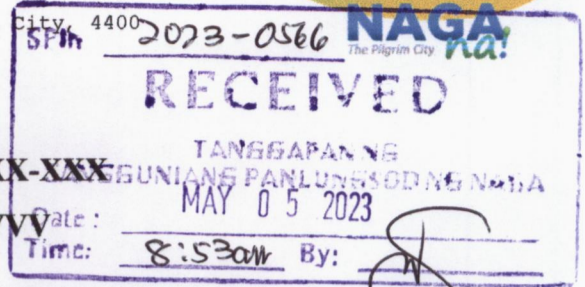




Republika ng Pilipinas
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PROPOSED ORDINANCE NO. XXXX-XXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

AN ORDINANCE PROHIBITING GENDER-BASED SEXUAL HARASSMENT IN STREETS AND PUBLIC PLACES, MANDATING THE IMPLEMENTATION OF COMPREHENSIVE AND SUSTAINABLE PROGRAM TO PREVENT, RESPOND AND ELIMINATE THE SAME, APPROPRIATING FUNDS THEREFOR AND PROVIDING PENALTIES FOR VIOLATION THEREOF :-

Introduced by Sentro ng Alternatibong Lingap Panlegal (SALIGAN) and Naga City Council for Women (NCCW)

Sponsored by: Hon. Gilda Gayle R. Abonal-Gomez *gm*

WHEREAS, an overwhelming 88% of women aged 18 to 24 years old experienced sexual harassment in the streets. While wolf-whistling and catcalling are the more common cases, other forms of sexual harassment include lascivious language, stalking, rubbing or touching, indecent gestures, exhibitionism and public masturbation. 58% of these incidents take place on the streets and small alleys, in public vehicles, public washrooms, schools, and workplaces;

WHEREAS, in a report under the Safe Cities and Safe Public Spaces, a UN Women Global Flagship Programme Initiative, harassment in public spaces reduces women’s and girl’s freedom of movement, limits their ability to participate in school, work and public life, limits access to essential services and their enjoyment of cultural and recreational opportunities and also negatively impacts their health and well-being;

WHEREAS, in harmony with the policy of the State to value the dignity of every human person and guarantee full respect for human rights, the 1987 Philippine Constitution recognizes the role of women in nation-building and ensures the fundamental equality before the law of women and men;

WHEREAS, the Magna Carta of Women, condemns discrimination against women in all its forms and mandates to pursue by all appropriate means and without delay the development of plans, policies, programs, measures, and mechanisms to address discrimination and inequality in the economic, political, social, and cultural life of women and men in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international instruments consistent with Philippine law;

WHEREAS, despite development in terms of policies and programs on gender equality and the extent of its effect on the victim-survivor, street harassment continues to affect an overwhelming majority of Filipinas and LGBT persons daily, and, yet it remains a neglected issue in our community;

WHEREAS, Republic Act No. 11313 or the Safe Spaces Act penalizes gender-based street and public spaces harassment and mandates all local government units, through DILG and PCW JMC No. 2013-01, to pass an ordinance enforcing the provisions of the law against gender-based sexual harassment in streets and public places;

WHEREFORE, the City Government of Naga hereby declares as its policy to provide equality, security and safety to both men and women in both private and public spaces by prohibiting gender-based sexual harassment in streets and public spaces, mandating

Be it ordained by the Sangguniang Panlungsod ng Naga that:

SECTION 1. **TITLE.** - This Ordinance shall be known as the "**SAFE SPACES ORDINANCE**".

SECTION 2. **PURPOSE.** - This Ordinance is enacted to implement the primary responsibilities of the City Government of Naga in enforcing the pertinent provisions of Republic Act No. 11313 or the Safe Spaces Act and to provide measures to prevent and respond to gender-based sexual harassment in public spaces and streets.

SECTION 3. **DEFINITION OF TERMS.** - The following terms as used in this Act shall be defined as follows:

- 3.1. **Catcalling** refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- 3.2. **Common carrier/public utility vehicle**¹
- 3.3. **Gender** identity and/or expression refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behaviors 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;
- 3.4. **Homophobia** refers to an irrational fear, hatred, and intolerance of being in close

¹ Refer to the local ordinance providing definition for common carrier or public utility vehicle.

quarters with homosexual men and women.²

- 3.5. **Local GAD Focal Point System (LGFPS)** refers to an interacting and interdependent group of people in all government instrumentalities tasked to catalyze and accelerate gender mainstreaming. It is a mechanism established to ensure and advocate for, guide, coordinate and monitor the development, implementation, review and updating of their GAD Plans and GAD-related programs, project and activities³.
- 3.6. **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, theatres and spas;
- 3.7. **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;

