



Republic of the Philippines
 Province of Negros Oriental
 Municipality of Amlan
OFFICE OF THE SANGGUNIANG BAYAN
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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF AMLAN, PROVINCE OF NEGROS ORIENTAL HELD AT THE MUNICIPAL SESSION HALL ON SEPTEMBER 29, 2009.

- | | |
|------------------------------|--|
| Present: Hon. Carmen G. Tan | - Municipal Vice-Mayor (Presiding Officer) |
| Hon. Consuelo P. dela Cruz | - SB Member |
| Hon. Jonathan R. Kitane | - SB Member |
| Hon. Jose G. Bocanegra | - SB Member |
| Hon. Marichu B. Hinaut | - SB Member |
| Hon. Ana Linda E. Esparcia | - SB Member |
| Hon. Melvyn Y. Reynado | - SB Member |
| Hon. Emelyn B. Rosales | - SB Member - Liga Ng Mga Barangay |
| Hon. Paul Louis T. dela Cruz | - SB Member – SK Federation President |
| | |
| Absent: Hon. Edmund R. Tubac | - SB Member (on official business) |
| Hon. Jose R. Rendal | - SB Member (on official business) |

RESOLUTION NO. 101
 Series of 2009

WHEREAS, Gender and Development Code is an essential instrument that would illustrate the full adherence to democratic principle that women and men are created equal;

WHEREAS, this Code would protect women's right and provide with the opportunities equal to those available to men;

WHEREFORE, on motion of Honorable Marichu Hinaut deuly seconded by Honorable Jose Bocanegra, the Sangguniang Bayan of Amlan, Negros Oriental, resolves as it is hereby resolved, to enact the following ordinance:

ORDINANCE NO. 15

AN ORDINANCE ON GENDER AND DEVELOPMENT CODE OF THE MUNICIPALITY OF AMLAN, NEGROS ORIENTAL.

CHAPTER I – GENERAL PROVISIONS

ARTICLE I

Title, Statement of Principles and Definitions of Terms

Section 1. Title. This Ordinance shall be known as the 'GENDER AND DEVELOPMENT CODE OF THE MUNICIPALITY OF AMLAN', hereinafter to as the GENDER CODE.

Section 2. Statement of Principles. This Gender Code is the instrument that would illustrate the full adherence to democratic principle that women and men are created equal. This initiative is aimed at mainstreaming women's concerns to create a wider arena for women's active participation in the development process, to protect women's right and provide with the opportunities equal to those available to men.

This is coherent with declarations of the United Nations, to wit:

- A. Women have the right to the prevention of and protection from all forms of violence and coercion against their person, their freedom, their sexuality and their individuality

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 - A signature that appears to be "Emelyn B. Rosales".
 - A signature that appears to be "Paul Louis T. dela Cruz".

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- B. Women have the right to freely and fully participate – individually or collectively – in the political processes prevalent in their community and nations.
- C. Women have the right to knowledge and means necessary for the full exercise their reproductive rights according to their beliefs and preferences.
- D. Women have the right to the means of insuring their economic welfare and security.
- E. Women have the right to choose their spouses in accordance with their values and preferences, maintain equality in marriage, work for its dissolution if need be, and obtain adequate support for the rearing and caring of their children.
- F. Women have the right to adequate nutrition and proper health care.
- G. Women have the right to humane living conditions.
- H. Women have the right to nurture and enhance their personhood collectively and individually, to secure an image of themselves as whole and valuable human beings, and to build relationships based on respect, trust and mutuality.
- I. Women have the right to equality before the law in principle and in practice.

This local legislation shall provide the Local Government of Amlan with a Policy direction to formulate programs and strategies among other that would:

