evidence for the arrest and prosecution of the offender;
- d. Make a report of the investigation and, on the basis of the offended party's testimony and additional evidence, if any, endorse the same to the proper prosecution office within 36 hours from time of filing, regardless of his/her personal evaluation of the case;
- e. The investigating officer or the examining physician, if possible of the same sex as the offended party, shall ensure that only persons expressly authorized by the latter are allowed inside the room where the investigation or medical or physical examination is being conducted;
- f. Women victims/survivors of all forms of violence shall be registered in a community-based psychological program that shall assist the women in holistically rebuilding and empowering themselves;
- g. All investigations/hearings involving rape cases and other forms of violence against women and children conducted in the police stations, prosecutors' offices and the trial courts shall recognize the survivors' social support group as expressly allowed or requested by the offended party; and
- h. The Pro-GAD Capoocan Resource Center will serve as temporary shelter with appropriate support services for women and children in crisis. The provision of this particular service will be under the management and supervision of the Municipal Social Welfare and Development Office.

SECTION 47. PSYCHOSOCIAL/PSYCHIATRIC INTERVENTION PROGRAMS. Women and children who are survivors of all forms of violence shall be registered in the Psychosocial/Psychiatric Intervention Programs which shall be carried out by the Municipal GAD Resource Center, Municipal Social Welfare and Development, Municipal Health Office, concerned NGO and other related agencies as provided in the Implementing Rules and Regulations of this Code.

OTHER GENDER-BASED VIOLENCE

SECTION 48. COMPREHENSIVE SUPPORT SURVIVORS OF OTHER GENDER-BASED VIOLENCE. The Local Government of Capoocan shall provide an immediate comprehensive support to survivors of violence which consists of but not limited to, legal, medical, psychosocial, shelter and other forms of support services which shall be provided by the GAD Resource Center in coordination with the MNWDO and other involved agencies in accordance with the provisions of the Implementing Rules and Regulations of this Code.

SECTION 49. ORIENTATION ON SEXUAL HARASSMENT. All local offices, agencies and establishments or companies, government and private, in the Municipality of Capoocan shall conduct an orientation on Sexual Harassment. Failure to comply with this provision shall mean a fine not less than Php2,500.00 and the head of office shall be held liable.

TRAFFICKING IN PERSONS

SECTION 50. INTER-AGENCY COUNCIL AGAINST TRAFFICKING. An Inter-Agency Council Against Trafficking shall be established with the following powers and functions.

- a. Formulate a comprehensive program to suppress the trafficking in women, men and children;
- b. Conduct massive information campaigns;
- c. Undertake guidance and counseling to women going abroad as fiancées of foreign nationals;
- d. Make representations with schools and universities for the inclusion of migration and its implications for women in all levels of curricula;
- e. Refer victims to appropriate agencies;
- f. Formulate a program for returning victims in cooperation with local offices of DOLE, TESDA and other government agencies involved in training and livelihood development;
- g. Secure assistance for any of the local government units, departments or bureaus of the national government; and
- h. Exercise all powers and functions necessary to attain purposes and objectives.

SECURITY AND CONFIDENTIALITY PROVISIONS

SECTION 51. SECURE AND CONDUCIVE ENVIRONMENT FOR INVESTIGATION. LGU Capooacan shall provide at the GAD Resource Center a secure multi-purpose counseling and investigation room which shall ensure safety and confidentiality of the victim.

SECTION 52. SURVIVOR'S SUPPORT GROUP. There shall be an organized group established who shall provide professional assistance to victims of violence. All investigations/hearings involving rape cases and other forms of violence against women and children conducted in the Police Stations, Prosecutor's Office and Trial Courts shall recognize and allow the survivor's support group to be present in the courtroom as observers and to provide moral support to the survivor subject of litigation as expressly allowed or requested by the offended party.

SECTION 53. ESTABLISHMENT OF A CRISIS INTERVENTION UNIT (CIU) AT THE GAD RESOURCE CENTER. The Crisis Intervention Unit shall be established at the GAD Resource Center which shall readily respond to the needs of women/children-in-crisis through they provision of a gender-sensitive counseling, food, clothing, medical, temporary shelter, referral services and other support services. The CIU shall:

- a. Be provided with separate room equipped with its own telephone hotline and necessary office equipment;
- b. Be provided with separate room (s) furnished with necessary facilities to serve as temporary shelter to survivors of violence against women and children;
- c. Appoint/assign trained social workers who shall be on call 24 hours daily; and
- d. Provide training to all health and other allied personnel who shall be assigned to this unit.

SECTION 54. INSTITUTIONALIZATION OF THE BANTAY PANIMALAY (COMMUNITY WATCH AGAINST GENDER VIOLENCE). The Bantay Panimalay shall be institutionalized to prevent and minimize the incidence of Violence Against Women and Children (VAWC) cases, domestic violence, sexual abuse and trafficking through the creation of Bantay Panimalay Inter-Agency Committee (BP-IAC) and Bantay Panimalay Community Organizations (BPCOs).

The Bantay Panimalay Inter-Agency Committee (IAC) shall be composed of Office of the Public Prosecutor, Municipal Social Welfare and Development Office (MSWDO), Municipal Population Office (MPO), Municipal Health Office (MHO), Municipal Planning and Development Office (MPDO), Philippine National Police (PNP) and representatives from media and other government and non-government organizations directly and indirectly concerned with Violence Against Women and Children (VAWC). The Bantay Panimalay-IAC shall:

- a. Monitor the effective and efficient implementation of the Bantay Panimalay;
- b. Disseminate information to communities and groups;
- c. Coordinate the Bantay Panimalay Community Organizations (BPCOs)

The Bantay Panimalay Community Organizations (BPCOs) shall be composed of the Barangay Council and concerned residents trained in handling VAWC cases. The BPCOs shall:

- a. Act as community patrol and monitor cases in the barangay;
- b. Act as support system for survivors and their children and facilitate referrals;
- c. Advocate for peace and justice; and
- d. Counsel and mediate.

SECTION 55. REHABILITATION SERVICES FOR VAWC PERPETRATORS THROUGH COUNSELING. LGU Capoocan, through the bGAD Resource Center, MSWDO and other concerned agencies/offices, shall provide rehabilitation counseling to VAWC perpetrators to assist them in their reintegration to the community.

SECTION 56. RAIDS. Police brutality shall not be allowed during conduct of raids. Violators of this provision shall be subjected to administrative sanctions.

Article III JUSTICE, PEACE AND ORDER

SECTION 57. STRENGTHENING OF THE WOMEN AND CHILDREN PROTECTION DESK (WCPD). The existing Women and Children Protection Desk in the Capoocan, Leyte Police Station shall be strengthened through the following:

- a. Provision of a special/separate facility with a convenient room fully equipped with telephone hotline and necessary office equipment and a service vehicle that will ensure safety, confidentiality of cases affecting women and children; and
- b. Appointment/assignment of trained policewoman who shall be on call 24 hours daily.

SECTION 58. SUPPORT FROM LAW ENFORCER. The Law enforcer, preferably of the same sex or his/her authorized alternate as the offended party upon receipt of a complaint for rape, shall;

- a. Immediately conduct an investigation within 24 hours;
- b. Arrange for counseling and medical services for the offended party
- c. Gather evidence for the arrest and prosecution of the offender; and
- d. Make a report of his/her investigation and on the basis of the offended party's testimony and additional evidence, if any, and endorse the same to the proper prosecution office within 36 hours from time of filing, regardless of his/her evaluation of the case.

SECTION 59. INVESTIGATION/EXAMINATION OF RAPE SURVIVORS. It shall be the duty of the investigating office or the examining physician, to ensure that only persons expressly authorized by the examining physician and or the rape survivor are allowed inside the room where the investigation or medical or physical examination is being conducted. The LGU/Police Officers must provide private room for investigation such cases.

