



# Gender and Development Codes

- City of Davao
- Province of Cotabato
- Province of Misamis Occidental

## **Gender and Development (GAD) Codes: An Overview**

Gender and Development (GAD) is a development perspective that recognizes the equal contribution of women and men in all aspects of development. It involves a process of identifying interventions which transform unequal gender relations into opportunities which equitably or equally benefit women and men.

Mainstreaming GAD in local governments has gained momentum within the past decade. Promoting women's empowerment and gender equality has been taken as one of the development goals of many local government units. As such, major local operations have been and are continuously being reviewed and revised to anchor such functions toward ensuring that the differential needs of women and men are met by the LGUs. One such major function is the integration of gender concerns in local legislation. The enactment of Gender and Development (GAD) Codes by some LGUs proved how critical local policies are in realizing the vision of development for all.

The local GAD Code provides a set of policies that spells out the LGU vision of promoting, protecting and fulfilling women's rights and equalizing the gender relations of its women and men constituents. It also includes comprehensive interventions that respond to the practical and strategic gender needs of women and men.

These three GAD Codes from the City of Davao (City Ordinance No. 5004-1997), the Province of Cotabato (Provincial Ordinance No. 202-2000), and the Province of Misamis Occidental (Provincial Ordinance No. 26-2000) are serious endeavors of some local governments to help ensure gender equality in their respective units.

The NCRFW identified several elements from these GAD Codes to come up with a guide to assist you in crafting your own. The task of formulating a Code requires navigating through the maze of local bureaucracies and the political dynamics and process in your respective areas. But with constant faith and commitment, passage of pioneering legislation is possible. It is our hope that these will set the trend as examples for other local governments to follow and improve on. We encourage you to attune and enrich these initial sets of policies according to the particular situation in your locality.

We also enjoin you to strengthen your network and partnerships with other LGUs to open opportunities for sharing experiences and insights in formulating and implementing GAD Codes. Together, we can come closer to fulfilling our mission of making government work for gender equality through women empowerment.

### **Basic Elements of a GAD Code**

*Legal Basis, Statement of Policy, Declaration of Principles*

A GAD Code should contain the legal framework from which the Code bases its creation and promulgation. The legal basis refer to the following international and national mandates:

1. International Policies:

- UN Convention on the Elimination of All Forms of Discrimination Against Women (UNCEDAW) which articulates the economic, political, and socio-cultural rights of women;
- The Beijing Platform of Action (BPFA) agreed during the Fourth World Conference on Women and its succeeding updates;
- ILO Conventions Other international conventions and treaties (e.g. social development, environment, population and development)

2. Philippine Constitutional Provision

- Article 11 Section 14 of the 1987 Philippine Constitution

"The State recognizes the role of women in nation building and shall ensure the fundamental equality before the law of women and men"

3. National laws

- R.A. 7192 or the Women in Development and Nation-Building Act
- The section on the GAD Budget Policy of the Annual General Appropriations Acts

4. National Plans

- Philippine Plan for Gender-Responsive Development, 1995- 2025 adopted through Executive Order No. 273
- Framework Plan for Women, 2002-2004

5. Local Policies

- A statement of the other ordinances, resolutions, or policy statements of the LGU in support of GAD.

These legal mandates stipulate the recognition of women's rights in all spheres of life, equality between women and men and their contribution to national development

*Rationale*

This section will provide the rationale for the enactment of the Code citing previous and prevailing conditions and situations in the locality affecting women and men.

*Definition of Terms*

The definition of terms will establish clarity of stipulations/concepts contained in the Code (e.g., gender, gender and development, battering, violence against women).

***Fundamental Provisions of the Code must include:***

1. GAD programs, which pursue the integration of gender perspectives in the operation/programs/services of the LGU and creation of an enabling environment for the promotion of gender equality.
2. The GAD programs/support services which cover the following areas:
  - a. Political empowerment and representation of women in decision-making processes
  - b. Socio-cultural opportunities
    - Health
    - Education
    - Justice
    - Violence Against Women (VAW)
    - Media
    - Arts and culture
  - c. Economic benefits/opportunities
    - Labor and Employment
    - Environment
    - Agriculture
    - Infrastructure and Information Technology
3. Programs that respond to specific gender issues of the locality (such as prostitution and child labor, etc.)
4. Programs that respond to gender issues of special groups of people such as:
  - Rural women
  - Girl-Children
  - Differently-abled citizens
  - Indigenous people
  - Older women
  - Persons in armed conflict situations

***Penalties***

The GAD Code may serve as a penal law/ordinance providing punishment to violators of this ordinance and to other relevant laws being implemented.

***Mechanism for Implementation***

The Code should specify a provision for the establishment of a mechanism.

1. Functions of the mechanism (e.g. monitoring, coordinative functions and regulatory functions to establish protocols and standards)
2. Organizational structure

*Funding*

The Code should contain provisions for funds for the implementation of the Code. This section may stipulate national and local policies that mandate funding support as legal basis for providing such.

## The Gender and Development Codes

### The Women Development Code of Davao City

#### City Ordinance No. 5004

“An Ordinance Providing for a Women’s Development Code of Davao City,  
and for Other Purposes”

#### **CITY ORDINANCE NO. 5004**

#### **BOOK I GENERAL PROVISIONS**

##### **CHAPTER I**

ARTICLE I

ARTICLE II

##### **CHAPTER II**

ARTICLE I

ARTICLE II

ARTICLE III

ARTICLE IV

ARTICLE V

ARTICLE VI

ARTICLE VII

ARTICLE VIII

ARTICLE IX

ARTICLE X

ARTICLE XI

##### **BASIC PRINCIPLES**

Title and General Policy

Related Principles

##### **DEVELOPMENTAL CONCERNS**

Violence Against Women

Political and Public Sphere of Women

Cultural Identity of Women

Labor and Employment

Health Right

Education Right

Socio-Economic Benefits for Women

Rural Women's Rights

Special Sectoral Concerns

Women and Children Support System

Gender and Development

#### **BOOK 11 FINANCIAL PROVISIONS**

##### **CHAPTER I**

ARTICLE I

ARTICLE II

ARTICLE III

ARTICLE IV

ARTICLE V

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ARTICLE VII

##### **PENAL PROVISIONS**

Violence Against Women and Children

Cultural Identity of Women

Labor and Employment

Health Right

Socio-Economic Benefits for Women

Rural Women's Rights

Special Sectoral Concerns

ARTICLE VIII Women and Children  
ARTICLE IX Gender and Development

**CHAPTER 11 PROVISIONS FOR IMPLEMENTATION**  
**CHAPTER III FINAL PROVISIONS**

**EXECUTIVE ORDER NO. 24**

***RULES AND REGULATIONS IMPLEMENTING  
ORDINANCE NO. 5004***

RULE I	Policy and Application
RULE 11	Implementing Mechanisms
RULE III	External Relations
RULE IV	Developmental Concerns
RULE V	Offenses Against Women
RULE VI	Miscellaneous and Final Provisions

The map for gender and development has been drawn and the routes are charted in this Code. Civil society and NGO participation in governance shall continue as it has organized itself into a Gender Watch Monitoring Committee which has developed a quantitative set of indicators to monitor and implement the said Code and gender mainstreaming.

**IMPORTANT DATES AND EVENTS TO REMEMBER**

- Σ **September 15, 1996** - Vice Mayor Benjamin C de Guzman signs administrative Order No. 1, Series of 1995 to constitute the Consultative Committee and the Study Team to undertake the drafting of a Code for women's development
- Σ **September 17, 1997** - The 11<sup>th</sup> City Council of Davao City enacts into law the Women Development Code of Davao City through Resolution No. 12878, Series of 1997 and its corresponding City Ordinance No. 5004
- Σ **October 14, 1997** - Mayor Rodrigo R Duterte approves Ordinance No. 5004, otherwise known as the Women Development Code of Davao City
- Σ **November 26, 1997** - Mayor Rodrigo R Duterte issues Executive Order No. 25, Series of 1997 creating the Joint Executive-Legislative Committee and Technical Working Group to draft the Implementing Rules and Regulations (IRR) of the Code and the proposed setup of the Integrated Gender and Development Office (IGDO)
- Σ **July 27, 1998** - Newly elected Mayor Benjamin C de Guzman through Executive Order No. 24, Series of 1998 approves the 44-page Implementing Rules and Regulations of the Women Development Code of Davao City

11<sup>th</sup> City Council  
36<sup>th</sup> Regular Session  
Series of 1997

Republika ng Pilipinas  
**LUNGSOD NG DABAW**  
Tanggapan ng Sangguniang Panlungsod

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG  
PANGLUNGSOD, CITY OF DAVAO, HELD ON WEDNESDAY, SEPTEMBER 17, 1997.**

Present:

Councilor Nilo G Abellera, Presiding Officer  
Councilor Pilar C Braga  
Councilor Aristeo V R Albay  
Councilor Leonardo R Avila, III  
Councilor Rene V Galope  
Councilor Marlene A Librado  
Councilor Danilo C Dayanghirang  
Councilor Diosdado A Mahipus  
Councilor Pedro R Salvador  
Councilor Nenita R Orcullo  
Councilor Tomas J Monteverde, IV  
Councilor Alfredo H Vergara  
Councilor Valentino C Banzon  
Councilor Myrna L Dalodo-Ortiz  
Councilor Shane L Dolor  
Councilor Isidro T Ungab  
Councilor Paz C Mata  
Councilor Salvador V Caingles  
Councilor Maria Margarita B Peloton  
Councilor Dioscoro B Sampaga, Jr.

On Official Business

Vice Mayor Benjamin C de Guzman

Absent:

Councilor Frances A Robillo  
Councilor Reynaldo P Reyes  
Councilor Antonio H Vergara  
Councilor Bonifacio E Militar - On extended leave

## **RESOLUTION NO. 12878**

The proposed Women Development Code of Davao City favorably recommended by the Committee on Women's Welfare and Development (CWWD) was presented for consideration and appropriate action of the Body by Councilor Nenita Roldan Orcullo, Chairperson of the said Committee.

She informed the members of the Body and read into the record of the rationale behind the necessity of enacting the Women Development Code of Dave City. She further stated that the proposed Code has based its pertinent provisions on RA 7192, otherwise known as "Women Development and Nation Building Act" and RA 7877 or an Act Declaring Sexual Harassment Unlawful in the Employment, Education, Training Environment and for other Purposes, and the inclusion of some comments and suggestions amended by the members of the Sangguniang Panlungsod and other parties to share their contribution in the preliminary drafting of this Code, particularly the women sector in the City of Davao.

The following are the Explanatory Note and the Introduction of the Women Development Code of Davao City, to wit:

### **EXPLANATORY NOTE**

This Ordinance seeks to pass a legislative measure to promote and protect women's rights and outlining the response to practical needs of women in the context of the socio-economic and political realities of the Philippine society.

Historically, Filipino women had enjoyed equal rights with Filipino men before the colonization and domination of Spain, the US and Japan. Historical records further testify that women had become chiefs of the villages, performed the role of priestesses, while customary laws gave firm recognition to the principle of the equality of the sexes, who after marriage, could trade with their own money, and maintain an independent income from their businesses.

Two decades have passed in women-led study and action to transform Philippine society in protest against the prevailing gender asymmetry in roles and status among women and men, affecting all Filipino women, rendering them vulnerable - the most number of victims of violence and especially the women from the poor sectors, the indigenous and Moro who bear the heaviest brunt of poverty, marginalization and overburdened condition.

Filipino women today, as in past regimes, suffer from various forms of violence against their persons. Needless to say, grassroots women are confronted with problems related to food, security, landlessness, land and crop conversions, mining operations, deforestation and other forms of environmental degradation. Undocumented horror stories of women including death occurrence continue to haunt other women, increasing their fears and insecurities for the future of their children.

Moreover, women are inadequately protected by the law from cases of violence. Patriarchal laws views women as the property of men and are more concerned with the violation of their chastity rather than of their persons. However, there are national laws and local ordinances aimed to regulate the prevailing gender asymmetry in roles and status in society.

There is lack of programs, both government and non-government, to respond to violence against women and other women's crisis. Although some innovative support programs and projects have been initiated by the local women NGO's, these are very few and limited in resources.

Some government programs aggravate the problem because of genderinsensitive approaches. Law enforcement agencies, especially, need to be sensitized to women's needs. There is generally a low consciousness of the rights of women, even among the women themselves.

Moreover, mass media play an important role in shaping the image of women, and have been guilty of "virgin or vamp" portrayal. Now women are depicted as victims of violence by media in ways that again do violate to women.

The role of government development programs in opening rooms to violence must be noted. Sex-oriented tourist promotion, industrial zone projects that displace women from land, and encouragement of migration, put women at higher risk.

**The national policy framework, on the other hand has adopted a Gender Responsive Development Plan from 1995-2025 and has directed all government agencies, departments, bureau, offices and instrumentalities to ensure full implementation, to institutionalize gender and development concerns in planning in agency performance, budget, work and financial plans.**

As an expression of its conscious effort, the Philippine government, in plenary speeches at the 1995 Fourth World Conference on Women in Beijing, presented the following commitments: mandate that all government offices allocate a portion of their annual budget to women-specific and gender-oriented programs; intensify training of rural women and give them more access to credit; and impose more stringent penalties for those who engage in trafficking.

Meanwhile, Davao City's potential for economic growth with its critical membership in the East Asian Growth Area (EAGA), may not lead to equal distribution of the benefits among women and men, for as in all developing countries, the elite few get the bulk of economic benefits, violence in the workplace and the home is endemic, and women are marginalized and powerless within the particular socio-econornic-cultural contexts of their communities as settlers, Lumads and Moro.

The Filipino women now want to restore equal with the hope of transforming the oppressive structures in society which could lay the growth for women's total emancipation.

Thus, this Ordinance, known as the "Women.Development Code of Davao City", is an initial response towards meeting more strategic needs of women and men in the City of Davao.

Though the document is strewed with gender schemes based from the concrete proposals of women in Davao City and patterned from United Nation's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on which the Philippines is a signatory, it is not seen as the "tool" for women's liberation. The great responsibility lies on the State to provide the ripe conditions for both women and men to grow and develop as human persons in an environment free from dependence and foreign domination. Therefore, the approval of this Ordinance is strongly and earnestly sought.

