Item No.: <u>06</u>

Date: 1 0 2025 JUN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyer 1
Legal Office

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Date

PROVINCE OF LEYTE

2nd INDORSEMENT May 6, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 25-09 of the Sangguniang Bayan of Burauen, Leyte.

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

• Ordinance No. 25-09 entitled: "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office opines that the subject Ordinance is, in general, within the legislative authority of the Sangguniang Bayan under Sections 447(a)(1)¹ the Local Government Code of 1991 (R.A 7160) in relation to RA 11313². Hence, we recommend for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the 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 Provincial Legal Officer

¹ 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 and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code.

² "Safe Spaces Act"

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte -000-

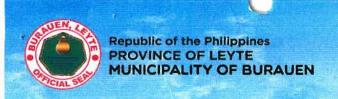
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 02 May 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed Municipal Ordinance No. 25-09, series of 2025, of the Municipality of Burauen, Leyte, entitled: An Ordinance adopting Republic Act No. 11313, entitled, "An act defining gender-based sexual harassment in streets, public spaces, online, workplaces, and educational or training institutions, providing protective measures", otherwise known as the "Space Spaces Act" and its implementing rules and regulations and prescribing penalties therefor for local implementation in the Municipality of Burauen, Province of Leyte.

FLORINDA JULS. XYVICO Secretary to the Sanggunian

Province of Layer





OFFICE OF THE SANGGUNIANG BAYAN

May 2, 2025

THE HONORABLE MEMBERS Sangguniang Panlalawigan Province of Leyte

ATTENTION: FLORINDA JILL S. UYVICO

Secretary to the Sanggunian

Province of Leyte

Palo, Leyte



Ladies/Gentlemen:

We transmit herewith 15 copies of Municipal Ordinance No. 25-09, Series of 2025 of the Sangguniang Bayan of Burauen, Leyte, entitled "An Ordinance Adopting Republic Act No. 11313, entitled, "An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training, Institutions, Providing Protective Measures", Otherwise Known as the "Safe Spaces Act" and its Implementing Rules and Regulations and Prescribing Penalties Therefor for Local Implementation in the Municipality of Burauen, Province of Leyte", for review and approval of the body.

Thank you and please acknowledge receipt hereof.

Respectfully yours,

ATTY. RUDEJANE S. TAN Secretary to the Sanggunian





Republic of the Philippines Province of Leyte Municipality of Burauen



OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 25-09 Series of 2025



AN ORDINANCE ADOPTING REPUBLIC ACT NO. 11313, ENTITLED, "AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING, INSTITUTIONS, PROVIDING PROTECTIVE MEASURES", OTHERWISE KNOWN AS THE "SPACE SPACES ACT" AND ITS IMPLEMENTING RULES AND REGULATIONS AND PRESCRIBING PENALTIES THEREFOR FOR LOCAL IMPLEMENTATION IN THE MUNICIPALITY OF BURAUEN, PROVINCE OF LEYTE.

Introduced by Hon. Cipriano R. Relatorres, Jr.

BE IT ORDAINED by the Sangguniang Bayan of Burauen, Leyte, in a session duly assembled:

Section 1. TITLE

This Ordinance shall be known as the "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte".

Section 2. DECLARATION OF POLICIES

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

Section 3. DEFINITION OF TERMS

The following terms are defined for the purpose of this Ordinance:

- a. *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- b. **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.

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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;

- c. *Employer* refers to a person who exercises control over an employee: Provided, that for the purposes of this Ordinance, the status or conditions of the latter's employment or engagement shall be disregarded;
- d. *Gender* refers to a set a socially ascribed characteristics, norms, roles, attitudes, values, and expectations identifying the social behavior of men and women, and the relations between them;
- e. *Gender-based online sexual harassment* refers to conduct directed to a targeted 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, cyber stalking, and online identity theft;
- f. *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;
- g. 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; and
- h. **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 of others, or to suffer emotional distress.

