





**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 to implement a comprehensive and sustainable program that would prevent, respond and eliminate such harassment with corresponding penalties and budgetary requirements.

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. **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;
- 3.2. **Common carriers or public utility vehicles** refer to persons, corporations, firms, or associations engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation, offering their services to the public.
- 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. **Catcalling** refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- 3.5. **Homophobic remarks or slurs** are any statements in whatever form or however delivered, which are indicative of fear, hatred, or aversion towards persons who are perceived to be or actually identified as lesbian, gay, bisexual, queer, pansexual, and such other persons of diverse sexual orientation, gender identity or expression, or towards any person perceived to or actually have experienced same-sex attraction.
- 3.6. **Misogynistic remarks or slurs** are any statements in whatever form or however delivered that are indicative of the feeling of hating women or the belief that men



- are inherently better than women.
- 3.7. **Sexist remarks or slurs** are statements in whatever form or however delivered that are indicative of prejudice, stereotyping, or discrimination on the basis of sex, typically against women.
- 3.8. **Transphobic remarks or slurs** are any statements in whatever form or however delivered that are indicative of fear, hatred, or aversion towards persons whose gender identity and/or expression do not conform with their sex assigned at birth.
- 3.9. **Stalking** refers to conduct directed at a person involving 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;
- 3.10. **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, projects and activities. The Naga City Council for Women (NCCW) is designated as the City's Local GAD Focal Point System (LGFPS) through Executive Order 2017-010.

**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;
- 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 are unwanted and have 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 acts that are legitimate expressions 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 (P1,000) and a reprimand to be given by the Chairperson of the LGFPS;

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

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

Provided, that in all instances the offender shall render twelve (12) hours of 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 (P 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 in 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 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.

*to the same may also be prosecuted.*

- 6.4. For purposes of implementing the community service, the City Social Welfare and Development Office (CSWDO) in coordination with the LGFPS 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 LGFPS 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 by its operator, driver, or driver-operator, the same shall constitute a ground for the revocation/suspension of the License to Operate 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 are found guilty of committing any of the acts constituting GBSH.

7.1. The City's Committee on Transportation shall oversee the implementation of this provision. It shall closely coordinate with the PNF or VAWC Desk in keeping track of complaints filed against operators, driver-operators, or operators for the 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 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 or renewal of the franchise is made until the operator and driver have 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 Local GAD Focal Point System (LGFPS) shall create, as one of its technical working groups, a pool of trainers who shall conduct regular gender sensitivity orientation and training 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 LGFPS 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 requirement 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, A REQUIREMENT FOR THE ISSUANCE OF BUSINESS PERMITS.** Pursuant to the requirement for all restaurants, cafes, bars and clubs, resorts and water parks, hotels and casinos, 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 as mandated under Ordinance No. 2004-123. The certificate of compliance shall be given to the owner of the business establishment after it has been cleared by the joint inspection team.

- 9.1. **Strict Enforcement of Section 1 of Ordinance No. 2017-089** which "requires the installation of a video camera in and outside commercial establishments, and along major thoroughfares and intersections in the City of Naga." 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 as mandated by the said ordinance.

9.1.1. The Naga City Police or the Public Safety Office shall be responsible for monitoring the compliance with the requirement of this subsection as stated in the ordinance. 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 LGFPS of the city 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 Naga City Police or the Public Safety Office shall conduct regular monitoring to determine compliance with the required specifications 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 crime has occurred at the premises of the establishment or if the CCTV operator, the ASHO, or the owner of the establishment has reason to believe that a crime 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. In an occurrence of a crime, Section 2 of the CCTV Ordinance requires that the video recordings be "stored for a period of at least ninety (90) days containing the incident shall be preserved until a) the termination of the case, or b) full and faithful reproduction is made by law enforcement agencies duly witnessed by an IT professional and a Barangay official (from the respective Barangay where the crime was committed), unless its prolonged preservation is ordered by the Court, by the City Director of the Naga City Police in connection with an ongoing investigation, or by the City Mayor."

9.1.5. The manager/owner of the establishment shall maintain the privacy of individuals and the 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/municipality'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 provide 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 city/municipality 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 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 measure under SECTION 9. The clearance shall be presented to the LGFPS of the city 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 that failed to comply or is 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 the public, the membership of the joint inspection team is hereby expanded to include one (1) representative each from the LGFPS 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 women and children's desk 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 women and children's desk 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 LGFPS of the city 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 orientation of the module described in 12.1.;
- 12.3. Develop and produce, together with the Local School Board, City Events Protocol, and Public Information Office, and Information Technology 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 ASHEs.