## **INTRODUCTION**

The Final Draft of the Women Development Code of Davao City for final deliberation and approval of the Sangguniang Panlungsod en banc has evolved into set of legislative measures approximating the International Human Rights Law Framework, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Women's Convention, UN Declaration on Violence Against Women, Philippines Constitutional Framework and the current Philippine Laws on Women and Gender and the Davao City Children's Welfare Code.

It is an attempt to design a comprehensive and integrated approach to the issues, problems, needs and concerns of women in Davao City. Considering the local ordinance limitations as it must conform to the existing national laws, there was a slow process of relating the draft's implications, concretely, to the Revised Penal Code, Family Code, Labor Code, Local Government Code and other pertinent laws issued through Republic Acts.

Thus the draft is a product of compromise as national laws are reductionist (e.g. Sexual Harassment Law) and culture-bound (as in homosexuality not accepted by culture). It is, however, an expression of struggle for normative and structural change through law, increase political participation of women, raise public consciousness on women's issues and concerns, complementing and strengthening other forms of action for women and strengthening the social movements for change.

It has passed through a series of debates on whether it takes a development function covering consciousness-raising advocacy or punitive function. It ended in meeting the two. Thus it has two sets of books as follows:

### **BOOK I General Provisions**

#### **Chapter I Basic Principles, Title and General Principles and Definition of Terms**

#### **Chapter II Development Concerns**

Article	Violence Against Women
Article II	Political and Public Sphere of Women
Article III	Cultural Identity of Women
Article IV	Labor and Employment
Article V	Health Right
Article VI	Educational Right
Article VII	Socio-Economic Benefits for Women
Article VIII	Rural Women's Rights
Article IX	Special Sectoral Concerns
Article X	Women and Children Support System
Article XI	Gender and Development

### **BOOK II Final Provisions**

#### **Chapter I Penal Provisions**

Article I	Violence Against Women and Children
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Article II	Cultural Identity of Women
Article III	Labor and Employment
Article IV	Health Right
Article V	Socio-Economic Benefits for Women
Article VI	Rural Women's Rights
Article VII	Special Sectoral Concerns
Article VIII	Women and Children
Article IX	Gender and Development

## Chapter II Provisions for Implementation

## Chapter III Final Provisions

It has a total of fifty-three pages.

After a lengthy discussion on the matter, Councilors Isidro T Ungab, Alfredo H Vergara and Pedro R Salvador presented amendments to the effect that under subparagraph D of Article I I I is hereby amended and the same shall now read as follows:

"D. Women have the right to the necessary knowledge and means for the full exercise of their reproductive choice in accordance to the Constitution and their beliefs and preferences."

Section 26 of Article 11 shall now read as follows: "Section 26. - Declaration of March 8 as International Women's Day. March 8 shall be declared as a Special Public Holiday through an Executive Order. There shall be a barangay-level set of activities on women and the law, current issues affecting and influencing women and assessment of **women's status in the City of Davao and other** forms of critical consciousness-raising activities."

Section 69 of Article IX particularly the second sentence thereof "The local government of Davao City shall initiate advocacy and campaign on the rights of lesbians" is hereby deleted. Section 33, of Chapter 11 shall now read as follows:

"Section 33. - Appropriations. For the effective implementation of this Ordinance, the Local Government of Davao City shall implement the amount appropriated from official development assistance as stipulated in RA 7192. It will also appropriated 6% from its Annual Development Fund."

The phrase "and 1.5% from each additional sources of fund" is hereby deleted. And the phrase "A certain percent shall also be appropriated from the Barangay Development Fund for specific barangay level gender and development program" is hereby deleted.

All the amendments were accepted by the proponent. Councilor Nenita R Orcullo further manifested that the Rules implementing this Code shall be promulgated through an Executive Order creating a committee to be composed of City Prosecutor's Office, City Legal Office and the City Social Services and Development Office and the Committee on Women's Welfare and Development of the Sangguniang Panlungsod in order to carry out the provisions of this Ordinance. She further stated that a technical working group shall be formed for effective and efficient realization of the implementing rules and regulations pertaining to this Code. And that the Rules and Regulations shall take effect upon their publication in two (2) local newspapers in general circulation other than

publication of this ordinance itself. Since there were no other further amendments presented by the members of the Body, Councilor Nenita R Orcullo, finally proposed of its approval.

After careful deliberation on motion of Councilor Nenita R Orcullo, duly and jointly seconded by Councilors Victorio S Advincula, Danilo C Dayanghirang, Myrna L Dalodo-Ortiz, Marlene A Librado, Valentino C Banzon, Pilar C Braga, Shane L Dolor, and co-sponsored by all Councilors present, it was,

RESOLVED, AS IT HEREBY RESOLVED, To approve an Ordinance entitled:

## **CITY ORDINANCE NO 5004**

### **AN ORDINANCE PROVIDING FOR A WOMEN'S DEVELOPMENT CODE OF DAVAO CITY, AND FOR OTHER PURPOSES**

Be it ordained by the Sangguniang Panlungsod, City of Davao that:

#### **BOOK I - GENERAL PROVISIONS**

#### **CHAPTER I - BASIC PRINCIPLES**

#### **ARTICLE I**

#### ***Title and General Policy***

SECTION 1. **Title.** This Ordinance shall be known as the "Women Development Code of Davao City.:"

SECTION 2. **Declaration of Policy and Principles of the Local Government of Davao City.** It shall be the policy of the Local Government of Davao City to uphold the rights of women and the belief in their worth and dignity as human beings. Women shall be recognized as full and equal partners of men in development and nation building and men shall share equally with all forms of productive and reproductive activities.

The Local Government of Davao City shall actively contribute to the establishment of a national and international economic order based on sustained, equitable growth and balanced ecology. And that any development efforts it undertakes should enhance women's full potentials, uplift their status and lead to the improvement of their quality of lives, their families and that of their communities.

Towards this end, the Local Government of Dave City shall pursue and implement vigorously gender responsive development policies, design and integrated gender and development support systems, taking into consideration women's immediate economic survival with support for their efforts of empowerment and self-determination, and to adopt and implement measures to protect and promote their rights.

**TO ATTAIN THE FOREGOING POLICY:**

1. Thirty percent of the Official Development Assistance funds received from foreign governments and multilateral agencies and organizations shall be set aside and utilized in accordance with the provision of RA 7192 otherwise known as Women in Development and Nation Building Act, by the Local Government departments and agencies of Davao City concerned to support programs and activities for women.
2. All Local Government departments and agencies of Dave City shall ensure that women benefit equally and participate directly in the development programs and projects of said departments and agencies, specifically those funded under official foreign development assistance, to ensure the full participation and involvement of women in the development process, pursuant to RA 7192.
3. All government project proposals shall ascertain the inclusion of gender responsive indicators and guidelines while not be remiss in locating the root of women's oppression, pursuant to the United Nations Declarations of which the Philippine government is a signatory.
4. All Local Government departments and agencies of Davao City upon effectivity of this Code shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein, and shall complete the same within two years.
5. The Council for Women of Davao City, as provided under Section 30 Article II, Chapter II, Book I of this Code shall be actively consulted in matters dealing with official development assistance or foreign aid so as to determine gender biases and implications on women.

## **ARTICLE I**

### ***Related Principles***

Section 3. Rights of Women Defined. Women Rights are the rights of women that are defined and declared by the United Nations under Convention on the Elimination of Discrimination Against Women (CEDAW) which we hereby adopt as follows:

- 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.
- b. Women have the right to freely and fully participate individually or collectively in the political processes of their communities and nations.
- c. Women have the right to the means for assuring their economic welfare and security.
- d. Women have the right to the necessary knowledge and means for the full exercise of their reproductive choice in accordance to the Constitution and their beliefs and preferences.
- e. Women have the right to choose a spouse in accordance with their values and preferences, maintain equality in marriage or its dissolution, and obtain adequate support for rearing and caring of their children.
- f. Women have the right to an adequate, relevant and gender-fair education throughout their lives, from childhood to adulthood.

- g. Women have the right to adequate nutrition and proper health care.
- h. Women have the right to humane living condition.
- i. Women have the right to nurture their personhood, collectively and individually, to secure an image of themselves as whole and valuable human beings, to build relationships based on respect, trust and mutuality.
- j. Women have the right to equality before the law in principle as well as in practice.

#### SECTION 4. **Gender, Development Discrimination, Commodification Explained:**

**Gender** - is a socially constructed difference between men and women. Differences are created artificially, partly through socialization and partly through positive -and negative discrimination in the various institutions and structures of society.

**Development**- is the improvement of the equality of life of all regardless of age, sex, gender, tribe, race, creed and religion. It is characterized by an enrichment of Filipino indigenous resources, sustainable utilization of the natural resources of the country and freedom from dependency. It is therefore, sustained, equitable growth and balanced ecology.

**Discrimination Against Women**- any distinction, exclusion or restriction made on the basis of sex has purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by women of their rights irrespective of their marital status.

**Commodification of Women**- is a practice which puts women in subordinate situation which results in the treatment of women as both consumers and objects. As consumers, women are allured to buy beauty products to enhance their physical attractiveness. As objects of consumption, women are reduced to a sexual commodity for manipulation and utilization for one's sexual desire or interest usually in exchange of money or goods so that women have no control or power to reject such utilization or manipulation.

## **CHAPTER II - DEVELOPMENTAL CONCERNS**

### **ARTICLE I**

#### ***Violence Against Women***

SECTION 1. Violence Against Women Defined - any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

SECTION 2. Violence against women shall include but is not limited to:

- a. Physical, sexual and psychological violence occurring in the family and other close relationships, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non spousal violence and violence related to exploitation.

- b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- c. Physical, sexual and psychological violence perpetrated against women and condoned by the State, wherever it occurs.
- d. Violations of the human rights of women in situations of armed-conflict, in particular murder, physical and psychological torture, systematic rape, sexual slavery and forced pregnancy.
- e. Forced sterilization and forced abortion, coercive/forced use of contraceptives, prenatal sex selection and female infanticide.
- f. To buy or sell a woman or any of her body parts for profit.
- g. Feminization of poverty which is regarded as a condition when gap between the rich and the poor widens and grassroots women bear the brunt as in economic instability and unequal distribution of wealth. Such gap reinforces non-response to both practical and strategic interests of women.

SECTION 3. **Sexual Abuse Defined.** Sexual abuse shall include but is not limited to the following:

1. When a man inserts or attempts to insert his penis into the mouth or anus of a woman under any of the following:
  - a) through force, threat or intimidation; b) by means of abuse of authority or relationship; c) when the offended party is deprived of reason or is otherwise unconscious; d) when the offended party is below twelve years old, even though none of the above circumstances is present.
2. When a person who inserts part of his or her body other than the sexual organ, or who introduces any object or instrument into the genital or anus of a woman under any of the situations stated in paragraph 1.
3. When a person subjects another to have sexual intercourse with an animal under any of the circumstances stated in paragraph 1 or through any abnormal, unusual or ignominious sexual act.
4. Any intentional contact however slight of one's penis to the genital, mouth, breast or anus of a woman or intentional contact thereof, however slight, to any part of her body other than her sexual organ, or the use of any instrument or object which intentionally touches the genital, breast or anus of a woman.
5. Sexual abuse in intimate marital relations. Forced sexual act committed under intimate or marital relations shall form part of sexual abuse such as those between man and woman, woman and man, man and man relations, married or unmarried, legally separated or separated in fact.

SECTION 4. **Battering Defined.** - a series of physical, emotional and psychological abuse. It is repeated and habitual cyclic pattern as means of intimidation and imposition of the batterer's will and control over the survivor's life. Battering constitutes the following kinds of behavior but is not limited to:

- a. **Sexual battering** - this includes physical attacks on the women's breasts/genitals or forced sexual activity, accompanied by either physical violence or the threat of physical violence.
- b. **Psychological battering** - this includes threats of suicide, violence against the women or her family, punching, breaking or defacing or otherwise destroying the house or any part thereof; or of the personal belongings of a woman, threatening to take the children away, threatening deportation of wives with foreign citizenship, threatening to kidnap children or take them to a foreign country and forcing the victim to do degrading things; controlling the victim's lawful or usual activities, the use of foul and insulting words or statements and threats of abandonment and expulsion such as forcing the wives to leave the conjugal dwelling. This provision shall likewise apply to common-law relations but does not include adulterous ones as contemplated in the Revised Penal Code.
- c. **Economic battering** - this includes deprivation of women of economic resources, their generation and mobilization so as to create dependency and submissiveness to men and to any established structures of domination.

Section 5. **Trafficking in Women Defined** - is a covert or overt recruitment of women into the sex trade industry. It includes new forms of sexual exploitation such as sex tourism, the recruitment of domestic labour to work in developed countries, and organized marriages between women from third world countries and foreign nationals; promoting or initiating a system in which women become movable properties and objects of exchange.

Trafficking in Women shall include the following but, is not limited to:

- a) For any persons association, cult, religion or organization or similar entities to commit the following acts:
  - establish or carry on a business for the purpose of matching women for marriage to foreigner either on a mail order basis or through personal introduction or cyberspace;
  - advertise, publish, print or distribute, or cause the advertisement, publication, printing or distribution of any brochure, flyer or propaganda material calculated to promote the above-mentioned prohibited acts for profit or advantage;
  - solicit, enlist or attack/induce any woman to join any club, association or organization whose objective is to match women for marriage to foreigners either on a mail-order basis or through personal introduction or cyberspace or any forms which facilitate the act of solicitation;
  - use the postal services, cyberspace or satellite TV to promote the above-mentioned prohibited acts.

- b) To buy or sell a woman, or any of her body parts for profit; or to use her body by any pretext; to be used for experiments, research or the like without her consent.
- c) To act as a procurer of a sex worker.
- d) To threaten or use violence and force a woman to become a mail-order bride.

SECTION 6. **Mail Order Bride Defined** - It is a practice where woman establish personal relations with male-foreign national via mail or similar means upon recruitment by an individual or agency for the purpose of exploiting women in guise of marriage.

SECTION 7. **Sexual Harassment Defined** - It 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, made directly, indirectly or impliedly.

Sexual harassment shall be unlawful in the employment, education or training environment as prescribed in RA 7877.