ARTICLE I

GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT

Section 4. GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT

The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such actions 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

Municipal Ordinance No. 25-09, Series of 2025; March 17, 2025 "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte"





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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 5. GENDER-BASED SEXUAL HARASSMENT IN RESTAURANTS AND CAFES, BARS AND CLUBS, RESORTS AND WATER PARKERS, HOTELS AND CASINOS, CINEMAS, MALLS, BUILDINGS, AND OTHER PRIVATELY-OWNED PLACES OPEN TO THE PUBLIC

Restaurants, bars, cinemas, malls, 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 6. GENDER-BASED SEXUAL HARASSMENT IN PUBLIC UTILITY VEHICLES

In addition to the penalties in this Ordinance, the Deputized Members of the Burauen Philippine National Police (PNP) by the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles (PUVs) through the recommendation of Deputized Members of the Burauen PNP, the Sangguniang Bayan may suspend or revoke the franchise of transportation operators who commit gender-based ands public spaces sexual harassment acts. Gender-based sexual harassment in PUVs where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

Section 7. GENDER-BASED SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES COMMITTED BY MINORS

In case the offense is committed by a minor, the Municipal Social and Welfare Development (MSWD) Office shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known and the "Juvenile Justice and Welfare Act of 2006".

Municipal Ordinance No. 25-09, Series of 2025; March 17, 2025 "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte"





Section 8. DUTIES OF THE LOCAL GOVERNMENT UNIT

The Local Government Unit (LGU) shall bear primary responsibility in enforcing the provisions of this Ordinance and shall have the following duties:

- a. Disseminate or post in conspicuous places a copy of this Ordinance and the corresponding ordinances;
- Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars to be spearheaded by MSWD Office;
- c. Discourage and impose fines on acts of gender-based sexual harassment as defined in this Ordinance;
- d. Create an anti-sexual harassment hotline; and
- e. Create an anti-sexual harassment hotline; and
- f. Coordinate with the Department of the Interior and Local Government (DILG) through the MLGOO on the implementation of this Ordinance.

Section 9. ROLE OF THE DILG THROUGH THE MLGOO

The DILG, through the MLGOO, shall ensure the full implementation of this Ordinance by:

- a. Inspecting the LGU if they have disseminated or posted in conspicuous places a copy of this Ordinance and the corresponding ordinances;
- b. Conducting and disseminating surveys and studies on best practices of the LGU in implementing this Ordinance; and
- c. Providing capacity-building and training activities to build the capability of local government officials to implement this Ordinance in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

Section 10. IMPLEMENTATION BODIES FOR GENDER-BASED SEXUAL HARASSMENT IN STREETS AND PUBLIC SPACES

The Burauen PNP and the Women and Children's Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforcement of this Ordinances: Provided, that they have undergone prior Gender Sensitivity Training (GST).

For gender-based streets and public spaces sexual harassment, the Burauen PNP Station shall be designated as Anti-Sexual Harassment Enforces (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in flagrante delicto. The perpetrator shall be immediately brought to the nearest PNP station to face charges on the offense committed.

The ASHE Unit/Burauen PNP, together with the Women's and Children's Desk of the Burauen PNP station shall keep a logbook of perpetrators who have committed acts prohibited under this Ordinance for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG/MLGOO shall also ensure that the local government shall expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangays and to ensure the set-up of CCTVs in major groads, alleys, and sidewalks in their respective areas to aid the Municipal Health Office.