SECTION 60. SUSPENSION OF GOVERNMENT OFFICIAL OR EMPLOYEE. The following steps shall be undertaken against government official or employee charged with rape:

- a. The immediate preventive suspension for a sixty (60) days maybe imposed upon any official or employee charged of rape, provided that a verified complaint had been filed; and
- b. Superior officer of respondent public official or employee shall to facilitate the free, speedy and objective investigation of the complaint and to ensure the protection of the complainant.

Any official have authority, influence or moral ascendancy over another person charged of rape shall be fined PhP2,500.00 for non-compliance of this provision.

SECTION 61. PROTECTIVE MEASURES. At any stage of the preliminary examination or investigation, prosecution and trial of a complaint for rape the following protective measures shall be observed:

- a. The right to a closed door hearing unless expressly waived by the offended party;
- b. The right of a social support group to witness hearing as expressly allowed or requested by the offended party; and
- c. Non-disclosure of the name and personal circumstances of the offended party or any information tending to establish his/her identity.

SECTION 62. ROLE OF FEMALE POLICE OFFICER. Complaints filed by women on battering and other forms of abuse against them shall be handled by female officers in the local police force who shall undergo special courses on handling cases affecting abused women.

SECTION 63: WHO MAY FILE COMPLAINT. Complaint for rape maybe filed by any of the following persons:

- a. The offended party;
- b. His/her parents or legal guardian;
- c. His/her grandparent or collateral relatives;
- d. The officer or social worker of the MSWDO and other similar institutions whose care or custody the offended party is committed; and
- e. A concerned responsible resident of the barangay where the crime was committed, but only if any of the persons mentioned above have expressly given their consent.

SECTION 64. SPECIAL TRAINING FOR LUPONG TAGAPAMAYAPA. A periodic special para-legal training for Lupong Tagapamayapa shall be conducted along gender issues and related matters.

Article IV LABOR AND EMPLOYMENT

SECTION 65. MONITORING SYSTEM FOR LABOR STANDARDS. A mechanism shall be installed in the GAD Resource Center to monitor all offices, agencies and establishments or companies violating Labor Code provisions as well as the provisions as well as the provision of this Code.

SECTION 66. COMMUNITY-BASED HOUSE HELP SUPPORT. LGU Capoocan shall encourage education for both house help and employers on gender sensitivity. Sanction shall be imposed for failure to comply with this provision.

SECTION 67. OVERSEAS FILIPINO WORKERS (OFW) SPOUSES AND CHILDREN SUPPORT. The LGU shall conduct at the barangay level survey of overseas workers, results of which shall serve as basis for special support to spouse and children.

SECTION 68. SPECIAL COURSE FOR OFW. A special course on overseas work primarily to orient women and men on the issues and concerns relative to migration shall be systematically introduced to all especially at the barangay level.

SECTION 69. GENDER-SENSITIVE PHYSICAL FACILITIES. A physical facility appropriate for a gender sensitive environment shall be adopted by all offices, agencies and establishments which shall help prevent sexual harassment, sexual abuse and other forms of maltreatment in the workplace. Such facility shall ensure safe access to children, differently-abled persons, nursing mothers, pregnant women and the elderly.

A monitoring team shall be composed of representatives from the offices of the Municipal Engineer, Municipal Social Welfare and Development, the GAD Resource Center and other concerned offices to conduct inspection for compliance with the above provision.

Article V WOMEN'S ECONOMIC EMPOWERMENT AND OTHER ECONOMIC PROGRAMS

SOCIO-ECONOMIC BENEFITS FOR WOMEN

SECTION 70. INCREASED CAPITAL ASSISTANCE FOR WOMEN. LGU Capoocan shall assist women entrepreneurs and organized women's groups acquire additional capital through extension of interest-free, collateral-free, short-term loan to ensure profitability and continued development of their enterprises. The Local Government shall likewise provide assistance to WMEs in networking with other financial institutions as sources of additional capital.

SECTION 71. PROMOTION OF ALTERNATIVE TECHNOLOGY. LGU Capoocan shall encourage the adoption of gender responsive alternative technology in all sectors where applicable.

SECTION 72. STRENGTHEN CAPABILITY DEVELOPMENT TRAINING TO WMEs. LGU Capoocan shall continuously provide access to appropriate training programs, seminars, symposia fora and other similar activities which will enhance their entrepreneurial skills.

SECTION 73. STRENGTHENING GAD AND WEE ADVOCACY TO WMEs. LGU Capoocan shall support and advocate sustained GAD and WEE programs in coordination with NGAs, NGOs, POs, CSOs and other concerned organizations.

SECTION 74. PRODUCT MARKETING. LGU Capoocan shall assist in the marketing of products of WMEs and other organized women's groups through revitalization of the CLERC and participation in Local, national and international trade fairs and other similar events.

SECTION 75. TRAINING ON NON-TRADITIONAL OCCUPATIONS. Women shall be given opportunity to acquire training on non-traditional occupation such as those related to science and technology.

SECTION 76. WOMEN IN ENTERTAINMENT INDUSTRY. Women engaged in the entertainment industry shall be recognized as wage earners and they shall receive a minimum wage and benefits afforded to workers and shall render services as set in the job contract and only in the place of work as specified in the business permit of the establishment concerned.

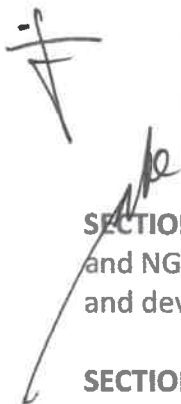


OTHER ECONOMIC PROGRAMS

SECTION 77. ENTERPRISE AND INVESTMENT DEVELOPMENT OFFICER. LGU Capoocan shall designate and Enterprise and Investment Development Officer from among the staff of the Municipal Agriculture Office who shall design, implement, monitor and evaluate enterprise and investment programs, projects and activities and coordinate with agencies with similar programs and services.

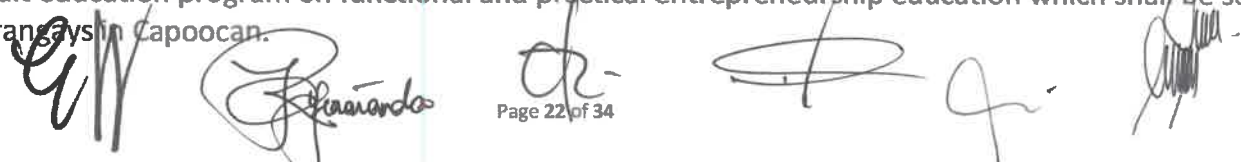
SECTION 78. TAX INCENTIVE FOR BUSINESS ENTITIES. LGU Capoocan shall provide tax incentive favor of business entities under the following circumstances:

- a. Any amount used for the establishment, maintenance and operation of a child day care support system shall be tax-deductible;
- b. Annual tax credit per child regularly served for at least one year in the Center;
- c. Annual tax credit per woman extended with maternity leave benefits for breast feeding.



SECTION 79. INVESTMENTS AND LOANS. LGU Capoocan shall hold consultative assemblies with women GOs and NGOs in establishing contracts for loans and investments and to clarify implications on women's welfare and development at the barangay level.

SECTION 80. ADULT ENTREPRENEURSHIP TRAINING. All women and men desiring to engage in business may enroll in adult education program on functional and practical entrepreneurship education which shall be set up in all barangays in Capoocan.



Article VI ENVIRONMENT AND NATURAL RESOURCES

SECTION 81. INTEGRATED GENDER-SENSITIVE AND ENVIRONMENT-FRIENDLY ZONING PLAN OF CAPOOCAN, LEYTE. An integrated gender-sensitive and environment-friendly zoning plan of Capoocan, Leyte shall, but not limited to, the following:

- a. Relocation of communities shall not deprive women of their sources of livelihood;
- b. Relocation sites shall not contribute to an increase in women's burden in economic, home and social production.
- c. Housing and industrial project sites shall be those unproductive lands unsuitable for economic purposes; and
- d. Industrial center for light industry shall be placed in key districts of Capoocan, Leyte while heavy industry shall be centralized in one district.