SECTION 8. Other Forms of Sexual Harassment - Other than the definition provided by RA 7877 the following constitute sexual harassment some of which are covered by the Revised Penal Code under Acts of Lasciviousness:

- 1. persistent telling of offensive jokes such as green jokes or other analogous statements to someone who finds them offensive or humiliating;
- 2. taunting a person with constant talk about sex and sexual innuendoes;
- 3. displaying offensive or lewd pictures and publications in the workplace;
- 4. interrogating someone about sexual activities or private life; during interviews for employment, scholarship grant or any lawful activity applied for;
- 5. making offensive hand or body gestures at someone;
- 6. repeatedly asking for dates despite verbal rejection;
- 7. staring or leering maliciously;
- 8. touching, pinching or brushing up against someone's body unnecessarily or deliberately;
- 9. kissing or embracing someone against her will;
- 10. requesting sexual favors in exchange for a good grade, obtaining a good job or promotion, etc.;
- 11. cursing, whistling or calling a woman in public with words having dirty connotations or implications which tend to ridicule, humiliate or embarrass the woman such as "puta", "boring", "peste", etc.";
- 12. any other unnecessary acts during physical examinations;
- 13. requiring women to wear suggestive or provocative attire during interviews such as job hiring, promotion, admission.

SECTION 9. **Pedophilia Defined.** Pedophilia which is a form of sexual perversion where children are the preferred victims is defined under the following circumstances:

- a) when the offender shall have sexual intercourse with a girl;
- b) when the offender shall have anal intercourse with a boy or girl.

SECTION 10. **Prohibition of Printing, Publication, Display and Distribution of Pornographic Scenes on Movie/TV Trailers/Shows, Posters, Billboards and other Materials and Similar Literature.** It shall be unlawful for any person to print, publish, display or distribute pornographic scenes on movie/TV trailers/shows, posters, billboards, literature and other visual materials which treat women as sex objects and commodities.

SECTION 11. **Pornographic and Indecent Shows.** Indecent shows as used in this Code include nude or other provocative gestures which further project and exhibit women as sex objects.

Any person or agency who engages in shows depicting women as sex objects in private or in public place or under scandalous circumstances shall violate women's rights.

SECTION 12. **Liveshows.** It shall be a violation of women's rights to influence or force a woman or girl-child to dance or do naked shows in public or private places for commercial or entertainment purposes.

SECTION 13. **Comprehensive Support to Women-Survivors of Violence.** The Local Government of Davao City shall provide a comprehensive support to womensurvivors of violence which consists of but not limited to the following:

- a) immediately conduct and investigation within 24 hours;
- b) provide for counseling and medical services for the offended party;
- c) gather evidence for the arrest and prosecution of the offenders;
- 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,
- e) the investigation officer or the examining physician, if possible of the same sex as the offended party, ensures that only persons expressly authorized by the latter are allowed inside the room where the investigation or medical or physical examination is being conducted.
- f) Women victims-survivors of all forms of violence shall be registered in a community-based psychological program that shall assist the women in holistically re-building and empowering themselves;
- g) All investigations/hearing involving rape cases and other forms of violence against women conducted in the police stations, prosecutor's office and the trial courts shall recognize, the survivor's social support group as expressly allowed or requested by the offended party;
- h) A temporary shelter with appropriate support services for women in crises shall be appropriately constructed under the management and supervision of the City Social Services and Development Office.

SECTION 14. **Psychosocial Program.** It is an intervention using a system approach to conditions of women as it views differentiated needs in a social context.

SECTION 15. **Survivor's Support Group Defined.** It is an organized group of women to whom a woman-survivor of violence voluntarily agrees to establish a professional helping process.

SECTION 16. **Support Services for Women in the Entertainment Industry, Entertainment Industry Defined.** Includes establishments identified as places of amusements as defined in the Local Tax Code of Davao City, Ordinance No. 230, Series Of 1991.

Other places of Amusement - include all other places of amusement not specifically enumerated or otherwise provided for in this Ordinance, including but not limited to night clubs or day clubs, cocktail lounges, super or family clubs, disco houses, minus-one or sing along houses, bars or beer houses/gardens, fast food centers showing sports competitions or replay shows by direct hook up via satellite or those showing video cassette films/movies, beach resorts, and other places of amusement where one seeks admission to entertain himself whether by seeing or viewing or by direct participation.

The Local Government of Davao City shall provide socio-economic support services for women in the entertainment industry in its desire to concretely respond to their practical needs.

SECTION 17. **Free Medical Routine Check-up.** Women in the entertainment industry shall be afforded with free medical routine check-up and medicines if needed.

SECTION 18. **Prostitution as a Violation of Women's Rights.** Prostitution shall be recognized as a violation of human rights and exploitation of women who have no real choices for survival.

SECTION 19. **Local Monitoring Board for Violence in Media.** A local Monitoring Board for movie, print, broadcast, and multi-media, shall be set up to classify, censure, prohibit or regulate the exhibition of materials degrading women. The Board's function shall also extend to video shops, electronic communication, cable television, books and other forms of audio visual channels or instruments.

SECTION 20. **Creation of Women Complaints Relation Section (WCRS) and Appointment of WCRS Officer.** The Local Government of Davao City shall create the WCRS and appoint WCRS Officer in all police stations in Davao City to specifically handle concerns of women.

SECTION 21. **Role of Female Police Officer.** Complaints filed by women on battering and other forms of abuse against them shall be handled by female officers in the local police force who shall undergo special courses on handling cases affecting abused women.

SECTION 22. **Creation of Family Arbitration Committee within the Lupong Tagapamayapa.** There shall be created a Family Arbitration Committee within the Lupong Tagapamayapa of each barangay to resolve cases on family violence.

SECTION 23. **Creation of Medico-Legal Desk for Women At the City Social Services and Development Office.** There shall be a Medico-Legal Desks for Women at the City Social Services and Development Office to cater to specific women problems and concerns.

SECTION 24. **Creation of Multi-Disciplinary and Multi-Sectoral Coordinating Council on Family Violence.** A Multi-Disciplinary and Multi-Sectoral Coordinating Council on Family Violence shall be created by the Local Government of Davao City through the Integrated Gender and Development Office in coordination with existing women NGOs engaged in program against family

violence to design protocol and mechanism for identification, assessment and interventions on family violence.

SECTION 25. **Inter-Agency Council Against Trafficking.** An Inter-Agency Council Against Trafficking which shall be established in Davao City with the following powers and functions:

- a) formulate a comprehensive program to suppress the trafficking of women and children;
- b) conduct massive information campaigns;
- c) undertake guidance and counseling to womert going abroad as fiancees of foreign nationals;
- d) make representations to schools and universities for their inclusion of migration and its implications for women in all levels of curricula;
- e) refer traffic victims to appropriate agencies;
- f) formulate a program for returning victims in cooperation with local offices of DOLE, TESDA and other government agencies involved in training and livelihood development;
- g) secure assistance from any of the local government units, departments or bureaus of the national government;
- h) exercise all powers and functions necessary to attain its purposes and objectives.

## **ARTICLE II** ***Political and Public Sphere of Women***

SECTION 26. **Declaration of March 8 as International Women's Day.** March 8 shall be declared as a special public holiday through an Executive Order. There shall be a barangay-level set of activities on women and the law, current issues affecting and influencing women, and assessment of women's status in the City of Davao and other forms of critical consciousness-raising activities.

SECTION 27. **Women's Summit of Davao City.** A Women's Summit shall be held on the first week of March every year which shall be convened and managed by a joint committee of Women Non-government Organizations (WNGOs) and Government Organizations (GOs).

SECTION 28. **International Day of Action for Women's Health.** The Local Government of Davao City shall cause the celebration of the International Day of Action for Women's Health. on May 28 where issues and concerns relative to the protection and promotion of women's health shall be examined, deliberated, projected and government action sought.

SECTION 29. **Barangay Level Self-Organization of Women.** Selforganization of women shall be recognized at the barangay level to include young women.

SECTION 30. **Creation of Council for Women.** A Council for Women shall be organized at a district level from among the barangay level women organizations.

Women organizations with mass membership at the community level shall likewise be repres ' ented at the Council for Women. Women groups in schools, offices whether GO or NGO shall represented in the Council as a cluster. Details of the Council's operation shall be stipulated in the Implementing Rules and Regulations of this Code.

SECTION 31. **Election of Women Sectoral Representative to the Sangguniang Panlungsod.** Women sectoral represented to the Sangguniang Panlungsod shall be elected by

members of the accredited women organizations in Davao City as a concrete manifestation of women's place in local governance and in accordance with RA 7160.

SECTION 32. **Representation of Women in Barangay Development Council (BDC) Structure.** The Local Government of Davao City shall ensure that at least one third (1/3) of the members of the BDC are women to strengthen government's recognition of women's potentials in each barangay.

SECTION 33. **Women Representatives to the City Development Council (CDC).** The local government of Davao City shall ensure that at least one third (1/3) of the members of the CDC are women.

SECTION 34. **Peace Based on Justice.** The network of women GOs and NGOs shall be formally consulted on peace and development issues on the basis of social equity and justice.

SECTION 35. **Women in Law Enforcement Positions.** All qualified women shall be given an opportunity to assume key law enforcement positions.

### **ARTICLE III** ***Cultural Identity of Women***

SECTION 36. **Indigenous and Moro Women of Davao City.** The preservation of the cultural identity of the indigenous and Moro women shall be actively incorporated in all programs and projects of the Local Government of Davao City.

SECTION 37. **Culturally-Appropriate Schools.** There shall be accessible and culturally appropriate schools for indigenous and Moro peoples in Davao City.

SECTION 38. **Declaration of Indigenous and Moro People's Areas.** A survey of indigenous and Moro peoples' areas in Davao City shall be undertaken within two years upon effectivity of this Code which shall become a basis for the declaration of the indigenous and Moro peoples' areas.

SECTION 39. **Integrated Development Program for Indigenous and Moro Women.** The local government of Davao City shall develop a program that shall facilitate empowerment of the indigenous and Moro women. Active support for the preservation of the indigenous women's knowledge of the environment shall be incorporated in the program.

### **ARTICLE IV** ***Labor and Employment***

SECTION 40. **Orientation on Sexual Harassment.** All local offices, agencies, and establishments or companies, government and private in Davao City shall conduct orientation on sexual harassment. Certificate of compliance shall be submitted to the Integrated Gender and Development Office.

SECTION 41. **Setting-up of Grievance Machinery.** A grievance committee shall be set up in all local offices, agencies, establishments or companies to act on complaints related to sexual harassment.

SECTION 42. **Gender-Sensitive Physical Plant.** A physical plant appropriate for a gender-sensitive environment shall be adopted by all offices, agencies and establishments or companies which shall help prevent sexual harassment, sexual abuse and other forms of maltreatment in the workplace.

SECTION 43. **Tax Incentives for Business Entities.** The Local Government of Davao City shall provide tax incentives to business entities:

- a) any amount used for the establishment, maintenance and operation of the child day care support system shall be tax-deductible;
- b) annual tax credit per child regularly served for at least one year in the Center; and
- c) annual tax credit per woman extended with maternity leave benefits for breastfeeding.

SECTION 44. **Monitoring System for Labor Standards.** A mechanism shall be installed in the Integrated Gender and Development Office to monitor all offices, agencies and establishments or companies violating Labor Code provisions and the provisions of this Ordinance.

## **ARTICLE V** ***Health Right***

SECTION 45. **Budget for Women's Health.** A substantial portion of the health budget of the City Government shall be allocated for women's health and services.

SECTION 46. **Upgrading of Health Care Delivery System.** Quality health care and services that are not discriminatory on account of their gender, age, sex, creed, religion and ethnicity shall be implemented in Davao City.

SECTION 47. **Reproductive Health Care Delivery, Reproductive Health Defined.** As defined in the International Conference on Population and Development and World Health Organization and affirmed in Beijing Conference, reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity in all matters relating to the reproductive system and to its functions and processes, i.e. people are able to have a satisfying and safe sex life and have the capability to reproduce and the freedom to decide it, when and how to do so.

Davao City shall adopt the reproductive health care approach at all levels of health care delivery. Such approach integrates many issues not previously considered central to population; sexuality, reproductive tract infection, gender power relations and domestic violence and shall not be limited to family planning and child bearing.

SECTION 48. **Women's Control Over Their Bodies.** Women's decision to prevent and control pregnancy shall be given appropriate support and guidance by all health professionals, private and public, at very minimal cost.

SECTION 49. **Gender-Sensitive Crisis Intervention Unit.** The Local Government of Davao City shall cause the establishment of a Gender-Sensitive Crisis Intervention Unit at all levels of health care, primary, secondary and tertiary and shall provide service training to all health and other allied personnel who shall be assigned in this unit.

SECTION 50. **Gender-Fair Approach to Pre-marital Counseling Program.** Without prejudice to Sec. 27, Art. III of the Davao City Children's Welfare Code, a review and redesign of the Pre-marital Counseling Program of the Local Government of Davao City shall be jointly undertaken by the Integrated Gender and Development Office, City Health Office and the Davao City Special Office on Children's Concerns and other concerned agencies. Agencies involved shall adhere to the principle of gender-fair premarital counseling service.

SECTION 51. **Strengthen Primary Health Care Delivery.** In consonance with the Department of Health's thrust and Sec. 19.C, Art. III of the Davao City Children's Welfare Code, the Local Government of Davao City shall strengthen the Primary Health Care Delivery in the context of reproductive health.

## **ARTICLE VI** ***Education Right***

SECTION 52. **Sunday Classes for Women.** Sunday classes for women shall be held in all barangay high schools in Davao City to facilitate working women's access to education.

SECTION 53. **Promotion of Gender-Sensitive Curricula.** The schools in Davao City shall actively promote gender-sensitive professional school counseling and career education programs to encourage females to pursue academic and technical courses in order to widen their future career opportunities.

SECTION 54. **Adult Education.** All women desiring to engage themselves in functional and practical education shall be enlisted in adult education program which shall be set up in all barangays in Davao City.

SECTION 55. **Monitoring and Reporting of Stereotyped Portrayal of Roles of Women and Men in Educational Materials.** The Integrated Gender and Development Office shall coordinate closely with the City Division of Schools, Davao Association of Colleges and Schools and other network of schools in monitoring and reporting of stereotyped portrayal of roles of women and men as projected in education materials.

