



REPUBLIC OF THE PHILIPPINES
PROVINCE OF ZAMBALES
SANGGUNIANG BAYAN OF SAN MARCELINO

HON. ELVIS R. SORIA
Presiding Officer

HON. GERALDO D. DALUPANG
Member

HON. IRENE D. CANLAS
Member

H. MANANGAN
Member

HON. APOLINARIO A. ABELON
Member

HON. LORNA U. ILAO
Member

HON. CECILIA F. RODRIGUEZ
Member

MARLON OMAR C. RAVELA
Member

HON. MAN

RESOLUTION
No. 2014-187

**EXCERPT FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG
BAYAN, MUNICIPALITY OF SAN MARCELINO, PROVINCE OF ZAMBALES, HELD
AT THE SANGGUNIANG BAYAN SESSION HALL ON DECEMBER 3, 2014**

Present:

Hon. Elvis R. Soria
Hon. Geraldo D. Dalupang
Hon. Irene D. Canlas
Hon. George H. Manangan
Hon. Apolinario A. Abelon
Hon. Lorna U. Ilao
Hon. Cecilia F. Rodriguez
Hon. Marlon Omar C. Ravelo

Presiding Officer
Member
Member
Member
Member
Member
Member
Member

EX-OFFICIO MEMBER:

Hon. Manuel P. Arquero, Jr.

LIGA President

Absent:

Hon. Daniel L. Fabunan

On Official Business

ORDINANCE NO. 119, Series of 2014

**AN ORDINANCE ENACTING THE GENDER AND
DEVELOPMENT CODE OF SAN MARCELINO, ZAMBALES,
AND FOR OTHER PURPOSES**

WHEREAS, International Covenant on Civil and Political Rights adopted and opened for signature, ratification and accession by United Nations General Assembly Resolution 2200A (XXI) of December 16, 1966 and entered into force on March 23, 1976, in accordance with Article 49 thereof while International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by United Nations General Assembly Resolution 2200A (XXI) of December 16, 1966 and entered into force January 3, 1976, in accordance with Article 27 thereof provided the general framework on the rights of women and the disabled;

WHEREAS, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by the United Nations General Assembly on December 18, 1979 and entered into force as an international treaty on September 03, 1981 while the Convention on the Rights of Persons with Disabilities adopted by the United Nations General Assembly on

December 13, 2006 and entered into force on May 03, 2008 gave recognition and protection for women and persons with disabilities;

WHEREAS, as signatory to aforesaid treaties and international instruments the Philippines adopted thru incorporation its policies and principles in its fundamental law and obliged to enact domestic laws in furtherance thereof;

WHEREAS, Section 1, Article XIII of the 1987 Constitution provides that Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good;

WHEREAS, Article II, Section 14 of the 1987 Constitution states that, "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men";

WHEREAS, Article XIII, Section 14 of the 1987 Constitution states that, "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation";

WHEREAS, under Section 12, Article II of the 1987 Philippine Constitution, it is the duty of the State to protect and strengthen the family as a basic autonomous social institution and equally protect the life of the mother and the life of the unborn from conception.

WHEREAS, Section 13, Article XIII of the 1987 Constitution provides that the State shall establish a special agency for disabled persons for rehabilitation, self-development and self-reliance, and their integration into the mainstream of society;

WHEREAS, on May 12, 1989, the State enacted Republic Act No. 6725 strengthening the prohibition of discrimination of women workers in the private sector in recognition of the inadequacy of law which the capitalist used to go around it;

WHEREAS, in recognition of the role of women in the socio-economic and political development of the country, the State, on April 10, 1990, enacted Republic Act No. 6949, setting March 8 of every year a Women's Day enabling women to engage and participate in the celebration of the recognition day;

WHEREAS, to protect Filipino women from being exploited in utter disregard of human dignity in their pursuit of economic upliftment, the State enacted a Mail Order Bride Law (Republic Act No. 6955 enacted on June 13, 1990);

WHEREAS, the Women in Development and Nation Building Act (Republic Act No. 7192 enacted on February 12, 1992) mandates the mainstreaming gender equality before the law and opportunity and the removal of gender bias in government rules and regulations, procedure, circulars and issuances; women's empowerment as part of government policies and services; and assistance to their self-reliance and development;

WHEREAS, Republic Act No. 7277 otherwise known as "Magna Carta for Disabled Persons" enacted on March 24, 1992 was amended on April 30, 2007 by Republic Act No. 10070 recognizing the role of a focal person to ensure the programs and services for the improvement of the total well-being of disabled persons, women in particular, and their integration into the mainstream of society;

WHEREAS, in furtherance of R.A. No. 7192, a law increasing the maternity benefits of women workers in the private sector (Republic Act No. 7322) was enacted by the State on March 30, 1992;

WHEREAS, the State has recognized the wealth of its senior citizens may contribute to nation building and to enable it maximize enacted on April 23, 1992 Republic Act No. 7432

otherwise known as Senior Citizens Act necessitating the establishment of senior citizens' center as mandated by Republic Act No. 7876(enacted on February 14, 1995) and the benefits of its senior citizens expanded by Republic Act Nos. 9257, 9994 and 10645 enacted on February 16, 2004, February 05, 2010 and November 15, 2014, respectively;

WHEREAS, the State, on June 02, 1992, enacted Republic Act No. 7600 recognizing the mother's right to breast-feed her child who equally has the right to her breastmilk which was expanded by Republic Act No. 10028 (enacted on March 16, 2010);

WHEREAS, all forms of sexual harassment in the employment, education or training environment was declared unlawful by Republic Act No. 7877 (enacted on February 14, 1995) also known as Anti-Sexual Harassment Law Act of 1995;

WHEREAS, by expanding the definition of the crime of rape and reclassifying the same as a Crime Against Persons under Act No. 3815, as amended, otherwise known as the Revised Penal Code in Republic Act No. 8353 (enacted on September 30, 1997), the State upheld the dignity of woman;

WHEREAS, recognizing the multifarious effects of uncontrolled Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) breaching territorial, social, political and economic boundaries, the State enacted Philippine AIDS Prevention and Control Act of 1998 (Republic Act No. 8504 enacted on February 13, 1998);

WHEREAS, Republic Act No. 8972 (enacted on November 07, 2000), otherwise known as the Solo Parents' Welfare Act of 2000, mandates the institution of comprehensive package of social development and welfare services for solo parents and their families by the National Government in coordination with local government units and a non-governmental organization with proven track record in providing services for solo parents;

WHEREAS, Republic Act No. 9208 (enacted on May 26, 2003) otherwise known as the "Anti-Trafficking in Persons Act of 2003" as amended by Republic Act No. 10354 (enacted on February 06, 2013) mandates the elimination of trafficking in persons, the mitigation of pressures for involuntary migration and servitude of persons, and securing their recovery, rehabilitation and reintegration into the mainstream of society.

WHEREAS, the State recognizing the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security enacted Republic Act No. 9262 (enacted on March 08, 2004) defining violence against women and their children, providing for protective measures for victims, and prescribing penalties therefore;

WHEREAS, to protect the dignity and privacy of every human person the State penalize acts that would destroy the honor, dignity and integrity of a person thru Republic Act No. 9995 enacted on February 15, 2010 or otherwise known as "Anti-Photo and Video Voyeurism Act of 2009";

WHEREAS, the State in addressing the need of policy-law on role of women in nation building as reflected by the economic, political, and socio-cultural realities affect women's current condition, affirms the role of women in nation building on a paradigm shift of ensuring the substantive equality of women and men by promoting empowerment of women and pursue equal opportunities for women and men and ensure equal access to resources and to development results and outcome and by eliminating the unequal structures and practices that perpetuate discrimination and inequality enacted Republic Act No. 9710 on August 18, 2009;

WHEREAS, the State in the fulfillment to a solemn duty to eradicate discriminatory practices, laws and policies that infringe on a person's exercise of reproductive health rights and to promote openness to life, and adhering to "principle of no-abortion" and "principle of non-coercion" enacted Republic Act No. 100354 otherwise known as "The Responsible Parenthood and Reproductive Health Act of 2012" in December 12, 2012;

WHEREAS, the State, in promoting the dignity of labor of women workers enacted Batas Kasambahay (Republic Act No. 10361 approved on January 18, 2013) and the Employment of Night Workers Law (Republic Act No. 10151 approved on June 21, 2011);

WHEREAS, the Local Government of San Marcelino, Zambales is committed to support the policies and programs defined in the Philippine Plan for Gender-Responsive Development 1995-2025 (E.O. 273);

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of San Marcelino, Zambales in a session assembled:

TITLE I GENERAL PROVISIONS

Chapter I

Title and Policies

Section 1. Title. – This Ordinance shall be known as “**The 2014 Gender and Development Code of San Marcelino, Zambales**”.

Section 2. Statement of Policies. –

- a) The Municipal Government of San Marcelino, Zambales recognizes the role of women as full and equal partners in development and nation building and as such undertakes to enhance women's full potentials, uplift their status and lead to the improvement of their quality of lives. Corollary, the Municipal Government shall pursue and implement gender-responsive development policies and programs, and work for the elimination of all forms of discrimination of women and children;
- b) The Municipal Government of San Marcelino, Zambales shall undertake gender mainstreaming at all levels thereby assuring the promotion of women empowerment to enable the local women including the women of indigenous cultural communities become active agents and participants of development, and not just mere beneficiaries; further enabling them to make independent decisions based on their own views and perspectives; and furthermore, allowing them to fully and equally make use of available information technology, goods, and services;
- c) The Municipal Government of San Marcelino, Zambales shall continue to work towards the strengthening of partnership with Non-Government Organizations (NGOs), People's Organizations (POs), Private Sector (PS) as well as charitable institutions and foundations that advocate Gender Equality, Sexuality, and Reproductive Health;
- d) The Municipal Government of San Marcelino, Zambales affirms its commitment to promote and protect the following rights of women and children:
 - d.1. Right to be protected against all forms of violence and coercion against their person, their freedom, their sexuality, and their individuality;
 - d.2. Right to freely and fully participate individually or collectively in the political processes of their communities, the municipality and the nation;
 - d.3. Right to economic welfare and security;
 - d.4. Right to acquire the necessary knowledge and the means to fully exercise their respective choices according to their beliefs and preferences;
 - d.5. Right to choose a spouse in accordance with their values and preferences, maintain equality in marriage or its dissolution, decide the number children and number of

years between pregnancies and obtain adequate support for rearing and caring of their children;

- d.6. Right to an adequate, relevant and gender friendly education from childhood to adulthood;
- d.7. Right to proper nutrition and health care;
- d.8. Right to humane living condition;
- d.9. Right to nurture their personhood, to secure an image of themselves as a whole and valuable human beings, to build relationships based on mutual respect, trust and probity;
- d.10. Right to equality before the law and in opportunity.
- d.11. Right to be free from slavery and prostitution.

Section 3. Policy Directions. – To accomplish the aforementioned policies, the Municipal Government of San Marcelino, Zambales shall formulate programs, projects and strategies that will:

- a) Strengthen the implementation of all international and national, special statutes, rules and regulations, memoranda, circulars, and other issuances promoting gender equality, sexuality, reproductive health and rights;
- b) Mainstream gender concerns in the formulation of development plans, programs, policies and activities;
- c) Step-up gender-sensitivity awareness campaigns and programs on gender issues and concerns;
- d) Reinforce GO-PO-NGO-PS partnership and cooperation to maximize the effectiveness of programs and services addressing Gender and Development concerns;
- e) Support and increase the participation of grassroots women including the women of indigenous cultural communities in planning, implementation, monitoring and evaluation of development programs;
- f) Recommend appropriate programs that are gender-sensitive at all academic levels;
- g) Ensure gender responsive relief and rehabilitation programs with special focus on women's and children's needs;
- h) Involve men in family planning programs, health and child care and nutrition concerns and engage them in projects that will enhance the well-being of the family;
- i) Orient and educate the manpower resources of commercial establishments, schools, other government agencies and the local mass media and advertising agencies and encourage them to promote gender development in their respective fields of endeavor;
- j) Set up crisis intervention centers and shelters in the Municipal Government of San Marcelino, Zambales for victims of violence against men, women and their children and other social conflicts especially the survivors of violence against women and children;
- k) Institutionalize capability-building programs among women in the barangay level so as to enable them to gain confidence to participate in the community projects and in making their opinions heard by the decision-making bodies;
- l) Create the necessary mechanisms to enable indigenous women to participate in development programs and gain access to non-traditional sources of livelihood, credit financing, education, skills development, etc.

