

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
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CITY ORDINANCE NO. 1023
February 22, 2023

**AN ORDINANCE LOCALIZING REPUBLIC ACT NO. 11313 AND PROVIDING
ADDITIONAL DEFINITIONS OF GENDER BASED SEXUAL HARASSMENT, PROTECTIVE
MEASURES, AND PENALTIES.**

WHEREAS, the passage of RA No. 11313, otherwise known as the Safe Spaces Act (SSA) expands the law on sexual harassment and seeks to secure all persons, regardless of sex, sexual orientation, and gender identity and expression, from all kinds of gender based sexual harassment, in public spaces and online.

WHEREAS, Section 8 of the Safe Spaces Act and Section 9 of its Implementing Rules and Regulations (IRR) mandate all LGUs to pass ordinances to localize the applicability of RA 11313, and the Department of the Interior and Local Government (DILG) has provided Joint Memorandum Circular No. 2020-001 provides the guidelines on the localization of the Safe Spaces Act;

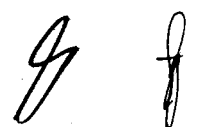
NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Bacolod City in regular session assembled:

Section 1. SHORT TITLE. - This Ordinance shall be known as the “**Bawal Bastos Ordinance of Bacolod City.**”

Section 2. PURPOSE - This ordinance is promulgated to localize RA 11313; designate public spaces, regardless of ownership and nature as safe spaces against Gender-Based Sexual Harassment (GBSH); define and provide penalties for cases of gender based sexual harassment that are not penalized or are insufficiently dealt with under RA 11313; and provide measures that will prevent the occurrence of and efficiently and effectively respond to GBSH as defined and penalized by RA 11313 and by this ordinance;

Section 3. DEFINITION OF TERMS. — 1) As used in this ordinance, the following terms are defined according to the definitions provided in RA 11313:

- a. **Catcalling** - refers to unwanted remarks directed towards a person, commonly done in the form of wolf whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- b. **Employee** - refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: Provided, That for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;



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- c. **Employer** - refers to a person who exercises control over an employee: Provided, That for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;
 - d. **Gender** - refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;
 - e. **Gender-based online sexual harassment** - refers to a conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;
 - f. **Gender identity and/or expression** - refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender;
 - g. **Stalking** - refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that causes or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.
- 2) The following terms are not defined in RA 11313 or their definitions have been expanded for purposes of this ordinance:
- a. **BLGUs** - shall refer to all Barangay Local Government Units in Bacolod City;
 - b. **Person/s-In-Charge** - shall refer to any individual having control or responsibility over all operations of public spaces as defined in subsection 2(d) of this Section; The term may refer to the owner, manager, head, or administrator, or others in-charge; Provided, that in the absence of a determinable person-in-charge of areas within a barangay, lands and water areas of the public domain or of ancestral domains, the Punong Barangay of the area shall be considered the Person-in-Charge;
 - c. **City** - shall refer to the City of Bacolod;
 - d. **Public spaces** - For purposes of this ordinance, public spaces shall be those described or enumerated in RA 11313, and other spaces which are accessible to or are offered to be accessed by the public, to wit:



- i. **Education and Training Institutions** - refers to places or entities that provide educational, instructional, technical, vocational, and other related services to individuals of all ages, including establishments that accept On-the-Job training or apprenticeships for educational or job hiring requirements or other purposes;
- ii. **Buildings** - any structure or part thereof and the grounds of said structure, used primarily for governmental or public, commercial, and professional work or services, for religious purposes, or for accommodations, including but not limited to hospitals, clinics, and medical therapy centers; churches, chapels and other places of worship; funeral chapels, memorial parks, and cemeteries; factories, mills, warehouses, machine shops and repair shops; offices, malls, shopping centers, and stores; hotels and other accommodation establishments, including condominiums, apartments, dormitories, and boarding houses;
- iii. **Recreational Spaces** - refers to spaces such as, but not limited to, restaurants, cafes, function rooms, bars and clubs, resorts, water parks, theme parks, camping grounds, casinos and cockpits, theaters and cinemas, sports and fitness facilities, spas and wellness centers, and all other privately-owned places of similar nature that may be accessed by the public;
- iv. **Public Utility Vehicles** - refers to jeepneys, taxis, buses, tricycles, trisikad, habal-habal, private carpool app-based transport network vehicles, bancas, rafts, boats, and airplanes used for carrying or transporting passengers or goods or both, by land, water, or air, for compensation;
- v. **Rural Areas** - regardless of ownership and status, this term shall refer to agricultural areas, fields, forests, rivers, lakes, territorial seas, natural parks and nature reserves, ancestral domains, and lands of the public domain; and
- vi. **Workplaces** - all spaces where persons work under the employ of others, or which non-employees access, either as suppliers, dealers, agents, customers, clients, patients, collectors, couriers, suppliers of contractual services, and others who have transactions or dealings with the workplace. Workplaces include all sites, locations, spaces, where work is being undertaken within or outside the premises of the usual place of business.
- e. **Safe space** - is a formal or informal place where a person feels comfortable, physically and emotionally safe, and enjoys the freedom of self-expression without the fear of judgment or harm. The intent of this ordinance is to make the entire City of Bacolod, a safe space where everyone is protected against Gender Based Sexual Harassment.

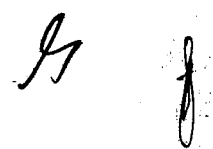


- f. **Information and Communications Technology or Technology** - shall refer to text messaging, phone calls, electronic mail or any other forms of information and communication systems. "Information and communication system" shall refer to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

Section 4. DUTIES AND RESPONSIBILITIES OF THE CITY OF BACOLOD. The City of Bacolod shall designate the LCAT-VAWC or a subcommittee thereof to oversee the full implementation of the City's duties and responsibilities under RA 11313 and this Ordinance. For this purpose, representatives of business, manufacturing, labor, DepEd, CHED, and TESDA may be invited to form part of the subcommittee.

The LCAT-VAWC or such subcommittee as may be created, shall have the following functions and responsibilities:

- a. Ensure the proper information dissemination of this Ordinance by:
- i. Posting in conspicuous places, official websites and social media pages, copies of this Ordinance;
 - ii. Conducting regular information campaigns and anti-sexual harassment seminars tackling the provisions of this Ordinance;
 - iii. Coordinating with the Philippine Commission on Women (PCW), the Department of the Interior and Local Government (DILG), and the Regional Committee on Anti-Trafficking and Violence Against Women and their Children (RCATVAWC), and local bodies such as the City Gender and Development Focal Point System for sustained information campaign activities and to assist component LGUs in the development of IEC materials, preferably translated in local dialects and the conduct of awareness campaigns;
 - iv. Engaging educational and training institutions, duly accredited/recognized women's group and civil society organizations, local media such as television and radio stations, newspapers and online platforms, in the conduct of advocacy campaign against GBSH in public spaces;
- b. Ensure that Barangays comply with RA 11313, its IRR, and this Ordinance by providing technical, and if available financial assistance to LGUs in the passage of ordinances to localize the Safe Spaces Act and the implementation of programs, projects and activities related to awareness campaigns against Gender Based Sexual Harassment in public spaces;
- c. Conduct capacity building for all Person/s-In-Charge, ASHO, and all other implementing bodies for the implementation of this Ordinance; and

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- d. Ensure the setting-up and maintenance of functional Closed-Circuit Television (CCTV) cameras in major roads, alleys and sidewalks to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces.