1. Mainstream gender concerns in sectoral development plans, policies and programs;
2. Intensify awareness campaigns advocacy on gender issues and concerns;
3. Strengthen the partnership between government, people's organizations, civic and non-government organizations to maximize the effectiveness of programs and services addressing gender and development programs (GAD) concerns;
4. Encourage, expand and support the participation of grassroots women in the planning, implementation, monitoring and evaluation of development programs and projects;
5. Recommend, initiate and include appropriate gender-sensitive lessons and/or courses in curricula in all academic levels;
6. Provide gender-responsiveness relief, rehabilitation and self-enhancement programs with special focus on women's and children's needs;
7. Involve men in reproductive health programs, child health care and nutrition concerns and engage them in projects that would enhance the well-being of the family;
8. Set-up and maintain crisis intervention centers and shelters in coordination with the appropriate organization in the Province of Negros Oriental for survivors of social conflicts and violence against women and children;
9. Promote and ensure gender sensitivity in local media, advertising agencies and other information outlets;
10. Increase the membership of women in decision and policy-making positions in the locality through the implementation of capability building programs and;
11. Establish, monitor and sustain the necessary mechanisms to enable and empower tribal and grassroots women to participate in development programs and gain access to non-traditional sources of livelihood, credit financing, skills training and labor-saving technologies.

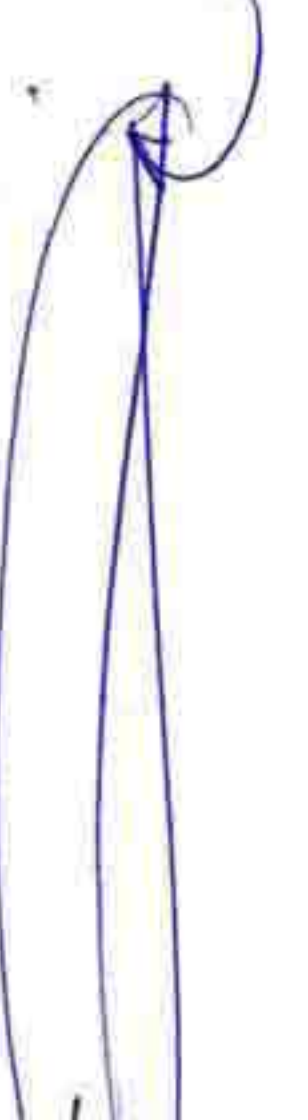



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Section 3. Definition of Terms. The following terms and/or phrases used in this GENDER CODE shall mean as follows:

1. **Battering.** This is a series of physical, emotional, and/or psychological abuse. The forms of battering are:
 - a. **Sexual Battering.** This includes physical attacks on women or in the form of forced sexual activity accompanied by either physical violence or threats of physical violence.
 - b. **Psychological Battering.** This includes threats addressed to the woman and/or family, controlling the victim's lawful or usual activities, the use of foul words statements and threats of abandonment and expulsion.
 - c. **Economic Battering.** This includes deprivation of women of economic resources, their generation and mobilization so as they create dependency and submissiveness to men or to any established structures of denomination.
2. **Commodification of women** is a practice through which women are treated both as consumers and objects of consumption thus degrading them.
3. **Discrimination against women** is any distinction, exclusion or restriction made on the basis of gender which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of their rights by women.
4. **Domestic violence** is any form of abuse or battering which a person inflicts on a member of his immediate family or his/her relatives.
5. **Family members** are persons intimately related to one another such as spouses, live-in partners and other similar relations, whether together or not or between persons with a common child. Family members may also include relatives by consanguinity or affinity up to the fifth civil degree, including stepparents and stepchildren.
6. **Gender** is the set of characteristics, roles and expectations attributed particularly to women and men by society.
7. **Gender and development** shall refer to perspective, which recognizes the equal contribution of women and men to all aspects of well-being and development. Such a perspective involves the process of searching for new and innovative initiatives, which would help, transform an equal gender relations into opportunities beneficial to both men and women.
8. **Gender Equality** is the ideal sought by women and men are aware of social realities.
9. **Gender Mainstreaming** is a strategy of integrating including and addressing gender and development concerns and issues at all levels of governance.
10. **Gender-sensitive** means understanding the marginalized position of women vis-à-vis men.
11. **Pornography** is a written, graphic or other forms of communication intended to excite lascivious feelings.
12. **Prostitution** is the sale, purchase and exchange of men, women and minors for cash, profit or other economic considerations by an individual, including but not limited to the pimp, procurer of the service, parents who participate in or who willfully allow such transactions to take place and/or owners of establishments where such transactions take place such as discotheques, bars, sauna baths, massage clinics, hotels or restaurants, and by any person who uses any scheme to exploit women and minors by way of sex.