CHAPTER 1. GENDER-BASED SEXUAL HARASSMENT. Prohibition, Exception and Penalty

SECTION 4. GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT (GBSH), PROHIBITION. Gender-based streets and public spaces sexual harassment committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks, which shall include the following, among others, are hereby prohibited:

- 4.1. Catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs;
- 4.2. Persistent uninvited comments or gestures on a person's appearance;
- 4.3. Relentless requests for personal details;
- 4.4. Statement of sexual comments and suggestions;

² O'Brien, Jennifer, "The Dangers of Homophobia", Psychology Today, 2017) <https://www.psychologytoday.com/intl/blog/all-things-lgbtq/201712/the-dangers-homophobia>

³ PCW MC No. 2011-01, Guidelines for the creation, strengthening and institutionalization of the GAD Focal Point Stem and PCW-DILG-DBM-NEDA JMC NO. 2013-01, Guidelines on the Localization of the Magna Carta of Women

4.5. Public masturbation or flashing of private parts, groping, making offensive body gestures at someone, and other similar lewd sexual actions;

4.6. Any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, which may include cursing, leering and intrusive gazing and taunting;

4.7. Persistent telling of sexual jokes, use of sexual names; and

4.8. Stalking

Provided, that any of said acts are committed in public spaces such as alleys, roads, sidewalks and parks or in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles and in such other places defined under SECTION 3, par. 3.6. of this Ordinance.

SECTION 5. EXCEPTIONS. The following acts are not considered GBSH and shall, therefore not be penalized under this Ordinance:

5.1. Breastfeeding in public;

5.2. Wearing of traditional attires that may show partial nudity; or

5.3. Other acts⁴ that are legitimate expression of indigenous culture and tradition, provided that such expressions of indigenous culture and tradition do not discriminate against women, girls, and persons of diverse sexual orientations and gender identities and expressions.

SECTION 6. PENALTY. Any person found violating any of the acts mentioned in the immediately preceding section shall be penalized as follows:

6.1. For acts such as cursing; wolf-whistling; catcalling; leering and intrusive gazing; taunting; unwanted invitations misogynistic, transphobic, homophobic and sexist slurs; persistent unwanted comments on one's appearance; relentless requests for one's personal details such as name, contact and social media details or destination; the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression; 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,

First Offense: Fine of one thousand (₱1,000) and a reprimand to be given by the Chairperson of the LGFPS;

⁴ The LGU can add into the enumeration other culture and tradition being practised in their respective jurisdiction.

Second Offense: Imprisonment of six to ten days or a fine of three thousand pesos (₱ 3,000)

Third Offense: Imprisonment of eleven to thirty days and a fine of ten thousand pesos (₱ 10,000)

Provided, that in all instances the offender shall render twelve (12) hours community service inclusive of attendance to a Gender Sensitivity Training to be conducted by the LGFPS.

6.2. 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,--

First Offense: Fine of ten thousand pesos (₱ 10,000) and a reprimand to be given by the Chairperson of the LGFPS;

Second Offense: Imprisonment of eleven to thirty days or a fine of fifteen thousand pesos (₱ 15,000)

Third Offense: Imprisonment of one month and one day to six months and a fine of twenty thousand pesos (₱ 20,000).

Provided, that in all instances the offender shall render twelve (12) hours community service inclusive of attendance to a Gender Sensitivity Training to be conducted by the LGFPS;

6.3. For acts such as stalking, and any of the acts mentioned in SUBSECTION 6.1. of this Ordinance, 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 SUBSECTION 6.1,

First Offense: Imprisonment of eleven to thirty days or a fine of thirty thousand pesos (₱ 30,000)

Second Offense: Imprisonment of one month and one day to six months and a fine of fifty thousand pesos (₱ 50,000).

Third Offense: Imprisonment of six months and a fine of one hundred thousand pesos (₱ 100,000).

Provided, that in all instances the offender shall render twelve (12) hours community service inclusive of attendance to a Gender Sensitivity Training to be conducted by the LGFPS;

However, if the act committed resulted to any of the crime penalized under Republic Act No. 3815 otherwise known as Revised Penal Code, or under Republic Act No. 7610 otherwise known as the Special Protection of Children Against Child Abuse, or under Republic Act No. 9262 otherwise known as the Anti-Violence Women and their Children Act, the same shall be prosecuted therein.