## **ARTICLE VII** ***Socio-Economic Benefits for Women***

SECTION 56. **Increase Capital Assistance for Women.** All Local Government departments and agencies engaged in socio-economic programs shall increase their capital assistance and/or subsidy to women especially on land-based projects using community bank approach.

SECTION 57. **Access to Safe Water.** All barangays in Davao City shall provide easy access to safe water supply. Appropriate systems shall be installed to ease women's workload.

## **ARTICLE VIII** ***Rural Women's Rights***

SECTION 58. **Land for Women-Headed Households and Landless Families.** Idle lands shall be distributed to qualified women-headed households and landless families interested and committed to till the land upon issuance of a memorandum of agreement between the parties

concerned. Ownership of such land shall be granted to women-headed households and landless families after ten years of continuous tillage. Support services shall be delivered by the Local Government of Davao City as part of the Memorandum of Agreement.

SECTION 59. **Promotion of Land-Based Projects, Land-Based Projects Defined** -Are activities designed systematically in order to provide women the opportunity to have full access and control over the maximum utilization of land and other indigeneous resources.

The Local Government of Davao City shall promote and support land-based projects ensuring food security for rural women utilizing science, women friendly and appropriate technology instilling collectivism.

SECTION 60. **Access to Science and Women-Friendly Alternative Technology Education.** The City Agriculturist Office of the Local Government of Davao City in conjunction with the Department of Science and Technology and other related line agencies shall establish a science and women-friendly alternative technology center for rural women in each barangay.

#### **ARTICLE IX** ***Special Sectoral Concerns***

SECTION 61. **Special Education for Differently-abled Women, Differently-abled Women Defined.** Are women survivors of physical impairments and have differentiated needs and potentials.

There shall be a special education school for d ifferently-a bled women in Davao City which shall offer appropriate technology curricula.

SECTION 62. **Advocacy on Differently-abled Women's Rights.** Active advocacy on the rights of differently-abled women shall be conducted by the Integrated Gender and Development Office.

SECTION 63. **Creative Employment Opportunities for Differently-abled Women.** The Local Government of Davao City shall develop creative employment opportunities for differently-abled women recognizing their differentiated conditions and full potentials as human persons.

SECTION 64. **Reporting of Cases of Harassment Committed Integrated Against Differently-Abled Women.** The Local government of Davao City through its Integrated'Gender and Development Office shall require all barangays to monitor and report cases of harassment committed against differently-abled women.

SECTION 65. **Organization of Differently-abled Women.** Each barangay shall create a committee of differently-abled women within the Barangay Development Council in order to advance the interests of this special group of women.

SECTION 66. **Organization of the Elderly women.** Each barangay shall create a committee of the elderly women within the Barangay Development Council in order to advance the interests of this special group of women.

SECTION 67. **Support Funds for the Elderly Women.** Funds shall be allocated to the psychological help for the elderly women to include emergency assistance, routine physical check-up, social group work program and appropriate socioeconomic activities.

SECTION 68. **Support to Women in Detention.** Rights of all women detainees shall be protected. A) Speedy trial of their cases shall be ensured by all concerned; b) An appropriate program shall be designed to respond to their specific needs and problems as detainees; and c) Separate structure and space for detention and rehabilitation shall be provided.

SECTION 69. **Respect for Women's Sexual Preference.** Women's right to sexual preference shall be respected and protected.

#### **ARTICLE X** ***Women and Children Support System***

SECTION 70. **Daycare Centers.** The Local Government of Davao City shall ensure that Day Care Center are set up in every barangay to free women from other activities such as taking a job or going back to school without prejudice to the Davao City Children's Welfare Code.

SECTION 71. **Parental Authority.** The father and mother shall jointly exercise parental authority over the persons of their common children. In case of disagreement, the couple shall consult their family counsel or shall bring the matter before the Lupong Tagapamayapa for conciliation.

#### **ARTICLE XI** ***Women and Children Support System***

SECTION 72. **Gender and Development Defined.** Conscious efforts at improving the quality of lives of women and men based on sustained, equitable growth, and balances ecology. It sees society as a gender system in all its aspects - economic, political and social. It views women's oppression in both the private and public spheres. It sees women as agents of change, instead of mere recipients of development assistance. It call for structural change as well as reorientation of the patriarchal culture.

SECTION 73. **Gender Sensitivity and Training, Gender Sensitization Defined.** It is an experimental and critical process of learning and unlearning by an individual, female or male, of the causes and effects of the culturally determined roles of women and men.

All school, offices, establishments or companies, departments and agencies of the Local Government of Davao City shall be provided with gender sensitivity orientation and training which shall equip them with theoretical and practical knowledge on gender issues and concerns. Likewise, all establishments, schools, colleges and universities shall develop assessment tools for gender biases.

SECTION 74. **Active Support to Gender Studies.** A sufficient amount shall be allotted to gender-related documentation and researches which shall form part of Davao City's data-based program development.

SECTION 75. **Popularization of Gender-Fair Materials.** There shall be an active promotion and publication of gender-fair materials in popular forms in Davao City.

SECTION 76. **Gender and Development Officer.** A Gender and Development Officer shall be appointed to initiate gender and development program in the offices, establishments, companies, departments or agencies of the Local Government of Davao City in close coordination with the Offices of Integrated Gender and Development and Human Resource Development.

SECTION 77. **Integrated Gender-Sensitive and Environment-Friendly Zonification Plan of Davao City.** An integrated gender-sensitive and environmentfriendly zonification plan of Davao City shall constitute the following but not limited to:

- a) relocation of communities shall not deprive women of their sources to livelihood.
- b) relocation sites shall not contribute to an increase in women's burden in economic, home and social production.
- c) housing and industrial project sites shall be those unproductive lands unsuitable for economic purposes.
- d) industrial center for light industry shall be placed in key districts of Davao City while heavy industry shall be centralized in one district.

SECTION 78. **Community-Based Environment Plans and Programs.** Both men and women shall participate in pollution control, zero-waste technology development and management preservation of the forest, marine and aquatic resources and indigeneous reforestration with the due respect for the indigeneous and Moro peoples' culture and rights to self determination.

SECTION 79. **Gender-Sensitive Natural Resource-based Management Programs.** The Local Government of Davao City shall engage itself in the development of gender-sensitive natural resource-based management programs.

SECTION 80. **Role of Women in Environmental Impact Assessment of Projects.** The Local Government of Davao City shall promote the active role of women in environmental impact assessment of projects. Instruments for environmental impact assessment shall consciously determine sex disaggregated data.

SECTION 81. **Promotion of Appropriate Technology.** The Local Government of Davao City shall actively promote an alternative technology that is appropriate and safe for women.

SECTION 82. **Creation of Resource Management Council.** Each barangay shall create resource management council which shall ensure promotion and protection of ecological balance and full participation of women.

SECTION 83. **Sufficient Budget for Basic Social Services.** A sufficient amount for the basic social services for women and children in extremely difficult circumstances shall be allocated from all sources of funds.

SECTION 84. **Investments and Loans.** The Local Government of Davao City shall hold consultative assemblies with women GOs and NGOs in establishing contracts for loans and investments to clarify implications on women's welfare and development at the barangay level.

SECTION 85. **Overseas Contract Worker's (OCW) Wives and Children Support.** The Local Government of Davao City shall conduct at the barangay level a survey of overseas contract workers, results of which shall serve as basis for special support to women and children.

SECTION 86. **Special Course on OCW.** A special course on overseas contract work primarily to orient women on the issues and concerns relative to migration shall be systematically introduced to all women especially at the barangay level.

SECTION 87. **Education on National Policies.** Women and men shall undertake education on national policies and their implications on women.

SECTION 88. **Special Training for Lupong Tagapamayapa.** A special paralegal training for Lupong Tagapamayapa shall be conducted along gender question and -related matters.

SECTION 89. **Gender Sensitization as a Pre-requisite to Employment and Promotion.** There shall be a gender-sensitive assessment to be conducted by the Gender and Development Office to all concerned as a pre-requisite to hiring and promotion of personnel.

SECTION 90. **Gender and Population.** The City Health Office shall review and redesign the population program that it becomes not contraceptive-based but reproductive health conscious.

SECTION 91. **Training on Non-Traditional Occupation.** Women shall be given opportunity to acquire training on non-traditional occupation such as those related to science and technologies.

## **BOOK II - FINAL PROVISIONS**

### **CHAPTER I - PENAL PROVISIONS**

#### **ARTICLE I**

#### ***Violence Against Women and Children***

SECTION 1. **Soliciting Women's Services.** It is unlawful for a person to solicit a women's service for sexual purposes as gift, representation, public relations, or as an act of goodwill regardless of whether the solicitor profits or not from such act without prejudice to the provisions of the Revised Penal Code.

Any witness may file complaint together with the affected women to the proper court. Penalty for such is a fine of P5,000 or an imprisonment of one year.

SECTION 2. **Other Forms of Trafficking in Women.** Any person or agency who with the use of force or deceit, lures a woman to work abroad or in other provinces or cities in the Philippines for a particular job on a promise of high fees, but instead landed on prostitution, domestic help or other odd jobs. Violators of this provision shall be penalized by an imprisonment of one year or a fine of P5,000 or both, at the discretion of the court.

SECTION 3. **Sex Trade.** An agency or person who shall engage in keeping women for sex for a fee shall suffer the penalty in accordance with the Revised Penal Code.

SECTION 4. **Sex Tours.** No hotels, beach resorts, sauna baths and related establishments shall be allowed to Operate as conduit for sex tours. Cancellation of business permit, a fine of P5,000 and an imprisonment of one year shall constitute the penalty for violation.

SECTION 5. **"Beauty" Contest.** Beauty contests which tend to commodify, abuse, humiliate and treat women as sex objects shall strictly prohibited in schools, communities, barangays and by the City Government in its special celebrations, but in their stead the projection of women's strengths and potentials, especially with regard to indigeneous and culturally-relevant forms shall be encouraged.

Those who initiated the conceptualization and implementation of the beauty contest shall be subjected to a penalty consisting of the following:

For business organization: a) Cancellation of business permit; b) Fine of P5,000; c) Others, as prescribed in the implementing rules and regulations of this Code.

For representatives of agencies, departments or units of the local government of Davao City; a) Suspension for one month without pay; b) Fine of P5,000; c) Others, as prescribed in the implementing rules and regulations of this Code.

For educational institutions, charity or welfare organizations: a) Cancellation of license to operate; b) Fine of P5,000; c) Others, as prescribed in the implementing rules and regulations of this Code.

SECTION 6. **Fund Raising Initiative Defined.** It refers to any activity, whether in whole or in part, integrated in any raffle draw, benefit or disco dance, premier showing or movies, or any similar fund-raising undertakings where women are used as donor prize, substitute for prizes won, a companion package for an award, prize 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.

All fund raising initiatives as defined in this Code shall be strictly prohibited in Davao. Violators of this provision shall pay a fine of P5,000 or imprisonment of six months or both at the discretion of the court.

SECTION 7. **Benefit Dance/Disco Defined.** It refers to a dance in the locality where women are in the process being commodified for fund raising purposes.

SECTION 8. **Women in Armed Conflict Situation.** a) No women shall be deprived of basic social services in armed conflict areas; b) No women or girl children shall be kept by any PNP/military personnel in police/military detach ment/checkpoi nt or any analogous quarter for purposes of comfort. Violation shall be penalized through summary dismissal proceedings of the local AFP/PNP and/or at the discretion of the local Police Law Enforcement Board.

SECTION 9. **Forced Marriage.** No woman shall be forced to marry on the basis of vitiated consent. Any person or agency representative committing fraudulent or coercive act to cause and effect a forced marriage shall be liable under this Code by a fine of P5,000 or an imprisonment of one year, or both, at the discretion of the Court.

SECTION 10. **Conscious Surveillance of Entertainment Establishments.** A regular Task Force shall be created to conduct conscious surveillance of entertainment establishments exploiting women. Failure of the task Force to submit weekly report shall be subject to an administrative sanction.

**ARTICLE II**  
***Cultural Identity of Women***

SECTION 11. **Indigeneous and Moro Cultural Practices.** Indigeneous and Moro women shall be allowed enrollment in schools and colleges and enjoy employment opportunities without prejudice to their birth and marriage rituals where no birth and marriage certificates are issued as evidence of such life events. Failure to comply with this provisions shall be subjected to a maximum fine of P5,000.

Implementing rules and regulations of this section shall include issuance of certificate by the local offices of the Office of Southern Cultural Communities and Office of Muslim Affairs identifying cultural community affiliation.

**ARTICLE III**  
***Labor and Employment***

SECTION 12. **Equal Access to Job Training and Promotion.** No woman shall be deprived of job training and promotion on account of her gender, age, ethnicity, creed, religion and civil status. Violations by private employers shall constitute a fine of P5,000.00 and a cancellation of business permit or as prescribed by the Court. Government unit or agency head of office is liable with the penalty of three months suspension and a fine of P1,000.00.

SECTION 13. **Wage and Benefits for Women.** Every employer shall comply with the minimum wage as stipulated by the Regional Wage Board or passed by the Congress and shall grant all benefits to all women employees such as maternity leave, sick and vacation leave, retirement, termination and other benefits provided by law. Violation by private employers shall constitute a fine of P5,000.00 and a cancellation of business permit or as prescribed by the Court. Government unit or agency head of office is liable with the penalty of three months suspension and a fine of P1,000.00.

SECTION 14. **Facilities and Support Systems for Women.** The Local Government of Davao City shall ensure the safety and health of women employees. In appropriate cases, it shall require employers to:

- a. provide seats proper for women and permit them to use such seats when they are free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency;
- b. establish separate toilet rooms, lavatories and lounge for men and women and provide at least a dressing room for women;
- c. establish a creche in a workplace for the benefit of the women employees therein; and
- d. provide breast feeding centers for women in the workplaces.

Violation by private employers shall constitute a fine of P5,000.00 and a cancellation of business permit or as prescribed by the Court. Government unit or agency head of office is liable with the penalty of three month suspension and a fine of P1,000.00.