- 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/municipality'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 City's Public Safety Office (PSO) and Barangay Tanods as Anti-Sexual Harassment Enforcers (ASHEs).

- 13.1. The PSO 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 nearest PNP station;
- 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 Anti-Sexual harassment Desk of the city/municipality. Provided, that, confidentiality shall at all times be observed;
- 13.1.3. Keep a ledger of offenders, together with the women and children's desks 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) of the PNP 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. STRICT ENFORCEMENT OF SECTION 4 OF ORDINANCE NO. 2017-089 REQUIRING THE INSTALLATION OF VIDEO CAMERAS ALONG MAJOR THOROUGHFARES OF THE CITY.** In addition, to aid in the filing of cases and gathering of evidence, the city government shall set up and operate CCTV cameras 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 asked to set-up and operate a CCTV system in barangay roads, public streets, alleys and sidewalks within its jurisdiction. Toward this end, the city government shall ensure to achieve this purpose and if need be provide assistance to the barangays.

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 30 days 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 14.3.2 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. **Anti-Sexual Harassment (ASH) Desk.** For purposes of expediting the receipt and processing of complaints and reports of sexual harassment in the city, there is hereby created 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 Protection Desk (PNPWCPD), the PNP Anti-Cybercrime Group (PNPACG), or the *Lupong Tagapamayapa* of the barangay where the victim-survivor or the perpetrator resides, as appropriate;

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

15.1.1.4. 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;

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

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

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

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

15.1.1.9. 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

15.1.1.10. 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 city LGFPS which shall be composed of representatives from the following offices and organizations and shall be designated by the City Mayor:

15.1.2.1 Secretariat of the LGFPS

15.1.2.2 City Social Welfare and Development Office

15.1.2.3 PNP - Women and Children Protection Desk

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 Council  
representative from the LGBTQ+ sector

15.1.3. **ASH Desk Officer.** 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 counseling 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 hall. 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 local PNP women and children's desk, 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 office 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/municipality.

- 15.1.5. **Psychological counseling.** *The City government, through the LGFPS 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. 2020-001.**

Pursuant to the reporting and audit requirement under this memorandum circular and for purposes of monitoring and evaluation of the implementation of this Ordinance, the Monitoring and Evaluation team of the LGFPS 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 under JMC No. 2020-01:
- 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/municipality 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/municipal government on the implementation of this Ordinance, the Safe Spaces Act, and its Implementing Rules and Regulations. For this purpose,
- 16.2.1. Every barangay, through their GAD Focal Point System (GFPS), shall submit implementation reports (IRs) containing the indicators required under this Ordinance to the city GAD M&E Teams within the first quarter of every year.
  - 16.2.2. The GAD M&E Team of the city 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 INDICATORS.** The IRs required to be submitted to the city/municipal and provincial GAD M&E shall employ the following indicators, where applicable:



**SECTION 19. ADMINISTRATIVE LIABILITY.** Any public officials or employees 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.

- 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.

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 *Iponong 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/municipality and in the barangays;

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

17.10. Existence of ASH Hotlines;

17.11. List of ASH Desks in the city/municipality and list of barangays with and without ASH Desks;

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

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



**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.

ENACTED: October 10, 2023

xxx

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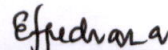
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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.




**GIL A. DE LA TORRE**

Secretary to the  
Sangguniang Panlungsod



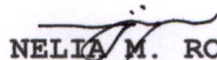
**ELSA F. PEDRASA**

Senior Citizen Secretary  
to the Sangguniang Panlungsod



**CECILIA B. VELUZ-DE ASIS**

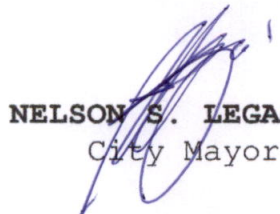
City Vice Mayor  
& Presiding Officer



**NELIA M. ROMERO**

City Senior Citizen Vice Mayor  
& Presiding Officer

**APPROVED:**



**NELSON S. LEGACION**

City Mayor 11/3/23



**EVA D. DOCTOR**

City Senior Citizen Mayor