 Mrs. Mercedes

 Mercedes







13. **Reproductive health.** As defined by the International conference on Population and Development and the World Health Organization affirmed by the Beijing Conference, reproductive health is a state of complete physical, mental and social well being. It is not merely the absence of disease and infirmity, in all members relating to the reproductive system and to its function and process. It consist of ten (10) elements, namely:

- Maternal and Child Health and Nutrition
- Family Planning
- Prevention and Treatment of Reproductive Tract Infection (RTIs) including STDs, HIV and AIDS
- Prevention and Management of Abortion Complications
- Education and Counseling on Sexuality and Sexual Health
- Breast and Reproductive Tract Cancers and other Gynecological Conditions
- Prevention and Treatment of Infertility and Sexual Disorders
- Men's Reproductive Health
- Adolescent Reproductive Health
- Violence Against Women

14. **Sexual Harassment** is a form of misconduct involving an act or a series of unwelcome sexual advances, requests for sexual favors, or other verbal or physical behavior of a sexual nature, which may be implied or made directly or indirectly.

15. **Sexuality** is one's expression of personhood on the basis of self-appreciation and satisfaction of needs.

16. **Sex trafficking** is the covert or overt recruitment of men, women and children into the sex industry. It includes new forms of sexual exploitation such as sex tourism, the recruitment of laborers for sexual purposes in the guise of hiring them as domestics in developed countries, and organized marriage between women from third world countries and foreign male nationals.

It is a system in which men, women and children become movable properties and objects of exchange.

17. **Violence against women** is any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm, discrimination against and/or suffering in women, including threats of such act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Violence against women includes, but is not limited to:

- Physical, sexual and psychological violence occurring in the family and other close relationship, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and other traditional practices harmful to women.
- This also includes non-spousal violence and violence related to exploitation.
- Physical, sexual and psychological violence occurring within the general community, including rape, sexual harassment and intimidation at work, in educational institution and elsewhere, trafficking in women and forced prostitution.
- Physical, sexual and psychological violence and discrimination perpetuated or condoned by the State where it occurs.
- Other acts of violence against women include:
 - Violation of the human rights of women in situation of armed conflict and, in particular, murder, statutory rape, sexes slavery and forced pregnancy.
 - Forced sterilization and forced abortion coercive/forced used of contraceptive, engaging in premarital sex and female infanticide.
 - Ferminization of poverty

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18. **Women as Sex Object.** Sometimes women become things or properties which may be manipulated, utilized or used for a man's sexual gratification or for the advancement of his selfish interest, usually an exchange for money or goods where women have no control or power to reject such utilization or manipulation.

ARTICLE II

Gender and Development Programs

Section 4. *Gender-sensitivity Orientation and Training.* All schools, offices, business, industrial and technological establishments or companies, departments and agencies within the Municipality of Amlan shall be provided with gender sensitivity orientation and training. They shall be required to equip themselves with theoretical and practical knowledge on gender issues and concerns.

Likewise, all establishments and schools shall develop and institutionalize tools and mechanisms with the end in view of eradicating gender biases.

Section 5. *Support for gender studies.* Money shall be allotted to gender-related documentation, researches and information dissemination that shall form part of the LGU database program and development.

Section 6. *Popularization of Gender-fair reading Materials.* There shall be an active promotion and publication of gender-fair materials in popular forms.

Section 7. *Community-based Environment Plans and Programs.* Both men and women shall participate in pollution, zero-waste technology development and management, preservation of forests, marine and aquatic resources and indigenous reforestation giving due respect to indigenous people and their rights to self-determination.

Section 8. *Gender-sensitive Natural Resources-based Management Programs.* The LGU of Amlan shall engaged in the development and promotion of gender-sensitive natural resources-based management programs.

Section 9. *Role of Women of Environment Impact Technology.* The LGU of Amlan shall ensure the active participation of women in environment impact assessment projects.

Section 10. *Investments and Loans.* The LGU of Amlan shall conduct consultative assemblies of all Pos, GOs and NGOs to establish contacts so that loans and investments may be made accessible to women in the province.

Section 11. *Support for Women Overseas Contract Workers.* The LGU of Amlan shall conduct a survey of overseas contract workers, especially those who have become survivors of abuses. The results of this survey shall serve as basis for identifying special support to be made available to all OCWs. The appropriate agency shall make the list of legitimate placement agencies for monitoring purposes.