CHAPTER.2

DEFINITION OF TERMS

Section 1. Definition of Terms. —For purposes of this Ordinance, the following shall mean:

- a) Sex – is the generic and physical or biological identities of a person which indicates whether one is male or female or it refers to reproductive physiological make-up of a person;
- b) Gender – refers to differentiated socially acquired behavior and a priori expectations associated with the two sexes other than biological. While maleness and femaleness are biological facts; masculinity and femininity are culturally constructed attributes. It also refers to the socially differentiated roles and characteristics attributed by a given culture to men and women.
- c) Gender Bias/Discrimination --- refers to any act or omission undermining or tending to degrade or impose superiority over a sex or gender.
- d) Commodification of Women --- is a practice of subordinating a woman to consumable goods or objects.
- e) Gender and Development – is a development approach that recognizes the unequal status between men and women and how this is generated and reflected in all aspects of our socio-economic, political, cultural and personal lives. The process of integrating gender at the level of policy making, planning and program development aimed towards gender equality, gender equity with the end view of attaining women's empowerment;
- f) Gender Issues/Concerns – issues, concerns and problems arising from but not limited to the different roles played by women and men and relationship between them;
- g) Gender-responsive Planning/Gender Responsive Development Planning – is the use and integration of the Gender and Development (GAD) framework into the entire development planning or programming cycle premised on the introduction of gender considerations making development planning/programming more “people oriented”;
- h) Gender-responsive Programs/Projects – are the products of gender responsive development planning ripe for actualization or concretization;
- i) Gender and Development Plan – is a systematically designed set of programs, projects and activities carried out by the Gender and Development Council over a given period of time to address issues and concerns particularly those that revolves in the women sector;
- j) Practical Gender Needs – these have to do with what people need to perform their current role more easily, effectively, or efficiently and they can usually be identified by people themselves; i.e. lack of resources, like health and education services, etc.;
- k) Strategic Gender Needs – are concerned with changing the subordinate, stereotyped, marginalized position of women in society thru mechanism of dismantling of systematized inequality, de-marginalization, protection from violence, acceleration of participation and representation, equal treatment before the law, equal access and elimination of discrimination in education, scholarships, and training, participation of women and girl-children in competitive and noncompetitive sports, elimination of discrimination of women in the military, police, and other similar services, de-perpetuation of discriminatory and derogatory portrayal of women in media and film, provisions on a comprehensive, culture-sensitive, and gender-responsive health services and programs covering all stages of a woman's life cycle, entitlement of special leave benefits for women, and elimination of discrimination against women in all areas of public and private life.

relating to marriage and family relations;

- l) Women in Development – a development framework or approach which gives recognition to the distinct needs and capabilities of women with considerable focus on developing strategies and action programs that will facilitate participation in the productive sector;
- m) Gender-responsive Medium Term Plan – articulates the vision, mission, goals, and strategies for gender equality and women's employment of an agency or LGU for the medium term plan, usually covering six years;
- n) Mainstreaming Gender Concerns – is the integration of gender concerns in the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and societal sphere to address gender inequalities and create equal benefit for women and men; and
- o) Gender Women with Disability Comprehensive Plans – are programs/projects and activities that are systematically attainable based on the prevailing grievances of women with disability towards self-development, self-reliance and full participation into the mainstream of society.

CHAPTER 3 CREATION OF THE GENDER AND DEVELOPMENT (GAD) FOCAL POINT SYSTEM

Section 1. Creation of the Gender and Development (GAD) Focal Point System. – There is hereby created a Gender and Development (GAD) Focal Point System in the Municipal Government of San Marcelino, Zambales.

Section 2. Composition of the GAD Focal Point System. – The Municipal Gender and Development Focal Point System shall be headed by the Municipal Mayor as the Chairperson and co-chaired by an elected Chairperson from the representative of women NGOs in the municipality who must not be a government employee either appointed or elected.

The Co-Chairperson shall have the authority to preside in the absence of the Chairperson and submit for approval any and all recommendations of the members of the Focal Point System to the Chairperson.

The Focal Point System shall be composed of the following members:

- a) The Chairperson of the Committee on Women;
- b) The representative of the Pederasyon Ng Mga Sangguniang Kabataan;
- c) The Municipal Social Welfare and Development Officer (MSWDO);
- d) The Municipal Health Officer;
- e) The Municipal Population Officer;
- f) The Municipal Planning Officer;
- g) The Gender and Development (GAD) Officer;
- h) Representative of the Association of Barangay Captains;
- i) One representative from the government sector to be appointed by the Municipal Mayor ;

Section 3. Representation of Women Non-Governmental Organization. – Within a period of sixty (60) days from the start of the organization of the GAD Focal Point System, the Women Non-Governmental Organizations (WNGOs) shall choose from among themselves their representative in the said Focal Point System.

Section 4. Eligibility/Criteria for the Accreditation of Women's Non-Governmental Organizations. – Any women organization applying for accreditation shall meet the following:

- a) Submit the latest financial report;
- b) their existence must be certified by any of the following:
 - b.1. Municipal Mayor or municipal council through a municipal resolution
 - b.2. Affiliation to municipal, provincial, regional or national registrations;

Chairman *Municipal*
Section 5. Secretariat. – There is hereby constituted for Gender and Development Focal Point System a secretariat which shall be responsible for providing technical support, documentation of proceedings, preparation of reports and other assistance as may be required in the discharge of its functions. The GAD Focal Point System may avail of the services of any non-governmental organization or educational or research institution for this purpose.

Section 6. Powers and Duties of the GAD Focal Point System. –

For the proper implementation of the GAD plans and to ensure the promotion of the welfare of the women sector, the GAD Focal Point System shall exercise and perform the following powers and duties:

- a) Formulate long-term, medium term and annual integrated gender and development plans and policies;
- b) Submit or develop a comprehensive developmental program responsive to the needs and situation of the woman sector of the municipality;
- c) Identify problem confronting the women sector and formulate programs, projects and activities (PPA) that will uplift their condition;
- d) Monitor and evaluate the implementation of national or local programs and projects;
- e) Promote and support the establishment of consultative mechanism which shall provide for a continuing dialogue between the government and the women sector;
- f) Maintain and update a data bank through the conduct of primary and secondary data gathering activities;
- g) Determine the existing gender issues and dimensions and extent of the gender issues within the municipality;
- h) Prioritize the existing gender issues and draws up the objectives, targets and strategies addressed to the GAD Focal Point System;
- i) Estimate the resources needed in implementing the GAD Plan;
- j) Conduct seminars on gender sensitivity and gender responsive planning thru its focal persons or functional committee;
- k) Perform such other functions and exercise such other powers as may be provided by law or competent authority.

Chairwoman *Secretary*
The Municipal GAD Focal Point System shall, in coordination and consultation with the different agencies of the government particularly the National Commission on the Role of Filipino Women *[suggested to be changed to Philippine Council for Women]* Philippine Council for Women and the National Economic and Development Authority, formulate its own Gender and Development Programs/Projects.

Section 7. Meetings and Quorum. – The GAD Focal Point System shall meet once a month or as often as may be necessary. When both chairpersons are present, the Municipal Mayor, as matter of protocol, shall be given preference to preside over the meeting. Fifty

percent (50%) plus one (1) constitutes the quorum of the Council. The chairperson or the co-chairperson may call a special meeting at any time as the exigencies of the program may require.

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Section 8. Women's Month. – The celebration of the women's month shall be held every 8th day of March each year. A mandatory non-working holiday shall be declared in public office/s of the municipal government for the celebration of the women's month, to which an amount shall be appropriated necessary and sufficient to cover the expenses which shall be incurred by reason thereof subject to the existing accounting rules.

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Section 9. There shall be created Executive Committee of the GAD Focal Point System which shall be composed of the Municipal Mayor and its co-chairperson, Chairman of the Committee on Women, Chairman of the Committee on Appropriations, the Municipal Social Welfare and Development Officer, GAD Officer, the chosen representative of the Municipal Mayor and the chosen representative of women non-government organization/people's organization representative in the council as members;

Chairman

Section 10. The Executive Committee shall exercise the following powers and duties:

- a. Ensure that the decision of the council are faithfully carried out and implemented;
- b. Act on matters requiring immediate attention or action by the council;
- c. Formulate policies, plans and programs based on the general principles laid down by the council;
- d. Act on other matters that may be authorized by the council;
- e. Make decisions through democratic processes obtained through a majority vote of the members of the executive committee;
- f. Integrate and monitor the GAD Plans;
- g. Points to steer and oversee gender mainstreaming in the GAD Plan;

Concert

Section 11. Relation of GAD Focal Point System to the Sanggunian and the Regional Focal Point Agency.

- a) The policies, programs and projects proposed by the GAD Focal Point System shall be submitted to the Sanggunian concerned for its approval and/or ratification.
- b) The GAD plans must be integrated with the whole development plan of the municipality.

Section 12. Sectoral and Functional Committees. – The GAD Focal Point System may form sectoral and functional committees headed by a focal person to assist them in the performance of their functions. It can also create and organize a core group of GAD advocates or GAD Focal points to steer and oversee gender mainstreaming in the GAD Plan.

Section 13. GAD Budget

Section 14. The annual GAD Budget shall give priority to the following:

- a) Education and Human Resource Development;
- b) Health, Nutrition and Family Planning;
- c) Social Welfare and Community Development (e.g. Barangay Day Care Centers, Senior Citizens and the Persons with Disability Welfare Programs);
- d) Labor and Employment;
- e) Special Concerns (e.g. Women and Migration, Prostitution, Violence Against Women, Women and Family, and Indigenous Cultural Communities).

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Section 15. The GAD Budget may be used for the following budget items:

- a) Personal services, for example, the salaries of workers directly engaged in GAD programs, projects and activities;
- b) Maintenance and other operating expenses for the cost of managing women's shelter, a women's health project, training of women in non-traditional occupations, and training of field workers in GAD, among others;
- c) Capital outlay such as building of and providing equipment for women's shelters and training centers for women.

Mauro

Section 16. The Accounting/Budget Office shall furnish the various GAD Focal Point System's information on financial resources and budgetary allocations applicable to their respective jurisdictions to guide them in their its planning functions. A minimum of Five percent (5%) of the general appropriation for the year shall be allocated annually for the programs and projects strictly of the GAD Focal Point System in accordance with the implementing guidelines as stated below:

- AS*
- con Y*
- a) Gender Mainstreaming (GM). – It is the integration of gender concerns in the development agenda in order to address gender inequalities. Some indicators of this process are as follows:
 - a.1. Situation analysis which identifies (a) differences or similarities in women's and men's conditions; (b) practical gender needs; (c) strategic gender needs and (d) potential constraints to women's ability to participate in and benefit from Programs, Projects and Activity (PPA);
 - a.2. Determination of gender goals and setting up of targets for women's empowerment towards reducing gender inequality;
 - a.3. Strategies that include ways to enhance women's participation in and benefits from PPA's and gender sensitivity training;
 - a.4. Activities aimed to include both men and women; and where needed, new activities for women are designed;
 - a.5. Budget must be allocated for gender-related activities, with respect to priority thrusts in relation to practical gender needs particularly of women and in consideration of the over-all municipal women development plan;
 - a.6. Conduct of seminars or gender sensitivity and gender responsive planning.
 - b) Setting Up Of GAD Focal Points and Institutional Mechanisms. These includes the creation and strengthening of agency mechanisms such as Focal Points Technical Working Groups, and Trainers' Pool tasked to guarantee that GAD concerns are recognized and addressed which should include the following:
 - b.1. Advocacy and Training. These are activities that develop awareness and support for GAD, equip development workers with skills required for gender mainstreaming, and sustain interest and concern for gender issues and gender focused undertakings;
 - b.2. Program Planning. These are activities which provide planners with skills, guidelines and instruments to ensure that gender-responsive programs and projects are drafted and implemented.
 - b.3. Development of a Gender Responsive Data and Information System. These are activities make available data and information needed for designing, implementing, monitoring and evaluating GAD efforts. They involve reviewing

and reformulating specific indicators to assess how programs and projects address gender issues.

- c) Women-Specific (WS) PPA. These are activities intended to directly benefit women, including those that improve their access to basic services, such as the following:
- c.1. Women's health and safe motherhood programs and projects;
 - c.2. Skills training for women;
 - c.3. Crisis center for women;
 - c.4. Training women in non-traditional trades;
 - c.5. Provision of technical (i.e. providing gender neutral textbooks) and financial resources for women;
 - c.6. Mobilization and organization of women;
 - c.7. Counseling and therapy for women.

Section 17. GAD OFFICER. – The necessity to employ the services of an academically prepared and competent GAD OFFICER is a must. Hence, no person shall be appointed as GAD Officer unless he/she is a citizen of the Philippines, a resident of the municipal government concerned, of good moral character, a holder of a college degree from a reputable college or university, and a first grade civil service eligible or its equivalent. The GAD Officer shall be appointed by the mayor based on the aforementioned qualifications and shall receive such remuneration equivalent to a salary grade 17.