6.4. For purposes of implementing the community service, the CSWDO in coordination with the NCCW shall develop guidelines and specific programs that will help the offender develop respect for human rights and gender sensitivity. Provided, that the CSWDO, together with the NCCW and VAWC Desk in the barangay where the offender resides shall supervise the community service.

SECTION 7. GBSH, WHEN COMMITTED IN COMMON CARRIERS OR PUBLIC UTILITY VEHICLES. When GBSH is committed in a tricycle, pedicab or motorized pedicab registered in the city/municipality by its operator, driver or driver-operator, the same shall constitute a ground for the revocation/suspension of the License to Operate of the tricycle, pedicab or motorized pedicab where the GBSH was committed. This penalty is in addition to the one provided under SECTION 6 imposed upon individuals who is found guilty of committing any of the acts constituting GBSH.

7.1. The City Transport Committee shall take the lead in implementing this provision. It shall closely coordinate with the VAWC Desk in keeping track of complaints filed against operators, driver-operators or operators for commission of any of the acts constituting GBSH.

CHAPTER 2. MECHANISMS TO PREVENT, RESPOND AND

ELIMINATE GBSH

SECTION 8. GENDER SENSITIVITY ORIENTATION, REQUIREMENT FOR THE ISSUANCE OF FRANCHISE AND LICENSE TO OPERATE TRICYCLE, PEDICAB AND MOTORIZED PEDICAB. In addition to the requirements set under Ordinance No. 93-049 for the application of a new franchise for a tricycle, pedicab or motorized pedicab operating within the city/municipality or a renewal thereof, a certification that the operator and driver of the unit for which the franchise is being applied or renewed has completed the orientation on gender sensitivity and pertinent laws protecting women, girls, and persons of diverse sexual orientations and gender identities and expressions against violence and discrimination shall be required. The certification shall be required annually at the same time the application/renewal of franchise is made until the operator and driver has completed the module referred to in SECTION 12, paragraph 12.1. Toward this end, the following shall be undertaken

by the city government:

8.1. The Naga City Council for Women (NCCW), being the City's Local GAD Focal Point System (LGFPS) through Executive Order 2017-010, shall create, as one of its technical working groups, a pool of trainers who shall conduct regular gender sensitivity orientation and trainings on pertinent laws protecting women, girls, and persons of diverse sexual orientations and gender identities and expressions against violence and discrimination, including this Ordinance, the Safe Spaces Act and its Implementing Rules and Regulations;

8.2. The NCCW shall issue a certificate of completion to the operator and driver once they have completed the designed topics required for the calendar year;

8.3. The module for the training-orientation shall be developed under SECTION 12 of this Ordinance;

8.4. The certificate of completion, which is an added documentary requirements under Ordinance No. 93-049, shall be presented to the Trimobile Task Force. Should the requirements be found complete, a license plate shall be issued to the operator and a "No to BASTOS" sticker described under SECTION 12, paragraph 12.3. of this Ordinance shall, likewise be given and required to be placed in a visible area inside the PUV.

SECTION 9. PUTTING-UP OF ANTI-SEXUAL HARASSMENT MEASURES IN PRIVATELY OWNED PLACES OPEN TO THE PUBLIC, REQUIREMENT FOR THE ISSUANCE OF BUSINESS PERMIT. Pursuant to the requirements for all restaurants, cafes, bars and clubs, resorts and water parks, hotels and casinos, cinemas, malls, buildings and other privately owned places operating within the city to adopt a zero-tolerance policy against GBSH, a certification issued by the LGFPS that the owner of the mentioned establishments has complied with the measures enumerated herein shall be required in addition to the other requirements for the application of and renewal of business permits. The certificate of compliance shall be given to the owner of the business establishment after it has been cleared by the joint inspection team⁵.

9.1. Installation of Close Circuit Television (CCTV) System. All restaurants, cafes, bars and clubs, resorts and water parks, hotels and casinos, cinemas, malls, buildings and other privately owned places operating within the city are required to install a high resolution CCTV camera, maintain the same in proper working order at all times and meet the minimum technical specifications set by this Ordinance. Provided the requirement of the rights to privacy is complied with.

In cases where the establishment referred to here is leased to one or more tenants, it is the responsibility of the LESSOR to install a CCTV camera on the common area, and the LESSEE shall also install a CCTV camera within its leased premises.

9.1.1. The joint inspection team shall be responsible for monitoring the compliance with the requirement of this subsection. A clearance shall be issued and a special designed sticker shall be posted by the inspection team on the establishment upon finding that it has complied with the requirement herein along with the other required measures under SECTION 9. The clearance shall be presented to the NCCW who shall in turn issue the certificate of compliance required to be presented to the Business Permits and Licensing Office as a mandatory requirement for the issuance or renewal of the business permit to operate.