Section 12. *Special Courses on Overseas Employment.* In coordination with the Department of Labor and Employment, special courses on overseas employment primarily to orient all on the issues and concerns relative to integration shall be systematically introduced to all especially at the barangay level.

Section 13. *Education on National Policies.* Women and men shall undertake education on national policies and their implications on women and family.

Section 14. *Special Training for Members of the Lupong Tagapamayapa.* A special paralegal training along gender questions and related matters for members of the Lupong Tagapamayapa shall be conducted.

Section 15. *Training on Non-traditional Occupations.* Women shall be given opportunities to acquire training in non-traditional means of livelihood including those related to science and technologies.

Mrs. Jimena
 Punsalan

Section 29. Support for working Mothers. Working mothers shall receive assistance through the establishment of childcare centers.

Section 30. Women's right over their Bodies. A woman's decision to prevent and control pregnancy in accordance with her personal faith and beliefs shall be given appropriate support and guidance by all private and public health professionals.

Section 31. Primary Health Care Delivery. In consonance with the thrusts of the Department of Health, the Primary Health Care Delivery System vis-à-vis women's reproductive health shall be strengthened.

Section 32. Promotion of Gender-sensitive Curricula. Schools and other concerned agencies within the municipality shall promote gender-sensitive counseling programs to encourage everyone, especially women, to pursue academic and technical courses to widen their career opportunities.

Section 33. Sex Education. Sex education for children in the pre-puberty stage shall be included in the curricular offerings of all schools.

ARTICLE VI

Rural Women

Section 34. Promotion of Land-based Projects. The Local Government shall promote and support land-based projects ensuring food security for rural women utilizing science, women-friendly and appropriate technology to promote the spirit of collectivism.

Section 35. Access to Science and Women-friendly Alternative Technology Education. The Municipal Agriculture Department, in cooperation with the Department of Science and Technology and other related law agencies, shall establish science and women friendly alternative technology centers for women in rural barangays.

ARTICLE VII

Women with Special Needs

Section 36. Special Education for Differently-abled Women. Efforts shall be exerted to mainstream differently-abled women in school. Offices and the like.

Section 37. Advocacy for Differently-abled Person Rights. The GAD Commission shall conduct active advocacy for the rights of differently-abled women.

Section 38. Support Funds for Women Senior Citizens. Funds shall be allocated for livelihood assistance, routine physical check-up, social group work programs and other appropriate socio-economic and recreational activities for women senior citizens.

Section 39. Support for Women in Detention. The rights of all women detainees shall be protected. Speedy trial of their cases shall be ensured by all concerned. All appropriate programs shall be designed to respond to their specific needs and problems as detainees. Separate structures and spaces for detention and rehabilitation shall be established.

Section 40. Single Mothers. Single mothers who seek counseling and other services shall be given the response appropriate to their needs.

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CHAPTER II MISCELLANEOUS AND PENAL PROVISIONS

ARTICLE I

Violence against Women and Children

Section 41. Sex Trafficking. It is unlawful for any person, association, cult, religion, organization or similar entities to engage in the following:

- Establish or carry on business for the purpose of exploiting women for purposes of sex, sex slavery, sex trade, sex tours and other immoral activities.
- Advertise, publish, print or distribute, or cause the advertisement publications, printing or distribution of any brochure, flyer or propaganda material calculated to promote the above-mentioned prohibited acts.
- Solicit, enlist, attract or induce any woman to join any club, association or organization whose objective is to match women for marriage with foreigners either on mail-order basis or through personal introduction or cyberspace.
- Use the postal services, cyberspace or satellite TV to promote the above mentioned prohibited acts
- Buy or sell a woman or any of her body parts.
- Act as a procurer of a sex worker.
- Threaten or use violence to force a woman to become a mail-order bride.

Penalty for the commission of these acts shall be dependent on the pertinent laws and prevailing regulations.

Section 42. Other Forms of Trafficking in Women. Any agency or person who encourages, influences, recruits a woman to work abroad or locally for a particular job on a promise of fee but instead, forces and deceived her to engage in prostitution, domestic services or other odd jobs, shall be penalized in accordance with prevailing laws.