SECTION 15. **Reproductive Health Services.** Big companies as well as labor intensive establishments shall provide reproductive health services to working women regardless of civil status as a manifestation of concern for women's role in social production. Cancellation of business permit or license to operate and a fine of P5,000.00 shall constitute the penalty for violation of this provision.

SECTION 16. **Orientation on Sexual Harassment.** All local offices, agencies and establishments or companies, government and private in Davao City shall conduct orientation on sexual -harassment. Failure to comply with this provision shall pay a fine of not less than P3,000.00 or at the discretion of the Court. The head of office shall be held liable through an administrative sanction.

SECTION 17. **Gender-Sensitive Physical Plant.** A physical plant appropriate for a gender-sensitive environment shall be adopted by all offices, agencies and establishments or companies which shall help prevent sexual harassment, sexual abuse and other forms of maltreatment in workplaces.

Monitoring team shall be composed of representative of the offices of the City Engineer, City Social Services and Development and Integrated Gender and Development to conduct inspection in compliance with the above provision.

Failure to comply with this provision shall mean payment of a fine and a. suspension of business permit or license to operate for three months. For local government department or agency, an administrative sanction shall be imposed for which the Head of Office shall be held liable.

SECTION 18. **Increase Maternity Leave Benefits as Incentives for Breast Feeding Mothers in the Public and Private Sector.** Maternity leave benefits of 90 days shall be extended to all women employees (public and private) who have rendered at least one year continuous service, provided that 90 days of the leave period shall be used for breast feeding her new-born baby.

Employer who violates this provision shall pay a fine of P5,000.00 and a suspension of business permit or license to operate for six months. For local government department or agency, an administrative sanction shall be imposed.

SECTION 19. **Barangay-Based Househelp Support.** All Barangays; in Davao City shall conduct compulsory education for both househelp and househelp employers on gender-sensitivity. An administrative sanction shall be imposed to any Barangay Council which fails to comply with this provision.

SECTION 20. **Women in the Entertainment industry.** Women engaged in the entertainment industry shall be recognized as wage earners and they shall receive a minimum wage and benefits afforded to women workers and shall render services as set in the job contract and only in the place of work as specified in the business permit of the establishment concerned. Violation of this provision shall be subjected to a fine of P5,000.00 or cancellation of business permit, or both, at the discretion of the Court.

SECTION 21. **Raids.** Police brutality shall not be allowed during conduct of raids in the entertainment establishment. Violation of this provision shall be subjected to an administrative sanction.

**ARTICLE IV**  
***Health Right***

SECTION 22. **Socialized Reproductive Health Services for All Hospitals.** No hospital in Davao City shall deny a woman living below the poverty line of reproductive health services. Certificate of Indigency shall be issued by the Barangay Captain.

In cases of emergency, a social worker or any authorized personnel shall be designated to conduct rapid appraisal of the socio-economic status of the patient for admission purposes. Non-compliance of the Administrator of this provision shall be penalized by a fine of not more than P3,000.00

**ARTICLE V**  
***Socio-Economic Benefits for Women***

SECTION 23. **Socialized Lending for Women.** a) All banks, financial/lending institutions and cooperatives shall open special windows for lending to women including young women who lack access to traditional sources of collateral. b) No women shall be deprived of credit. Money lending institutions shall establish a "socialized lending scheme friendly to women" which shall constitute the following:

1. Bank rate interest
2. No post-dated checks
3. Certificate of Income Generating Activity from Barangay Captain

Non-compliance of this provision shall be subjected to a fine of not less than P3,000.00 and a suspension of business permit or its equivalent.

**ARTICLE VI**  
***Rural Women's Rights***

SECTION 24. **Promotion of Environment-Friendly Technologies.** No Local Government agency or its representative shall act as agent of inorganic fertilizers, herbicides, and pesticides. An administrative sanction shall be imposed to head of agencies upon violation of this provision.

**ARTICLE VII**  
***Special Sectoral Concerns***

SECTION 25. **Barangay-Level Sanction on Cases of Harassment Committed Against Differently-Abled Women.** All barangays in Davao City shall formulate a barangay-level sanction on cases of harassment committed against differently-abled women. Failure to comply with this provision shall subject the barangay council to an administrative sanction.

**ARTICLE VIII**  
***Women and Children***

SECTION 26. **Support to Women and Children.** All agreements or settlements arrived at the barangay-level relative to the support of the children shall be final and executory. Violation of such

agreements or settlements shall be subjected to a fine of P1,000.00 and an imprisonment of one month.

## **ARTICLE IX** ***Gender and Development***

SECTION 27. **Gender Sensitivity Orientation and Training.** All schools, offices, establishments or companies, departments and agencies including barangay official of the Local Government of Davao City shall initiate gender sensitivity orientation and training which shall equip them with theoretical and practical knowledge on gender justice. Non-compliance of this provision shall require the concerned party to pay a fine of P5,000.00 and issuance of warning by the Integrated Gender and Development Office.

Likewise all establishments, school, colleges and universities shall develop assessment tools for gender biases.

## **CHAPTER II** ***Provisions for Implementation***

SECTION 28. **Creation of the Integrated Gender and Development Office, Integrated Gender and Development Office Defined.** It refers to the office which shall be created by the Local Government of Davao City responsible for the implementation of this Ordinance. It addresses itself to the convergence of the local government efforts towards a district level coordination and cooperation in facilitating gender and development program planning, development, implementation, monitoring and evaluation.

The Integrated Gender and Development Office of Davao City shall be created specifically to realize the provisions of this Ordinance. It shall be the coordinative, regulatory and monitoring body of the Local Government of Davao City to focus on gender-sensitive projects and activities. It shall become the local expression of the National Commission on the Role of Filipino Women (NCRFW).

SECTION 29. **Functions of the Integrated Gender and Development Office.** This distinct Office shall have the following functions to ensure consistency in the implementation of the provisions of this Ordinance:

- a. **Monitoring and Coordinative Functions.** These functions shall see through the realistic, measurable and tangible results of the implementation of this Ordinance. These include but not limited to:
  - a. 1. **Gender-Sensitive Watch.** A system of services and facilities in order to monitor status of women in the City of Davao wherein all departments and agencies of Davao City shall develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of economy and policy-making. It shall collect gender and age disaggregated data on poverty situation and all aspects of economic activity and develop qualitative and quantitative statistical performance from a gender perspective. It shall also serve as the data bank of Davao City on gender and development.
  - a.2. **Legal Aid Services Check.** A coordinated services for any legal actions needed by the women in protecting their rights shall be installed.

- a. 3. **Advocacy and Campaign Management.** A coordinated advocacy and campaign on all forms of discrimination and violence against women shall be programmed.
- a.4. **Sustainable and Gender-Sensitive Project Development.** A system of appraisals of projects to determine sustainable impact on women and men, local economy, politics, culture and ecosystem.
- a. 5. **Violence in Media Check.** An active dialogue with tri-media representatives shall be undertaken by the Sangguniang Panlungsod Committee on Women's Welfare and Development and women GOs and NGOs on incidence of all forms of violence in media.
- b. **Regulatory Function.** This function shall include establishing protocols and standards relevant to the following concerns:
  - b 1. **Education and Training Benchmark.** Gender-sensitivity education and training for all departments and agencies of the Local Government of Davao City at the barangay level shall be designed. Standards for contents of the course shall be established by the Office.
  - b.2. **Psychosocial Support Program.** A holistic and indigeneous approach to women with social dysfunctioning which includes attendance to their physical/biological, emotional, psychological and social needs shall be set up. Indicators of program success shall established by the Office.
  - b. 3. **Early Childhood Care and Development Program and Services.** Appropriate support services for women and children creche and day care services for infants and toddlers as prescribed in RA 6972 and the Davao City Children's Welfare Code. Indicators of quality of services shall be established by the Office.

It shall be involved in all the processes related to the conceptualization, development, assessment and evaluation of programs and projects of the Local Government of Davao City.

SECTION 30. **Role of the Council for Women of Davao City.** The Davao City Council for Women shall become the consultative-assembly of the Integrated Gender and Development Office for its periodic planning and programming, programs implementation, monitoring, assessment and evaluation.

SECTION 31. **Rules and Regulations.** Through an Executive Order, an Executive Committee composed of the City Prosecutor's Office, City Legal Office, City Social Services Development Office, and the Committee on Women's Welfare and Development of the Sangguniang Panlungsod shall promulgate the rules and regulations necessary to carry out the provisions of this Ordinance.

A consultative body shall be convened periodically throughout the formulation of the Implementing Rules and Regulations which shall be composed of official representatives of the various agencies of the Local Government and Women NGOs involved in the process of drafting of this Code.

A Technical Working Group shall be formed for an effective and efficient realization of the Implementing Rules and Regulations.

Such rules and regulations shall take effect upon their publication in two (2) local newspapers of general circulation.

SECTION 32. **Compliance Report.** Within six (6) months from the effectivity of this Code and every six (6) months thereafter, all Local Government departments, including its agencies and instrumentalities, shall submit a report to the Sangguniang Panlungsod on their compliance with this Code.

SECTION 33. **Appropriations.** For the effective implementation of this Ordinance, the Local Government of Davao City shall implement the amount appropriated from official development assistance as stipulated in RA 7192. It shall also appropriate six (6%) from its Annual Development Fund.

### **CHAPTER III** ***Final Provisions***

SECTION 34. **Separability Clause.** If for any reason any section or provision of this Ordinance is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 35. **Repealing Clause.** All Ordinances, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 36. **Effectivity Clause.** This Ordinance shall take effect upon approval and after publication in the newspapers of general circulation.

ENACTED: September 17, 1997

A vote of unanimity has been entered into the records.

APPROVED:  
**(SGD.) NILO G ABELLERA**  
City Councilor  
Acting Presiding Officer

APPROVED: OCT. 14, 1997  
**(SGD.) RODRIGO R DUTERTE**  
City Mayor II  
City of Davao

ATTESTED:  
**(SGD.) GUILLERMO G SALDANA**  
Secretary  
Sangguniang Panlungsod

**(SGD.) ANTONIO V. A. LLAMAS**  
City Administrator

**PEOPLE BEHIND THE WOMEN DEVELOPMENT CODE PROJECT**

**SP Committee on Women's Welfare and Development**

Hon. Nenita R Orcullo, Chairperson  
Hon. Frances A Robillo, Vice Chairperson  
Hon. Pilar C Braga, Member  
Hon. Marlene A Librado, Member  
Hon. Myrna L Dalodo-Ortiz, Member  
Hon. Paz C Mata, Member  
Hon. Antonio H Vergara, Member  
Hon. Salvador V Caingles, Member  
Hon. Tomas J Monteverde, Member

### **Advisory Council**

Hon. Nenita R Orcullo, Chairperson  
Dr. Iriz Millesa, Pilipina-Davao  
Ms. Lyda Canson, R.N., Gabriela-Mindanao  
Atty. Emelina Quintillan, PLRC  
Ms. Maria Luisa Bermudo, CSSDO  
Ms. Mae Fe Ancheta Templa, Kabiba  
Ms. Luzviminda C Ilagan, WSRC  
Ms. Betty More, WDTI  
Ms. Mary Lou Birondo Caharian, Pilipina-Davao  
Ms. Patricia M Sarenas, Kahayag Foundation  
Atty. Dory Avisado, Kapatiran  
Ms. Lourdes Badelles, Pag-amoma Foundation

### **Study Team & Technical Staff and Consultants**

Prof. Virginia Yap Morales  
Ms. Editha E Eco  
Ms. Olga Pacumbaba  
Ms. June Sanchez  
Ms. Radzini Oledan Estomagulang  
Mr. Emmanuel C Roldan  
Ms. Ma. Theresa Cabazares  
Ms. Amelita Balisalisa Atillo  
Mr. Emmanuel Javellanos  
Ms. Jocelyn Capacio Sasuman

## **FOR THE IMPLEMENTING RULES AND REGULATIONS PROJECT**

### **Joint Executive-Legislative Committee**

Hon. Nenita R Orcullo, Chairperson  
Ms. Patricia Melliza B Ruivivar, Vice-Chairperson  
Hon. Marlene A Librado, Member  
Hon. Myrna L Dalodo-Ortiz, Member  
Ms. Maria Luisa Bermudo, Member  
Ms. Janette P. Huang, Member  
Ms. Annie Reyes, Member

### **Technical Working Group**

Pros. Melba Caliso, Member  
Pros. Antonio Arellano, Member  
Mr. Emmanuel C Roldan, Member  
Mr. Oscar Casaysay, Member  
Ms. Marilyn Agonia, Member  
Ms. Teresa Opaon, Member  
Ms. Launcelot Suribas  
Ms. Mae fe Ancheta Templa, Consultant  
Ms. Amelita Balisalisa Atillo, Consultant

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*City Ordinance No. 5004 and E.O. No. 24*

## **The Gender and Development Code Province of Cotabato Provincial Ordinance No. 202 Series of 2000**

**“An Ordinance Providing for Gender and Development Code of Cotabato  
Province, and For Other Purposes”**

### **PROVINCIAL ORDINANCE No. 202 Series of 2000**

#### **CHAPTER I GENERAL PROVISIONS**

ARTICLE I	Title, Statement of Policy and Definition of Terms
ARTICLE II	Gender Development Programs
ARTICLE III	Support Services
ARTICLE IV	Political and Public Sphere of Women and Children
ARTICLE IV	Political and Public Sphere of Women and Children
ARTICLE V	Labor and Employment
ARTICLE VI	Health Right
ARTICLE VII	Education Right
ARTICLE VIII	Socio-Economic Benefits for Women
ARTICLE IX	Rural Women's Rights
ARTICLE X	Special Group of Citizens
ARTICLE XI	Children Support Systems

#### **CHAPTER II MISCELLANEOUS AND PENAL PROVISIONS**

ARTICLE I	Violence Against Women and Children
ARTICLE II	Rape
ARTICLE III	Sexual Harassment
ARTICLE IV	Cultural Identity of Women

ARTICLE V	Labor and Employment
ARTICLE VI	Women in the Entertainment Industry
ARTICLE VII	Education Right
ARTICLE VIII	Socio-Economic Benefits for Women
ARTICLE IX	Special Group of Persons
ARTICLE X	Women and Children
ARTICLE XI	Gender and Development Orientation Training

### **CHAPTER III PROVISIONS FOR IMPLEMENTATION**

ARTICLE I	The Provincial Integrated Population, Gender and Development Office
ARTICLE II	Transitory Provisions
ARTICLE III	Final Provisions

### **EXCERPT FROM THE MINUTES OF THE 84 TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF COTABATO (1998-2001), HELD IN SANGGUNIANG PANLALAWIGAN SESSION HALL, AMAS, KIDAPAWAN CITY, ON TUESDAY, FEBRUARY 01, 2000.**

#### **PRESENT:**

Hon. Jesus N. Sacdalan	Presiding Officer/ Vice-Governor
Hon. Agnes S. Amador	Board Member
Hon. Jose I. Tejada	Board Member
Hon. Emmylou Talifio-Santos	Board Member
Hon. Rodrigo G. Escudero, M.D.	Board Member
Hon. Shirlyn D. Macasarte	Board Member
Hon. Bai Farida M. Pendatun	Board Member
Hon. Sergio P. Catotal, M.D.	Board Member
Hon. Romeo T. Eramis	Board Member
Hon. Manuel T. dela Serna	Board Member
Hon. George A. Mana-ay	Board Member
Hon. Onofre L. Respicio	Board Member
Hon. Cristine Marie N. Embodo	Board Member

#### **ABSENT:**

Hon. Freddie C. Baynosa	Board Member
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### **PROVINCIAL ORDINANCE NO. 202**

### **AN ORDINANCE PROVIDING FOR GENDER AND DEVELOPMENT CODE OF COTABATO PROVINCE, AND FOR OTHER PURPOSES.**

***AUTHOR: BOARD MEMBER EMMYLOU TALIRO-SANTOS***

*Be it Ordained by the Sangguniang Panlalawigan of Cotabato, THAT.*

## CHAPTER I - GENERAL PROVISIONS

### ARTICLE I

#### *Title, Statement of Policy and Definition of Terms*

**SECTION 1. Title.** This ordinance shall be known and cited as the "Gender and Development Code of Cotabato Province," hereinafter referred to as the Code.