9.1.2. The joint inspection team shall conduct regular monitoring to determine compliance of the required specification and operation of the CCTV system in the establishments. An establishment found to be in violation shall be given a citation and 30 days after the inspection to comply with the same. Failure to comply with the citation shall be deemed a violation of this Ordinance and shall be a ground for the revocation or cancellation of the business permit.

9.1.3. If a violation has occurred at the premises of the establishment or if the CCTV operator, the Anti-Sexual Harassment Officer or the owner of the establishment has reason to believe that a violation has been committed and has been recorded by the CCTV, he or she shall immediately contact the nearest police station and shall provide access to the pertinent recordings to the police and other investigators.

9.1.4. The daily video recording must be preserved for a period of not exceeding one (1) year for review and reference purposes, after which the same must be deleted. Provided, that if the footage is made a subject of an existing investigation or a case, the same shall be preserved until a full and faithful reproduction is made by law enforcement agencies or until the termination of the case.

9.1.5. The manager/owner of the establishment shall maintain the privacy of individuals and confidentiality of the video recordings obtained. As such, no use, viewing, copying, disclosure or publication of such recordings shall be made unless, the same is ordered by the court or other body with competent jurisdiction.

9.2. Designation of Anti-Sexual Harassment Officer (ASHO) and putting in place facilities and mechanisms to address GBSH committed in the establishment. All

establishments mentioned in 9.1. with at least five (5) number of employees shall provide the facility described hereunder and designate at least one (1) ASHO who shall perform the functions enumerated under 9.2.1. Provided, that the ASHO must be competent and knowledgeable on gender-based sexual harassment and on the appropriate assistance to be provided to victims.

9.2.1. The ASHO shall perform the following functions:

9.2.1.1. Receive complaints of sexual harassment committed within their premises and assess whether immediate medical attention is needed. If so, accompany the victim to the nearest medical facility;

9.2.1.2. Provide appropriate assistance to victims of gender-based sexual harassment, such as, assessing the risk and immediate need of the victim, coordinating with local police authorities immediately after gender-based sexual harassment is reported and accompanying the victim to other agencies which can provide the necessary assistance needed. Toward this end, the ASHO shall develop a protocol that will speedily and effectively address reports and/or complaints of GBSH committed in their establishment in accordance with the city's referral and support mechanism;

9.2.1.3 Preserve evidence related to any complaint or report of gender-based sexual harassment, including CCTV footage, and providing access to the same when so ordered by the appropriate authorities;

9.2.1.4. Ensure that the establishment is a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment as soon as it happens. This may be done by:

9.2.1.4.1 Maintaining, within the establishment, a secure and private area where the victim can narrate the relevant events and, whenever possible, provide an online platform for reporting gender-based sexual harassment; and

9.2.1.4.2. Installing, posting and maintaining in their business establishments clearly visible warning signs against gender-based sexual harassment, including the anti-sexual harassment hotline number(s) of the city and the contact number of the nearest police station, in bold letters; *Provided*, that the warning signs must be readable, written in a language that is understandable by customers, and placed in a conspicuous area

within the vicinity of the establishment;

9.2.2. The joint inspection team shall be responsible for monitoring the compliance with the requirements of this subsection. A clearance shall be issued and a specially- designed sticker shall be posted by the inspection team on the establishment upon finding that it has complied with the requirement herein along with the other required measures under SECTION 9. The clearance shall be presented to the NCCW who shall in turn issue the certificate of compliance required to be presented to the Business Permits and Licensing Office as a mandatory requirement for the issuance or renewal of the business permit to operate.

9.2.3. An establishment who failed to comply or found to be in violation hereof shall be given a citation and 30 days after the inspection to comply with the same. Failure to comply with the citation shall be deemed a violation of this Ordinance and shall be a ground for the revocation or cancellation of the business permit.

9.3. EXPANSION OF MEMBERSHIP OF THE JOINT INSPECTION TEAM. In order to ensure that a gender perspective is applied in the inspection and monitoring of the Anti-Sexual Harassment Measures required of privately owned places open to public, the membership of the joint inspection team is hereby expanded to include one (1) representative each from the NCCW and civil society organization working for the interest of women and/or persons of diverse sexual orientations and gender identities and expressions.