SECTION 82. COMMUNITY-BASED ENVIRONMENTAL PLANS AND PROGRAMS. Both men and women shall participate in pollution control, zero waste technology development and management, preservation of the forest, marine and aquatic resources and indigenous forestation with due respect for the indigenous people's culture and rights to self-determination.

SECTION 83. COMMUNITY-SENSITIVE NATURAL RESOURCE-BASED MANAGEMENT PROGRAMS. The Local Government of Capoocan, Leyte shall engage itself in the development of gender-sensitive natural resource-based management programs.

SECTION 84. ROLE OF WOMEN IN ENVIRONMENTAL IMPACT ASSESSMENT OF PROJECTS. The LGU shall promote the active role of women in environmental impact assessment of projects. Instruments for environmental impact assessment shall consciously determine sex-disaggregated data.

SECTION 85. CREATION OF RESOURCE MANAGEMENT COUNCIL. LGU Capoocan and each barangay shall create a Resource Management Council, which shall ensure promotion and protection of forest and marine resources in order to maintain ecologically balanced environment and ensure full participation of women.

SECTION 86. REORGANIZED OF THE MSWMB. LGU Capoocan shall reorganize and active the Municipal Solid Waste management Board, ensuring full participation of women.

SECTION 87. GENDER-RESPONSIVE DISASTER RISK REDUCTION AND MANAGEMENT. LGU Capoocan shall adopt, develop, implement and monitor and evaluate gender-responsive disaster risk reduction management PPAs to address the vulnerability of women, men, children and other disadvantage sectors of society due to climate change.

Article VII MEDIA, ARTS AND CULTURE

SECTION 88. POPULARIZATION OF GENDER-FAIR MATERIALS. There shall be an active promotion and publication of gender-fair materials in popular in Capoocan, Leyte.

SECTION 89. LIVE SHOWS. It shall be a violation of one's rights to influence or force anyone to dance or do naked shows in public or private places for commercial or entertainment purposes.

SECTION 90. LOCAL MONITORING BOARD FOR VIOLENCE IN MEDIA. A local monitoring for movie, print, broadcast, and multi-media shall be set up to classify, censure, prohibit or regulate the exhibition of materials degrading women.

SECTION 91. PROHIBITION OF PRINTING, PUBLICATION, DISPLAY AND DISTRIBUTION OF PORNOGRAPHIC SCENES ON MOVIE/TV TRAILERS/SHOWS, POSTERS, BILLBOARDS AND OTHER MATERIALS AND SIMILAR LITERATURE. It shall be unlawful for any persons to print, publish, display or distribute pornographic scenes

on movie/TV trailers/shows poster, billboards, literature and other visual materials, which treat women, men or children as sex objects and commodities.

SECTION 92. BEAUTY CONTEST which would indecently expose a woman's body that is offensive to moral and good taste is viewed as violence against women. Thus, holding of beauty contest must be strictly regulated. For this purpose, a Beauty Pageant Regulatory Board is hereby created under the Municipal Gender and Development Office.

Private organizers who violate this provision shall be subjected to a fine of Php2,500.00 and the cancellation of the organizer's business permit.

Representatives of agencies, departments or units of the Local Government of Capoocan who violate this provision shall be subjected to the payment of Php2,500.00 and one (1) month suspension from work without pay.

SECTION 93. CAPOOCAN LGU CHORALE SPECIAL PROGRAM. There is hereby organized the Capoocan LGU Chorale to be composed of selected employees and volunteer of the municipality with a good singing talent. The LGU Chorale shall serve as the singing gender advocacy group of the LGU through integration of gender-related songs into its repertoire; performing of the same during major occasions, enliven gender trainings and upon invitations to serve in or out of the municipality through songs and apparel that speaks of the Chorale's mission (e.g. purple colored apparel with Purple Rose as accent).

Article VIII OTHER SPECIAL SECTORAL CONCERNS

SPECIAL SECTORAL CONCERNS

SECTION 94. SPECIAL EDUCATION FOR DIFFERENTLY-ABLED PERSONS. LGU Capoocan shall advocate the conduct of special education and trainings for differently-abled women, men and children.

SECTION 95. ADVOCACY OF DIFFERENTLY-ABLED WOMEN'S AND MEN'S RIGHTS. Active advocacy of the rights of differently-abled women and men shall be conducted jointly by the MSWDO, GAD Resourced Center and other concerned services providers.

SECTION 96. CREATIVE EMPLOYMENT OPPORTUNITIES FOR DIFFERENTLY-ABLED PERSONS. The LGU shall develop creative employment opportunities for differently-abled women and men recognized their differentiated conditions and full potentials as human persons.

SECTION 97. REPORTING OF CASES OF HARASSMENT COMMITTED AGAINST DIFFERENTLY-ABLED PERSONS. The LGU, through the MSWDO and GAD Resource Center shall require all barangays to monitor and report cases of harassment committed against differently-abled women, men and children.

SECTION 98. ORGANIZATION OF DIFFERENTLY-ABLED PERSONS. Each barangay shall organize all differently-abled women, men and children for representation in the Barangay Development Council in order to advance the interest of this special group.

SECTION 99. RESPECT FOR WOMEN'S SEXUAL PREFERENCE. Women's right to sexual preference shall be respected and protected.

Article IX OTHER PROVISIONS

SECTION 100. MANDATORY BUDGET. LGU Capoocan and its barangays shall allocate in the annual budget the mandatory appropriations as mandated by law.

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SECTION 101. DEVELOPMENT OF WEBSITE. LGU Capoocan shall update, enhance and sustain the LGU website which shall contain LGU related informations, data, PPAs and other developmental issues including gender and development.

SECTION 102. CAREER DEVELOPMENT PROGRAM. LGU Capoocan through the Human Resource Management Office and/or in coordination with concerned agencies shall endeavor to develop and implement a Career Development Program to ensure professional advancement of women and men officials and employees.

SECTION 103. MONITORING AND EVALUATION. LGU Capoocan shall develop and institutionalize a monitoring and evaluation system that shall ensure judicious allocation of funds for effective and efficient implementation of PPAs and other development concerns.

CHAPTER IV
GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES,
ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING
INSTITUTIONS

ARTICLE I
GENDER-BASED STREETS AND PUBLIC SPACES

SEXUAL HARASSMENT

Section 104. 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 catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

Section 105. Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels, Buildings and Other Privately-Owned Places Open to the Public. -Restaurants, bars, cinemas, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender-based streets and public spaces sexual harassment. These 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, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

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 *flagrante delicto* and are required to immediately coordinate with local authorities.

Section 106. Gender-Based Sexual Harassment in Public Utility Vehicles. -In addition to the penalties in this Ordinance, 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 solidarity liable for the offenses of the employee.

Section 107. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors. -In case the offense is committed by a minor, the Department of Social Welfare and Development (DSWD) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006".

Section 108. 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:

(a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, pursuing, 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 –

(1) The first offense shall be punished by a fine of One Thousand Pesos (₱1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by *arresto menor* (6 to 10 days) or a fine of One Thousand Five Hundred Pesos (₱1,500.00);

(3) The third offense shall be punished by *arresto menor* (11 to 30 days) and a fine of Two Thousand Five Hundred Pesos (₱2,500.00).

(b) For acts such as 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 –

(1) The first offense shall be punished by a fine of One Thousand Pesos (₱1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by *arresto menor* (11 to 30 days) or a fine of One Thousand Five Hundred Pesos (₱1,500.00);

(3) The third offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) and a fine of Two Thousand Five Hundred Pesos (₱2,500.00).