Section 5. DUTIES OF BARANGAY LOCAL GOVERNMENT UNITS IN THE CITY OF BACOLOD — Primary responsibility for enforcing RA 11313 and this ordinance rests with the Barangays, which shall have the following duties:

- a. Pass an ordinance which shall localize the applicability of this Ordinance within sixty (60) days of its effectivity;
- b. Disseminate or post in conspicuous places, official websites, and social media pages, copies of the Safe Spaces Act and related ordinances;
- c. Prevent gender-based sexual harassment in all public spaces located in their respective localities by measures such as information campaigns and anti-sexual harassment seminars, as well as the production and distribution of IEC materials condemning gender based sexual harassment and containing infographics on reporting and referral mechanisms and hotline numbers;
- d. Discourage and impose fines on acts of gender-based sexual harassment as defined in R.A. 11313 and in this ordinance;
- e. Establish an ASH Desk and an ASH Hotline at the barangay level for the purpose of receiving and responding to calls and expediting the receipt and processing of complaints and reports of GBSH in streets and public spaces;
- f. Organize an ASH Sub-Committee under the City's Gender and Development Focal Point System (GADFPS) to supervise, support and coordinate the operations of the ASH Desk and Hotline;
- g. Designate traffic enforcers and other local law enforcement units to be Anti Sexual Harassment Enforcers (ASHEs) and ensure that they undergo Gender Sensitive Training (GST) and orientation on the law;
- h. Ensure the setting-up and maintenance of functional CCTV cameras in major roads, alleys and sidewalks of the City to aid in the filing of cases and gathering of evidence as well as in the prevention of GBSH in streets and public spaces;
- i. Ensure the passage by every barangay of a barangay ordinance to prevent the occurrence of and efficiently and effectively respond to GBSH in streets and public spaces;
- j. Establish an Anti-Sexual Harassment (ASH) Referral Network to strengthen the coordination among public and private service providers in addressing the needs of victim-survivors of GBSH in streets and public spaces;

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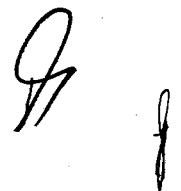
- k. Provide training on the law for the punong barangays and members of the Lupong Tagapamayapa in cases covered by the Katarungang Pambarangay system, for traffic enforcers under their jurisdiction, and adopt training modules for concerned LGU personnel down to the barangay level; and
- l. Provide technical and financial assistance in the implementation of programs, projects and activities related to the capacity development of LGU personnel and awareness campaign against GBSH in streets and public spaces and the operationalization of ASH Desk and Hotline; and
- m. Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act.

Section 6. FUNCTIONS OF TRAFFIC ENFORCERS AND OTHER LOCAL LAW ENFORCEMENT UNITS – Under this ordinance, as frontliners, traffic enforcers and other local law enforcement units are hereby designated as Anti-Sexual Harassment Enforcers (ASHEs) and ensure that they undergo Gender-Sensitivity Training and orientation on the law. The following are the other functions of traffic enforcers and other law enforcement units:

- 6.1 Receive complaints on GBSH in streets and public spaces;
- 6.2 Immediately apprehend the perpetrator if caught in the act of committing the crime;
- 6.3 Immediately bring the perpetrator to the nearest police station for appropriate action; and
- 6.4 Together with the Women’s and Children’s Desk of the PNP stations, keep a ledger of perpetrators for the purpose of determining if the perpetrator is a first-time, second-time or third-time offender.

Section 7. ESTABLISHMENT OF ANTI-SEXUAL HARRASMENT DESK (ASH) AND HOTLINE. The Bacolod City GAD Focal Point System shall establish an Anti-Sexual Harassment Desk at the city hall for the purpose of expediting the receipt and processing of complaints and reports of GBSH in streets and public spaces, and the same shall be strengthened. An ASH Desk Hotline shall be established to receive and respond to calls on GBSH in streets and public spaces.

- 7.1 SETTING UP THE ASH DESK.** The City Mayor shall designate an area in the city hall where the ASH desk may be set-up in such a way that the right to privacy of the victim survivor is protected at all times; and shall have the necessary furniture and fixtures, such as, but not limited to, table, chairs, and separate filing cabinet where the logbook and tools/equipment for documentation are stored.