Municipal Ordinance No. 25-09, Series of 2025; March 17, 2025 "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte"





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and the DCWs shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

Section 11. 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, cursing, 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 persons sense of personal safety
 - 1. The First Offense shall be punished by a fine of One Thousand Pesos (\$\mathbb{P}\$1,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the MSWDO in coordination with the LGU and the MCW;
 - 2. The Second Offense shall be punished by arresto menor (6 to 10 days) or a fine of Two Thousand Pesos (₱2,000.00)", or both;
 - 3. The Third Offense shall be punished by arresto mayor [one (1) month] and a fine of Two Thousand Five Hundred Pesos (₱2,500.00), or both.
- 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 hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the MSWDO in coordination with the LGU and the MCW;
 - 2. The Second Offense shall be punished by arresto menor (6 to 10 days) or a fine of Two Thousand Pesos (₱2,000.00)", or both;
 - 3. The Third Offense shall be punished by arresto mayor [one (1) month] or a fine of Two Thousand Five Hundred Pesos (₱2,500.00), or both.
- c. For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b) of this Ordinance, when accompanied by touching, pinching or brushing against the body of the offended personal 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 a fine of One Thousand Pesos (\$\mathbb{P}\$1,000.00) provided that it includes attendance in a Gender Sensitivity

Municipal Ordinance No. 25-09, Series of 2025; March 17, 2025 "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte" Sensitivity





- Seminar, to be conducted by the MSWDO in coordination with the Offices of the MSWD and MHO;
- 2. The Second Offense shall be punished by arresto menor (6 to 10 days) or a fine of Two Thousand Pesos ("\$2,000.00)", or both;
- 3. The Third Offense shall be punished by arresto mayor in its maximum period of not more than six (6) months or a fine of Two Thousand Five Hundred Pesos (₱2,500.00), or both.

ARTICLE II GENDER-BASED ONLINE SEXUAL HARASSMENT

Section 12. 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 cyber-stalking 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 13. IMPLEMENTING BODIES FOR GENDER-BASED ONLINE SEXUAL HARASSMENT

For gender-based online sexual harassment, the PNP anti-Cybercrime Group (PNPACG) as the National Operational Support Unit of the PNP is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment and develop an online mechanism for reporting real-time fender-based online sexual harassment acts and apprehend perpetrators. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

PENALTIES Section 14. FOR **GENDER-BASED ONLINE SEXUAL** HARASSMENT

The penalty of a fine of not less than Two Thousand Five Hundred Pesos (₱2,500.00) or an imprisonment of not more than six (6) months, 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 therefor 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

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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 genderbased 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 as 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 15. 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 16. 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:
- A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: Provided, that the crime of genderbased 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

Municipal Ordinance No. 25-09, Series of 2025; March 17, 2025 "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte"







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 17. 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 q conspicuous place a copy of this Ordinance to all persons in the workplace;
- b. Provide measurers 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 rand-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 days or less upon receipt thereof;
 - 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 17(c) of this Ordinance; and
 - 3. Set administrative penalties.

Section 18. 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 19. 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 17 of this ordinance, as provided in the penal provisions; or
- b. Not acting 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 Two Thousand Five Hundred Pesos (\$2,500.00).

Municipal Ordinance No. 25-09, Series of 2025; March 17, 2025 "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte"





Section 20. ROUTINE INSPECTION

The Department of Labor and Employment (DOLE)/PESO of the Municipality for the private sector and the Civil Service Commission (CSC) through the Human Resource and Management Office for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Ordinance.

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

Section 21. GENDER-BASED SEXUAL HARASSMENT IN EDUCATION 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 raw 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 members 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.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

Section 22. 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 or a CODI 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;

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- 3. Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI 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 23. 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 22 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 Two Thousand Five Hundred Pesos (\$\mathbb{P}2,500.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of Two Thousand Five Hundred Pesos (\$2,500.00).

Section 24. 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 Student Handbook.

Section 25. ROUTINE INSPECTION

The Department of Education (DepEd) and/or Commission on Higher Education (CHED) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Ordinance.

ARTICLE VI COMMON PROVISIONS

Section 26. CONFIDENTIALITY

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

Section 27. RESTRAINING ORDER

Municipal Ordinance No. 25-09, Series of 2025; March 17, 2025 "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte"









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 28. REMEDIES AND PSYCHOLOGICAL COUNSELING

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 counseling services with the aid of the LGU and the MSWD, in coordination with the MHO. Any fees to be charged in the course of a victim's availment of such remedies or psychological counseling services shall be borne by the perpetrator.