(c) For acts such as stalking, and any of the acts mentioned in Section 11 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 11 paragraphs (a) and (b) –

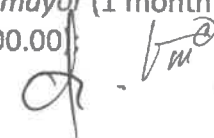
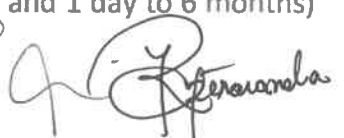
(1) The first offense shall be punished by *arresto menor* (11 to 30 days) or a fine of One Thousand Pesos (₱1,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

(2) The second offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) or a fine of One Thousand Five Hundred Pesos (₱1,500.00);







(3) The third offense shall be punished by *arresto mayor* in its maximum period or a fine of Two Thousand Five Hundred Pesos (₱2,500.00).

ARTICLE II
GENDER-BASED ONLINE SEXUAL HARASSMENT

Section 109. Gender-Based Online Sexual Harassment. -Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing, false abuse reports to online platforms to silence victims.

Section 110. Penalties for Gender-Based Online Sexual Harassment. -The penalty of *prision correccional* in its medium period or a fine of not less than One Thousand Pesos (₱1,000.00) but not more than Two Thousand Five Hundred Pesos (₱2,500.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: *Provided*, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

ARTICLE III
QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES
AND ONLINE SEXUAL HARASSMENT

Section 111. Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment. -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.

ARTICLE IV
GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE

Section 112. Gender-Based Sexual Harassment in the Workplace. -The crime of gender-based sexual harassment in the workplace includes the following:

(a) 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;

(b) 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;

(c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: *Provided*, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and

(d) 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.

Section 113. 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 gender-based sexual harassment 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;

(b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;

(c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall:

(1) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any;

(2) Designate a woman as its head and not less than half of its members should be women;

(3) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;

(4) Investigate and decide on the complaints within ten (10) days or less upon receipt thereof;

(5) Observe due process;

(6) Protect the complainant from retaliation; and

(7) Guarantee confidentiality to the greatest extent possible;

(d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:

- (1) Expressly reiterate the prohibition on gender-based sexual harassment;
- (2) Describe the procedures of the internal mechanism created under Section 10 of this Ordinance; and
- (3) Set administrative penalties.

Section 114. Duties of Employees and Co-Workers. -Employees and co-workers shall have the duty to:

- (a) Refrain from committing acts of gender-based sexual harassment;
- (b) Discourage the conduct of gender-based sexual harassment in the workplace;
- (c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment; and
- (d) Report acts of gender-based sexual harassment witnessed in the workplace.

Section 115. Liability of Employers.— In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

- (a) Non-implementation of their duties under Section 10 of this Act, as provided in the penal provisions; or
- (b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than One Thousand Pesos (₱1,000.00) nor more than Two Thousand Five Hundred Pesos (₱2,500.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than One Thousand Pesos (₱1,000.00) nor more than Two Thousand Five Hundred Pesos (₱2,500.00).

ARTICLE V
GENDER-BASED SEXUAL HARASSMENT IN
EDUCATIONAL AND TRAINING INSTITUTIONS

Section 116. Gender-Based Sexual Harassment in Educational and Training Institutions.— All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Ordinance, and shall, ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

Section 117. Duties of School Heads. -School heads shall have the following duties:

- (a) Disseminate or post a copy of this Ordinance in a conspicuous place in the educational institution;
- (b) Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns;
- (c) Create an independent internal mechanism to investigate and address complaints of gender-based sexual harassment which shall:
 - (1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
 - (2) Designate a woman as its head and not less than half of its members should be women;
 - (3) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, as far as practicable;
 - (4) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
 - (5) Investigate and decide on complaints within ten (10) days or less upon receipt, thereof;
 - (6) Observe due process;
 - (7) Protect the complainant from retaliation; and
 - (8) Guarantee confidentiality to the greatest extent possible.
- (d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:
 - (1) Expressly reiterate the prohibition on gender-based sexual harassment;
 - (2) Prescribe the procedures of the internal mechanism created under this Ordinance; and
 - (3) Set administrative penalties.

Section 118. Liability of School Heads.— In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

- (a) Non-implementation of their duties under Section 14 of this Ordinance, as provided in the penal provisions; or
- (b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than One Thousand Pesos (₱1,000.00) nor more than Two Thousand Five Hundred Pesos (₱2,500.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than One Thousand Pesos (₱1,000.00) nor more than Two Thousand Five Hundred Pesos (₱2,500.00).

Section 119. Liability of Students.— Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

ARTICLE VI COMMON PROVISIONS

Section 120. Confidentiality.— At any stage of the investigation, prosecution and trial of an offense under this Ordinance, the rights of the victim and the accused who is a minor shall be recognized.

Section 121. Restraining Order.— Where appropriate, the court, even before rendering a final decision, may 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.

Section 122. Remedies and Psychological Counselling.— A victim of gender-based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counselling services with the aid of the LGU through the MSWDO. Any fees to be charged in the course of a victim's availment of such remedies or psychological counselling services shall be borne by the perpetrator.

Section 123. Administrative Sanctions.— Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

Section 124. Exemptions.— Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

ARTICLE VII OTHER PROVISIONS

Section 125. PNP Women and Children's Desks.— The PNP Women and Children's desks shall act on and attend to all complaints covered under this Ordinance.

Section 126. Educational Modules and Awareness Campaigns.— There shall be educational modules and awareness campaigns. Campaign materials may include posters condemning different forms of gender-based sexual harassment, informing the public of penalties for committing gender-based sexual harassment, and infographics of hotline numbers of authorities.

All schools shall educate students from all levels about the provisions of this Ordinance and how they can report cases of gender-based streets, public spaces and online sexual harassment committed against them.

CHAPTER V PENAL PROVISIONS

SECTION 127. PENALTY FOR THE CRIME OF RAPE. R.A. No. 7659 provides that the crime of rape shall be punished by *reclusion perpetua*. However, the penalty of death shall be imposed if the crime of rape is committed with any of the following attendant circumstances:

- a) When by reason or on the occasion of the rape, the victim has becoming insane;
- b) When by reason or on the occasion of the rape, a homicide is committed;
- c) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;
- d) When the victim is under custody of the police or military authorities;
- e) When the rape is committed in full view of the husband, parent, any of the children or other relatives within the third degree of consanguinity;
- f) When the victim is religious or a child below seven (7) years old;
- g) When the offender knows that he is afflicted with Acquired Immune Deficiency Syndrome (AIDS) Disease;
- h) When committed by any member of the Armed Forces of the Philippines or Philippine National Police or any Law enforcement agency;

i) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation.

SECTION 128. DOMESTIC VIOLENCE. Any acts of violence against women and children shall be prosecuted and penalized in accordance with provisions of R.A. 9262, otherwise, known as "Anti-Violence Against Women and their Children Act of 2004."

SECTION 129. SOLICITING WOMEN'S SERVICES. It is unlawful for a person to solicit a woman's service for sexual purposes as gift, representation, public relations, or as an act of goodwill regardless of whether solicitor profits or not from such an act of 2004."

Any violator shall, upon conviction, suffer an imprisonment of not less than 3 months nor more than one year, and/or fine of P2,500.00, upon discretion of the court.

SECTION 130. WOMEN TRAFFICKING. Any person or agency, who with the use of force or deceit, lures a woman to work abroad or in the provinces or cities in the Philippines for a particular job on a promise/premise of high fees, but instead landed on prostitution, domestic helper or other odd jobs, shall be prosecuted and penalized under R.A. 9208, otherwise known as "The Anti-Trafficking in Persons Act of 2003."

SECTION 131. SEX TRADE. Any agency or person who shall engage in keeping women for sex for a fee shall suffer the penalty provided for under existing laws.