SECTION 10. LOCAL PNP WOMEN AND CHILDREN PROTECTION DESKS (WCPD). Any Anti-Sexual Harassment Enforcer (ASHE), ASHO, security guard, or any other officer or person who receives a complaint for sexual harassment under this Ordinance, unless covered by the *Katarungang Pambarangay*, or who apprehends a person committing sexual harassment shall immediately refer the complaint or bring the person apprehended to the WCPD of the nearest PNP station for appropriate action.

SECTION 11. KATARUNGANG PAMBARANGAY. Any ASHE, ASHO, security guard, or any other officer or person who receives a complaint for sexual harassment shall only refer the complaint to the *Lupong Tagapamayapa* if the same falls strictly within the coverage of the *Katarungang Pambarangay*.

11.1. The following cases of sexual harassment are not covered by the *katarungang pambarangay* and shall be referred to the local PNP WCPD or to the proper officer or court for appropriate action:

11.1.1. Offenses under the Anti-Sexual Harassment Act of 1995;

11.1.2. Offenses under the Safe Spaces Act, other than the first and second offenses in Section 11 (a) of the Act and when the same is committed in the context of violence under RA No. 9262;

11.1.3. Violations of ordinances punishable by imprisonment exceeding one year or a fine exceeding P5,000.00;

11.1.4. Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;

11.1.5. Disputes involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate *lupon*;

11.1.6. Other cases not covered by the *katarungang pambarangay* under the Local Government Code and other relevant laws, rules, and regulations.

11.2. The parties may opt to go directly to court in the following instances:

11.2.1. Where the accused is under detention;

11.2.2. Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;

11.2.3. Where actions are coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support *pendente lite*; and

11.2.4. Where the action may otherwise be barred by the statute of limitations.

11.3. The customs and traditions of indigenous cultural communities shall be applied in settling disputes between members of the cultural communities.

SECTION 12. EDUCATION AND AWARENESS CAMPAIGN. The NCCW is hereby tasked to take the lead in the education and awareness campaign of Republic Act No. 11031 or the Safe Spaces Act and this Ordinance. As such, the following shall be undertaken:

12.1. Develop a training module that will be used in conducting capacity building and training activities for local government personnel tasked to enforce and implement this Ordinance, such as traffic enforcers, designated Anti-Sexual Harassment Enforcers (ASHEs),

members of the Lupong Tagapamayapa, ASH Desk officers, volunteers and other private individuals or entities required under this Ordinance to undergo gender sensitivity orientation and capacity building on Safe Spaces Act and other pertinent laws protecting women, girls, and persons of diverse sexual orientations and gender identities and expressions against violence and discrimination. The module shall be developed in consultation with women, business establishments, labor organizations, LGBTQ+ organizations, CSOs working for the interest of women and LGBTQ+ and other stakeholders.

12.2. Create, as one of its technical working groups, a pool of trainers who shall conduct the capacity building or training orientation⁶ of the module described in 12.1.;

12.3. Develop and produce, together with the Local School Board (LSB), City Events Protocol and Public Information Office (CEPPIO) and IT Office, information education and communication (IEC) materials that will raise awareness of and condemn against gender-based sexual harassment, inform about the prohibited acts and penalties for committing the same and promote the reporting/referral mechanisms and hotline numbers as provided for under SECTION 15 of this Ordinance. The IEC materials shall be in print, such as leaflets, posters and stickers, among others, and accessible through broadcast and social media platforms and the same must be in the local dialect or in Filipino.

Every barangay in the city, through its ASH/VAWC Desk shall produce, distribute and post in conspicuous places copies of the IEC materials mentioned above, including copies of the Safe Spaces Act and pertinent laws protecting women, girls, and persons of diverse sexual orientations and gender identities and expressions against violence and discrimination.

12.4. Take the lead in facilitating or ensuring that the required capacities mentioned in SECTION 13.2 of this Ordinance are complied with by the designated ASHs.

12.5. Take the lead in implementing initiatives developed by the PCW and DILG in raising national awareness and such other responsibilities that may be identified by the PCW and DILG.

12.6. Together with the designated ASH Desk Officer of the city, provide assistance to private establishments required to develop a protocol in addressing GBSH as required under SECTION 9 and how the same can be linked to the city's referral and support mechanism.

SECTION 13. DESIGNATION OF ANTI-SEXUAL HARASSMENT OFFICER (ASHO). In order to respond to GBSH in streets and public spaces, the city government hereby

designates the Public Safety Office⁷ and barangay tanods as Anti-Sexual Harassment Enforcers (ASHEs).