Section 29. ADMINISTRATIVE SANCTIONS

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

Section 30. EXEMPTIONS

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

ARTICLE VII FINAL PROVISIONS

Section 31. PNP WOMEN AND CHILDREN'S DESKS

The women and children's desks now existing in all police stations shall act on and attend to all complaints covered under this Ordinance. They shall coordinate with ASHE officers on the street, security guards in privately owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Ordinance.

Section 32. EDUCATIONAL MODULES AND AWARENESS CAMPAIGNS

The MSWD Office shall take the lead in the municipal wide campaign for the awareness of this Ordinance. All schools shall educate students from the elementary to the tertiary level 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. School courses shall include age-appropriate educational modules against gender-based streets, public spaces, and online sexual harassment, which shall be developed by the DepEd and MSWD Office.

Section 33. SAFETY AUDITS

LGUs are required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Ordinance within their jurisdiction. Such audits shall be multi-sectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

Section 34. APPROPRIATIONS

Such amounts as may be necessary for the implementation of this Ordinance shall be authorized under Gender and Development (GAD) Fund, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women", for this purpose,

Municipal Ordinance No. 25-09, Series of 2025; March 17, 2025 "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte"





Section 35. SEPARABILITY CLAUSE

If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

Section 36. REPEALING CLAUSE

Any law, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Ordinance is hereby repealed, modified or amended accordingly.

Section 37. EFFECTIVITY

This Ordinance shall take effect immediately upon approval and compliance with publication and posting requirements.

ENACTED AND APPROVED, March 17, 2025.

CERTIFIED CORRECT:

RUDEJANE S. TAN the Sanggunian Secretary to

ATTESTED:

HON. NOEL P. ALPINO Vice Mayor/Presiding Officer

(absent)

HON. VINCENT G. ENERLAN

Sangguniang Bayan Member

MENIA/C. CAMASIN Sangguniang Baffax Member

HON. DEXTER R. SENO Sangguniang Bayan Member

ayan Member

HON. FE S. RENOMERON LnB President/ Ex-Officio SB Member HON. CIPRIANO R. RELATORRES, JR. Sangguniang Bayan Member

> HON. BRYAN R. CINCO Sangguniang Bayan Member

HON. ROBERT &. DEL PILAR Sangguniang Bayan Member

HON. OSCAR Sangguniang Bayan Member

(absent) HON. JUSTINE MERP G. ANDRADE

SK Federation President/ Ex-Officio Member

APPROVED:

HON. JUANITO E RENOMERON

Municipal Mayor

Municipal Ordinance No. 25-09, Series of 2025; March 17, 2025 "Safe Spaces Ordinance or Bawal Bastos Law of Burauen, Leyte"

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a Public Hearing for Municipal Ordinance No. 25-09, Series of 2025 of the Sangguniang Bayan of Burauen, Leyte, entitled "An Ordinance Adopting Republic Act No. 11313, entitled, "An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training, Institutions, Providing Protective Measures", Otherwise Known as the "Safe Spaces Act" and Its Implementing Rules and Regulations and Prescribing Penalties Therefor for Local Implementation in the Municipality of Burauen, Province of Leyte", was conducted on March 13, 2025, 9:30 in the morning at the Burauen Community Center, Burauen, Leyte.

Burauen, Leyte, April 14, 2025.

ATTY. RUIEJANE S. TAN Secretary to the Sanggunian



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Republic of the Philippines Province of Leyte Municipality of Burauen



OFFICE OF THE SANGGUNIANG BAYAN

MINUTES OF THE PUBLIC HEARING ON SEVEN (7) PROPOSED ORDINANCES, HELD AT THE BURAUEN COMMUNITY CENTER ON MARCH 13, 2025

Present:

Hon Vincent G. Enerlan Hon. Cipriano R. Relatorres, Jr. Hon. Hermenia C. Camasin Hon. Oscar A. Cagara Hon. Fe S. Renomeron

Sangguniang Bayan Member Sangguniang Bayan Member Sangguniang Bayan Member Sangguniang Bayan Member LnB President/ Ex-Officio Sangguniang Bayan Member

I. PRAYER & NATIONAL ANTHEM

The public hearing commenced with an invocation followed by the singing of the Philippine National Anthem.