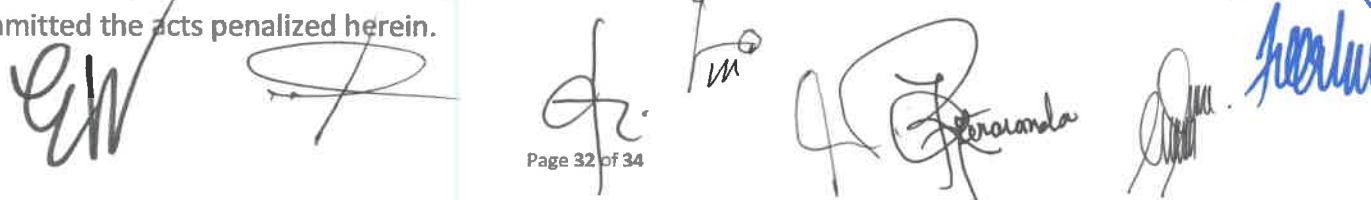
SECTION 132. SEX TOURS. Hotels, beach resorts, sauna baths, and related establishments shall not be allowed to operate as conduit for sex tours. Cancellation of business permit, a fine of PhP2,500.00 and an imprisonment of three months to one year shall constitute the penalty for violations hereof.

SECTION 133. WOMEN IN ARMED CONFLICT SITUATION. (a) No woman shall be deprived of basic social services in areas with armed conflict; (b) No woman or girl shall be kept by any Philippine National Police or military personnel in police/military detachment/checkpoint or any analogous quarter for purposes of comfort. Violations hereof shall be penalized through the summary dismissal proceedings.

SECTION 134. FORCED MARRIAGES. No one shall be forced to marry a person against his or her will. Any person or any agency representative committing fraudulent or coercive acts to cause and effect a forced marriage shall be held liable under this Code by paying a fine of PhP2,500.00 or an imprisonment of three months to one year, or both, at the discretion of the court.

SECTION 135. SANCTIONS ON ESTABLISHMENTS OR ENTERPRISES WHICH PROMOTE, FACILITATE, OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, OBSCENE PUBLICATIONS AND INDECENT SHOWS, AND OTHER ACTS OF ABUSE- All establishments and enterprises which promote or facilitate child prostitute and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner or manager thereof being prosecuted under this Act and/or the Revised Penal Code, as amended, or special Laws. A sign with the words "off limits" shall be conspicuously displayed outside the establishments or enterprises by the Department of Social Welfare and Development for such period which shall not be less than one (1) year, as the Department may determine. The unauthorized removal of such sign shall be punishable by prison correccional or at the discretion of the court.

An establishment shall be deemed to promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse if the acts constituting the same occur in the premises of said establishment under this Act or in violation of the Revised Penal Code, as amended. An enterprise such as sauna, travel agency, or recruitment agency which: promotes the aforementioned acts as part of a tour for foreign tourists; exhibits children in a lewd or incident show; provides child masseurs for adults of the same or opposite sex and said services include any lascivious conduct with the customers; or solicits children or activities constituting the aforementioned acts shall be deemed to have committed the acts penalized herein.



SECTION 136. OBSCENE PUBLICATIONS AND INDECENT SHOWS – Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of prison mayor in its medium period or at the discretion of the court.

If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this SECTION shall suffer the penalty of prison mayor in its medium period or at the discretion of the court.

CHAPTER VI FINAL PROVISIONS

SECTION 137. FUNDING. LGU Capoocan and each Barangay shall appropriate annually the 5% GAD budget from their total general fund to implement the provisions of this Code.

SECTION 138. IMPLEMENTING RULES AND REGULATIONS. The Municipal Mayor, with the assistance of the GAD Resource Center and the GAD Focal Team shall formulate the implementing Rules and Regulations necessary to carry out the provisions of this Code.

SECTION 139. REPEALING CLAUSE. All ordinances, resolutions, memorandum circulars, rules and regulations inconsistent with the provisions of this Code are hereby repealed and modified accordingly.

SECTION 140. SEPARABILITY CLAUSE. If for any reason portion or provisions 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 141. SUPPLEMENTARY CLAUSE. On matters not provided for in this Code, any existing applicable laws and their corresponding implementing rules and regulations, executive orders and relevant issuances therefor shall apply in a supplemental manner.

SECTION 142. ADOPTION CLAUSE. Any amendment to the National Laws pertinent to this Code shall be adopted accordingly.

SECTION 143. EFFECTIVITY CLAUSE. This Code shall take effect upon compliance of the mandatory posting and publication requirements prescribed under Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED by the Sangguniang Bayan, in session assembled this 2nd day of APRIL 2024 at Capoocan, Leyte.

ENGR. ALLAN B. EGANO
SB Member

VON LITO Q. VALLAR
SB Member

EMMANUEL D. ARBOSO
SB Member

JOJO N. NEPOMUCENO
SB Member

GRACIA G. PIGAR
SB Member

REYNALDO R. NIMO
SB Member

ROBERTA C. PENARANDA
SB Member

FLORENCE R. CAROLINO-MISAGAL
Ex-Officio Member
Municipal Chapter President
Liga ng mga Barangay
(On Official Business)



DAVE A. NIDERA
Ex-Officio Member
President

Pambayang Pederasyon ng mga Sangguniang Kabataan

I HEREBY CERTIFY to the correctness of this foregoing ordinance and that the same was enacted on the date above stated.



JUDE R. DELA TORRE
Secretary to the Sanggunian

ATTESTED:



FEDERICO P. CAROLINO, JR.
SB Member/Temporary Presiding Officer

APPROVED:



ATTY. FE CLAIRE P. CAROLINO-PARAGATOS
Municipal Mayor

DATE: 5.29.24



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Capoocan
Office of the Sangguniang Bayan
✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com
☎ 09976874138

-o0o-

MINUTES OF THE SANGGUNIANG BAYAN OF CAPOOCAN, LEYTE IN ITS 88th REGULAR SESSION
CUM PUBLIC HEARING HELD ON FEBRUARY 27, 2024 AT THE POBLACION ZONE II MULTI-
PURPOSE GYMNASIUM, CAPOOCAN, LEYTE

PRESENT:

- | | |
|--------------------------------------|--|
| 1. Hon. Federico H. Carolino, Sr. | Municipal Vice-Mayor/Presiding Officer |
| 2. Hon. Allan B. Egano | SB Member |
| 3. Hon. Von Lito Q. Vallar | SB Member |
| 4. Hon. Emmanuel D. Arboso | SB Member |
| 5. Hon. Jojo N. Nepomuceno | SB Member |
| 6. Hon. Gracia G. Pigar | SB Member |
| 7. Hon. Federico P. Carolino, Jr. | SB Member |
| 8. Hon. Roberta C. Peñaranda | SB Member |
| 9. Hon. Florence R. Carolino-Misagal | Ex-Officio Member
<i>Municipal Chapter President - Liga ng mga Barangay</i> |
| 10. Hon. Dave A. Nidera | Ex-Officio Member
<i>President-Pambayang Pederasyon ng mga Sangguniang Kabataan</i> |
| 11. Mr. Jude R. dela Torre | Secretary to the Sanggunian |

ABSENT:

- | | |
|--------------------------|-----------|
| 1. Hon. Reynaldo R. Nimo | SB Member |
|--------------------------|-----------|

GUESTS:

- | | |
|---|----------------------------------|
| 1. LGU Department Heads, Unit Heads and employees | |
| 2. PUBLIC | <i>Refer to Attendance Sheet</i> |

The Regular Session cum public hearing was called to order by the Honorable Presiding Officer at 9:25 o'clock in the morning. It was followed by an Opening Prayer, singing of the Pambansang Awit and singing of the Capoocan Hymn.

A quorum was confirmed by the SB Secretary with ten (10) members of the Sanggunian present.