The GAD Officer shall:

- (a) Formulate plans, objectives and measures together with the members of the GAD Focal Point System particularly those which have to do with the GAD programs/plan management related programs the end results of which would contribute to the accomplishment of the mission or the goals of the program;
- (b) Collect data and set information to guide the GAD Focal Point System;
- (c) Supervise and monitor all GAD activities;
- (d) Perform such other functions as the Focal Point System may provide.

Section 18. The Technical Working Group. A Technical Working Group shall be created composed of key staff from the various LGU offices/department or committees represented in the GFPS Executive Committee, representative from the LCE office, members from the private sector, academe and civil society organizations as appropriate.

Section 19. The Technical Working Group Chair is appointed through a memorandum issued by the Local Chief Executive. The Secretariat shall assist the Technical Working Group in its functions.

TITLE II *GENDER and DEVELOPMENT CONCERNs*

CHAPTER I

Short Title

ANTI-VIOLENCE AGAINST WOMEN

ARTICLE 1

DECLARATION OF POLICY

Section 1. It is hereby declared that the Municipality values the dignity of women and their children and guarantees full respect for human rights. The Municipality also recognizes the need to protect the family and its members particularly women and their children, from violence and threats to their personal safety and security.

ARTICLE 2

DEFINITION OF TERMS

Section 1. Definition of terms. – As used in this Chapter:

- (a) Violence against women refers to any act or a series of acts committed by any person against a woman with whom the person has or had sexual or dating relationship or with whom he has a common child, or against her child whether legitimate or illegitimate, which results in or is likely to result in physical, sexual psychological harm or suffering. It includes, but is not limited to, the following acts:
- a) "Physical Violence" refers to acts which would result to bodily or physical harm;
 - b) "Sexual violence" refers to an act which is sexual in nature, committed by any person against a woman or her child. It includes, but is not limited to:
 - b.1. Rape, sexual harassment, acts of lasciviousness, treating woman or her child as a sex object, making demeaning and sexually suggestive remarks, forcing her/him to watch obscene publications and indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room.
 - b.2. Acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;
 - b.3. Woman or child trafficking
 - c) "Psychological violence" refers to acts or omissions causing or likely to cause mental, emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs unlawful or unwanted deprivation of the rights to custody and or visitation of common children.
 - d) "Economic abuse" refers to acts that make or attempt to make a woman financially dependent which includes but is not limited to the following:
 - d.1. Withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;
 - d.2. Deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;
 - d.3. Destroying household property
 - d.4. Controlling the victims' own money or properties or solely controlling the conjugal

- e) "Battery" refers to an act inflicting physical harm upon the woman or her child resulting to the physical and psychological or emotional distress.
- f) "Battered Woman Syndrome" refers to a scientifically defined pattern of psychological and behavioral symptoms found in woman living in battering relationship as a result of cumulative abuse.
- g) "Stalking" refers to an intentional act committed by a person who, without lawful justification follows the woman or her child or places the woman or her child under surveillance directly or indirectly.
- h) "Dating Relationship" refers to a situation wherein the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing basis during the course of the relationship.
- i) "Sexual Relationship" refers to a single sexual act which may or may not result in the bearing of a common child.
- j) "Safe place or shelter" refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other agency or voluntary organization accredited by the DSWD for the purpose of this Act or any other suitable place the resident of which is willing temporarily to receive the victim.
- k) "Children" refers to those below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. As used in this Act, it includes the biological children of the victim and other children under her care.

Section 2. Acts of Anti-Violence Against Women. – The crime of violence against women and their children is committed through any of the following acts:

- (a) Causing physical harm to the woman or her child;
- (b) Threatening or attempting to cause the woman or her child physical harm;
- (c) Placing the woman or her child in fear of imminent physical harm;
- (d) Attempting to restrict or restricting the woman's or her child's freedom or conduct by force or threat of force, physical or other threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to the following acts:
 - d.1. Threatening to deprive or actually depriving the woman custody of her child;
 - d.2. Depriving or threatening to deprive the woman or her children of financial support legally due her or her family;
 - d.3. Depriving or threatening to deprive the woman or her child of a legal right;
 - d.4. Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling the victim's own money or properties, or controlling the common money or conjugal properties.
- (e) Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
- (f) Causing or attempting to cause the woman or her child to engage in any sexual activity, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;
- (g) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that

shall include, but not limited to, the following acts:

- g.1. Stalking or following the woman or her child in public or private places;
- g.2. Peeping in the window or lingering outside the residence of the woman or her child;
- g.3. Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
- g.4. Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and
- g.5. Engaging in any form of harassment or violence.

(h) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or access to the woman's child/children.

Section 3. Protection Order. – A protection order is an order issued under this Act for the purpose of preventing further acts of violence against a woman or her child and granting other necessary relief. The relief granted under a protection order serves the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the following:

- (a) Barangay Protection Orders (BPOs). Barangay Protection Orders (BPOs) refer to the protection order issued by the Punong Barangay ordering the perpetrator to desist from committing acts under Section 2 hereof. A Punong Barangay who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after ex-parte determination of the basis of the application. If the Punong Barangay is unavailable to act on the application for the BPO, the application shall be acted upon by any available Barangay Kagawad. If the BPO is issued by a Barangay Kagawad, the order must be accompanied by an attestation by the Barangay Kagawad that the Punong Barangay was unavailable at the time for the issuance of the BPO. BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an ex-parte BPO, the Punong Barangay or Punong Kagawad shall personally serve a copy of the same on the respondent, or direct any barangay official to effect its personal service. The parties may be accompanied by a non-lawyer advocate in any proceeding before the Punong Barangay.
- (b) Temporary Restraining Orders. Temporary Protection Orders (TPOs) refers to the protection order issued by the court on the date of filing of the application after ex-parte determination that such order should be issued. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.
- (c) Permanent Protection Orders. Permanent Protection Order (PPO) refers to protection order issued by the court after notice and hearing. Respondent's non-appearance despite proper notice, or his lack of a lawyer, or the non-availability of his lawyer shall not be a ground for rescheduling or postponing the hearing on the merits of the issuance of a PPO. If the respondents appear without counsel on the date of the hearing on the PPO, the court shall appoint a lawyer for the respondent and immediately proceed with the hearing. In case the respondent fails to appear despite proper notice, the court shall allow ex-parte presentation of the evidence by the applicant and render judgment on the basis of the evidence presented. The court shall allow the introduction of any history or abusive conduct of a respondent even if the same was not directed against the applicant or the person for whom the application is made.

ARTICLE 3

DESIGNATION OF THE ANTI-VIOLENCE AGAINST WOMEN PARALEGAL OFFICER

Section 1. The Municipality further reaffirms its commitment to address women issues and concerns, particularly violence-related issues, and for this purpose the Local Chief Executive shall designate the municipal information officer or in his absence, any other employees as an ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN PARALEGAL OFFICER.

The Paralegal Officer shall provide legal assistance to women and their children who are victims of violence as defined in this Ordinance.

The Paralegal Officer shall adapt initiatives and measures to protect women and their children.

Section 2. Duties and Responsibilities of Paralegal Officer:

- a) Implement the Anti-VAWC Law of 2004 and other related law in the Municipality;
- b) Organize women based NGO in the municipality to address cases of VAWC;
- c) Advocate on educating women on their basic rights and the provisions contained in Republic Act No. 9262 and other related laws in the municipality;
- d) Coordinate with other government agencies such as the DSWD, NCRFW, CSC, CHR, CWC, DOJ, DILG, PNP, DOH, DepEd, DOLE and NBI for the attainment of its vision;
- e) Monitor the implementation of the Protection Orders issued by the Barangay Captains;
- f) Provide rehabilitative counseling and treatment for victims;
- g) Recommend programs, projects and activities that will minimize VAWC cases in the municipality and submit the same to the Municipal Mayor;
- h) Directly coordinate with the National Commission on the Role of Filipino Women (NCRFW) with regards to the implementation of its PPAs;
- i) Act as Secretariat and provide the necessary administrative skills to the Municipal Anti-Violence Against Women and their Children Council;
- j) The Paralegal Officer shall equip himself with qualified and trained staff that will be tasked to respond to Violence against Women and Their Children cases, subject to budgetary and auditing laws, rules and regulations.

ARTICLE 4

MISCELLANEOUS PROVISIONS

Section 1. All Barangays are required to form an Anti-VAWC Desk.

Section 2. Notwithstanding Article C hereof, the Sangguniang Bayan shall, upon consultation with the stakeholders and subject the civil service, budgetary and auditing laws, rules and regulation, create anti-violence against women and their children para-legal office.

CHAPTER II
ARTICLE I
Short Title
ANTI-TRAFFICKING IN PERSONS

ARTICLE II

Definition of Terms

SECTION 1. As used in this Chapter:

- (a) **Trafficking in Persons** — refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

“The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.

- (b) **Child** — refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- (c) **Prostitution** — refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- (d) **Forced Labor** — refers to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception including any work or service extracted from any person under the menace of penalty.
- (e) **Slavery** — refers to the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
- (f) **Involuntary Servitude** — refers to a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of the legal process.
- (g) **Sex Tourism** — refers to a program organized by travel and tourism-related

utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.

- (h) Sexual Exploitation — refers to participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of the person, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided hereof.
- (i) Debt Bondage — refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.
- (j) Pornography — refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

ARTICLE III

Prohibited Acts

SECTION 1. Acts of Trafficking in Persons. — It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

- (a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation;
- (b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- (d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;
- (e) To maintain or hire a person to engage in prostitution or pornography;
- (f) To adopt persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (g) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

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- (h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person;
 - (i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child to engage in armed activities in the Philippines or abroad;
 - (j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide or receive a person by means defined in Section 2 hereof for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either:
 - (1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or
 - (2) To abuse or threaten the use of law or the legal processes; and
 - (k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of buying and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include:
 - (1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict;
 - (2) The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;
 - (3) The use, procuring or offering of a child for the production and trafficking of drugs; and
 - (4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals; and
 - (l) To organize or direct other persons to commit the offenses defined as acts of trafficking under this Act.

SECTION 2. Acts that Promote Trafficking in Persons. — The following acts which promote or facilitate trafficking in persons shall be unlawful:

- (a) Knowingly leasing or subleasing property for trafficking purposes;
- (b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers, overseas employment certificates or other certificates of any government agency which issues these certificates, decals and such other markers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;
- (c) Advertising, publishing, printing, broadcasting or distributing, by any means, any brochure, flyer, or any propaganda material that promotes trafficking;
- (d) Assisting in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and exit documents for the purpose of promoting trafficking;
- (e) Facilitating, assisting or helping in the exit and entry of persons from/to the country at international or domestic airports, territorial boundaries and seaports

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- who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking; or
 - (f) Knowingly benefiting from, financial or otherwise, or making use of the labor or services of a person held to a condition of involuntary servitude, forced labor or slavery.
 - (g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.
 - (h) To tamper with, destroy, or cause the destruction of evidence, or to influence or attempt to influence witnesses, in an investigation or prosecution of a case under this Act;
 - (i) To destroy, conceal, remove, confiscate or possess, or attempt to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other travel, immigration or working permit or document, or any other actual or purported government identification, of any person in order to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person; or
 - (j) To utilize his or her office to impede the investigation, prosecution or execution of lawful orders in a case under this Ordinance.

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SECTION 3. Attempted Trafficking in Persons. — Where there are acts to initiate the commission of a trafficking offense but the offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of trafficking in persons. As such, an attempt to commit any of the offenses enumerated in Section 4 of this Ordinance shall constitute attempted trafficking in persons.

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In cases where the victim is a child, any of the following acts shall also be deemed as attempted trafficking in persons:

- (a) Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development, or a written permit or justification from the child's parent or legal guardian;
 - (b) Executing, for a consideration, an affidavit of consent or a written consent for adoption;
 - (c) Recruiting a woman to bear a child for the purpose of selling the child;
 - (d) Simulating a birth for the purpose of selling the child; and
 - (e) Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, daycare centers, refugee or evacuation centers, and low-income families, for the purpose of selling the child.
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SECTION 4. Qualified Trafficking in Persons. — Violations of Section 2 of this Ordinance shall be considered as qualified trafficking:

- (a) When the trafficked person is a child;
- (b) When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

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- (c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
 - (d) When the offender is a spouse, an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
 - (e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
 - (f) When the offender is a member of the military or law enforcement agencies;
 - (g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS);
 - (h) When the offender commits one or more violations of Section 4 over a period of sixty (60) or more days, whether those days are continuous or not; and
 - (i) When the offender directs or through another manages the trafficking victim in carrying out the exploitative purpose of trafficking.