П. **BURAUEN HYMN**

The singing of the Burauen Hymn ensued.

III. CALL TO ORDER

- Hon. Cipriano R. Relatorres was selected by the Sangguniang Bayan members present to preside over the public hearing.
- The public hearing was called to order at around 9:30 o'clock in the morning.

IV. READING OF THE PROPOSED ORDINANCES

- 1. PROPOSED ORDINANCE NO. 25-09: AN ORDINANCE ESTABLISHING THE SCHEDULE OF FEES AND CHARGES FOR THE BURAUEN COMMUNITY COLLEGE, PROVIDING GUIDELINES FOR IMPOSITION, COLLECTION, AND UTILIZATION, AND FOR OTHER **PURPOSES**
- Hon. Cipriano R. Relatorres, Jr., Chairperson of the Committee on Education, read the "whereas" clauses and sections of Proposed Ordinance No. 25-09.
- Following this, Mayor Juanito E. Renomeron shared that there is an issue proliferating among local universities and colleges concerning "ghost students".
- The discussion then shifted to graduation ceremony fees. Hon. Relatorres clarified that the graduation ceremony fees cover expenses associated with organizing the graduation ceremony, which is not covered by UNIFAST.

- Thereafter, members from BCC's student council raised concerns about the vehicle access fees, deeming the 50 and 100 peso fees too burdensome for students.
- Mrs. Alvira Arias, a representative from the Municipal Planning and Development Office, clarified that the fees set forth in the proposed ordinance, include vehicle passes, were rationalized based on guidelines issued by the BLGF. All costs involved with the items or services rendered are taken into account.
- 2. **PROPOSED ORDINANCE NO. 25-02:** AN ORDINANCE ADOPTING REPUBLIC ACT NO. 11361OR THE "ANTI-OBSTRUCTION OF POWER LINES ACT" AND FURTHER STRENGTHENING IMPLEMENTATION IN THE MUNICIPALITY OF BURAUEN, LEYTE.
- Hon. Cipriano R. Relatorres, Jr., Chairperson of the Committee on Public Utilities, read the "whereas clauses" and sections of Proposed Ordinance No. 25-02.
- Engr. Melben Abrera explained that a lack of widespread dissemination of certain national policies prompted him, along with colleagues from DORELCO, Atty. Myreljoy Martinez and Mr. Rex Cabus, to request the passage of this ordinance and to participate in the public hearing to ensure barangay officials were properly informed of the provision of RA 11361.
- Engr. Abrera stressed the critical importance of maintaining clear power lines, free from obstructions and debris, to prevent fires. He informed the council that 70% of brownouts result from such obstructions, and their removal would significantly minimize power outages.
- Hon. Relatorres then clarified that Republic Act 11361 stipulates that property owner consent is not required for clearing operations, only prior notification.
- Hon. Angelita Quimbo, from Barangay Arado, requested that DORELCO provide advance notice to barangays before commencing any clearing activities.
- Engr. Abrera agreed, assuring the council that DORELCO will notify barangays at least three days prior to scheduled clearing operations. Furthermore, he stated that if barangays identify an urgent need for clearing outside of scheduled operations, they can request the Burauen Sub-Office to schedule immediate clearing
- 3. **PROPOSED ORDINANCE NO. 25-13:** AN ORDINANCE ESTABLISHING AND INSTITUTIONALIZING THE BARANGAY AGRICULTURE EXTENSION WORKER (BAEW) PROGRAM IN THE MUNICIPALITY OF BURAUEN, LEYTE, AND PROVIDING FUNDS THEREFOR.
- Hon. Oscar A. Cagara., Chairperson of the Committee on Education, read the "whereas clauses" and sections of Proposed Ordinance No. 25-13.
- No question or concern was raised on the proposed ordinance.
- 4. **PROPOSED ORDINANCE NO. 25-08:** AN ORDINANCE ESTABLISHING THE BURAUEN HEALTH & WELLNESS CENTER, DEFINING ITS PURPOSE, MANDATE, RATES, FEES AND CHARGES, PROVIDING FOR OPERATIONAL GUIDELINES THEREOF, AND ADOPTING A "NO-BALANCE BILLING POLICY.
- Hon. Cipriano R. Relatorres, Jr., Chairperson of the Committee on Education, read the "whereas clauses" and sections of Proposed Ordinance No. 25-08.