7.2 DESIGNATION OF ASH DESK OFFICER

7.2.1 The City Mayor and Punong Barangay shall designate an ASH Desk Officer, preferably a woman, who shall be directly in charge of the daily operations of the ASH Desk.

7.2.2 In barangays, the designated VAW Desk Person shall serve as the ASH Desk Officer. For this purpose, the VAW Desk person shall be trained on the forms of sexual harassment, as well as the functions and protocols in responding to GBSH in streets and public spaces.

7.3 FUNCTIONS OF THE ASH DESK OFFICER

7.3.1 The ASH Desk Officer shall have the following functions:

7.3.1.1 Receive, document, and respond to complaints and reports of GBSH in streets and public spaces;

7.3.1.2 Facilitate the referral of cases and persons to the appropriate public and private service providers for further assistance such as legal, medical, psychosocial, safety, security, and other services;

7.3.1.3 Record the number of cases of GBSH in streets and public spaces received and referred to other agencies and submit a quarterly report to the DILG City Field Office and the City Social Service and Development Office;

7.3.1.4 Keep case records confidential and secure and ensure that only authorized personnel have access to these records;

7.3.1.5 Assist in the formulation/updating of policies; development of plans, programs, projects and activities; and educational and awareness campaigns to address GBSH in streets and public spaces;

7.3.1.6 Coordinate with pertinent agencies in monitoring the status of GBSH-related complaints and reports; and

7.3.1.7 Perform other related functions as may be assigned

Section 8. DUTIES OF THE PNP AND WOMEN AND CHILDREN'S DESKS – The women and children's desks now existing in all police stations shall act on, and attend to, all complaints covered under this Ordinance. They shall coordinate with all Person/s-In-Charge and Anti-Sexual Harassment Officers (ASHO) of all public spaces in the enforcement of this Ordinance.

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The local units of the PNP shall deputize their enforcers to be Anti Sexual Harassment Enforcers (ASHE). The ASHE unit together with the Women's and Children's Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under RA 11313 and this ordinance for purposes of determining if a perpetrator is a first-time, second-time or third-time offender.

Section 9. GENDER-BASED SEXUAL HARASSMENT IN PUBLIC UTILITY VEHICLES

- Where the vehicle is a habal-habal or a tricycad or any other vehicle that carries passengers or goods for compensation but is not covered by Land Transportation Franchising and Regulatory Board requirements, when the driver of said vehicle is the perpetrator of an act of gender based sexual harassment against a passenger or against a pedestrian, in addition to the penalties prescribed by RA 11313 or by this ordinance, the following penalties shall be imposed:

1. **First Offense** - the driver shall not be allowed to operate any habal-habal, tricycle, tricycad, or other vehicle for hire or for payment of compensation for 5 days.
2. **Second Offense** - the driver shall not be allowed to operate any habal-habal, tricycle, tricycad, or other vehicle for hire or for payment of compensation for 15 days.
3. **Third Offense** - the driver shall not be allowed to operate any habal-habal, tricycle, tricycad, or other vehicle for hire or for payment of compensation for 30 days.

Section 10. GENDER-BASED SEXUAL HARASSMENT IN EDUCATIONAL INSTITUTIONS AND WORKPLACES – Gender-based sexual harassment in educational institutions and in workplaces occurs between parties, at least one of whom is directly connected with the educational institution or workplace. Persons who have transactions with the workplace, for instance, suppliers, dealers, agents, customers, clients, patients, collectors, couriers, providers of contractual services, and parents and other persons associated with students and learners in the educational institution may be parties to Gender Based Sexual Harassment under this section.