ARTICLE II

Rape

Section 43. When and How Rape is Committed. Rape is committed.

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - a. Through force threat or intimidation
 - b. When the offended party is deprived of reason or is otherwise unconscious;
 - c. By means of fraudulent machination or grave abuse of authority; and
 - d. When the party is under twelve (12) years of age or is demented, even though none of the circumstances mention above be present.
2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof shall commit an act of sexual assault by inserting his penis into another person's mouth.

Section 44. Penalty for the Crime of Rape. Rapes under paragraph of the next preceding article shall be punished by reclusion perpetua.

Section 45. Rape in Intimate Relations. Intimate or marital relations shall not be a legal impediment to any complaint against acts of rape as provided in Section 43 of this Article. Further, marital relationship shall not serve as a legal impediment to the prosecution of rape where:

- a. spouses are legally separated; or
- b. there is separation in fact for at least six months.

Ms. Anne

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Section 46. Pardon and/or Marriage of the Offended Party with the Offender. The subsequent valid marriage between the offended and the offended party shall extinguish the criminal action or remit the penalty already imposed.

In case it is the legal husband who is the offended, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: Provided, that the crime shall be extinguished or the penalty shall not be abated if the marriage is void ab initio.

Section 47. Who May File Complaint. Rape may be filed by any of the following persons:

- a. the offended party;
- b. his/her parents or legal guardian,
- c. his/her grandparents or collateral relatives – next of kin who are not in the direct line of inheritance;
- d. the officer of social worker of the DSWD, or a duly-licensed child caring institution, orphanage, home for the aged, mental hospital or other similar institutions under whose care or custody the offended party is committed, and
- e. a concerned, responsible resident of the barangay where the crime was committed, but only if any of the persons mentioned have expressly given their consent.

Section 48. Support from Law Enforcers. The law enforcer, preferably of the same sex or his/her authorized alternated as the offended party, upon receipt of a complaint of rape shall:

- a. immediately conduct an investigation within 24 hours;
- b. arrange for counseling and medical services for the offended party;
- c. gather evidence for the arrest and prosecution of the offender; and
- d. make a report of his/her investigation and on the basis of the offended party's testimony and additional evidence, if any, endorse the same to the proper prosecution office within 36 hours from time of filing, regardless of his/her evaluation of the case.

Section 49. Investigation/Examination of Rape Survivors. It shall be the duty of the investigation office or the examining physician, to ensure that only persons expressly authorized by the examining physician and/or rape survivor are allowed inside the room where the investigation or medical or physical examination is being conducted. The local government unit or city police director must provide room for investigation of such cases.

Section 50. Suspension of Government Official or Employee. The following steps shall be undertaken against a government official or employee charged with rape:

- a. the immediate preventive suspension for a period of sixty (60) days may be imposed upon any government official or employee charged with rape, provided that a verified complaint has been filed therefore; and
- b. the duty of the superior officer of respondent public official or employee to facilitate the free, speedy, and objective investigation of the complaint, and to ensure the protection of the complaint.

Any official having authority, influence or moral ascendancy over another person charged with rape who uses such influence to obstruct justice shall be penalized according to pertinent laws.

Section 51. Protective Measures. At any stage of the preliminary examination or investigation, prosecution and trial of a complaint for rape the following protective measures shall be observed:

- a. the right to a closed door hearing unless expressly waived by the offended party;
- b. the right of a social support group to witness hearing as expressly allowed or requested by the offended party;
- c. non-disclosure of the name and personal circumstances of the offended party, or any information tending to establish his or her identity;
- d. any other analogous measures that will ensure the protection of the identity of the offended party and his or her family from undue and sensationalized publicity.

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ARTICLE III

Sexual Harassment and other Related Issues

Section 52. Sexual Harassment. Sexual harassment shall be unlawful in the employment, education or training environment as prescribed in RA 7877 otherwise known as the 'Anti-Sexual Harassment Act of 1995'. Related complaints shall be filed with the proper Court in accordance with the provisions of this Code. Sexual harassment committed by peers may also be subject to complaints.

Section 53. Prohibition of Printing, Publication, Display and Distribution of Pornographic Scenes on Movie TV, Trailer/shows Posters, Billboards, and Other Materials and Similar Literary. Printing, publication, display and distribution of pornographic scenes movie/TV, trailers/shows, posters, billboards literature, and other visual materials which treat women as sex objects and commodities shall be prohibited. Violation of this provision shall be subject existing laws.