- He stressed that these fees are set at a break-even point, ensuring that the municipality can offer quality and accessible health services without seeking profit.
- Regarding the No Balance Billing Policy ("NBB"), Hon. Relatorres explained that
 eligible patients will receive covered services at no cost. However, under the
 PhilHealth Konsulta Program, NBB applies only to individuals registered with the
 Burauen Municipal Health Office.
- Hon. Max Morbos, representing Barangay Takin in Burauen, sought clarification on how residents registered with PhilHealth Konsulta providers outside Burauen could avail of the NBB benefits within the municipality.
- Mr. Abud explained that PhilHealth's registration process has changed. Formerly, enrollment at a specific health facility meant automatic renewal. Now, PhilHealth members have the flexibility to select a different Konsulta provider each year.
- 5. PROPOSED ORDINANCE NO. 25-04: AN ORDINANCE PROHIBITING ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) AND CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (CSAEM) IN THE MUNICIPALITY OF BURAUEN, PURSUANT TO REPUBLIC ACT NO. 11930, OTHERWISE KNOWN AS THE "ANTI-ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) AND ANTI-CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (CSAEM) ACT," AND INSTITUTIONALIZING PROGRAMS FOR ITS PREVENTION AND ERADICATION, PROVIDING PENALTIES, AND PROVIDING FUNDS THEREFOR.
- Hon. Cipriano R. Relatorres, Jr., Chairperson of the Committee on Children, read the "whereas clauses" and sections of Proposed Ordinance No. 25-04.
- Mrs. Helen Lomahan, Municipal Social Welfare and Development Officer, highlighted the role of the barangay, which is to ensure the participation of the Sangguniang Kabataan (SK) and the allocation of sufficient funds from the SK funds and resources for the initiatives against OSAEC and CSAEC at the barangay level.
- Mrs. Lomahan also clarified that the ordinance extends to cases involving adults who are digitally altered or presented to appear as children. As an example, she cited the manipulation of a child's photo to replace their face with that of an adult, which would fall under the ordinance's purview."
- 6. PROPOSED ORDINANCE NO. 25-10: AN ORDINANCE ADOPTING REPUBLIC ACT NO. 11313, ENTITLED, "AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING, INSTITUTIONS, PROVIDING PROTECTIVE MEASURES", OTHERWISE KNOWN AS THE "SPACE SPACES ACT" AND ITS IMPLEMENTING RULES AND REGULATIONS AND PRESCRIBING PENALTIES THEREFOR FOR LOCAL IMPLEMENTATION IN THE MUNICIPALITY OF BURAUEN, PROVINCE OF LEYTE.
- Hon. Cipriano R. Relatorres, Jr., Chairperson of the Committee on Children, read the title and sections of Proposed Ordinance No. 25-10.