The crime of Gender Based Sexual Harassment in Educational Institutions and Workplaces includes the following:

- a. Gender Based Sexual Harassment as defined the Safe Spaces Act or RA 11313;
- b. Where the act involves requests or demands for sexual favors whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, when the sexual favor is made as a condition in the purchase, sale, payment, lease, availment, granting of favorable terms or privileges; or as a condition to the giving of a passing grade, or honors, scholarships, payment of a stipend, allowance, benefits, privileges, consideration or the like; or the refusal to



grant the sexual favor results in limiting, segregating or classifying the person which in any way would discriminate, deprive or diminish said person's opportunities or otherwise adversely affect said person or the person, entity, student, or learner for whose benefit the offended party is in the workplace or educational institution;

Upon conviction, the offender shall be penalized accordingly:

1. **First Offense** - shall be punished by imprisonment of 11 to 30 days and/or a fine of Five Thousand Pesos (P5,000.00), provided that it includes attendance in a Gender Sensitivity Awareness Session, to be conducted by the PNP in coordination with the City GAD Focal Point System;
2. **Second Offense** - shall be punished by imprisonment of 1 month and 1 day to 6 months and/or a fine of Five thousand pesos (P5,000.00);
3. **Third Offense** - shall be punished by 6 months and 1 day to one year and/or a fine of Five Thousand Pesos (P5,000.00) or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based sexual harassment under this Article.

If the perpetrator is the head of the workplace or organization, his or her appointment shall be automatically deemed revoked upon conviction. An alien who commits gender-based sexual harassment in the workplace shall be subject to deportation proceedings after serving sentence and payment of fines.

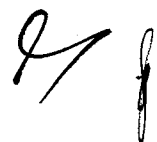
Section 11. ROUTINE INSPECTION – The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under RA 11313 and this ordinance.

The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under RA 11313 and this ordinance.

Section 12. DUTY OF THE BACOLOD PUBLIC INFORMATION OFFICE (PIO) – The Public Information Office shall disseminate or post in conspicuous places within the City a copy of the law and this Ordinance. In addition, the PIO shall coordinate with all the barangay captains of the City of Bacolod in order to see to it that the law and the copy of this Ordinance shall be posted in conspicuous places within their respective Barangays.

Furthermore, the PIO shall also conduct mandatory gender sensitization seminars for stakeholders including but not limited to the following:

- a) School heads or their representatives;
- b) Association of hotels and restaurants;



- c) PUV operators and drivers; and
- d) Barangay Officials

Intensive social media campaigns and mobilization shall also be undertaken to promote awareness about the Ordinance and the policy it seeks to uphold which is to value the dignity of every human person and guarantee full respect for human rights.

Section 13. QUALIFIED GENDER-BASED SEXUAL HARASSMENT. – Where the violation of the ordinance is qualified by any of the following circumstances, the penalty to be imposed shall be the penalty for the third commission of the offense:

- a. If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- b. If the offended party is diagnosed with a mental problem tending to impair consent;
- c. If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform;
- d. If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee; and
- e. If the act takes place in a transportation vehicle where the perpetrator is the driver of the vehicle and the offended party is a passenger.

Section 14. COMMUNITY SERVICE - In case of inability to pay the fines as prescribed in Section 10 of this Ordinance, the offender may opt to render the following hours of community service, in addition to the mandatory Anti-Sexual Harassment or Gender-Sensitivity Seminar:

<u>Penalty</u>	<u>Hours of Service</u>
For a penalty of P1,000.00 and below	Eight (8) Hours
For a penalty of more than P1,000.00 but not more than P3,000.00	Sixteen (16) Hours
For a penalty of more than P3,000.00 but not more than P5,000.00	Twenty (20) Hours

The offender who alleges inability to pay the fine prescribed must secure a Certificate of Indigency to that effect from the Department of Social Services and Development, which shall conduct a capability assessment of the same. The City GAD Focal Point System shall assign the form and designation of community service.



Section 15. ZERO-TOLERANCE POLICY - All privately owned public places shall adopt a zero-tolerance policy against gender-based public spaces sexual harassment. The respective person/s-in-charge are obliged to provide assistance to victims of GBSH by coordinating with local police authorities immediately after GBSH is reported, making CCTV footage available when ordered by the court, and providing a safe gender sensitive environment to encourage victims to report GBSH at the first instance.