SECTION 5. Support Services and Programs that Address Trafficking in Persons. – The LGU shall undertake the following programs and activities:

- a) Implement the mandatory services enumerated in Section 23 of RA 9208;
- b) Develop and disseminate information materials on anti-trafficking in persons;
- c) Train LGU personnel involve in programs against trafficking in persons;
- d) Institute or strengthen support services and programs;
- e) Develop and sustain the Migrant Advisory and Information Network (MAIN);
- f) Establish a system of referral, monitoring and reporting of trafficking cases using the prescribed standard reporting form;
- g) Conduct inspection in coordination with proper authorities of houses, buildings or establishments suspected of being used for trafficking activities;
- h) Institute a reward scheme for those who have provided any information that led to the suppression/prevention of trafficking activities and apprehension of persons involved therein;
- i) Undertake other related activities at the local level.

SECTION 6. Local Committee on Anti-Trafficking –

- a) A local committee on Anti-Trafficking shall be created with the following composition:

Chairperson: Municipal Mayor
Co-Chairperson: Chair of the Committee on Women
Members:

Chair Committee on Labor

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ABC President
SK Federation President
DILG Municipal Officer
Municipal Legal Officer
Local Civil Registrar
Municipal Information Officer
Chief of Police
PNP - Women's Desk
Public Employment Service Officer (PESO)
Mun. Social Welfare and Development Officer(MSWDO)
Municipal Sanitary Inspector
City/Provincial Prosecutor's Office

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- b) The committee shall also be composed of the local counterparts, whenever available, of the national government agencies, where applicable, which are members of the Inter Agency Council Against Trafficking (IACAT) enumerated in Section 20 of RA 9208:

Department of Justice (DOJ)
Department of Social Welfare and Development (DSWD)
Department of Foreign Affairs (DFA)
Department of Labor and Employment (DOLE)
Philippine Overseas and Employment Administration (POEA)
Bureau of Immigration (BI)
Philippine National Police (PNP)
National Commission on the Role of Filipino Women (NCRFW)

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- c) The following, who shall be appointed by the Local Chief Executive for a term of three (3) years, from among the nominees of the Sanggunian, shall also be members of the Local Committee:

Representative of accredited NGOs/Pos; and
Representative from the Barangay Human Rights Action Center

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- d) The Municipal Social Welfare and Development Office shall act as the Secretariat for the Local Committee on Anti-Trafficking

SECTION 7. Functions of the Local Committee on Anti-Trafficking Committee. – The Committee shall:

- a) Develop and maintain Anti-Trafficking in Persons Database;
 - b) Take temporary custody of trafficked victims;
 - c) Ensure, thru support system, that complainants must not abandon their criminal, civil and administrative complaints for trafficking;
 - d) Coordinate LGU programs and activities related to the campaign against trafficking;
 - e) Propose and recommend policies and regulations on anti-trafficking to the Sanggunian; and
 - f) Monitor and review policies, programs, projects and activities on anti-trafficking.
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SECTION 8. Coordination with Local Offices of National Agencies Involved in the Anti-Trafficking in Person Campaign. – The Local Committee shall coordinate with the local offices of the national agencies enumerated below or their local offices to ensure that they perform their responsibilities provided under Section 16 of RA 9208 as amended by RA No. 10364.

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SECTION 9. Coordination with Other Government Agencies, NGOs and POs. – The LGU shall coordinate with the other Government Agencies, Non-Government Organizations and People's Organizations engaged in anti-trafficking activities.

SECTION 10. Appropriations. – For the effective implementation of this Ordinance, an initial appropriation of One Hundred Thousand Pesos (P100,000.00) is hereby appropriated. Thereafter, ten percent (10%) from the Gender and Development (GAD) Funds of the IRA and a minimum of 10% of the GAD Funds from any Official Development Assistance (ODA) shall form part of the annual appropriations.

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SECTION 11. Repealing Clause. — Article 202 of the Revised Penal Code, as amended, and all laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly: Provided, That this Act shall not in any way amend or repeal the provisions of Republic Act No. 7610, otherwise known as the 'Special Protection of Child Against Child Abuse, Exploitation and Discrimination Act.'

CHAPTER III

ARTICLE I

Short Title

MAIL-ORDER BRIDE

ARTICLE 2

Mail-Order Bride Defined

SECTION 1. As used in this Chapter, the mail-order bride is defined by the following prohibited acts, viz:

(1) To establish or carry on a business which has for its purpose the matching of Filipino women for marriage to foreign nationals either on a mail-order basis or through personal introduction;

(2) To advertise, publish, print or distribute or cause the advertisement, publication, printing or distribution of any brochure, flier, or any propaganda material calculated to promote the prohibited acts in the preceding subparagraph;

(3) To solicit, enlist or in any manner attract or induce any Filipino woman to become a member in any club or association whose objective is to match women for marriage to foreign nationals either on a mail-order basis or through personal introduction for a fee;

(4) To use the postal service, internet café or kiosk to promote the prohibited acts in subparagraph 1 hereof.

ARTICLE 3

Prohibited Acts

SECTION 1. The above acts describing or defining mail-order bride under Section 1, Article 2 hereof constitute prohibited acts committed directly or indirectly by any person, natural or juridical, association, clubs in any other utility or by its corporate officer, in-charge or officer in-charge, who shall knowingly allow or consent the same.

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ARTICLE 4

Administrative Inspection

SECTION 1. Administrative Inspection. --- For purposes of this Ordinance, administrative inspection within reasonable time of the day or night shall be made on internet café, kiosk or cybercafé as herein defined under Section 1(d), Article 2, Chapter V of this Ordinance.

SECTION 2. Rule of Incorporation. --- No mayor's permit or permits to engage in business shall be issued unless a provision for administrative inspection shall have stated therein; Provided that, the absence of said provision shall not preclude the application of the rule on incorporation.

CHAPTER IV

ARTICLE 1

Short Title

ANTI-PHOTO and VIDEO VOYEURISM

ARTICLE 2

Declaration of Policy

SECTION 1. The Municipal Government of San Marcelino, Zambales values the dignity and privacy of every human person and guarantees full respect for human rights. Toward this end, the Municipal Government of San Marcelino, Zambales shall penalize acts that would destroy the honor, dignity and integrity of a person.

SECTION 2. Definition of Terms. — For purposes of this Chapter, the term:

- (a) "Broadcast" means to make public, by any means, a visual image with the intent that it be viewed by a person or persons.
- (b) "Capture" with respect to an image, means to videotape, photograph, film, record by any means, or broadcast.
- (c) "Female breast" means any portion of the female breast.
- (d) "Photo or video voyeurism" means the act of taking photo or video coverage of a person or group of persons performing sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter's consent, under circumstances in which such person/s has/have a reasonable expectation of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such sexual act or similar activity through VCD/DVD, internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of same was given by such person/s.
- (e) "Private area of a person" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of an individual.
- (f) "Under circumstances in which a person has a reasonable expectation of privacy" means circumstances in which a reasonable person would believe that he/she could disrobe in privacy, without being concerned that an image or a private area of the person was being captured; or circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public,

ARTICLE 3

Prohibited Acts

SECTION 1. It is hereby prohibited and declared unlawful for any person:

- (a) To take photo or video coverage of a person or group of persons performing sexual act or any similar activity or to capture an image of the private area of a person/s such as the naked or undergarment clad genitals, pubic area, buttocks or female breast without the consent of the person/s involved and under circumstances in which the person/s has/have a reasonable expectation of privacy;
- (b) To copy or reproduce, or to cause to be copied or reproduced, such photo or video or recording of sexual act or any similar activity with or without consideration;
- (c) To sell or distribute, or cause to be sold or distributed, such photo or video or recording of sexual act, whether it be the original, copy or reproduction thereof within the territorial jurisdiction of the Municipality of San Marcelino, Zambales; or
- (d) To publish or broadcast, or cause to be published or broadcast, whether in print or broadcast media, or show or exhibit the photo or video coverage or recordings of such sexual act or any similar activity through VCD/DVD, internet, cellular phones and other similar means or device within the territorial jurisdiction of the Municipality of San Marcelino, Zambales.

The prohibition under paragraphs (b), (c) and (d) shall apply notwithstanding that consent to record or take photo or video coverage of the same was given by such person/s. Any person who violates this provision shall be liable for photo or video voyeurism as defined herein.

CHAPTER V

ARTICLE I

Short Title

ANTI-PORNOGRAPHY and SIMILAR ACTS

ARTICLE 2

Definition of Terms

SECTION 1. As used in this ordinance, the following terms shall mean:

- (a) "Pornography" refers to any representation, whether visual, audio or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated explicit sexual activities.
- (b) "Explicit Sexual Activity" includes actual or simulated —
 - (1) sexual intercourse or lascivious act including, but not limited to, contact involving genital to genital, oral to genital, anal to genital, or oral to anal, whether between persons of the same or opposite sex;
 - (2) bestiality;
 - (3) masturbation;

- (5) lascivious exhibition of the genitals, buttocks, breasts, pubic area and/or anus; or
- (6) use of any object or instrument for lascivious acts.
- (c) "Internet address" refers to a website, bulletin board service, internet chat room or news group, or any other internet or shared network protocol address.
- (d) "Internet café or kiosk" refers to an establishment that offers or proposes to offer services to the public for the use of its computer/s or computer system for the purpose of accessing the internet, computer games or related services.
- (e) "Internet content host" refers to a person who hosts or who proposes to host internet content in the Philippines.
- (f) "Internet service provider (ISP)" refers to a person or entity that supplies or proposes to supply, an internet carriage service to the public.
- (g) "Grooming" refers to the act of preparing a female for a sexual activity or sexual relationship by communicating any form of pornography. It includes online enticement or enticement through any other means.
- (h) Luring refers to the act of communicating, by means of a computer system, with a female for the purpose of facilitating the commission of a sexual activity or production of any form of pornography.
- (i) Pandering refers to the act of offering, advertising, promoting, representing or distributing through any means any material or purported material that is intended to cause another to believe that the material or purported material contains any form of pornography, regardless of the actual content of the material or purported material.
- (j) "Person" refers to any natural or juridical entity.

ARTICLE 3

Prohibited Acts

SECTION 1. Unlawful or Prohibited Acts. — It shall be unlawful for any person:

- (a) To hire, employ, use, persuade, induce or coerce a female to perform in the creation or production of any form of pornography;
- (b) To produce, direct, manufacture or create any form of pornography;
- (c) To publish, offer, transmit, sell, distribute, broadcast, advertise, promote, export or import any form of pornography;
- (d) To possess any form of pornography with the intent to sell, distribute, publish or broadcast: Provided, That possession of three (3) or more articles of pornography of the same form shall be *prima facie* evidence of the intent to sell, distribute, publish or broadcast;
- (e) To knowingly, willfully and intentionally provide a venue for the commission of prohibited acts such as, but not limited to, dens, private rooms, cubicles, cinemas, houses or in establishments purporting to be a legitimate business;
- (f) For film distributors, theaters and telecommunication companies, by themselves or in cooperation with other entities, to distribute any form of pornography;

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- (g) For a parent, legal guardian or person having custody or control of a child to knowingly permit the female to engage, participate or assist in any form of pornography;
 - (h) To engage in the luring or grooming of a female;
 - (i) To engage in pandering of any form of pornography;
 - (j) To willfully access any form of pornography;
 - (k) To conspire to commit any of the prohibited acts stated in this section. Conspiracy to commit any form of pornography shall be committed when two (2) or more persons come to an agreement concerning the commission of any of the said prohibited acts and decide to commit it; and
 - (l) To possess any form of pornography.

ARTICLE 4

Administrative Inspection

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SECTION 1. Administrative Inspection. --- For purposes of this Ordinance, administrative inspection within reasonable time of the day or night shall be made on internet café or kiosk as herein defined.

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SECTION 2. Rule of Incorporation. --- No mayor's permit or permits to engage in business shall be issued unless a provision for administrative inspection shall have stated therein; Provided that, the absence of said provision shall not preclude the application of the rule on incorporation.

ARTICLE 5

Support Services

SECTION 1. Mandatory Services to Victims of Pornography. — To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies and the LGUs shall make available the following services to victims of any form of child pornography:

- (a) Emergency shelter or appropriate housing;
 - (b) Counseling;
 - (c) Free legal services, which shall include information about the victim's rights and the procedure for filing of complaints, claims for compensation and such other legal remedies available to them in a language understood by the child;
 - (d) Medical or psychological services;
 - (e) Livelihood and skills training; and
 - (f) Educational assistance.
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CHAPTER VI

ARTICLE 1

Short Title

LABOR and EMPLOYMENT

ARTICLE 2

Declaration of Policies

SECTION 1. The Municipality of San Marcelino, Zambales adheres to the constitutional mandates (1) of affirming labor as a primary social economic force. It shall protect the rights of workers and promote their welfare; and (2) of protecting the women working by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation; and

SECTION 2. The Municipality of San Marcelino, Zambales recognizes the need to protect the rights of domestic workers against abuse, harassment, violence, economic exploitation and performance of work that is hazardous to their physical and mental health.