**SECTION 2. Statement of Policy.** The Code is an indelible blueprint --- a concrete manifestation of the Provincial Government's strong adherence to the timehonored democratic tenet that men and women in a civil society are equal. This significant initiative is aimed at mainstreaming women's concern, ensure the fundamental equality before the law of men and women, open a wider arena for their active participatory role in the development process, and provide women rights and opportunities equal to that of men.

Moreover, this Code is not only substantially supported by legal basis. It is likewise backed up by biblical and moral basis. The Book of Genesis says that God created woman not from the head of man so as not to prevail upon him, neither from the feet so as not to be subordinated by him, but from one of the ribs so\*' as to be equal with him. The moral basis of this Code are those defined and declared by 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.
- b. Women have the right to freely and fully participate individually or collectively in the political processes of their communities and nations.
- c. Women have the right to the means for assuring their economic welfare and security.
- d. Women have the right to the necessary knowledge and means for the full exercise of their reproductive choice, according to their beliefs and preferences.
- e. Women have the right to choose a spouse in accordance with their values and preferences, maintain equality in marriage or its dissolution, and obtain adequate support for rearing and caring of their children.
- f. Women have the right to an adequate, relevant and gender fair education throughout their lives, from childhood to adulthood.
- g. Women have the right to adequate nutrition and proper health care.
- h. Women have the right to humane living conditions.
- i. Women have the right to nurture their personhood, collectively and individually, to secure an image of themselves as whole and valuable human beings, to build relationships based on respect, trust and mutuality.
- j. Women have the right to equality before the law in principle as well as in practice.

However, it is unfortunate that as of the moment a macho image in our society still exists as it continues to view women as the "weaker sex". Men are traditionally the heads of households and in most organizations. Aside from ramp modeling and beauty contests, women today do not share the power and prestige, status and societal positions as men. They rather play supportive roles to men and tend to yield to the idea that a major decisions are male prerogatives. Oftentimes, women are exploited in media commercials impressing upon the public that without their attractive and pleasing fixtures, products -would be less appealing. But in reality, women should not be viewed as second class to men but as partners of men in the development.

In the light of these historical gender biases, inequalities and inequities, this piece of local legislation will provide the Provincial Government a policy direction to formulate program and strategies, among others, that will:

1. Mainstream gender concerns in sectoral development plan, policies and programs;
2. Intensify awareness campaign on gender issues and concerns;
3. Strengthen GO-PO-NGO partnership to maximize the effectiveness of programs and services addressing Gender and Development (GAD) concerns;
4. Encourage, support and expand the participation of grass roots women in the planning, implementation, monitoring and evaluation of development programs and projects;
5. Recommend appropriate curricula at all academic levels that are gender sensitive;.
6. Provide gender-responsive relief and rehabilitation programs with special focus on women and children's needs;
7. Involve men in family-planning programs, health and child care and nutrition concerns and engage them in projects that enhance the well-being of the family;
8. Set up crisis intervention centers and shelters in the Province of Cotabato for survivors of violence against women and children and other social conflicts;
9. Promote gender sensitivity in local media and advertising agencies;
10. Increase the members of women in decision and policy-making posts in the locality through implementation of capability building programs,, and/or;
11. Establish the necessary mechanism to enable indigenous women to participate in development programs and gain access to non-traditional sources of livelihood, credit financing, productive skills and labor saving technologies.

**SECTION 3. Definition of Terms.** The following terms or phrases used in this Code shall mean as follows:

1. **Battering** - a series of physical, emotional and psychological abuse. It is a repeated and habitual cyclic pattern as means of intimidation and imposition of the batterer's will control over the survivor's life. (Marsali Hamsen & Michael Harway, 1993)

It constitutes the following kinds of battering behavior:

- a. **Sexual battering** - this includes physical attacks on the women's breast/genital or forced sexual activity, accompanied by either physical violence or the threat of physical violence.
- b. **Psychological battering** - this includes threats of suicide, violence against the woman or her family, punching holes in walls, threatening to take the children away, threatening deportation of wives with foreign citizenship, threatening to kidnap children or take them to a foreign country and forcing the victim to do degrading things. It may also include controlling the victim's lawful or usual activities, the use of foul words or statement and threats or abandonment and expulsion (forcing the wives to leave the conjugal dwelling).

The provision shall likewise apply to common-law relations but does not include adulterous ones as contemplated in the Revised Penal Code.

- c. **Economic battering** - this includes deprivation of women of economic resources, their generation and mobilization so as to create dependency and submissiveness to men and to any established structures of domination.
  - d. **Premeditated and intentional destruction of property and pets usually the victim's favorite.**
2. **Benefit Dance/Disco** - refers to a dance in the locality where women are commodified for fund raising purposes.
  3. **Collateral Relatives** - next of kin who are not in the direct line or inheritance, such as cousin.
  4. **Commodification of Women** - is a practice which puts women in a subordinated situation which results in the treatment of women as both consumers and objects of consumption. As consumers, women are allured to buy beauty products to enhance their physical attractiveness. As objects of consumption, women are reduced to a sexual commodity.
  5. **Differently-abled Persons** - are survivors of physical impairments that have differentiated needs and potentials.
  6. **Discrimination Against Women** - any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status.
  7. **Feminization of Poverty** - a condition when gap between the rich and the poor widens and grassroots women bear the brunt as in economic instability and unequal distribution of wealth. Such gap reinforces non-response to both practical and strategic needs of grassroots women.

8. **Fund Raising Initiatives** - refers to any activity, 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. donor prize, substitute for cash prizes won, a companion package for an award, prize, or recognition, or any manner, activity, come-on display, or exhibit which depicts a woman as central, partial, or special focus in order to raise funds.
9. **Gender** - set of characteristics, roles, expectations attributed to women and men by society.
10. **Gender and Development (GAD)** - shall refer to the development perspective which recognizes the equal contribution of women and men in all aspects/sectors of development. Such a perspective involves the process of searching for new and innovative initiatives which help transform unequal gender relations into opportunities which equally/equitably (sic. benefit) both men and women.
11. **Gender Equality** - is the role required or expected of women and men as prescribed by society.
12. **Gender Mainstreaming** - strategy of integrating gender and development concerns and issues at all levels of government undertaking.
13. **Gender Perspective** - way of viewing issues and problems that take into consideration the different realities of women's and men's lives, and recognizing that there is an unequal relationship between the two.
14. **Gender-Sensitive** - having an understanding of the marginalized position of women and consciously challenging the attitudes and behavior that reinforce women's subordinate status.
15. **Gender Sensitization** - is an experiential and critical process of learning and unlearning by an individual, female or male, of the causes and effects of the culturally determined roles of women and men.
16. **Indecent Shows** - are shows which include nude or other provocative gestures which further project and exhibit men and women as sex objects.
17. **Indigenous People** - a group of people who have continuously lived as organized community or 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. They are regarded as indigenous on account of their descent from the populations who inhabited the country, at the time of conquest or colonization and who retain some or all of their own social, economic, cultural and political institution and may have been displaced from their traditional domains or who may have resettled outside their ancestral domain.

18. **Land-based Projects** - are activities designed systematically in order to provide women the opportunity to have full access and control over the maximum utilization of land and other indigenous resources.
19. **Minors** - refer to persons 18 years of age or below and unable to fully take care of themselves from abuse, neglect, cruelty, exploitation or discrimination.
20. **Other Places of Amusement** - include all other places of amusement not specifically enumerated or otherwise provided for in this Code, including but not limited to night clubs or day clubs, cocktail lounges, super or family clubs, disco houses, minus-one or sing along houses, bars or beer houses/garden, fast food centers showing sports competitions replay shows by direct hook up via satellite or those showing video cassette films/movies, and other places of amusement where one seeks admission to entertain himself whether by seeing or viewing or by direct participation.
21. **Places of Amusement** - include theaters, cinemas, concert halls, circuses and other places of amusement where one seeks admission to entertain oneself by seeing or viewing the show or performances.
22. **Pornography** - written, graphic or other forms of communications intended to excite lascivious feelings (The Grolier International Dictionary, Vol. 2).
23. **Prostitution** - is the sale, purchase and exchange of women and minors for sexual exploitation cash profit or other economic considerations by an individual, including but not limited to the pimp, procurer of the service, parents, owners of establishments, such as disco, bars, sauna bath, massage clinics, hotels and restaurants, and any other person who use various schemes to prostitute women and minors.
24. **Psychological Program** - an intervention using a system approach to conditions of women as it views women's differentiated needs in a social context.
25. **Reproductive Health** - as defined in the International Conference on Population and Development and World Health Organization, and affirmed in Beijing Conference, reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity, in all matters relating to the reproductive system and to its function and process. It constitutes 10 elements, namely:
  - Maternal & 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 & other Gynecological conditions

- Prevention and Treatment of Infertility and Sexual Disorders
- Men's Reproductive Health
- Adolescent Reproductive health
- Violence Against Women

26. **Sexual Harassment** - is a form of misconduct involving an act or a series of unwelcome sexual advances, request for sexual favors, or other verbal or physical behavior of a sexual nature, made directly, indirectly or implied.

27. **Sexuality** - is one's total expression of personhood on the basis of self-appreciation (body, mind and feeling) and satisfaction of needs, also considered as physical expression of intimate relationship with others through various life stages.

28. **Sex Trafficking** - is a covert or overt recruitment of men, women and children into the sex trade industry. It includes new forms of sexual exploitation such as sex tourism, the recruitment of domestic labor to work in developed countries, and organized marriages between women from third world countries and foreign nationals.

It is then considered as a system in which men, women and children are movable properties and objects of exchange.

29. **Study-Now-Pay-Later Plan (SNPL)** - is a scholarship program of the Provincial Government granted to poor but deserving students in accordance with the guidelines prescribed under Ordinance No. 171, current series, of this Body.

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

31. **Violence against women shall include, but not be limited to:**

- a. Physical, sexual and psychological violence occurring in the family and other close relationships, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
- b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- c. Physical, sexual and psychological violence perpetuated or condoned by the State, wherever it occurs.

d. Other acts of violence against women include:

- violation of the human rights of women in situation of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.
- forced sterilization and forced abortion, coercive/forced use of contraceptives, prenatal sex selection and female infanticide
- feminization of poverty.

32. **Women as Sex Objects** - a condition when women became things or properties to be manipulated, utilized or used for one's sexual desire or interest, usually in exchange of money or goods where women have no control or power to reject such utilization or use.

## **ARTICLE II** ***Gender Development Programs***

**SECTION 4. Gender Sensitivity Orientation and Training.** All schools, offices, establishments or companies, departments and agencies within the Province of Cotabato shall be provided with gender sensitivity orientation and training to equip them with theoretical and practical knowledge on gender issues and concerns.

Likewise, all establishments, schools, colleges and university shall develop assessment tools for gender biases.

**SECTION 5. Support to Gender Studies.** A sufficient amount shall be allotted to gender-related documentation and researches which shall form part of the Province's data-based program development.

**SECTION 6. Popularization of Gender-Fair Materials.** There shall be an active promotion and publication of gender-fair materials in popular forms in Cotabato Province.

**SECTION 7. Integrated Gender-Sensitive and Environment Friendly Zonification Plan.** An Integrated Gender-Sensitive and Environment-Friendly Zonification Plan of Cotabato Province shall be established taking into consideration, among others, the following:

- a. relocation of communities shall not deprive anyone of their sources of livelihood.
- b. relocation sites shall not contribute to an increase in anyone's burden in economic, home and social production.
- c. housing and industrial project sites shall be those unproductive lands unsuitable for agricultural purposes.

**SECTION 8. Community-based Environment Plans and Programs.** Both men and women shall participate in pollution control, zero-waste technology development and management, preservation of the forest, marine and aquatic resources and indigenous reforestation with due respect for the indigenous people and Muslim culture and rights to self determination.

**SECTION 9. Gender-Sensitive Natural Resource-based Management Programs.** The Provincial Government shall engage itself in the development of gender sensitive natural resource based management programs.

**SECTION 10. Role of Women in Environment Impact Assessment Projects.** The Provincial Government shall promote the active role of women in environmental impact assessment projects.

**SECTION 11. Promotion of Alternative Technology.** The Provincial Government shall actively promote an alternative technology that is appropriate and safe for everybody's well-being.