Honorable Von Lito Q. Vallar welcomed the participants of the regular session cum public hearing. It was followed by a message from the Municipal Vice-Mayor, Honorable Federico H. Carolino, Sr., then the participants were presented and acknowledged by Honorable Federico P. Carolino, Jr.

PRESENTATION AND OVERVIEW OF THE ORDINANCE

- ❖ ORDINANCE NO. 8, SERIES OF 2023, "AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 4 S. 2021, OTHERWISE KNOWN AS, "THE MUNICIPAL FISHERY ORDINANCE OF CAPOOCAN, LEYTE"."

Hon. Arboso: An Sangguniang Bayan o an LGU Capoocan, pinaagi han opisina han Sangguniang Bayan in nagproponer hin mga ordinansa nga ha amon pagtuo in makakahatag hin general welfare han aton mga constituents pursuant to Section 16 of the Local Government Code, to provide basic services and facilities and pursuant to Section 17. an Sangguniang Bayan is mandated by law to enact ordinances and resolutions, klaro ito dida ha Section 447, Power, Duties and Functions of the Sangguniang Bayan. Public hearing in usa nga kinahanglan nga i-publikar an mga ordinansa with penal provisions, which is pursuant to

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By: _____
Date: _____ Page 1 of 40

1 The motion of Honorable Quilarto was seconded by Honorable Luz Cabiltes, Honorable Anunciato
2 Encarnacio, Honorable Chito Niegas and Mr. Teofilo Makabenta, without any objection from the August
3 Body and was thereby declared approved by the Honorable Presiding Officer.
4
5

6
7 **❖ ORDINANCE NO. 11, SERIES OF 2023, "AN ORDINANCE UPDATING THE GENDER
8 AND DEVELOPMENT CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE".**
9

10
11 Hon. Pigar: Maupay nga aga ha aton nga tanan, labi na han aton mga bisita nga nag-atender yana.
12 Adi ako para i-present ha iyo an *ORDINANCE NO. 11, SERIES OF 2023, "AN ORDINANCE UPDATING
13 THE GENDER AND DEVELOPMENT CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"*. Last year
14 nagkaada kita hin public hearing upod ini nga mga pag-update han mga ordinansa, an mga latest nga mga
15 balaud, ngan han pag-update han mga signatories han GAD Focal Point. Tungod nga mayda kita gin-adopt
16 nga bag-o nga ordinansa nga asya ini an aton uuru-istoryahan yana, an Safe Space Act or an Anti-Bastos
17 Law. Ini nga ordinansa nga akon ig-prepresent ha iyo, asya la gihap an ordinansa parte han mga katungod
18 han mga kabataan or an mga karapatan han mga kababayin-an. Importante ini nga masulod ha aton public
19 hearing lalo na an mga penalties.
20
21

22 Section 2, Declaration of General Policy. Pursuant to Republic Act 11313 otherwise known as the "Safe
23 Spaces Act" or "Anti-Bastos Law", it shall be the policy of the Local Government Unit of Capoocan, Leyte to
24 value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy
25 of the State to recognize the role of women in nation-building and ensure the fundamental equality before
26 the law of women and men. The State also recognizes that both men and women must have equality,
27 security and safety not only in private, but also on the streets, public spaces, online, workplaces and
28 educational and training institutions.
29

30 Section 4, Definition of Terms.

- 31
- 32 • Catcalling refers to unwanted remarks directed towards a person, commonly done in the form of wolf-
whistling and misogynistic, transphobic, homophobic, and sexist slurs.
 - 33 • Employee refers to a person, who in exchange for remuneration, agrees to perform specified services
34 for another person, whether natural or juridical, and whether private or public, who exercises
35 fundamental control over the work, regardless of the term or duration of agreement: Provided, That for
36 the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment
37 agreement shall be considered an employee.
 - 38 • Employer refers to a person who exercises control over an employee: Provided, That for the purpose
39 of this Act, the status or conditions of the latter's employment or engagement shall be disregarded.
 - 40 • Gender refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and
41 expectations identifying the social behavior of men and women, and the relations between them.
 - 42 • Gender-based online sexual harassment refers to an online conduct targeted at a particular person
43 that causes or likely to cause another mental, emotional or psychological distress, and fear of personal
44 safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading
45 or sharing of one's photos without consent, video and audio recordings, cyberstalking and online
46 identity theft.
 - 47 • Gender identity and/or expression refers to the personal sense of identity as characterized, among
48 others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine
49 conventions. A person may have a male or female identity with physiological characteristics of the
50 opposite sex in which case this person is considered transgender.
 - 51 • Public spaces refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants,
52 transportation terminals, public markets, spaces used as evacuation centers, government offices,
53 public utility vehicles as well as private vehicles covered by app-based transport network services and
54 other recreational spaces such as, but not limited to, cinema halls, theaters and spas.
 - 55 • Stalking refers to conduct directed at a person involving the repeated visual or physical proximity, non-
56 consensual communication, or a combination thereof that cause or will likely cause a person to fear for
57 one's own safety or the safety of others, or to suffer emotional distress.
- 58
59
60

61 **ARTICLE I, GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT**

62 **Section 108. 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:**

63 

64 

65 

66 
By: _____
Date: _____

1 (a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, pursing,
2 unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted
3 comments on one's appearance, relentless requests for one's personal details such as name,
4 contact and social media details or destination, the use of words, gestures or actions that ridicule on
5 the basis of sex, gender or sexual orientation, identity and/or expression including sexist,
6 homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of
7 sexual names, comments and demands, and any statement that has made an invasion on a
8 person's personal space or threatens the person's sense of personal safety –

9 (1) The first offense shall be punished by a fine of One Thousand Pesos (₱1,000.00) and
10 community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity
11 Seminar to be conducted by the PNP in coordination with the LGU and the PCW;

12 (2) The second offense shall be punished by arresto menor (6 to 10 days) or a fine of One
13 Thousand Five Hundred Pesos (₱1,500.00);

14 (3) The third offense shall be punished by arresto menor (11 to 30 days) and a fine of Two
15 Thousand Five Hundred Pesos (₱2,500.00).

16 (b) For acts such as making offensive body gestures at someone, and exposing private parts for the
17 sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or
18 intimidating the offended party including flashing of private parts, public masturbation, groping, and
19 similar lewd sexual actions –

20 (1) The first offense shall be punished by a fine of One Thousand Pesos (₱1,000.00) and
21 community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity
22 Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

23 (2) The second offense shall be punished by arresto menor (11 to 30 days) or a fine of One
24 Thousand Five Hundred Pesos (₱1,500.00);

25 (3) The third offense shall be punished by arresto mayor (1 month and 1 day to 6 months)
26 and a fine of Two Thousand Five Hundred Pesos (₱2,500.00).

27 (c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b),
28 when accompanied by touching, pinching or brushing against the body of the offended person; or
29 any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner
30 thighs, face, buttocks or any part of the victim's body even when not accompanied by acts
31 mentioned in Section 11 paragraphs (a) and (b) –

32 (1) The first offense shall be punished by arresto menor (11 to 30 days) or a fine of One
33 Thousand Pesos (₱1,000.00), provided that it includes attendance in a Gender Sensitivity
34 Seminar, to be conducted by the PNP in coordination with the LGU and the PCW;

35 (2) The second offense shall be punished by arresto mayor (1 month and 1 day to 6 months)
36 or a fine of One Thousand Five Hundred Pesos (₱1,500.00);

37 (3) The third offense shall be punished by arresto mayor in its maximum period or a fine of
38 Two Thousand Five Hundred Pesos (₱2,500.00).