13.1. The Public Safety Office as primarily responsible to take charge of GBSH committed in public utility vehicles, major streets, public places and privately owned places open to public and located in the major street of the city/municipality, and the Barangay Tanods, as primary responder of GBSH committed in road, streets, alley, public places within the barangay shall perform the following functions:

13.1.1. Immediately apprehend persons committing sexual harassment on the streets, in accordance with the applicable rules on arrests, with the duty to immediately bring them to the PNP station which has a jurisdiction over the complaint.

13.1.2. Receive complaints of sexual harassment and immediately refer the same under the Referral and Support Mechanism mentioned under SECTION 15 of this Ordinance, by personally accompanying the victim to the PNP Anti-Sexual harassment Desk of the city. Provided, that, confidentiality shall at all times be observed;

13.1.3. Keep a ledger of offenders, together with the WCPD of PNP stations;

13.1.4. Issue tickets to offenders for the payment of fines, when proper;

13.1.5. Assist the local unit of the Philippine National Police (PNP) and the Women and Children Protection Desk (WCPD) in the exercise of their functions under RA No. 11313; and

13.1.6. Perform such other functions for the effective enforcement of the law against sexual harassment.

13.2. The ASHEs referred herein shall undergo gender sensitivity training, which shall cover topics, among others, gender, sexual orientation, gender identity, gender expression, sources of discrimination, the roles of different institutions in society in perpetuating discrimination, sexual orientation, gender identity, gender expression, the different manifestations of discrimination, including sexual harassment, and the solutions to minimize or eliminate such forms of discrimination.

SECTION 14. INSTALLATION OF CCTV CAMERAS IN THE CITY GOVERNMENT. To aid in the filing of cases and gathering of evidence, the city government

shall set up and operate CCTV cameras, as required through Ordinance No. 2017-089, in areas mentioned in paragraph 14.1.

14.1. CCTV cameras shall be installed and operated in the following areas:

14.1.1. Portions of national primary, secondary, and tertiary roads and the appurtenant sidewalks which are within its territorial jurisdictions. Provided, that such portions of the roads which ordinarily have high pedestrian traffic shall be prioritized.

14.1.2. In all major roads, alleys, and sidewalks in the city

14.2. All barangays within the city are encouraged to set-up and operate a CCTV system in barangay roads, public streets, alleys and sidewalks within its jurisdiction. Toward this end, the city/municipal government shall

14.3. The Public Safety Office shall be in charge with the implementation of this provision. In particular, it shall perform the following functions:

14.3.1 Determine and validate the specific location where the CCTV cameras will be installed and keep the same in good working condition;

14.3.2. Keep the daily video recording with a digital format and preserve the same for a period of at least one (1) year for the purpose of providing surveillance in the service of law enforcement and crime prevention within the city. After such period, the data shall be deleted.

14.3.3. Maintain the confidentiality of the video feeds and recordings obtained. Toward this end, the PSO shall ensure that no use, viewing, copying, disclosure or publication of the video feeds and recordings shall be made except for purposes mentioned in 14.2.3. and for other legitimate purpose it may serve upon written order of any court or body with competent jurisdiction.

SECTION 15. ESTABLISHMENT OF REFERRAL AND SUPPORT MECHANISM

15.1. ***The Anti-Sexual Harassment (ASH) Desk.*** For purposes of expediting the receipt and processing of complaints and reports of sexual harassment in the city will create an Anti-Sexual Harassment (ASH) Desk which shall exercise the functions enumerated in 15.1.1.

15.1.1. The ASH Desk shall have the following functions:

15.1.1.1 Receive, document, and respond to complaints and reports of sexual harassment brought to them;

15.1.1.2. Refer cases to the local PNP women and children's desk, the PNP Women and Children Protection Desk (PNPWCPD), the PNP Anti-Cybercrime Group (PNPACG), or the *Lupong Tagapamayapa* of the barangay where the victim-survivor or the perpetrator reside, as appropriate;

15.1.1.3. Immediately inform the CSWDO of complaints and reports of sexual harassment involving minors;

15.1.4. Record the number of sexual harassment cases received and referred by the desk and submit a quarterly report to the DILG City Field Office and the CSWDO;

15.1.5. Keep case records confidential and secure and ensure that only authorized personnel have access to these records

15.1.6. Assist victims in drafting statements and securing testimonial, documentary, and object evidence, when necessary;

15.1.7. Facilitate access of victims to the services available to them as provided by the city government and by the national government agencies (NGAs);

15.1.8. Coordinate with and refer cases to the appropriate government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary;

15.1.9. Assist in the formulation and update of local policies and mechanisms, as well as educational and awareness campaigns, in addressing sexual harassment and implementing the provisions of the Safe Spaces Act; and