**SECTION 12. Sufficient Budget for Basic Social Services.** An amount necessary to underwrite the basic social services for all in extremely difficult circumstances shall be allocated from any available source of funds.

**SECTION 13. Investment and Loans.** The Provincial Government, through the Gender Multi-Sectoral Coordinating Council, shall conduct consultative assemblies to all Pos, GOs and NGOs in establishing contracts for loans and investments to clarify implications on people's welfare and development at the municipal or barangay level.

**SECTION 14. Overseas Contract Worker's (OCWs) Support.** The Provincial Government shall conduct a survey of overseas contract workers, especially those who became survivors of abuses, results of which shall serve as basis in identifying special support to all OCWs; and take the list of legitimate placement agencies for monitoring purposes.

**SECTION 15. Special Course on OCWs.** In coordination with the Department of Labor and Employment, special course on overseas contract work primarily to orient all on the issues and concerns relative to migration shall be systematically introduced to all especially at the municipal level.

**SECTION 16. Education on National Policies.** Women and men shall undertake education on national policies and their implications on women and family.

**SECTION 17. Special Training for Lupong Tagapamayapa.** A special paralegal training for Lupong Tagapamayapa shall be conducted along gender questions and related matters.

**SECTION 18. Training on Non-Traditional Occupation.** Women shall be given opportunity to acquire training on non-traditional occupation such as those related to science and technologies.

### **ARTICLE III Support Services**

**SECTION 19. Support to Women-Survivors of Violence.** The Provincial Government of Cotabato shall provide necessary support to women-survivors of violence.

**SECTION 20. Provincial Media Monitoring Board.** There shall be created the Provincial Media Monitoring Board for print, broadcast, and multi-media, to include movie houses, video shops, electronic communications, cable televisions, books, and other forms of audio-visual channels or

instruments, to monitor and initiate filing of appropriate cases against activities degrading men and women.

**SECTION 21. Women and Children's Desks (WCDs).** The Provincial Government of Cotabato, through the Provincial Police Office, shall establish and maintain the WCDs preferably handled by Women Police Officers duly trained by GAD personnel. All police stations in Cotabato Province shall have WCDs to specifically handle concerns of women and children. All police stations in the Province of Cotabato shall have separate WCD room within the police station.

**SECTION 22. Role of Female Police Officer.** Complaints on battering and other forms of abuse against women and children shall be handled by female officers in the local police force whose character and credibility do not violate the accepted ethical standards in handling such cases.

**SECTION 23. Programs for Survivors of Violence.** Women and children who were survivors of all forms of violence shall be registered in the psychological program which shall be carried out by the Provincial Integrated Population, Gender and Development Office.

**SECTION 24. Court Hearing of Rape Cases, Incest and other Forms of Violence Against Women and Children.** All investigations/hearings involving rape cases and other forms of violence against women and children conducted in the police stations, prosecutor's office and trial courts shall recognize and allow the survivor's support group to be present in the court room as observers and to provide moral support to the survivor's subject of litigation.

**SECTION 25. The Family Disputes and Violence Committee.** All Barangay Governments in the Province shall create the Family Disputes and Violence Committee under the Lupong Tagapamayapa to handle cases on family disputes.

**SECTION 26. Women and Children's Welfare.** The Women and Children's Welfare is hereby established under the Provincial Social Welfare and Development Office to cater to problems and concerns of depressed families especially those affected by natural and man-made calamities.

**SECTION 27. Crisis Intervention Center.** A Crisis Intervention Center is hereby established to serve as a temporary shelter with appropriate support services for women and children in crisis under the management and supervision of the Provincial Social Welfare and Development Office.

**SECTION 28. GENDER Multi-Sectoral Coordinating Council.** A Gender MultiSectoral Coordinating Council shall be created within 60 days after the effectivity of this Code by the Provincial Government of Cotabato, composed of duly accredited NGOs, POs and GOs that shall serve as the coordinating and advisory body of the Provincial Government in designing programs geared towards gender and youth development, promotion and protection of ecological balance and shall be formally and regularly consulted on peace and development issues on the basis of social equity and justice.

**SECTION 29. Inter-Agency Council Against Gender Trafficking.** An Inter-Agency Council against gender trafficking shall be established in Cotabato Province with the following powers and functions:

- a. formulate a comprehensive program to suppress the trafficking of men, women and children;

- b. conduct massive information campaigns;
- c. undertake guidance and, counseling for women going abroad as fiancées of foreign nationals;
- d. make representations to schools and universities for the inclusion of migration and its implications for all in all levels of curricula;
- e. refer traffic survivors to appropriate agencies;
- f. formulate a program for returning survivors in cooperation with local offices of DOLE, TESDA and other government agencies involved in training and livelihood development;
- g. secure assistance from any of the local government units, departments or bureaus of the National government;
- h. exercise other powers and functions necessary to attain its purposes and objectives.

#### **ARTICLE IV**

##### **Political and Public Sphere of Women and Children**

**SECTION 30. Declaration of March 8 as a WOMEN'S Day.** As declared by the United Nations, March 8 shall be observed as Women's Day through an issuance of an Executive Order by the Provincial Governor. There shall be a municipal-level set of activities for women to increase their level of awareness and critical consciousness on the issues affecting them.

**SECTION 31. Women's Summit.** A Women's Summit shall be held at least once every year which shall be convened and managed by the Gender Multi-Sectoral Coordinating Council.

**SECTION 32. International Day of Action for Women's Health.** The Provincial Government of Cotabato shall cause the celebration of the International Day of Action for Women's Health every year where issues and concerns relative to the protection and promotion of women's health shall be examined, deliberated, projected and government action sought.

**SECTION 33. Municipal Level Self-Organization of Women.** Self organization of women shall be recognized at the municipal-level to include organizations of young women.

**SECTION 34. Creation of District Council for Women.** A Council for Women shall be organized at a legislative district level from among the municipal level women organizations existing in the District.

Women organizations with mass membership at the community level shall likewise be represented at the Council for Women. Women groups in schools, offices whether GO, PO or NGO shall be represented in the Council as a cluster. Details of the Council's operation shall be stipulated in the Implementing Rules and Regulations of this Code.

**SECTION 35. Election of Women Sectoral Representative to the Sangguniang Panlalawigan.** Subject to the implementing rules that may be promulgated by Congress or any duly designated authority of the government and in accordance with RA 7160, women sectoral

representative to the Sangguniang shall be elected as a concrete manifestation of women's significant role in local governance.

**SECTION 36. Representation of Women in Local Special Bodies.** The Provincial Government of Cotabato shall ensure that women are duly represented in the Provincial Development Council and all local special bodies in the Provincial, City, Municipal and Barangay level to strengthen government recognition of women's potentials in the formulation and planning of local development programs.

**SECTION 37. National Children's Month.** Pursuant to Proclamation No. 267, dated September 30, 1993, the Province of Cotabato shall observe the month of October as National Children's Month and undertake projects in the observance therefore.

**SECTION 38. Integrated Development Program for Women.** The Provincial Government of Cotabato, through the Gender Multi-Sectoral Coordinating Council and the concerned sectors, shall develop a program that shall facilitate empowerment of women. Active support for the preservation of women's knowledge of the environment shall be incorporated in the program.

## **ARTICLE V**

### **Labor and Employment**

**SECTION 39. Equal Access to Employment, Training and Promotion.** No one shall be denied of employment opportunity on account of gender, age, ethnicity, creed, religion and civil status as prescribed in the Labor Code, as amended by RA 6725. Likewise, no one shall be denied of training and promotion in employment.

**SECTION 40. Wage and Benefits.** Every employer shall comply with the minimum wage as prescribed by the Regional Wage Board and shall grant all benefits to all employees such as maternity/paternity leave, sick and vacation leave, retirement, termination and other benefits provided by law.

**SECTION 41. Facilities and Support Systems for all Employees.** The Provincial Government of Cotabato shall ensure the safety and health of women employees. In appropriate cases, employers may:

- a. establish separate toilet rooms, lavatories and lounge for men and women and provide at least a dressing room for women.
- b. establish Homecare Center in the workplace to temporarily cater breastfeeding, child rearing and early childhood care for working parents while on their respective job.

**SECTION 42. Orientation on Sexual Harassment.** All local offices, school, agencies and establishments or companies\*, government and private, in Cotabato Province shall conduct or sponsor orientation on sexual harassment to their respective personnel.

**SECTION 43. Setting-up of Grievance Machinery.** A grievance committee shall be set up in all local offices, agencies, establishments or companies to act on complaints related to sexual harassment. For this purpose, a grievance procedure must be installed in every agency, office or establishment.

**SECTION 44. Gender-Sensitive Physical Plan.** A physical plan appropriate for a gender-sensitive environment shall be adopted by all offices, agencies and establishments or companies which shall help prevent sexual harassment, sexual abuse and other forms of maltreatment in the workplaces.

**SECTION 45. Monitoring System for Labor Standards.** A mechanism shall be installed in the Integrated Population, Gender and Development Office to monitor all offices, agencies and establishments or companies violating the Labor Code, the provisions of this Code and existing laws.

**SECTION 46. Employment Assistance Program.** The Provincial Government, in cooperation with the Department of Labor and Employment, shall endeavor to assist poor students, the unemployed and the underemployed in securing gainful employment.

**SECTION 47. Municipal-Based Registration of Househelpers.** All Municipal Governments in the Province shall come up with an annual survey of domestic helpers in their barangays to monitor cases of sexual harassment, sexual abuse and other forms of maltreatment. Households shall be required to enlist their househelpers for identification and for other purposes. Employers must provide their househelpers recreation/day-off at terms and conditions mutually agreed by both parties concerned.

## **ARTICLE VI Health Right**

**SECTION 48. Budget for Women's Health.** An amount as maybe necessary shall be set aside in the annual budget of the Provincial Government for women's health and nutrition services.

**SECTION 49. Upgrading of Health Care Delivery System.** Quality health care and services that are not discriminatory on account of their gender, age, sex, creed, religion and ethnicity shall be implemented.

**SECTION 50. Reproductive Health Care Delivery.** The Provincial Government shall adopt the reproductive health (RH) care approach at all levels of health care delivery. Such approach integrates many issues not previously considered central to population: sexuality, reproductive tract infection, gender power relations and domestic violence and shall not be limited to family planning and child bearing.

**SECTION 51. Women's Right Over Their Bodies.** Women's decision to prevent and control pregnancy without necessarily resulting to abortion shall be given appropriate support and guidance by all health professionals, private and public at very minimal cost.

**SECTION 52. Gender-Sensitive Crisis Intervention Unit.** The Provincial Government of Cotabato shall cause the establishment of a Gender-Sensitive Crisis Intervention Unit at all levels of health care, primary, secondary and tertiary and shall provide service trainings to all health and other allied personnel who shall be assigned in this unit.

**SECTION 53. Primary Health Care Delivery.** In consonance with the Department of Health's thrust, the Provincial Government of Cotabato shall strengthen the Primary Health Care Delivery in the context of reproductive health.

**SECTION 54. Protection Against Drug Abuse.** A Special Task Force shall be created and sustained by the Provincial Governor for the protection against drug abuse and proliferation of illicit drugs in the Province.

**SECTION 55. Access to Safe Water.** All barangays in the Province shall provide, easy access to safe water supply. Appropriate water systems shall be installed, if possible right at their tap, to ease women's workload as well as minimize women and children fetching water for household use.

**ARTICLE VII**  
*Education Right*

**SECTION 56. Weekend Classes.** In cooperation with the DECS Non-Formal Education, classes for all shall be held in identified schools in the Province to facilitate working persons access to education.

**SECTION 57. Promotion of Gender-Sensitive Curricula.** The schools and other concerned agencies within the Province of Cotabato shall promote gendersensitive counseling and career education programs to encourage anyone to pursue academic and technical courses to widen their career opportunities.

**SECTION 58. Adult Education.** Anyone desiring to engage in functional and practical education shall be enlisted in adult education program which shall be set up in all municipalities in the Province.

**SECTION 59. Monitoring and Reporting of Stereotyped Portrayal of Roles of Women and Men in Educational Materials.** The Integrated Population, Gender and Development office shall coordinate closely with the DECS Division Office, Colleges and University and other network of schools in monitoring and reporting of stereotyped portrayal of roles of women and men as projected in education materials.

**SECTION 60. Study Now-Pay Later Plan.** The Provincial Government shall institutionalize its scholarship program, through the SNPL Plan, for the poor but deserving students.

**SECTION 61. Sex Education.** Sex education for the pre-puberty ages shall be introduced in the right way, at the right place and by the right people. Understanding human sexuality is an intimate and personal matter not only of parents but also other concerned institution that have the competence to carry out such obligation of molding their children in the context of Godly Life and Love.

**ARTICLE VIII**  
*Socio-Economic Benefits for Women*

**SECTION 62. Capital Assistance for Women.** All Local Government departments and agencies engaged in socio-economic programs shall increase their capital assistance and/or subsidy to women especially on land-based projects using community bank approach.

**ARTICLE IX**  
*Rural Women's Rights*

**SECTION 63. Land for Women-headed Households and Landless Families.** Idle lands shall be distributed to qualified women-headed households and landless families interested and committed to till the land upon execution of a memorandum of agreement between the parties concerned. Ownership of such land shall be granted to women-headed households and landless families after ten year of continuous tillage. Support services shall be delivered by the Provincial Government and other agencies as part of the Memorandum of Agreement.

**SECTION 64. Promotion of Land-Based Projects.** The Provincial Government shall promote and support land-based projects ensuring food security for rural women utilizing science, women-friendly and appropriate technology instilling collectivism.

**SECTION 65. Access to Science and Women-Friendly Alternative Technology Education.** The Provincial Agriculture Office, in cooperation with the Department of Science & Technology and other related line agencies, shall establish a science and women friendly alternative technology center for rural women in each municipality/city.

## **ARTICLE X** ***Special Group of Citizens***

**SECTION 66. Special Education for Differently-Abled Persons.** There shall be a special education school for differently-abled persons in the Province which shall offer appropriate technology curricula.

**SECTION 67. Advocacy on Differently-Abled Person's Rights.** Active advocacy on the rights of differently-abled persons shall be conducted by the Integrated Population, Gender and Development Office.