39 Hon. Pigar: Diri la ini para ha amon nga kababayin-an, pati gihap ha kalalakin-an. Hangyo ko la nga
40 an mga penalidad diri na paubsan. Kun ma-approve na ini nga ordinansa, ipo-post ini ha mga barangay, ha
41 public places, para mabaro an mga tawo nga mayda kita hini nga ordinansa. Kun waray na pakiana, any
42 motion to approve?
43

44 Hon. Encarnacion: I move to approve **ORDINANCE NO. 11, SERIES OF 2023, "AN ORDINANCE**
45 **UPDATING THE GENDER AND DEVELOPMENT CODE OF THE MUNICIPALITY OF CAPOOCAN,**
46 **LEYTE"**.
47


48 The motion of Honorable Encarnacion was seconded by Honorable Chito Niagas and Honorable
49 Rogelio Lagera, without any objection from the August Body and was thereby declared approved by the
50 Honorable Presiding Officer.

SANGGUNIANG BAYAN OFFICE
CAPOOCAN, LEYTE
By:

ADJOURNED AT 4:00 PM


JUDER R. DELA TORRE
Secretary to the Sanggunian

ATTESTED:


ATTY. FEDERICO H. CAROLINO, SR.
Vice-Mayor / Presiding Officer


ENGR. ALLAN B. EGANO
SB Member


VON LITO Q. VALLAR
SB Member


EMMANUEL D. ARBOSO
SB Member

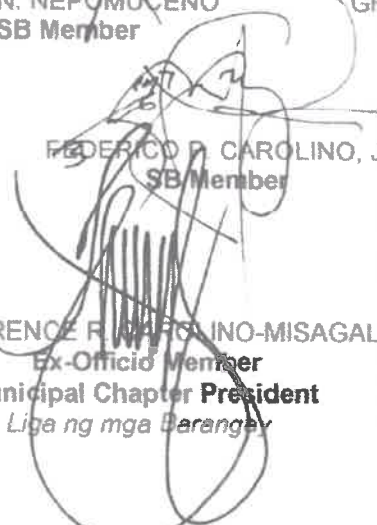

JOJO N. NEPOMUCENO
SB Member



GRACIA G. PIGAR
SB Member

REYNALDO R. NIMO
SB Member
(absent)


FEDERICO P. CAROLINO, JR.
SB Member


ROBERTA C. PEÑARANDA
SB Member


FLORENCE R. CAROLINO-MISAGAL
Ex-Officio Member
Municipal Chapter President
Liga ng mga Barangay


DAVE A. RIVERA
Ex-Officio Member
President
Pambayang Pederasyon ng mga Sangguniang Kabataan

SANGGUNIANG BAYAN OFFICE
CERTIFIED TRUE COPY

By: 

Date: _____



Republic of the Philippines
Province of Leyte
Municipality of Capococan

PUBLIC HEARING ATTENDANCE (FEBRUARY 27, 2024)

NAME	ADDRESS/OFFICE	SIGNATURE
1. ARIEL M. LARAGA	MEMRO	
2. Etang Aljon D.	MEMRO	
3. JOE AR ABOLITA	CABUL-AN / FISHERFOLKS ASS.	
4. MARK ADRIAN P. GONZAGA	GUINADIONGAN, CAPOCOAN, LEYTE	
5. NELIA P. MISA	TALCAY, CAPOCOAN, LEYTE	
6. JORYL RIVS	MEMRO	
7. DEXTER D. APOLAN	TALAIRAN, CAPOCOAN, LEYTE	
8. NOEL BERSALES	TOLIBAO	
9. Mark Don ...	Tolibao	
10. SAMUEL S. GRENDA	BALUG	
11. MARIA CRISTINA ANSON	PINAMPOBAN	
12. CEBRANO REYNOLTE D.	PINAMPOBAN	
13. Leticia Mefran D.	Cybasian	
14. ROGER D. SALIPIOT Jr	TALCAY	
15. Estrella J. Oplada	San Joaquin	
16. PEDRO M. FRANKEK	STO MILO	
17. DELA TORO, SANTOS JR. O.	PINAMPOBAN	
18. LUZ V CABILTES	"	
19. MELANIE M. OBERO	MANAYONAN	
20. Justin Roy N. Mariano	Kausugian	
21. NEROLITA, DANTE P.	CUASI-AN	
22. MAR JUNE A. LUCEO	GUINADIONGAN	
23. Michael A. Polido	Cabulan	
24. RONALD R. RADA	LIBERTAD	
25. BRIAN M. ARCOSEBA	LIBERTAD	
26. JOEL V. SEBERRE	LIBERTAD	
27. ROBERT PAUL SAMORANOS	MANLOY	
28. SHERWIN P. DOJO	LIBERTAD FISHERFOLKS ASS.	
29. ROMART D. DOJO	TALAIRAN	
30. CHARISSE MAE MAGOLINE	JAYAD	
31. ...	MEMRO	
32. ESTRELLA W. ESTRELLA	MANLOY	
33. NERUNDA P. PINCHON	MANLOY	
34. ...	MANLOY	
35. NOEL Q. BEVERA	LIBERTAD	
36. GIOVANNIE A. NINGALCA	MANLOY	
37. ...	CABUL-AN	
38. JUN DESA CRUZ	POP. ZONE II	
39. Eledio R. Bersales	Talcaay	
40. Entresao M. Labigay	Balugo	

SECRETARY'S OFFICE
CERTIFIED TRUE COPY
By: _____
Date: _____



Republic of the Philippines
Province of Leyte
Municipality of Capocoran

PUBLIC HEARING ATTENDANCE (FEBRUARY 27, 2024)

NAME	ADDRESS/OFFICE	SIGNATURE
41. BONIBOY O BATTON	BALUGO	
42. LINA J. MONTIBON	BALUGO	
43. ARVIN P. NERI	POB. ZONE II	
44. JENNY V. MONTIBON	DM-IMTA CSO	
45. FRODDY L. SAMANTE	TALISAY	
46. JESTONI M. ABICAR	SAN JOAQUIN	
47. Medina R. Abanta	Guindangon	Medina R. Abanta
48. ROSAYTO S. AROPO	GUINDANGON	
49. SYLAN N. APOSTOL	ZONE I	
50. MARION ERIC MONTANA	TALISAY	
51. RON N. MERCLOS	MAD - CAPOCORAN	
52. RENE T. NIERA	MAD - CAPOCORAN	
53. MANDIE D. NICOL	POB. ZONE I	
54. LEO TUMBO	BALUCANAS	
55. Juliana Mercolita	Pob. II	Juliana Mercolita
56. GUILIELMA C. CABERA	POB. ZONE 2	Guiljelma Cabera
57. Lorna P. Garcia	Pob. Zone 2	Lorna P. Garcia
58. Rosie Q. Quilath	San Joaquin	
59. RYKUDO T. LUMANTA	STO NIÑO	
60. Reniel D. Capayapay	Balud	
61. MIRIAM N. NIEMER	POB. ZONE 2	
62. MICHANIE N. CAPULI	POB. ZONE II	Michanie N. Capuli
63. Francesca S. Salagan	719 ZONE II	
64. ROGER P. SALGUMBAN	MORONG	
65. GIOVANNI A. VALENTINO	MORONG	
66. BONIFAY E. POLYIC	II	
67. ANUNCIO M. ENCARNACION	BALUD	
68. CASTILLO O. JUNE	TOLIBATO	
69. GEMMA ISABEL L. ARINTOK	SAYAD	
70. ANITA B. LUNA	CABALAN	
71. SOOERO P. DALDE	MENRO	
72. VERWIN P. TOTOD	MENRO	
73. VERGEL D. PLAVILLO	MENRO	
74. LUCRIS B. PEROL	BRGY. BALUD	
75. CRISTO B. NIEGAS	BALUCANAS	
76. AURORA D. SUGANOB	BRGY. VISARES	
77. AILEEN N. DIAZ	BRGY. BALUCANAS	
78. JIMMY D. PALACAS	BALUCANAS	
79. Jhonna Nerie	visares	
80. MAXIMIANO P. BUNAY JR.	VISARES	