SECTION 3. The Municipality of San Marcelino, Zambales recognizes the rights of women night workers to undergo health assessment, suitable first-aid facilities, transfer unfit night worker to similar job for which they are fit to work, to measures for alternate night work and security of tenure during pregnancy, and before and after birth, to compensation and to appropriate social services.

ARTICLE 3

Obligation of Employers

SECTION 1. It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex.

SECTION 2. No employer shall diminish maternity benefits or parental leave under the present law and collective bargaining.

SECTION 3. Every employer shall establish in its workplace lactation station and observe lactation period.

SECTION 4. No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of her status and shall develop flexible work schedule for its solo parent employee.

SECTION 5. Every employer shall observe the anti-sexual harassment law and the law on the employment of women night workers' law.

CHAPTER VII

ARTICLE 1

Short Title

ARTICLE 2

Declaration of Policy

SECTION 1. The Local Government of San Marcelino, Zambales shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are hereby declared unlawful.

ARTICLE 3

Sexual Harassment

SECTION 1. Definition of Sexual Harassment. – Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

SECTION 2. Prohibited Acts.

- (a) In a work-related or employment environment, sexual harassment is committed when:
 - (1) The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in Republic Act No. 7877 page 2 any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
 - (2) The above acts would impair the employee's rights or privileges under existing labor laws; or
 - (3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.
- (b) In an education or training environment, sexual harassment is committed:
 - (1) Against one who is under the care, custody or supervision of the offender;
 - (2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
 - (3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors and scholarships, or the payment of a stipend, allowance or other benefits, privileges, or considerations; or
 - (4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another, without which it would not have been committed, shall also be held liable under this Act.

SECTION 3. Duty of the Employer or Head of Office. – It shall be the duty of the

prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment. Towards this end, the employer or head of office shall:

- (a) Promulgate appropriate rules and regulations in consultation with and jointly approved by the employees or students or trainees, through their duly designated representatives, prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions therefor.

Administrative sanctions shall not be a bar to prosecution in the proper courts for unlawful acts of sexual harassment.

The said rules and regulations issued pursuant to this subsection (a) shall include, among others, guidelines on proper decorum in the workplace and educational or training institutions.

- (b) Create a committee on decorum and investigation of cases on sexual harassment. The committee shall conduct meetings, as the case may be, with officers and employees, teachers, instructors, professors, coaches, trainors and students or trainees to increase understanding and prevent incidents of sexual harassment. It shall also conduct the investigation of alleged cases constituting sexual harassment.

In the case of a work-related environment, the committee shall be composed of at least one (1) representative each from the management, the union, if any, the employees from the supervisory rank, and from the rank and file employees.

In the case of the educational or training institution, the committee shall be composed of at least one (1) representative from the administration, the trainors, teachers, instructors, professors or coaches and students or trainees, as the case may be.

The employer or head of office, educational or training institution shall disseminate or post a copy of this Act for the information of all concerned.

SECTION 4. Committee on Decorum and Investigation. – For purposes of Section 3 (b) hereof, the Promotion and Selection Board of this Municipality shall act as Committee on Decorum and Investigation. The Committee, in its investigation, shall adopt its own rules and regulations without prejudice to civil service rules and regulation.

CHAPTER VIII

ARTICLE 1

Short Title

BATAS KASAMBAHAY

ARTICLE 2

Declaration of Policies

SECTION 1. The Municipal Government of San Marcelino, Zambales subscribes to the adage "*a healthy family makes a healthy community*" and recognizes the vital role of domestic helpers play in establishing a happy and healthy home. To this end, the Municipality of San Marcelino, Zambales recognizes the need to protect the rights of domestic workers against abuse, harassment, violence, economic exploitation and performance of work that is hazardous to their physical and mental health; and in protecting domestic workers and recognizing their special needs to ensure safe and healthful working conditions, promotes gender-sensitive measures in the formulation and implementation of policies and programs affecting the local domestic work

ARTICLE 3

Definition of Terms

SECTION 1. The following terms shall mean:

- (a) Domestic work refers to work performed in or for a household or households.
- (b) Domestic worker or "Kasambahay" refers to any person engaged in domestic work within an employment relationship such as, but not limited to the following: general househelp, nursemaid or "yaya", cook, gardener, or laundry person, but shall exclude any person who performs domestic work only occasionally or sporadically and not on an occupational basis.

The term shall not include children who are under foster family arrangement, and are provided access to education and given an allowance incidental to education, i.e., "baon", transportation, school projects and school activities.

- (c) Employer refers to any person who engages and controls the services of a domestic worker and is party to the employment contract.
- (d) Household refers to the immediate members of the family or the occupants of the house that are directly provided services by the domestic worker.

ARTICLE 4

The Local Government Unit (LGU) and Employers

SECTION 1. The LGU of San Marcelino, Zambales shall designate a place in its Public Plaza where domestic helpers may congregate, interact and exercise their right to organization every Sunday and thenceforth.

SECTION 2. The LGU of San Marcelino, Zambales and the concerned employers shall develop a scheme to enable their domestic helpers have access to education or training without hampering the services required by the employer at the very least alternative learning systems.

SECTION 3. The employers shall register all domestic workers under their employment in the Registry of Domestic Workers in the barangay where the employer's residence is located.

SECTION 4. The employers shall allow their domestic workers observe and participate in the observation of Araw ng mga Kasambahay designated on January 18, 2013 and every year thereafter without any deprivation of benefits.

CHAPTER IX

ARTICLE 1

Short Title

MAGNA CARTA OF PHYSICALLY, PSYCHOLOGICALLY AND MENTALLY CHALLENGED PERSONS, CREATION OF PERSONS WITH DISABILITIES AFFAIRS OFFICE (PDAO) AND OTHER PURPOSE

ARTICLE 2

Declaration of Policies

SECTION 1. The Municipal Government of San Marcelino, Zambales recognizes

to harness their talents and capabilities in community development in particular and in nation building in general.

ARTICLE 3

Definition of Terms

SECTION 1. For purposes of this Chapter the terms as defined in Republic Act No. 7277 as amended by Republic Act Nos. 9442 (April 30, 2007) and 10070 (April 06, 2010) are adopted. These terms are defined as follows:

- a) Disabled persons are those suffering from restriction or different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being;
- b) Impairment is any loss, diminution or aberration of psychological, physiological, or anatomical structure or function;
- c) Disability shall mean 1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; 2) a record of such an impairment; or 3) being regarded as having such an impairment;
- d) Handicap refers to a disadvantage for a given individual, resulting from an impairment or a disability, that limits or prevents the function or activity, that is considered normal given the age and sex of the individual;
- e) Rehabilitation is an integrated approach to physical, social, cultural, spiritual, educational and vocational measures that create conditions for the individual to attain the highest possible level of functional ability;
- f) Social Barriers refer to the characteristics of institutions, whether legal, economic, cultural, recreational or other, any human group, community, or society which limit the fullest possible participation of disabled persons in the life of the group. Social barriers include negative attitudes which tend to single out and exclude disabled persons and which distort roles and inter-personal relationships;
- g) Auxiliary Aids and Services include:
 - 1) qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;
 - 2) qualified readers, taped tests, or other effective methods of delivering materials to individuals with visual impairments;
 - 3) acquisition or modification of equipment or devices; and
 - 4) other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability.
- h) Reasonable Accommodation include 1) improvement of existing facilities used by employees in order to render these readily accessible to and usable by disabled persons; and 2) modification of work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or company policies, rules and regulations, the provision of auxiliary aids and services, and other similar accommodations for disabled persons;
- i) Sheltered Employment refers to the provision of productive work for disabled persons through workshops providing special facilities, income-producing projects or homework schemes with a view to giving them the opportunity to earn a living thus enabling them to

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- j) Auxiliary Social Services are the supportive activities in the delivery of social services to the marginalized sectors of society;
- k) Marginalized Disabled Persons refer to disabled persons who lack access to rehabilitative services and opportunities to be able to participate fully in socioeconomic activities and who have no means of livelihood and whose incomes fall below the poverty threshold;
- l) Qualified Individual with a Disability shall mean an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires. However, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job;
- m) Readily Achievable means a goal can be easily attained and carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include —
- 1) the nature and cost of the action;
 - 2) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;
 - 3) the overall financial resources of the covered entity with respect to the number of its employees; the number, type and location of its facilities; and
 - 4) the type of operation or operations of the covered entity, including the composition, structure and functions of the work force of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.
- n) Public Transportation means transportation by air, land and sea that provides the public with general or special service on a regular and continuing basis;
- o) Covered Entity means an employer, employment agency, labor organization or joint-labor management committee; and
- p) Commerce shall be taken to mean as travel, trade, traffic, commerce, transportation, or communication among the provinces or between any foreign country or any territory or possession and any province.

ARTICLE 4

CREATION OF PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO)

SECTION 1. Local Government Unit of San Marcelino, Zambales shall organize and establish the following:

(1) Persons with Disability Affairs Office (PDAO)

The local chief executive shall appoint a PWD affairs officer who shall manage and oversee the operations of the office, pursuant to its mandate under this Act. Priority shall be given to qualified PWDs to head and man the said office in carrying out the following functions:

- (i) Formulate and implement policies, plans and programs for the promotion of the welfare of PWDs in coordination with concerned national and local government agencies;

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- (ii) Coordinate the implementation of the provisions of this Act, Batas Pambansa Blg. 344, otherwise known as the Accessibility Law, and other relevant laws at the local level;
 - (iii) Represent PWDs in meetings of local development councils and other special bodies;
 - (iv) Recommend and enjoin the participation of nongovernment organizations (NGOs) and people's organizations (POs) in the implementation of all disability-related laws and policies;
 - (v) Gather and compile relevant data on PWDs in their localities;
 - (vi) Disseminate information including, but not limited to, programs and activities for PWDs, statistics on PWDs, including children with disability, and training and employment opportunities for PWDs;
 - (vii) Submit reports to the office of the local chief executive on the implementation of programs and services for the promotion of the welfare of PWDs in their respective areas of jurisdiction;
 - (viii) Ensure that the policies, plans and programs for the promotion of the welfare of PWDs are funded by both the national and local government;
 - (ix) Monitor fundraising activities being conducted for the benefit of PWDs;
 - (x) Seek donations in cash or in kind from local or foreign donors to implement an approved work plan for PWDs, in accordance with existing laws and regulations; and
 - (xi) Perform such other functions as may be necessary for the promotion and protection of the welfare of the PWDs.

SECTION 2. Source of Funding.

In order to effectively carry out the objectives of Republic Act No. 7277, as amended, the Local government unit of San Marcelino, Zambales shall ensure that the necessary fund from any available local revenues is allocated for the implementation of this Ordinance for the benefit of PWDs in its jurisdiction.

ARTICLE V

Prohibited Acts.

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- SECTION 1.** No disabled person shall be denied access to opportunities for suitable employment, apprenticeship or under study. A qualified disabled employee, apprentice or under study shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able bodied person.
- SECTION 2.** No entity, whether public or private, shall discriminate against a qualified disabled person by reason of disability in regard to job application procedures, the hiring, promotion, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. The following constitute acts of discrimination:
- 1) Limiting, segregating or classifying a disabled job applicant in such a manner that adversely affects his work opportunities;

- 2) Using qualification standards, employment tests or other selection criteria that screen out or tend to screen out a disabled person unless such standards, tests or other selection criteria are shown to be job-related for the position in question and are consistent with business necessity;
 - 3) Utilizing standards, criteria, or methods of administration that:
 - (a) have the effect of discrimination on the basis of disability; or
 - (b) perpetuate the discrimination of others who are subject to common administrative control.
 - 4) Providing less compensation, such as salary, wage or other forms of remuneration and fringe benefits, to a qualified disabled employee, by reason of his disability, than the amount to which a non-disabled person performing the same work is entitled;
 - 5) Favoring a non-disabled employee over a qualified disabled employee with respect to promotion, training opportunities, study and scholarship grants, solely on account of the latter's disability;
 - 6) Re-assigning or transferring a disabled employee to a job or position he cannot perform by reason of his disability;
 - 7) Dismissing or terminating the services of a disabled employee by reason of his disability unless the employer can prove that he impairs the satisfactory performance of the work involved to the prejudice of the business entity: Provided, however, That the employer first sought to provide reasonable accommodations for disabled persons;
 - 8) Failing to select or administer in the most effective manner employment tests which accurately reflect the skills, aptitude or other factor of the disabled applicant or employee that such tests purport to measure, rather than the impaired sensory, manual or speaking skills of such applicant or employee, if any; and
 - 9) Excluding disabled persons from membership in labor unions or similar organizations

SECTION 3. No learning institution, vocational or trade school or non-formal education providers shall deny access to education to a person with disability primary of his condition.