Section 16. INFORMATION DISSEMINATION - Persons in charge of public spaces regardless of ownership, shall post in conspicuous places therein, official websites, and social media pages, a full copy or pertinent provisions of RA 11313 and this Ordinance and clearly-visible warning signs against gender-based public spaces sexual harassment, including such anti-sexual harassment hotline numbers as are made available;

In rural areas, these notices and warning signs shall be installed in barangay halls, markets, extension offices, and at least three other areas where people congregate.

Section 17. ANTI-SEXUAL HARASSMENT OFFICER (ASHO) - At least one (1) anti-sexual harassment officer to receive GBSH complaints shall be designated by the person in charge of privately owned public spaces.

Section 18. OTHER MEASURES - The person/s in charge shall also institute measures to address the occurrence of GBSH, including:

1. Development of protocols to be followed in cases of GBSH, including procedures to speedily and effectively address reports and/or complaints of instances of GBSH;
2. Assistance to victims of GBSH by coordinating with local police and accompanying the victim to the police, whenever necessary;
3. Where required, or when possible, installation of functional closed-circuit television cameras, and CCTV footages being made available to victims as part of the package of assistance or when ordered by the court;
4. Provision of a safe gender-sensitive environment to encourage victims to report GBSH as soon as it happens; and
5. Police personnel, tanods, security guards, and other related persons with the same nature of responsibility, in these places may be deputized, allowed to apprehend perpetrators caught in flagrante delicto, and are required to immediately coordinate with local authorities.

Section 19. COMPLIANCE REPORTS - All persons in charge of public spaces shall submit compliance reports in connection with the implementation of this Ordinance whenever required by the Local Committee on Anti-Trafficking and Violence Against Women (LCAT-VAW) or the committee or subcommittee responsible for the implementation of this Ordinance.



Section 20. DUTIES OF EMPLOYERS AND HEADS OF EDUCATION AND TRAINING INSTITUTIONS - Employers, heads of Education and Training Institutions, and other persons of authority, influence or moral ascendancy in a workplace or education and training institution shall have the duty to prevent, deter, or punish the performance of acts of Gender-Based Sexual Harassment in Educational Institutions and Workplaces as provided under RA 11313 and by Section 7 of this Ordinance.

Towards this end, the employer or head of the Education or Training Institution or person of authority, influence or moral ascendancy shall:

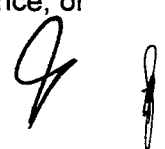
- a. Disseminate or post in a conspicuous place a copy of RA 11313 and this ordinance;
- b. Provide measures such as the conduct of anti-sexual harassment seminars to prevent gender-based sexual harassment in the workplace and education and training institution;
- c. Create an independent internal mechanism or a Committee on Decorum and Investigation in accordance with the requirements of RA 11313 and RA 7877 to investigate and address complaints of gender-based sexual harassment;
- d. Provide and disseminate, in consultation with all persons in the workplace or the education or training institution, a code of conduct or workplace or education or training institution policy which shall:
 - i. Expressly reiterate the prohibition on gender-based sexual harassment;
 - ii. Describe the procedures of the internal mechanism for investigating and deciding complaints; and
 - iii. Set administrative penalties.

The officer-in-charge designated by the school to receive administrative complaints of Gender Based Sexual Harassment under RA 11313 shall likewise receive administrative complaints regarding violations of this ordinance and the institution's code of conduct or policy, adopt and publish grievance procedures to facilitate the filing of complaints, and ensure that the victims are provided with a gender sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

The filing of an administrative complaint pursuant to this section shall not preclude the victim of work or education or training establishment GBSH from instituting an action for violation of this ordinance or of RA 11313 and/or an action for damages and other affirmative relief.