SANITIZED BY: RYAN O. ...
CERTIFIED TRUE COPY
By:
Date:



Republic of the Philippines
Province of Leyte
Municipality of Capoccan

PUBLIC HEARING ATTENDANCE (FEBRUARY 27, 2024)

NAME	ADDRESS/OFFICE	SIGNATURE
81. PHILIP FRANCIS QUILAY	BRGY. VISAYAS, CAPOCCAN	[Signature]
82. Serlynn E. Sulhani	BRGY. GAYAD, CAPOCCAN	[Signature]
83. ROSITA C. LUCIANO	BRGY. GAYAD, CAPOCCAN	[Signature]
84. Edna C. Fabun	BRGY. Pobl. 2 Capoccan	[Signature]
85. Hermema M. Caballes	Pob. Zone II, Capoccan	[Signature]
86. JOSIA T. UMPACAN	Pob. Zone II	[Signature]
87. JUMINA MERCOLITA	Pob. Zone II	[Signature]
88. PAZ B. DUSA	Pob. Zone II	[Signature]
89. ALIXES YUZON	Pob. Zone II	[Signature]
90. Ludovina L. Llorieta	Pob. Zone II	[Signature]
91. TRIFIDA M. NICANOR	Pob. Zone II	[Signature]
92. ELIZABETH P. DELANTAR	Pob. Zone II	[Signature]
93. LEONILA US-ODO	Pob. Zone II	[Signature]
94. VILMA R. GABILAY	Pob. Zone II	[Signature]
95. Anna C. Fernandez	Pob. Zone II	[Signature]
96. EMMALYN L. MEREDOS	Pob. Zone II	[Signature]
97. Gwelon R. Ongia	Pob. Zone II	[Signature]
98. Corazon C. Sarda	Pob. Zone II	[Signature]
99. Mal Liberty Rondina	Pob. Zone II	[Signature]
100. Jeralyn Z. Danate	Pob. Zone II	[Signature]
101. HENRY SANDOZ	XXXXXXXXXX	[Signature]
102. Sarda, Jasmin M.	BRGY. BALUD	[Signature]
103. ROSAN N. USCALAZO	LGU - GAO focal	[Signature]
104. Kevin [unclear]	LGU Capoccan	[Signature]
105. [unclear]	[unclear]	[Signature]
106. Roberto [unclear]	[unclear]	[Signature]
107. April Jay Villacavillo	Pob. Zone II	[Signature]
108. Monette M. MENDOZA	Pob. Zone II	[Signature]
109. Ginete Petillas	Pob. Zone II	[Signature]
110. MARY ANN E. DREH	Pob. Zone II	[Signature]
111. ROCHELIO D. CACERA	[unclear]	[Signature]
112. DOLORIS EUSA T. OUMPIO	LGU - MEND	[Signature]
113. PAUL EMBERTO M. DELINA JR	CAPOCCAN PNP	[Signature]
114. P/lt NELSON C. MEDRADA	PNP CAPOCCAN	[Signature]
115. P/SG SHERYL S. LANGANG	PNP CAPOCCAN	[Signature]
116. FRANCES JESSA M. LABALONA	CMHO	[Signature]
117. RIA P. NIEGAS	POWID / MTD	[Signature]
118. BEVA LORA TROWED	MWD	[Signature]
119. MELBA N. ALMERO	SB	[Signature]
120. JOY L. TABERARA	SB	[Signature]

SANITIZADO AYON SA
CERTIFIED TRUE COPY
By: [Signature]
Date: [unclear]



Republic of the Philippines
Province of Leyte
Municipality of Capococan

PUBLIC HEARING ATTENDANCE (FEBRUARY 27, 2024)

NAME	ADDRESS/OFFICE	SIGNATURE
121. SHEFALY M. PILLANDE	VDO/VMO	
122. GABRIEL SAM A. VALENTINO	SB SEC OFFICE	
123. Frederich M. Naadon	SB	
124. Helen P. Ciema	SB	
125. RICO M. DELIMA	VMO/SBO	
126. JUBE R. DELA TORRE	SB	
127. GARY ATILAN	VTO	
128. PERIBRINA BORRER	SB	
129. FYAL BRINER	SB	
130. EMMANUEL D. ARBOSO	LGU	
131. EDUARDO J. CAROLINO JR.	SB	
132. MARCELINA M. LIBRIS	SB	
133. Ken Alexis B. Paagao	SBO	
134. DAVE H. NIDERA	SBO	
135. JOJO N. NEPOMUCENO	SB	
136. GRACIA G. PIGAR	SB	
137. Federico H. Carolino sr	Vmayor	
138. Von Lito B. Vallar		
139. Roketay C. Penaranda	SB member	
140. ALAN & ESTAN		
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SANGGUNIANG BAYAN OFFICE
CERTIFIED TRUE COPY
By:
Date:



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Capoocan
Office of the Sangguniang Bayan
✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com
☎ 09976874138

CERTIFICATE OF POSTING


TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT COPIES OF **ORDINANCE NO. 11, Series of 2023**, "AN ORDINANCE UPDATING THE GENDER AND DEVELOPMENT CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE", WERE POSTED AT THE FOLLOWING LOCATIONS IN THE MUNICIPALITY:

- 1. Capoocan Municipal Hall Bulletin Board**
Municipal Lobby
- 2. Pinamopoan Fish Port**
Barangay Pinamopoan, Capoocan, Leyte
- 3. Waiting Shed**
Barangay Balud, Capoocan, Leyte
- 4. Waiting Shed**
Market Place, Poblacion Zone II, Capoocan, Leyte

This certifies further that notice of public hearing were also sent to the different barangays of the Municipality of Capoocan, Leyte for proper and effective information dissemination.

Done this 27th Day of May, 2024.


JUDE R. DELA TORRE
Secretary to the Sanggunian

Noted by:


ATTY. FEDERICO H. CAROLINO, SR.
Municipal Vice-Mayor



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF CAPOCCAN
Office of the Sangguniang Bayan

NOTICE OF PUBLIC HEARING

**GIN-AABI-ABI AN NGA TANAN NGA TUMAMBONG
HIN PUBLIC HEARING YANA NGA
PEBRERO 27, 2024, ALAS NOYBE HIN AGA
HA POBLACION ZONE II MULTI-PURPOSE GYMNASIUM,
CAPOCCAN, LEYTE.**



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF CAPOCAN

Office of the Sangguniang Bayan

AN MASUNOD AMO AN ATON PAG-UURUSTORYAHAN:

1. **MUNICIPAL ORDINANCE NO. 8, SERIES OF 2023,**
- *"AN ORDINANCE AMENDING THE FISHERY CODE"*
2. **MUNICIPAL ORDINANCE NO. 11, SERIES OF 2023,**
- *"GENDER AND GAD DEVELOPMENT"*
3. **MUNICIPAL ORDINANCE NO. 6, SERIES OF 2024,**
- *"AN ORDINANCE ON BABAY ASF PROGRAM"*
4. **MUNICIPAL ORDINANCE NO. 7, SERIES OF 2024,**
- *"AN ORDINANCE ON EMERGENCY TRANSPORT/RESCUE VEHICLES"*
5. **MUNICIPAL ORDINANCE NO. 8, SERIES OF 2024,**
- *"AN ORDINANCE ON SELLING OR DISTRIBUTING OF PNP UNIFORM"*
6. **MUNICIPAL ORDINANCE NO. 9, SERIES OF 2024,**
- *"CURFEW HOURS ORDINANCE"*
7. **MUNICIPAL ORDINANCE NO. 10, SERIES OF 2024,**
- *"AN ORDINANCE AMENDING THE REVENUE CODE"*