SECTION 4. No marginalized disabled person shall be denied free access to postal service.

SECTION 5. Every public or private building and establishment's owner or lessor shall provide a barrier-free environment for disabled persons in consonance with Batas Pampansa Bilang 344, otherwise known as the "Accessibility Law".

SECTION 6. It shall be considered discrimination for the franchisees or operators and personnel of sea, land, and air transportation facilities to charge higher fare or to refuse to convey a passenger, his orthopedic devices, personal effects, and merchandise by reason of his disability.

SECTION 7. No person with disability be denied access or use of public accommodations and services. Public accommodations and services shall include the following:

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- 1) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five (5) rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
 - 2) a restaurant, bar, or other establishment serving food or drink;
 - 3) a motion picture, theater, concert hall, stadium, or other place of exhibition or entertainment;
 - 4) an auditorium, convention center, lecture hall, or other place of public gathering;
 - 5) a bakery, grocery store, hardware store, shopping center, or other sales or rental establishment;
 - 6) a bank, barber shop, beauty shop, travel service, funeral parlor, gas station, office of a lawyer, pharmacy, insurance office, professional office of a health care provider, hospital or other service establishment;
 - 7) a terminal, depot, or other station used for specified public transportation;
 - 8) a museum, gallery, library or other place of public display or collection;
 - 9) a park, zoo, amusement park, or other place of recreation;
 - 10) a nursery, elementary, secondary, undergraduate, or post-graduate private school, or other place of education;
 - 11) a gymnasium, health spa, bowling alley, golf course; or
 - 12) other places of exercise or recreation.

SECTION 8. No disabled person shall be discriminated on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation. The following constitute acts of discrimination:

- 1) denying a disabled person, directly or through contractual, licensing, or other arrangement, the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity by reason of his disability;
- 2) affording a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with the opportunity to participate in or benefit from a good service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other able-bodied persons; and
- 3) providing a disabled person, on the basis of his disability, directly or through contractual, licensing, or other arrangement, with a good, service, facility, advantage, privilege, or accommodation that is different or separate form that provided to other able-bodied persons unless such action is necessary to provide the disabled person with a good, service, facility, advantage, privilege, or accommodation, or other opportunity that is as effective as that provided to others;

For purposes of this Section, the term "individuals or class of individuals" refers to the clients or customers of the covered public accommodation that enters into the contractual, licensing or other arrangement.

Integrated Settings — Goods, services, facilities, privileges, advantages, and accommodations shall be afforded to individual with a disability in the most integrated setting appropriate to the needs of the individual.

Opportunity to Participate — Notwithstanding the existence of separate or different programs or activities provided in accordance with this section, an individual with a disability shall not be denied the opportunity to participate in such programs or activities that are not separate or different.

Association — It shall be discriminatory to exclude or otherwise deny equal goods, services, facilities, advantages, privileges, accommodations or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

For purposes of this Section, the following shall be considered as discriminatory:

- 1) the imposition or application of eligibility criteria that screen out or tend to screen out an individual with a disability or any class or individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, or accommodations being offered;
- 2) a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of the goods, facilities, services, privileges, advantages, or accommodations;
- 3) failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage or accommodation being offered or would result in undue burden;
- 4) failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, where such removal is readily achievable; and
- 5) where an entity can demonstrate that the removal of a barrier under clause (4) is not readily achievable, a failure to make such goods, services, facilities, privileges, advantages, or accommodations available through alternative methods if such methods are readily achievable.

CHAPTER X

ARTICLE 1

Short Title

HEALTH CARE

ARTICLE 2

Declaration of Policies

SECTION 1. The Municipal Government of San Marcelino, Zambales shall: (1) adopt the international obligation of the Philippines under the United Nations Convention of the Elimination of all Forms of Discrimination Against Women (UN-CEDAW) to its local application; (2) adheres to the national policies and principles enshrined in Sections 12 and 15, Article II, Section 11, Article XIII, and Section 1, Article XV of the 1987 Constitution; and subscribes to the policies and principles set forth under Executive Order No. 51 dated October 20, 1986 (Milk Code), Republic Act No. 9288 as amended by Republic Act No. 9709 (Universal Newborn Hearing Screening and Intervention Act of 2009), Republic Act No. 10152 (Mandatory Infants and Children Health Immunization Act of 2011), and Republic Act No. 10354 (The Responsible Parenthood And Reproductive Health Act of 2012) to wit:

ARTICLE 3

Definition of Terms

SECTON 1. As used in this Code, the following terms defined under RA No. 10354 are adopted by reference:

- a) Abortifacient – refers to any drug or device that induces abortion or the destruction of a fetus inside the mother's womb or the prevention of the fertilized ovum to reach and be implanted in the mother's womb upon determination of the FDA.
- b) Adolescent – refers to young people between the ages of ten (10) to nineteen (19) years who are in transition from childhood to adulthood.
- c) Basic Emergency Obstetric and Newborn Care (BEMONC) – refers to lifesaving services for emergency maternal and newborn conditions/complications being provided by a health facility or professional to include the following services: administration of parenteral oxytocic drugs, administration of dose of parenteral anticonvulsants, administration of parenteral antibiotics, administration of maternal steroids for preterm labor, performance of assisted vaginal deliveries, removal of retained placental products, and manual removal of retained placenta. It also includes neonatal interventions which include at the minimum: newborn resuscitation, provision of warmth, and referral, blood transfusion where possible.
- d) Comprehensive Emergency Obstetric and Newborn Care (CEMONC) – refers to lifesaving services for emergency maternal and newborn conditions/complications as in Basic Emergency Obstetric and Newborn Care plus the provision of surgical delivery (caesarian section) and blood bank services, and other highly specialized obstetric interventions. It also includes emergency neonatal care which includes at the minimum: newborn resuscitation, treatment of neonatal sepsis infection, oxygen support, and antenatal administration of (maternal) steroids for threatened premature delivery.
- e) Family planning – refers to a program which enables couples and individuals to decide freely and responsibly the number and spacing of their children and to have the information and means to do so, and to have access to a full range of safe, affordable, effective, non-abortifacient modern natural and artificial methods of planning pregnancy.
- f) Fetal and infant death review – refers to a qualitative and in-depth study of the causes of fetal and infant death with the primary purpose of preventing future deaths through changes or additions to programs, plans and policies.

limited to, during pregnancy, childbirth and the postpartum period.

- h) Modern methods of family planning - refers to safe, effective, non-abortifacient and legal methods, whether natural or artificial, that are registered with the Food and Drug Administration, to plan pregnancy.
- i) Natural family planning – refers to a variety of methods used to plan or prevent pregnancy based on identifying the woman's fertile days.
- j) Public health care service provider – refers to: (1) public health care institution, which is duly licensed and accredited and devoted primarily to the maintenance and operation of facilities for health promotion, disease prevention, diagnosis, treatment and care of individuals suffering from illness, disease, injury, disability or deformity, or in need of obstetrical or other medical and nursing care; (2) public health care professional, who is a doctor of medicine, a nurse or a midwife; (3) public health worker engaged in the delivery of health care services; or (4) barangay health worker who has undergone training programs under any accredited government and NGO and who voluntarily renders primarily health care services in the community after having been accredited to function as such by the local health board in accordance with the guidelines promulgated by the Department of Health (DOH).
- k) Poor – refers to members of households identified as poor through the NHTS-PR by the Department of Social Welfare and Development (DSWD) or any subsequent system used by the national government in identifying the poor.
- l) Reproductive Health (RH) – refers to the state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. This implies that people are able to have a responsible, safe, consensual and satisfying sex life, that they have the capability to reproduce and the freedom to decide if, when, and how often to do so. This further implies that women and men attain equal relationships in matters related to sexual relations and reproduction.
- m) Reproductive Health Care – refers to the access to a full range of methods, facilities, services and supplies that contribute to reproductive health and well-being by addressing reproductive health-related problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations. The elements of reproductive health care include the following:
 - (1) Family planning information and services which shall include as a first priority making women of reproductive age fully aware of their respective cycles to make them aware of when fertilization is highly probable, as well as highly improbable;
 - (2) Maternal, infant and child health and nutrition, including breastfeeding;
 - (3) Proscription of abortion and management of abortion complications;
 - (4) Adolescent and youth reproductive health guidance and counseling;
 - (5) Prevention, treatment and management of reproductive tract infections (RTIs), HIV and AIDS and other sexually transmittable infections (STIs);
 - (6) Elimination of violence against women and children and other forms of sexual and gender-based violence;
 - (7) Education and counseling on sexuality and reproductive health;

- (9) Male responsibility and involvement and men's reproductive health;
- (10) Prevention, treatment and management of infertility and sexual dysfunction;
- (11) Reproductive health education for the adolescents; and
- (12) Mental health aspect of reproductive health care.
- n) Reproductive health care program – refers to the systematic and integrated provision of reproductive health care to all citizens prioritizing women, the poor, marginalized and those invulnerable or crisis situations.
- o) Reproductive health rights – refers to the rights of individuals and couples, to decide freely and responsibly whether or not to have children; the number, spacing and timing of their children; to make other decisions concerning reproduction, free of discrimination, coercion and violence; to have the information and means to do so; and to attain the highest standard of sexual health and reproductive health: Provided, however, That reproductive health rights do not include abortion, and access to abortifacients.
- p) Reproductive health and sexuality education – refers to a lifelong learning process of providing and acquiring complete, accurate and relevant age- and development-appropriate information and education on reproductive health and sexuality through life skills education and other approaches.
- q) Responsible parenthood – refers to the will and ability of a parent to respond to the needs and aspirations of the family and children. It is likewise a shared responsibility between parents to determine and achieve the desired number of children, spacing and timing of their children according to their own family life aspirations, taking into account psychological preparedness, health status, socio-cultural and economic concerns consistent with their religious convictions.
- r) Sexually Transmitted Infection (STI) – refers to any infection that may be acquired or passed on through sexual contact, use of IV, intravenous drug needles, childbirth and breastfeeding.
- s) Skilled birth attendance – refers to childbirth managed by a skilled health professional including the enabling conditions of necessary equipment and support of a functioning health system, including transport and referral faculties for emergency obstetric care.
- t) Skilled health professional – refers to a midwife, doctor or nurse, who has been educated and trained in the skills needed to manage normal and complicated pregnancies, childbirth and the immediate postnatal period, and in the identification, management and referral of complications in women and newborns.
- u) Sustainable human development – refers to bringing people, particularly the poor and vulnerable, to the center of development process, the central purpose of which is the creation of an enabling environment in which all can enjoy long, healthy and productive lives, done in the manner that promotes their rights and protects the life opportunities of future generations and the natural ecosystem on which all life depends.

ARTICLE 4

Creation of Municipal Birthing Center

SECTION 1. The Local legislative body shall establish a Municipal Birthing Center as a social enterprise to provide the interface mechanism between the public and private health

Opinion _____ *Comments* _____
SECTION 2. Services. --- the Center shall provide the following services:

- (a) Pre and Post natal services;
- (b) Normal child delivery;
- (c) Newborn screening;
- (d) Breastfeeding counseling and management;
- (e) Immunization;
- (f) Maternal nutrition;
- (g) Post partum family planning counseling;
- (h) Diarrheal;
- (i) Other reproductive health services;
- (j) Health referral relative to BEMONC; and
- (k) Similar health services.

Amendments _____
SECTION 3. Administrator. --- the Center shall be administered by the Physician or Registered Midwife with at least five (5) years of experience in maternal and child health care or of the services offered by the Center.

The administrator shall be appointed by the local chief executive upon the recommendation of the Advisory and Management Board as herein after created from the pool of applicants as selected by the municipal selection board.

SECTION 4. Functions of the Administrator. --- The duties and responsibilities of the Administrator are:

- (a) Ensure the economic viability and responsiveness of the Center;
- (b) Process the accreditation of the Center as PhilHealth accredited service provider and maintain its status of accreditation;
- (c) Promote, oversee and ensure the quality of maternal and child care services of the Center;
- (d) Develop and enforce a quality assurance monitoring and evaluation plan geared on eliminating mortality;
- (e) Develop, implement, monitor and evaluate marketing plans and fund sourcing;
- (f) Establish and maintain technical linkages;
- (g) Ensure the availability of birthing facility services thru deployment of skilled, public and/or private health professionals;
- (h) Plan and organize human resource development programs;
- (i) Recommend policies, plans and strategies to the Advisory Board and Management on institutional development concerns in general and on the upgrade of the Center to BEMONC;
- (j) Submit technical and financial reports to the Advisory Board and Management;
- (k) Supervise and monitor the distribution program and usage of DOH family planning

- (1) Perform such other functions and tasks as may be provided by law, ordinance or rules and regulations.