Section 21. LIABILITY OF EMPLOYERS AND HEADS OF EDUCATION AND TRAINING INSTITUTIONS - Aside from liability for non-implementation of their responsibilities under RA 11313, employers and heads of Education and Training Institutions shall be liable for:

- a. Non-implementation of their duties under Section 14 of this Ordinance; or

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- b. Not taking action on reported acts of gender-based sexual harassment in workplaces or educational or training institution as defined and penalized by this ordinance.

Any person who violates subsection (a) or (b) of this section, shall upon conviction, be penalized with a fine of Five Thousand Pesos (P5,000.00).

Section 22. CONFIDENTIALITY. - At any stage of the investigation, prosecution and trial of an offense under this Ordinance and RA 11313, the rights of the victim and the accused who is a minor shall be recognized.

Section 23. RESTRAINING ORDER. - Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

Section 24. REMEDIES AND PSYCHOLOGICAL COUNSELING. - A victim of gender-based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counseling services with the aid of the Department of Social Welfare and Development, in coordination with the City Health Office. Should the victim require, the DSSD, CHO or the component Barangay, may refer them to further professional help. Any fees to be charged in the course of a victim's availment of such remedies or psychological counseling services shall be borne by the perpetrator.

Section 25. ADMINISTRATIVE SANCTIONS. - Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

Section 26. EXEMPTIONS. - Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public, shall not be penalized.

Section 27. SAFETY AUDITS. - The city shall conduct a safety audit every three (3) years to assess the efficiency and effectivity of the implementation of this ordinance within the City of Bacolod. Such audits shall be multi-sectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

Section 28. APPROPRIATIONS. - As provided by RA 11313, the City of Bacolod and its component barangays, shall utilize the Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. The city may also use their mandatory twenty percent (20%) allocation of their annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

Section 29. PRESCRIPTIVE PERIOD. - Violations penalized under this Ordinance but not under RA 11313 shall prescribe after two (2) months, pursuant to Act No. 3326, Section 1.

Section 30. SEPARABILITY CLAUSE. - If any provision or part of this Ordinance is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

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Section 31. REPEALING CLAUSE. - Any Ordinance in the territorial jurisdiction of the City of Bacolod, executive order, rule or regulation contrary to or inconsistent with the provisions of this Ordinance is hereby repealed, modified or amended accordingly.

Section 32. EFFECTIVITY. -This Ordinance shall take effect immediately after approval.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Jude Thaddeus A. Sayson, Em L. Ang, Al Victor A. Espino, Vladimir S. Gonzalez, Jason Isidro S. Villarosa, Simplicia Z. Distrito, Celia Matea R. Flor, Psyche Marie E. Sy, Ayesha Joy Y. Villaflor.

Negative : N o n e .

Official Leave : Councilors Cindy T. Rojas, Renecito S. Novero and Lady Gles Gonzales-Pallen.

Absent : N o n e .

Author : Councilor Celia Matea R. Flor.

Co-Authors : Councilors Simplicia Z. Distrito, Psyche Marie E. Sy, Em L. Ang, Cindy T. Rojas, Ayesha Joy Y. Villaflor, Lady Gles Gonzales-Pallen, Jude Thaddeus A. Sayson, Israel P. Salanga, Al Victor A. Espino, Vladimir S. Gonzalez, Renecito S. Novero, Jason Isidro Villarosa and Claudio Jesus Raymundo Puentevella.

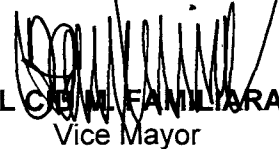
Passed : February 22, 2023 (34th Regular Session of the 11th Council).

Comments : P a s s e d .

Councilors Israel P. Salanga and Claudio Jesus Raymundo A. Puentevella were not around when this ordinance was passed.

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sangguniang


EL COM. FAMILIARAN
Vice Mayor
Presiding Officer

APPROVED: _____, 2023.

ALFREDO ABELARDO B. BENITEZ
City Mayor

VCP/CGT/jbz