- Mayor Juanito E. Renomeron raised a question regarding the distinction between offenses under the Sexual Harassment Law and the Safe Spaces Act.
- Hon. Relatorres clarified that the Safe Spaces Act was enacted because the existing Sexual Harassment Law did not address instances where the alleged acts were committed by individuals without moral ascendancy over the complainant, or when those acts occurred outside of educational institutions or workplaces. Crucially, the Safe Spaces Act expands coverage to include gender-based sexual harassment committed by anyone, regardless of their position or relationship to the victim, even without moral ascendancy. Therefore, the Safe Spaces Act broadened the scope of protection, explicitly covering gender-based sexual harassment in public spaces, online, and in other settings not previously addressed by the Sexual Harassment Law. It aims to create a more comprehensive legal framework to ensure safety and prevent harassment in all environments.
- 7. **PROPOSED ORDINANCE NO. 25-05:** AN ORDINANCE ADOPTING THE CHILD PROTECTION POLICY OF THE MUNICIPALITY OF BURAUEN, PROVIDING FOR ITS IMPLEMENTATION, AND PENALIZING VIOLATIONS THEREOF
- Hon. Cipriano R. Relatorres, Jr., Chairperson of the Committee on Children, read the "whereas clauses" and sections of Proposed Ordinance No. 25-10.
- No question or concern was raised on the proposed ordinance.

V. ADJOURNMENT

There being no more matters to be discussed, the public hearing for the aforementioned ordinances was adjourned at 4:15 o'clock in the afternoon.

Prepared by:

ATTY. RUDEJANE S. TAN Secretary to the Sanggunian



Republic of the Philippines PROVINCE OF LEYTE Municipality of Burauen



OFFICE OF THE SANGGUNIANG BAYAN

ATTENDANCE SHEET PUBLIC HEARING MARCH 13, 2025

NO.	FULL NAME	BARANGAY/OFFICE	POSITION	SIGNATURE
1.	MYRELTOY M. MARTINET	POWERCO	ispm	4ml
2.	REX L. CABUS	DORNCO	MIEA HEAD	0050
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7.	Elinda C. Murades	Bray Parky	P. B	Mudis
8.	CHONO S. MAUNTUU	Bryy Bolotson	Brgy Coptain	Maurily
9.	BREEA R. DIMYA	Brgy. tlihan	Propy. Kap	Fores K Privay
10.	Felipe G. Edradan Sr.	Brgy. Pob. Dist. x	1A President	ligh
11.	GEMMA P. ARALAR	Porgy. Harpunan	P.B.	Wald 3
12.	MA. HADER REVATORRE	HIBUNAWAN	Me	poly
13.	MATRA B. INFANTE	CABADAAAY	PB	18
14.	NOEL B. LAGARLO	EUPERANZA	P.B	8
15.	ANTONIO M.ESCALA	LIMBURAN	P.B.	8)
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19.	TRANCINE JAINEE MARAYA	BCC CUBPA	Student	i Cur.
20.	VINCENT A. VOPIDO	DCC (UBPA)	Strolent.	- July -
21.	JONALYN b. POCPOC	boo (CEPA)	Audent	1()
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25.	Angel P. Badeo	BCC (OSC)	Student	padul
26.	BANDE, SHONWEL M.	BCC (WC)	Student	A MANUTON OF THE PROPERTY OF T
27.	Dranciang, king Betelyp	BCC (CC)	Student	arancional
28.	Ratroner, Jasnil	BCC (CIC)	Ardet	100
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30.	Portillo, Jocelyn C	poc (ac)	student	-
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34.	Soliantes Kenvin C.	BCC	Sto dent	age.
35.	Galla, Janelle Jaye	BCC	Student	Salla
36.	REGIS, VON LYNNER	BCC	STUDENT	(3)
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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 25-09, Series of 2025 of the Sangguniang Bayan of Burauen, Leyte, entitled, "An Ordinance Adopting Republic Act No. 11313, entitled, "An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training, Institutions, Providing Protective Measures", Otherwise Known as the "Safe Spaces Act" and Its Implementing Rules and Regulations and Prescribing Penalties Therefor for Local Implementation in the Municipality of Burauen, Province of Leyte", was enacted on March 17, 2025, approved on even date, and has been posted in two (2) conspicuous and publicly accessible places of the municipality from March 19, 2025 to April 8, 2025, in compliance with Section 59, paragraph (b) of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

Burauen, Leyte, April 14, 2025.

ATTY RUPEJANE S. TAN Secretary to the Sanggunian