Section 54. Pornographic and Indecent Shows. Any person or agency which engages in shows depicting men and women as sex objects in private or public places shall be prosecuted under the Revised Penal Code, particularly under PD 969 or other appropriate law.

Section 55. Live Shows. It shall be unlawful to influence or force a woman to dance or make shows in public or private places for commercial or entertainment purposes. Penalty for violation of this provision shall be dependent upon existing laws.

Section 56. Selling, Renting, Lending Pornographic Materials. It shall be unlawful to sell or lend pornographic materials. Violators shall be subject to existing laws.

Section 57. Fund Raising Initiatives. All fund raising initiatives, whether in whole or in part, integrated in any raffle draw, benefit or disco dance, premier showing of movies, or any similar fund-raising undertakings where women are used as door prize, substitutes for prizes won, companion packages for award prizes, or recognition, or any manner, activity, come-on display, or exhibition which depicts a woman as central, partial, or special focus in order to raise funds, shall be strictly prohibited. Violators of this provision shall be subjected to existing laws.

Section 58. Domestic Violence. Any person who shall commit any act constituting domestic violence shall be subject to existing laws. In every case of domestic violence as herein defined, any person who in good faith intervenes without using violence or restraint greater than necessary to ensure the safety of the victim, shall not be liable for any criminal or civil liability resulting therefrom.

Section 59. Persons in Situations of Armed Conflict. No person in area of armed conflict shall be deprived of basic social services. No one shall be kept by any peace and order unit, military detachment/police checkpoint or any analogous quarter for purposes of company. Violators shall be prosecuted in accordance with the Revised Penal Code.

Section 60. Forced Marriages. No one shall be forced to marry when he/she is not ready to assume responsibilities borne out of such marriage. Any person or agency committing fraudulent or coercive acts to cause and effect a forced marriage shall be held liable under the Revised Penal Code. However, the customs and traditions of indigenous peoples shall be taken into consideration and duly respected.

Section 61. Conscientious Surveillance of Entertainment Establishments. The GAD Commission in coordination with law enforcement authorities, shall conduct conscientious surveillance of entertainment establishments existing in the Province that may exploit women.

Section 62. Pedophilia. Pedophilia which is under the Revised Penal Code shall have been committed:

- a. when the offender has had sexual intercourse with a boy or girl;
- b. when the offender has had anal intercourse with a boy or a girl;


 Ms. Minnie









Section 63. Additional Penalties for Pedophiles are as follows:

- a. payment of moral damages to the offended girl or boy or her/his parents;
- b. if the offender is an alien, deportation after serving his sentence and paying his civil liabilities; he shall also be barred from re-entering the Philippines.

Section 64. Complaints of Pedophilia. The same persons as enumerated under Section 47, Article II, Chapter II of this Code, shall file complaints against pedophilia acts.

CHAPTER III – FINAL PROVISION


Section 65. Separability Clause. If for any person any portion or provision of this Code is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 66. Suppletory Clause. On matters not provided for in this Code, any existing applicable laws and their corresponding implementing rules and regulations, issued therefore shall apply in supplemental manner.

Section 67. Effectivity Clause. This Code shall take effect upon compliance with the mandatory posting and publication requirements prescribed under Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

Approved.

I hereby certify to the correctness of the foregoing Resolution No. 101/Ordinance No. 15, series of 2009 of the Sangguniang Bayan of Amlan, Province of Negros Oriental.


ADELYN Y. RACAL
 Secretary to the Sanggunian


Attested:


CARMEN G. TAN
 Presiding Officer

APPROVED:



BENTHAM P. DELA CRUZ
 Municipal Mayor

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CONSUELO P. DELA CRUZ
SB Member


JOSE G. BOCANEGRA
SB Member


ANA LINDA E. ESPARCIA
SB Member


EMELYN B. ROSALES
SB Member (Liga ng mga Barangay)


JONATHAN R. KITANE
SB Member


MARICHU B. HINAUT
SB Member


MELVYN Y. REYNADO
SB Member


PAUL LOUIS T. DELA CRUZ
SB Member (SK Federation President)