SECTION 5. The Advisory Board and Management. --- The Advisory Board and Management is the policy-making body of the Maternal and Child Center.

The Advisory Board shall be composed of the following:

Chair: Municipal Mayor

Co-Chair: Municipal Health Officer

Members: Chairman, Com. on Women, Sangguniang Bayan

Chairman, Com. on Health, Sangguniang Bayan

Head, OB-Gyne Department, SMDH

Chief of Police

Municipal Social Welfare & Development Officer

Municipal Tourism Officer

Gender and Development Officer

District Supervisor, DepEd of San Marcelino, Zambales

Person Living with HIV

Two (2) NGOs working on HIV/STI prevention, to be designated by the Municipal Mayor

Presidents of accredited NGOs on women, indigenous people, youth and business

Parish Priest, Roman Catholic Church

Parish Priest, Iglesia Filipina Independiente

Minister, Iglesia Ni Cristo

Chairman, Sangguniang Kabataan

President, Liga ng mga Barangay

Representatives from the DOH-CHD3 and PhilHealth

SECTION 6. Powers and Functions. – The Advisory Board and Management shall have the following powers and functions, to wit:

- a) Formulate policies and strategies for the heightened maternal and child health care;
- b) Prepare short term, medium-term and long term plans for sexual and health programs and conduct studies in furtherance thereof;
- c) Initiate and sustain a municipality-wide multi-media campaign to raise the level of public awareness on the promotion of reproductive health and rights but not limited to protection of maternal and child health care;

policy guidelines, and the like;

- e) Recommend to the Sangguniang Bayan enactment of ordinances that would promote and protect maternal and child health care;
- f) Recommend the cancellation or recall of local permits or closure of any establishment found violating the prohibited acts as hereunder provided;
- g) Recommend the prosecution of persons found violating the prohibited acts as hereunder provided;
- h) Prepare annual budgetary allocations for the operation and maintenance of the Advisory Board herein created including its programs.

In the performance of its afore-enumerated functions, the Advisory Board and Management shall create committees for the purpose.

SECTION 7. The Secretariat.

The Secretariat shall be composed of the Senior nurse and midwife of the Municipal Health Office as Head and Assistant Head of the Secretariat, respectively, and one barangay health worker for each barangay, as members.

ARTICLE 5

Prohibited Acts

SECTION 1. The following acts are prohibited and punishable as herein provided:

- a) Any employer who shall suggest, require, unduly influence or cause any applicant for employment or an employee to submit himself/herself to sterilization, use any modern methods of family planning, or not use such methods as a condition for employment, continued employment, promotion or the provision of employment benefits. Further, pregnancy or the number of children shall not be a ground for non-hiring or termination from employment;
- b) Any person who shall falsify a Certificate of Compliance as required in Section 15 of Republic Act No. 10354;
- c) Any pharmaceutical company, whether domestic or multinational, or its agents or distributors, which directly or indirectly colludes with government officials, whether appointed or elected, in the distribution, procurement and/or sale by the national government and LGUs of modern family planning supplies, products and devices;
- d) Any health care provider who shall:
 - (1) Allow minor-parents or minors who have suffered a miscarriage access to modern methods of family planning without the written consent from their parents or guardian/s except in an emergency or life-threatening case.
 - (2) Allow married individual, not in an emergency or life-threatening case, to undergo reproductive health procedures without the consent of the spouse.
 - (3) Allow or require an abused minor undergo elective surgical procedures without the consent of her parents or guardian/s except in an emergency or life-threatening case.

ARTICLE 6

Appropriation

including its programs forming part of its annual budget of the Gender and Development (GAD) funds.

CHAPTER XI

ARTICLE 1

Short Title

ACQUIRED IMMUNE DEFICIENCY SYNDROME and HUMAN IMMUNODEFICIENCY VIRUS

ARTICLE 2

Declaration of Policies

SECTION 1. The Municipality of San Marcelino, Zambales recognizes the dreadfulness of Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) not only as a health concern but its social stigma as well; and

SECTION 2. The Municipality of San Marcelino, Zambales shall promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS thru education and information.

ARTICLE 3

Definition of Terms

SECTION 1. The following terms shall mean as follows:

- (a) "Acquired Immune Deficiency Syndrome (AIDS)" — a condition characterized by a combination of signs and symptoms, caused by HIV contracted from another person and which attacks and weakens the body's immune system, making the afflicted individual susceptible to other life-threatening infections.
- (b) "Anonymous Testing" — refers to an HIV testing procedure whereby the individual being tested does not reveal his/her true identity. An identifying number or symbol is used to substitute for the name and allows the laboratory conducting the test and the person on whom the test is conducted to match the test results with the identifying number or symbol.
- (c) "Compulsory HIV Testing" — refers to HIV testing imposed upon a person attended or characterized by the lack of or vitiated consent, use of physical force, intimidation or any form of compulsion.
- (d) "Contact tracing" — refers to the method of finding and counseling the sexual partner(s) of a person who has been diagnosed as having sexually transmitted disease.
- (e) "Human Immunodeficiency Virus (HIV)" — refers to the virus which causes AIDS
- (f) "Informed Consent" — refers to the voluntary agreement of a person to undergo or be subjected to a procedure based on full information, whether such permission is written, conveyed verbally, or expressed indirectly.
- (g) "Medical Confidentiality" — refers to the relationship of trust and confidence created or existing between a patient or a person with HIV and his attending physician, consulting medical specialist, nurse, medical technologist and all other health workers or personnel involved in any counseling, testing or professional

care of the former; it also applies to any person who, in any official capacity, has acquired or may have acquired such confidential information.

- (h) "Person with HIV" — refers to an individual whose HIV test indicates, directly or indirectly, that he/she is infected with HIV.
- (i) "Pre-Test Counseling" — refers to the process of providing an individual information on the biomedical aspects of HIV/AIDS and emotional support to any psychological implications of undergoing HIV testing and the test result itself before he/she is subjected to the test.
- (j) "Post-Test Counseling" — refers to the process of providing risk-reduction information and emotional support to a person who submitted to HIV testing at the time that the test result is released.

ARTICLE 4

Unlawful Acts

SECTION 1. The following acts shall be considered unlawful:

- (a) Discrimination in any form from pre-employment to post-employment, including hiring, promotion or assignment, based on the actual, perceived or suspected HIV status of an individual is prohibited. Termination from work on the sole basis of actual, perceived or suspected HIV status is deemed unlawful.
- (b) No educational institution shall refuse admission or expel, discipline, segregate, deny participation, benefits or services to a student or prospective student on the basis of his/her actual, perceived or suspected HIV status.
- (c) The freedom of abode, lodging and travel of a person with HIV shall not be abridged. No person shall be quarantined, placed in isolation, or refused lawful entry into or deported from Philippine territory on account of his/her actual, perceived or suspected HIV status.
- (d) The right to seek an elective or appointive public office shall not be denied to a person with HIV.

CHAPTER XII

ARTICLE 1

Short Title

PUBLIC REPRESENTATION and PARTICIPATION

ARTICLE 2

Declaration of Policies

SECTION 1. The Municipal Government of San Marcelino, Zambales shall adhere and comply to Sections 41 (c) on women sectors representation in the Sangguniang Bayan and 107 on sectoral representation in the local development councils. of the Local Government Code of 1991 as amended, to Section 12 (d) on women civil society organization representation in the Municipal Disaster Coordinating Council of R.A. No. 10121 (Philippine Disaster Risk Reduction & Management Act of 2010), to Section 11 (b) on the at least 40% membership representation from women sector I the local development council of R.A. No. 9710 (The Magna Carta of Women), and to Section 6 on the creation of the Office of Senior Citizens' Affairs of R.A. No.

CHAPTER XIII
ARTICLE 1
Short Title
GENDER IN EDUCATION

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ARTICLE 2
Declaration of Policies

SECTION 1. The Municipal Government of San Marcelino, Zambales shall endeavor to establish linkage with the players or stakeholders of the education sector, including the private sector, churches, and faith groups for capacity building on gender and development.

It shall petition the concerned authorities on the granting of priority to in the appointment or assignment of public school teachers in the elementary or secondary schools to bona fide residents of barangay where the school is located as provided for in Republic Act No. 8190 enacted on June 11, 1996 (Granting Priority to Residents in the Appointment for School Teachers)

A It shall encourage the schools within its territory in the formulation and adoption in curriculum or course on reproductive health or integration of the same to its existing cognate subject or course.

It shall take extra effort in the use of non-sexist language or gender sensitive language in its documents, communications or issuances.

ARTICLE 3
Definition of Terms

Section 1. Public schools are institution of learning supported, in full or part, or under the control or supervision by the national or local governments.

Section 2. Private schools are any private institution for teaching managed by private individuals or corporation which offers courses of kindergarten, primary, intermediate or secondary institution with superior courses in vocational, technical, profession or especial schools by which diplomas or certificates are to be granted or titles and degrees conferred.

ARTICLE 4
Scholarship Fund/

SECTION 1. The Municipal Government of San Marcelino, Zambales thru its Sangguniang Bayan shall establish a scholarship fund for poor but deserving students residing within the municipality in schools established within its jurisdiction.

For gender mainstreaming, scholarship on the field of teaching or education shall be a priority to indigenous people.

ARTICLE 5
Prohibited Acts

SECTION 1. Expulsion and non-readmission of women faculty due to pregnancy outside of marriage.

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SECTION 3. No school shall use discriminatory or gender insensitive words to its female students, personnel and faculty.

SECTION 4. No learning institution, vocational or trade school or non-formal education providers shall deny access to education to a person with disability primary of his condition.

CHAPTER XIV

ARTICLE 1

Short Title

SOCIAL WELFARE

ARTICLE 2

Definition of Terms

SECTION 1. The following terms as used in this Chapter are defined as follows, viz:

- (a) Senior citizen or elderly refers to any resident citizen of the Philippines at least sixty (60) years old;
- (b) Geriatrics refer to the branch of medical science devoted to the study of the biological and physical changes and the diseases of old age;
- (c) Lodging establishment refers to a building, edifice, structure, apartment or house including tourist inn, apartelle, motorist hotel, and pension house engaged in catering, leasing or providing facilities to transients, tourists or travelers;
- (d) Medical services refer to hospital services, professional services of physicians and other health care professionals and diagnostic and laboratory tests that are necessary for the diagnosis or treatment of an illness or injury;
- (e) Dental services refer to oral examination, cleaning, permanent and temporary filling, extractions and gum treatments, restoration, replacement or repositioning of teeth, or alteration of the alveolar or periodontium process of the maxilla and the mandible that are necessary for the diagnosis or treatment of an illness or injury;
- (f) Nearest surviving relative refers to the legal spouse who survives the deceased senior citizen: Provided, That where no spouse survives the decedent, this shall be limited to relatives in the following order of degree of kinship: children, parents, siblings, grandparents, grandchildren, uncles and aunts;
- (g) Home health care service refers to health or supportive care provided to the senior citizen patient at home by licensed health care professionals to include, but not limited to, physicians, nurses, midwives, physical therapists and caregivers; and
- (h) Indigent senior citizen refers to any elderly who is frail, sickly, or with disability, and without pension or permanent source of income, compensation or financial assistance from his/her relatives to support his/her basic needs, as determined by the Department of Social Welfare and Development (DSWD) in consultation with the National Coordinating and Monitoring Board.

ARTICLE 3

Privileges for the Senior Citizens

SECTION 1. The senior citizens shall be entitled to the following:

(a) the grant of twenty percent (20%) discount and exemption from the value-added tax (VAT), if applicable, on the sale of the following goods and services from all establishments, for the exclusive use and enjoyment or availment of senior citizens:

(1) on the purchase of medicines, including the purchase of influenza and pneumococcal vaccines, and such other essential medical supplies, accessories and equipment to be determined by the Department of Health (DOH).