15.1.10. Perform other related functions as may be assigned.

15.1.2. The ASH Desk is created as one of the technical working group of the NCCW which shall be composed of representatives from the following offices and organizations and shall be designated by the City Mayor as ASH Desk Officers:

15.1.2.1. Secretariat of the Naga City Council for Women

15.1.2.2. City Social Welfare Office

Desk

15.1.2.3. Philippine National Police -Women and Children Protection

15.1.2.4. Public Safety Office

15.1.2.5. Naga City People's Council Representative from Women Sector

15.1.2.6. Naga City People's representative from LGBTQ+ Sector

15.1.3. **ASH Desk Officers.** The ASH Desk Officer shall have the following qualifications:

15.1.3.1. Trained to be gender-responsive and gender-sensitive, knowledgeable about gender-based violence and the different forms of sexual harassment, and oriented on gender equality and the diversity of sexual orientations and gender identities and expressions;

15.1.3.2. Familiar with appropriate ways to handle cases of gender-based violence and sensitive to the needs of victims and complainants in each possible scenario;

15.1.3.3. Acquainted with cases that may be brought to the ASH Desk that could be covered by other laws, including but not limited to the following:

15.1.3.3.1. Anti-Sexual Harassment Act (R.A. No. 7877);

15.1.3.3.2. Anti-Violence Against Women and their Children (R.A. No. 9262);

15.1.3.3.3. Anti-Photo and Video Voyeurism Act (R.A. No. 9995);

15.1.3.3.4. Anti-Child Pornography Act (R.A. No. 9775);

15.1.3.3.5. Special Protection of Children Against Abuse, Exploitation, and Discrimination Act (R.A. No. 7610);

15.1.3.3.6. Anti-Trafficking in Persons Act (R.A. No. 9028);

15.1.3.3.7. Provisions of the Revised Penal Code which are related to gender-based violence; and

15.1.3.3.8. Relevant provisions of the Family Code.

15.1.3.4. Well-informed about all the remedies provided for under the law, as well as the services of LGUs and NGAs for victims, including psychological counselling support services; and

15.1.3.5. Such other qualifications as may be required of VAW desk officers under existing laws, rules, and regulations and as may be deemed relevant to the functions of an ASH Desk Officer.

15.1.3.6. All barangays in the city are enjoined to establish their respective ASH Desk and perform the same functions and tasks as the ASH Desk in city. Toward this end, the Violence Against Women (VAW) Desks in every barangay shall also serve as ASH Desk in their respective jurisdiction while continuing their functions as VAW Desk.

15.1.4. ***Anti-Sexual Harassment Hotline.*** The Bawal ang Bastos Call and Text Hotline is hereby established in the City and shall exercise the functions enumerated under 15.1.4.1

15.1.4.1. The hotline shall have the following functions, among others:

15.1.4.1.1 Receive complaints and reports of sexual harassment and respond to urgent situations as necessary;

15.1.4.1.2. Refer cases to the CSWDO, the PNP WCPD the PNPACG, or the *Lupong Tagapamayapa*, as appropriate;

15.1.4.1.3. Respond to questions related to the Safe Spaces Act and other related laws, ordinances, rules, and regulations;

15.1.4.1.4. Inform victims and complainants of the remedies available to them under the law;

15.1.4.1.5. Maintain and update a database on complaints and reports conveyed or sent through the hotline via call or SMS; and

15.1.4.1.6. Perform other related functions as may be assigned.

15.1.4.2. The Naga City Police Office and the Public Safety Office shall be the offices in charge of implementing the mandates of this provision. Within 60 days from the effectivity of this Ordinance, the PSO shall designate Bawal ang Bastos Hotline Responders which shall be composed of personnel from their office and volunteers coming from civil society organizations or people's organization working for the interest of women girls, and persons of diverse sexual orientations and gender identities and expressions. The responders shall undergo the appropriate training and must be fully informed of all the forms of assistance for victims and complainants available in the city/municipality and in other government agencies. The following guidelines shall be strictly observed:

15.1.4.2.1. The hotline responders shall receive calls through the hotline 24 hours a day and seven days a week;

15.1.4.2.2. The hotline shall be toll-free;

15.1.4.2.3. Written records made of such calls or messages shall be kept confidential, secured and preserved for at least one (1) year. As such the responders shall ensure that no use, viewing, copying, disclosure or publication of such written records shall be made unless, the same is ordered by the court or other body with competent jurisdiction; and

15.1.4.2.4. Regular information dissemination of the Anti-Bastos Call and Text Hotline shall be made in every barangay, public and private offices, establishments and schools within the city.