The DOH shall establish guidelines and mechanisms of compulsory rebates in the sharing of burden of discounts among retailers, manufacturers and distributors, taking into consideration their respective margins;

(2) on the professional fees of attending physician/s in all private hospitals, medical facilities, outpatient clinics and home health care services;

(3) on the professional fees of licensed professional health workers providing home health care services as endorsed by private hospitals or employed through home health care employment agencies;

(4) on medical and dental services, diagnostic and laboratory fees in all private hospitals, medical facilities, outpatient clinics, and home health care services, in accordance with the rules and regulations to be issued by the DOH, in coordination with the Philippine Health Insurance Corporation (PhilHealth);

(5) in actual fare for land transportation travel in public utility buses (PUBs), public utility jeepneys (PUJs), taxis, Asian utility vehicles (AUVs), shuttle services and public railways;

(6) in actual transportation fare for domestic air transport services and sea shipping vessels and the like, based on the actual fare and advanced booking;

(7) on the utilization of services in hotels and similar lodging establishments, restaurants and recreation centers;

(8) on admission fees charged by theaters, cinema houses and concert halls, circuses, carnivals, and other similar places of culture, leisure and amusement; and

(9) on funeral and burial services for the death of senior citizens;

(b) exemption from the payment of individual income taxes of senior citizens who are considered to be minimum wage earners in accordance with Republic Act No. 9504;

(c) the grant of a minimum of five percent (5%) discount relative to the monthly utilization of water and electricity supplied by public utilities: Provided, That the individual meters for the foregoing utilities are registered in the name of the senior citizen residing therein: Provided, further, That the monthly consumption does not exceed one hundred kilowatt hours (100 kWh) of electricity and thirty cubic meters (30 m³) of water: Provided, furthermore, That the privilege is granted per household regardless of the number of senior citizens residing therein;

(d) A financial assistance shall be given to indigent senior citizen upon his/her death to be awarded to the nearest surviving relative.

ARTICLE 4

Obligation of Persons

SECTION 1. Discount. --- All entities, establishments or individual engaged in sale of goods and services shall grant 05% or 20% or 50% discount to senior citizens as provided by law.

SECTION 2. Health Insurance. ---- The LGUs where the indigent senior citizen resides shall allocate the necessary funds to ensure the enrollment of their indigent senior citizens, in accordance with the pertinent laws and regulations.

CHAPTER XV

ARTICLE 1

Short Title

ENTREPRENEURSHIP and BUSINESS

ARTICLE 2

Declaration of Policies

SECTION 1. The Municipality of San Marcelino, Zambales shall ensure equal access to formal sources of credit and capital, equal share to the produce of farms and aquatic resources, and equal opportunity to entrepreneurship development.

SECTION 2. Priority in Access. The Office of the Municipal Treasurer and concerned local offices shall develop a scheme to expedite the business requirements of women entrepreneur engaged in small scale or cottage industry or one town, one product (OTOP).

SECTION 3. Financing Window. The Sangguniang Bayan of San Marcelino, Zambales shall develop a San Marcelinean business fund for women entrepreneur engaged in small scale or cottage industry or one town, one product (OTOP) by local bond float or similar investment product.

The Local Chief Executive shall endeavor to establish financing linkage with the private sector.

SECTION 4. Tax Incentive. The Sangguniang of Bayan of San Marcelino, Zambales shall enact an ordinance granting tax or fees exemption, incentives or reliefs to women entrepreneur engaged in small scale or cottage industry or one town, one product (OTOP).

CHAPTER XVI

ARTICLE 1

Short Title

INDIGENOUS PEOPLE

ARTICLE 2

Declaration of Policies

SECTION 1. The Municipality of San Marcelino, Zambales shall: (1) recognize, respect

guarantee that members of the ICCs/IPs regardless of sex, shall equally enjoy the full measure of human rights and freedoms without distinction or discrimination; (3) take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population; and (4) recognize its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

To this end, the Municipality of San Marcelino, Zambales shall ensure the ICC/IP women enjoyment of equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition.

ARTICLE 3

Definition of Terms

SECTION 1. As used in this Chapter the following terms are defined as follows:

- a. *Indigenous Cultural Communities/Indigenous Peoples* --- refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.
- b. *Indigenous Political Structures* — refer to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holders, or any other tribunal or body of similar nature;

ARTICLE 4

Prohibited Acts

SECTION 1. It shall be unlawful for any person:

- a) To discriminate against any ICC/IP with respect to the terms and conditions of employment on account of their descent. Equal remuneration shall be paid to ICC/IP and non-ICC/IP for work of equal value;
- b) To deny any ICC/IP employee any right or benefit herein provided for or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under RA No. 8371;

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- (c) To explore, excavate or make diggings on archeological sites of the ICCs/IPs for the purpose of obtaining materials of cultural values without the free and prior informed consent of the community concerned;
 - (d) To deface, remove or otherwise destroy artifacts which are of great importance to the ICCs/IPs for the preservation of their cultural heritage;
 - (e) To deny access to public convenience, places where goods and object are sold to the public or services rendered for fee, and other like place due to attire and color; and
 - (f) To portray, present, reports, programs or advertisements in any form of media, ~~electrone or not, in stage shows or representations that degrade or treat~~ indigenous women as inferior beings or which in any manner subject them to humiliation or ridicule.
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TITLE III

PENAL PROVISIONS AND SANCTIONS

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SECTION 1. For Violations of Chapter I, Section 4 of Chapter II; Chapter III; Chapter IV; Section 3, Article 3, of Chapter VIII; and Chapter IX, Title II hereof. --- Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than One hundred pesos (Php100.00), but not more than Two thousand five hundred pesos (Php2500.00), or both, at the discretion of the court.

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If the violator is a juridical person, its license or franchise shall automatically be deemed revoked and the persons liable shall be the officers thereof including the editor and reporter in the case of print media, and the station manager, editor and broadcaster in the case of a broadcast media.

If the offender is a public officer or employee, or a professional, he/she shall also be administratively liable.

If the offender is an alien, he/she shall be subject to deportation proceedings after serving his sentence or payment of fines.

SECTION 2. For Violations of Chapter V, and Article 4, Chapter XVI, Title II hereof (Pornography). The penalty of imprisonment of fine of not less than One thousand pesos (P1,000.00) but not more than Two thousand Five Hundred pesos (P2,500.00) at the discretion of the court shall be imposed.

If the violator is a juridical person, its license or franchise shall automatically be deemed revoked and the persons liable shall be the officers thereof including the editor and reporter in the case of print media, and the station manager, editor and broadcaster in the case of a broadcast media.

If the offender is a public officer or employee, or a professional, he/she shall also be administratively liable.

If the offender is an alien, he/she shall be subject to deportation proceedings after serving his sentence or payment of fines.

SECTION 2.1. Confiscation and Forfeiture of the Proceeds, Tools and Instruments Used in Pornography. — In addition to the penalty imposed for the violation of this Ordinance, the court shall order the confiscation and forfeiture in favor of the government of all the proceeds,

person not liable for the unlawful act: Provided, however, That all awards for damages shall be taken from the personal and separate properties of the offender: Provided, further, That if such properties are insufficient, the deficiency shall be taken from the confiscated and forfeited proceeds, tools and instruments.

All proceeds derived from the sale of properties used for the commission of any form of pornography shall accrue to the special account of the DSWD which shall be used exclusively for the proper implementation of this Ordinance.

When the proceeds, tools and instruments used in the commission of the offense have been destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has been concealed, removed, converted or transferred to prevent the same from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, tools and instruments used in the commission of the offense.

SECTION 3. For Violations of Chapters VI and VII, Title II hereof. --- Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than One hundred pesos (Php100.00) nor more than Two thousand five hundred pesos (Php2500.00), or both such fine and imprisonment at the discretion of the court.

The above penalties notwithstanding any person who violates the provisions of this Chapter shall be subject to administrative charge.

SECTION 4. For Violation of Chapter X, Title II hereof. --- Any violation of this Ordinance or commission of the foregoing prohibited acts shall be penalized by imprisonment ranging from one (1) month to six (6) months or a fine of One hundred pesos (Php100.00) to Two thousand five hundred pesos (Php2500.00), or both such fine and imprisonment at the discretion of the competent court: Provided, That, if the offender is a public officer, elected or appointed, he/she shall also suffer the penalty of suspension not exceeding one (1) year or removal and forfeiture of retirement benefits depending on the gravity of the offense after due notice and hearing by the appropriate body or agency.

If the offender is a juridical person, the penalty shall be imposed upon the president or any responsible officer. An offender who is an alien shall, after service of sentence, be deported immediately without further proceedings by the Bureau of Immigration.

In a summary administrative proceeding, if the offender is a pharmaceutical company, its agent and/or distributor, drugstore, formulary or its kind, their license or permit to operate or conduct business in the Municipality of San Marcelino, Zambales shall be:

- (1) First violation ----- Six (6) months suspension;
- (2) Second violation ---- Non-renewal for one (1) year;
- (3) Third violation ----- Perpetual revocation.

and a fine of not more Five thousand pesos (Php5000.00) shall be imposed for every violation.

SECTION 5. For Violation of Chapter XI, Title II hereof. --- Any person who violates the provisions of this Chapter shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than One hundred pesos (Php100.00) nor more than Two thousand five hundred pesos (Php2500.00), or both such fine and imprisonment at the discretion of the court.

The above penalties notwithstanding any person who violates the provisions of this

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SECTION 6. For Violation of Chapter XII, Title II hereof. --- Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than One hundred pesos (Php100.00) nor more than Two thousand five hundred pesos (Php2500.00), or both such fine and imprisonment at the discretion of the court.

If the offender is a corporation, partnership, organization or any similar entity, the officials thereof directly involved such as the president, general manager, managing partner, or such other officer charged with the management of the business affairs shall be liable therefor.

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If the offender is an alien or a foreigner, he/she shall be deported immediately after service of sentence.

The above penalties notwithstanding any person who violates the provisions of this Act shall be subject to administrative charge.

Upon filing of an appropriate complaint, and after due notice and hearing, the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any person, establishment or business entity that fails to abide by the provisions of this Chapter.

TITLE IV

MISCELLANEOUS AND FINAL PROVISIONS

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SECTION 1. All agencies and offices of the Local Government Unit and the private sectors shall implement this Code in coordination with the GAD Council.

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SECTION 2. Compliance Report. – Within six (6) months from the effectivity of this Code and every six (6) months thereafter, all Municipal Government departments and instrumentalities shall submit a report to the GAD Council/GAD Office on their compliance to the provisions of this Code.

SECTION 3. Oversight Committee. – The GAD Council shall serve as oversight committee to review the GAD Code and prepare or make recommendations to the Sangguniang Bayan for possible amendments or revisions thereof after two (2) years from effectivity of this Code. The Sangguniang Bayan may introduce amendments to this Code at its own discretion.

SECTION 4. Separability Clause. – If, for any reason, any portion or provision of this Code is declared unconstitutional or invalid, the other sections of the provisions hereof which are not affected thereof shall continue to be in force and effect.

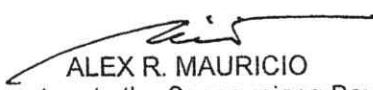
SECTION 5. Suppletory Clause. – On matters not provided for in this Code, any existing applicable law and its corresponding implementing rules and regulations, executive orders and relevant issuances issued therefore shall apply in supplementary character.

SECTION 6. Repealing Clause. – All ordinances, memoranda, executive orders and other issuances which are inconsistent with this Code are hereby repealed or modified accordingly.

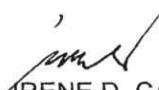
SECTION 7. Effectivity. – This Ordinance shall take effect upon approval and publication in any newspaper of local circulation.

UNANIMOUSLY APPROVED by the Members present during the Regular Session held on December 3, 2014.

We hereby certify to the correctness of the foregoing resolution, which was duly adopted by the Sangguniang Bayan during its Regular Session held on December 3, 2014.

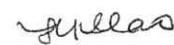

ALEX R. MAURICIO
Secretary to the Sangguniang Bayan

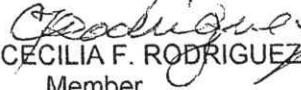

GERALDO D. DALUPANG
Member


IRENE D. CANLAS
Member


GEORGE H. MANANGAN
Member


APOLINARIO A. ABELON
Member


LORNA U. ILAO
Member

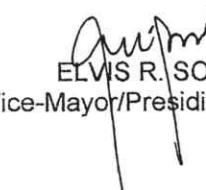

CECILIA F. RODRIGUEZ
Member


MARLON QMAR C. RAVELO
Member

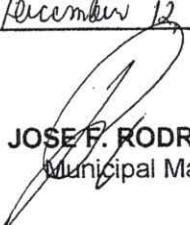
Ex-Officio Member:


MANUEL P. ARQUERO, JR.
LIGA President

ATTESTED AND APPROVED:


ELVIS R. SORIA
Vice-Mayor/Presiding Officer

APPROVED by the Municipal Mayor on
December 12, 2014


JOSE F. RODRIGUEZ
Municipal Mayor