15.1.5. **Psychological counseling.** The city government, through the NCCW and the ASH Desk, shall within ninety (90) days from the effectivity of this Ordinance, coordinate with the Naga City Mental Health Advisory Board on how to engage private mental healthcare providers, counselors, social workers, NGOs, and other private service providers to formulate an efficient referral system for psychological counselling services for GBSH victim-survivors and the perpetrators, when appropriate.

CHAPTER 3. REPORTING AND AUDIT REQUIREMENTS

SECTION 16. REPORTING AND AUDIT UNDER JMC NO. Pursuant to the reporting and audit requirement under and for purposes of monitoring and evaluation of the implementation of this Ordinance, the Monitoring and Evaluation team of the NCCW shall perform the following:

16.1. Keep a list and copies of the following documents to be submitted to the Regional Office of the DILG and the PCW within the period prescribed:

16.1.1. Ordinances and other local policies related to sexual harassment in force within the city;

16.1.2. Documentation of the measures taken and the initiatives developed by the city in implementing the mandates of this Ordinance and the Safe Spaces Act and its Implementing Rules and Regulation;

16.2. Conduct an audit of all barangays within the jurisdiction of the city government on the implementation of this Ordinance, the Safe Spaces Act and its Implementing Rules and Regulation. For this purpose,

16.2.1. Every barangay shall submit implementation reports (IRs) containing the indicators required under this Ordinance to the city NCCW M&E Teams within the first quarter of every year.

16.2.2. The NCCW M & E Team shall give a copy of the findings and/or evaluation report to the barangay within thirty (30) days from receipt of the IRs.

SECTION 17. IRs AND SARs INDICATORS. The IRs and SARs required to be submitted to the city NCCW M&E shall employ the following indicators, where applicable:

17.1. Number of complaints for sexual harassment received by local PNP offices, ASHEs, ASHOs in private establishments, local ASH Desks, and local ASH Hotlines, and the actions taken thereon;

17.2. Number of persons detained and number of persons apprehended for sexual harassment, categorized into arrests based on warrants and warrantless arrests;

17.3. Number of persons who attended gender sensitivity seminars after being found guilty of the crime of gender-based streets and public spaces sexual harassment;

17.4. Number of sexual harassment cases referred to the *lupong tagapamayapa*;

17.5. Number of ASHEs in proportion to local population;

17.6. Number of private establishments accessible to the public and number of those which have installed warning signs, designated ASHOs, installed CCTV cameras, and developed protocols to address gender-based sexual harassment;

17.7. List of locations where copies of the Safe Spaces Act and its counterpart ordinances are posted;

17.8. List of locations of CCTV cameras in the city and in the barangays;

17.9. List of roads, alleys, and sidewalks and portions thereof which are not covered by CCTV cameras;

17.20. Existence of ASH Hotlines;

17.21. List of ASH Desks in the city and list of barangays with and without ASH Desks;

17.22. Number of requests for psychological counselling received by LGUs and the actions taken thereon; and

17.23. Other relevant indicators as may be required by the DILG.

SECTION 18. MULTISECTORAL PARTICIPATION. In the conduct of safety audits and the preparation of IRs and SARs, the each barangay's council for women and the NCCW M&E Teams shall involve the participation of representatives from the following:

18.1. Schools, including Local Universities and Colleges (LUCs) and State Universities and Colleges (SUCs);

18.2. Private business establishments;

18.3. Labor unions and workers' associations;

18.4. Local PNP offices; and

18.5. Civil society organizations (CSOs) actively working on issues affecting women and lesbian, gay, bisexual, and transgender (LGBT) persons, especially on gender-based violence.

CHAPTER 4. FINAL PROVISIONS

SECTION 19. ADMINISTRATIVE LIABILITY. Any public official or employee tasked to perform specific function/s under this Ordinance who shall fail or refuse, without justifiable reason, to perform such function/s shall be proceeded with administratively.

SECTION 20. FUNDING. All mechanisms, awareness campaigns, training activities, and other related initiatives under this Ordinance, including the establishment and operation of ASH Desks and hotlines, may be charged against the GAD budget of the city and the barangays.

The city, including the barangay, may also utilize for this purpose the mandatory twenty percent (20%) allocation in their annual IRAs for local development projects as provided for under the Local Government Code.

SECTION 21. REPEALING CLAUSE. All ordinances, resolutions, memorandum circulars, rules and regulations inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

SECTION 22. SEPARABILITY CLAUSE. If for any reason any section or provision of this Ordinance 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 23. EFFECTIVITY. This Ordinance shall take effect fifteen days from its publication in a newspaper of general circulation.