**SECTION 68. Creative Employment Opportunities for Differently-Abled Persons.** The Provincial Government shall develop creative employment opportunities for differently-abled persons recognizing their differentiated conditions and full potentials as human beings.

**SECTION 69. Reporting of Cases of Harassment Committed Against Differently-Abled Persons.** The Provincial Government, through its Gender and Development Office, shall require all city/municipal governments to monitor and report cases of harassment committed against differently-abled persons.

**SECTION 70. Committee on Differently-Abled Persons.** Each Municipality/City shall create a committee on differently-abled persons under the Municipal/City Development Council to advance the interest of this special group of citizens.

**SECTION 71. Committee on Senior Citizens.** The Provincial Government shall create and support a Committee on Senior Citizen under the Provincial Development Council in order to advance the interests of this special group of citizens.

**SECTION 72. Support Funds for the Senior Citizens.** Funds shall be allocated for livelihood assistance, routine physical check-up, social group work programs and other appropriate socio-economic activities for senior citizens.

**SECTION 73. Support to Persons in Detention.** Rights of all detainees shall be protected. a) Speedy trial of their cases shall be ensured by all concerned; b) An appropriate program shall be designed to respond to their specific needs and problems as detainees; c) Separate structure and space for detention and rehabilitation shall be established.

**ARTICLE XI**  
***Children Support Systems***

**SECTION 74. Daycare Centers.** The Provincial Government of Cotabato shall ensure that Day Care Centers are set up in every barangay.

**SECTION 75. Parental Authority.** The father and mother shall jointly exercise parental authority over the persons of their common children. In case of disagreement, the father's decision shall prevail unless there is a judicial order to the contrary.

**CHAPTER II - MISCELLANEOUS AND PENAL PROVISIONS**

**ARTICLE I**  
**Violence Against Women and Children**

**SECTION 76. Sex Trafficking.** It is unlawful:

- a. for any person, association, cult, religion or organization or similar entities to commit the following acts:
  - establish or carry on a 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 publication, printing or distribution of any brochure, flyer or propaganda material calculated to promote the above mentioned prohibited acts.
  - solicit, enlist, or attract/induce any woman to join any club association or organization whose objective is to match women for marriage to 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.
- b. to buy or sell a woman, or any of her body parts.
- c. to act as a procurer of a sex worker
- d. to threaten or use violence and force a woman to become a mail-order bride

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

**SECTION 77. Other Forms of Trafficking in Women.** Any person or agency who encourages, influence or recruits a woman to work abroad or locally for a particular job on a promise of a fee, instead, forced and deceived to engage in prostitution, domestic help or other odd jobs shall be penalized by an imprisonment of one year or a fine of P5,000.00, or both, at the discretion of the court. Persons liable thereof may also be prosecuted and penalized in accordance with RA 6955, an act which outlaws the practice of matching Filipino women for marriage to foreign nationals on mail-order basis.

## **ARTICLE II Rape**

**SECTION 78. When and How Rape is Committed.** Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age or is demented. [Article 335, Revised Penal Code as amended by Republic Act No. 7659]

**SECTION 79. Penalty for the Crime of Rape.** Republic Act No. 7659 provides that the crime of rape shall be punished by reclusion perpetua.

However, the penalty of death shall be imposed if the crime of rape is committed with any of the following attendant circumstances:

1. When by reason or on the occasion of the rape, the victim has become insane;
2. When by reason or on the occasion of the rape, a homicide is committed;
3. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;
4. When the victim is under the custody of the police or military authorities;
5. When the rape is committed in full view of the husband, parent, any of the children of other relatives within the third degree of consanguinity;
6. When the victim is a religious or a child below seven (7) years old;
7. When the offender knows that he is affected with Acquired Immune Deficiency Syndrome (AIDS) disease;
8. When committed by any member of the Armed Forces of the Philippines or the Philippine National Police or any law enforcement agency;

9. When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation.

**SECTION 80. Rape in Intimate Relations.** Intimate or marital relation shall not be a legal impediment to any complaint against acts of rape as provided in Section 81 of this Article. Further, marital relationship shall not serve as a legal impediment to the prosecution of rape where:

1. spouses are legally separated; or
2. there is separation in fact for at least six months.

**SECTION 81. Pardon and/or Marriage of the Offended Party with the Offender.** The marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already imposed upon him. The provision of this paragraph shall also be applicable to the co-principals, accomplices and accessories after the fact of the crime of rape.

**SECTION 82. Who May File Complaint.** Complaint for 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;
- d. the officer or social worker of the DSWD, or of a duly-licensed child-caring institution, orphanage, home for the aged, mental hospital or other similar institutions 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 83. Support from Law Enforcer.** The law enforcer, preferably of the same sex or his/her authorized alternate as the offended party, upon receipt of a complaint for 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 84. Investigation/Examination of Rape Survivors.** It shall be the duty of the investigating office or the examining physician, to ensure that only persons expressly authorized by the examining physician and/or the rape survivor are allowed inside the room where the investigation

or medical or physical examination is being conducted. Local government unit/police provincial director must provide private room for investigation of such cases.

**SECTION 85. Suspension of Government Official or Employee.** The following steps shall be undertaken against government official or employee charged of rape:

- a. the immediate preventive suspension for a period of sixty (60) days may be imposed upon any official or employee charged of rape, provided that a verified complaint had 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 complainant.

Any official having authority, influence or moral ascendancy over another person charged of rape shall be fined P5,000.00 for non-compliance of this provision.

**SECTION 86. 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:

1. the right to a closed door hearing unless expressly waived by the offended party;
2. the right of a social support group to witness hearing as expressly allowed or requested by the offended party;
3. non-disclosure of the name and personal circumstances of the offended party, or any information tending to establish his or her identity;
4. 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.

### **ARTICLE III** ***Sexual Harassment***

**SECTION 87. "Beauty" Contest.** Beauty contests which commodify, abuse, humiliate and treat men and women as sex objects shall be strictly prohibited in schools, communities, barangays, municipalities and by the Provincial Government in connection with the special celebration, but in their stead, the projection of women's strengths and potentials, especially with regard to indigenous and culturally relevant forms.

Organizers of the beauty contest violating this provision shall be subject to a penalty consisting of the following:

- a. For business organizations: a) cancellation of business permit. b) fine of P5,000.00. c) others, as prescribed in the implementing rules and regulations of this code.

- b. For representatives of agencies, departments or the local government units: a) suspension for one month without pay b) Fine of P5,000.00 c) others as maybe prescribed in the implementing rules and regulations of this code.
- c. For educational institutions, charity or welfare organizations: a) fine of P5,000.00 and b) others as may be prescribed in the implementing rules and regulations of this code.

**SECTION 88. Prohibition of Printing, Publication, Display and Distribution of Pornographic Scenes on Movie/TV, Trailers/Shows, Posters, Billboards and other Materials and Similar Literature.** Printing, publication, display and distribution of pornographic scenes on 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 pursuant to Presidential Decree 960 and 969 provision is subject to a penalty of one year imprisonment or a fine of P5,000.00 or both and for a juridical entity, cancellation of business permit and a fine of P5,000.00.

**SECTION 89. Pornographic and Indecent Shows.** Any person or agency which engages in shows depicting men and women as sex objects in private or public place or under scandalous circumstances shall be prosecuted under the Revised Penal Code, particularly under PD 969 or other appropriate law.

**SECTION 90. Liveshows.** It shall be unlawful to influence or force a woman to dance or do naked shows in public or private places for commercial or entertainment purposes. A penalty of one year imprisonment and a fine of P5,000.00 shall be imposed.

**SECTION 91. Selling, Renting/Lending Pornographic Materials.** It shall be unlawful to sell or lend pornographic materials. Violators shall pay a fine of P3,000.00 and an imprisonment for six months plus confiscation and burning of pornographic materials.

**SECTION 92. 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 and other complaints shall be filed with the proper Court in accordance with the provisions of this Code.

**SECTION 93. Other Forms of Sexual Harassment.** Other than the definition provided by RA 7877, otherwise known as the Anti-Sexual Harassment Act of 1995, the following constitute sexual harassment:

1. persistent telling of offensive jokes such as green jokes or other analogous statements to someone who finds them offensive or humiliating;
2. taunting a person with constant talk about sex and sexual innuendoes;
3. displaying offensive or lewd pictures and publications in the workplace;
4. interrogating someone about their sexual activities or private life, except on medical or physical examination purposes;
5. making offensive hand or body gestures at someone;

6. repeatedly asking for dates despite verbal rejection;
7. staring or leering maliciously;
8. touching, pinching or brushing up against someone's body unnecessarily or deliberately;
9. kissing or embracing someone against their will;
10. requesting sexual favors in exchange for a good grade, obtaining a good job, promotion;
11. cursing, whistling or calling a woman in public with words having dirty connotations or implications which ridicule, humiliate or embarrass the woman such as "puta" "buring", "peste", "igat", "pufieta", etc.;
12. any other unnecessary acts during physical examinations,
13. requiring women to wear suggestive or provocative attire during interviews such as on job hiring, promotion.

Commission of one of these acts shall be subjected to an imprisonment of one week to six months or a fine of P1,000.00 to P3,000.00 or both, at the discretion of the Court.

**SECTION 94. 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 donor prize, substitute for prizes won, a companion package for an award, prize, 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 pay a fine of P5,000.00 or imprisonment of six months, or both, at the discretion of the Court.

**SECTION 95. Husband and Wife Battering.** Husband and wife battering shall be punishable from one month to one year imprisonment, or a fine of P1,000.00 to P5,000.00 or both, at the discretion of the Court. Other forms of battering as defined in this Code shall be covered by the same penalty.

**SECTION 96. Persons in Armed Conflict Situation.** a) No person shall be deprived of basic social services in armed conflict areas. b) No one shall be kept by any peace and order personnel in military detachment/police checkpoint or any analogous quarter for purposes of company. Violators shall be prosecuted in accordance with the Revised Penal Code.

**SECTION 97. Forced Marriage.** 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 act to cause and effect a forced marriage shall be held liable under this Code by a fine of P5,000.00, or an imprisonment of one year, or both, at the discretion of the Court. However, the customs and traditions of the indigenous peoples shall be taken into consideration and duly respected.

**SECTION 98. Conscious Surveillance of Entertainment Establishments.** The Integrated Population, Gender and Development Office, in coordination with the police

authorities, shall conduct conscious surveillance of entertainment establishments existing in the province that may be exploiting young men and women.

**SECTION 99. Pedophilia.** Pedophilia as a form of sexual perversion where children are the preferred survivors, shall be punishable as follows:

- a. when the offender shall have sexual intercourse with a boy or a girl, he/she shall be sentenced to the penalty for Acts of Rape under Section 81 and 82 of Article 11 Chapter 11 of this Code;
- b. when the offender shall have anal intercourse with a boy or girl, he/she shall be sentenced to six months imprisonment or in accordance with existing law or at the discretion of the court;
- c. when the offender commits other pedophilic act, he/she shall be punished by an imprisonment of 3 months or in accordance with existing laws or at the discretion of the court, provided that said penalty shall be imposed in its maximum period if the offended party is a girl.

**SECTION 100. 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 101. Complaints of Pedophilia.** Complaints against pedophilic acts shall be filed by the same person as enumerated under Section 85, Article 11, Chapter 11 of this Code.

#### **ARTICLE IV** **Cultural Identity of Women**

**SECTION 102. Indigenous and Moro Cultural Practices.** Indigenous and Muslim women shall be allowed enrolment in schools and colleges and enjoy employment opportunities without prejudice to their birth and marriage rituals where no birth and marriage certificates are issued as evidence therefore. Failure to comply with this provision shall be subject to a maximum fine of P5,000.00

Implementing rules and regulations of this section shall include issuance of certificate by the Office of the National Commission of the Indigenous Peoples and the Office of Muslim Affairs identifying cultural community affiliation.

#### **ARTICLE V** **Labor and Employment**

**SECTION 103. Reproductive Health Services.** Establishments within the Province of Cotabato as well as labor intensive establishments shall provide access to reproductive health services to workers regardless of sex and civil status as a manifestation of concern for women's role

in social production. Cancellation of business permit or license to operate shall be recommended for imposition by the LGU concerned and/or a fine of P5,000.00 shall constitute the penalty for violation of this provision.

**SECTION 104. Orientation on Sexual Harassment.** All local offices, agencies and establishments or companies, government and private, in the Province shall conduct orientation on sexual harassment. Failure to comply with this provision shall mean a payment of a fine of not less than P3,000.00 but more than P5,000.00.

**SECTION 105. Gender-Sensitive Physical Plan.** A physical plan appropriate for a gender-sensitive environment shall be adopted by all offices, agencies and establishments or companies which shall help prevent sexual harassment, sexual abuse and other forms of maltreatment in the workplace. Failure to comply with this provision shall be penalized as follows:

- a. 1<sup>st</sup> offense - fine of P3,000.00 and suspension of business permit or license for 3 months.
- b. 2<sup>nd</sup> offense - fine of P4,000.00 and suspension of business permit or license for 6 months.
- c. 3<sup>rd</sup> offense - fine of P5,000.00 and revocation of business permit or license.

**SECTION 106. Barangay-based Registration of Househelpers.** All Barangays in the Province shall come up with an annual survey of domestic helpers in their barangays to monitor cases of sexual harassment, sexual abuse and other forms of maltreatment. Household shall be required to enlist their househelpers for identification and for other purposes. An Administrative sanction shall be imposed upon any Barangay Council which fails to comply with this provision.

## **ARTICLE VI**

### **Women in the Entertainment Industry**

**SECTION 107. Workers in the Entertainment Industry.** Workers in the entertainment industry shall be recognized as wage earners and they shall receive a minimum wage and benefits afforded to workers and shall render services only in the place of work as specified in the business permit of the establishment concerned. Violation of this provision shall be subjected to a fine of P5,000.00 or cancellation of business permit, or both, at the discretion of the court.

**SECTION 108. Support Services for Women in the Entertainment Industry.** The Provincial Government shall provide socio-economic support services for women in the entertainment industry in its desire to concretely respond to their practical needs.

**SECTION 109. Medical Routine Check-up.** Women in the entertainment industry shall be afforded by their respective employers with medical routine check-up and medicines if needed.

**SECTION 110. Raids.** Police brutality shall not be allowed during conduct of raids in the entertainment establishments. Violators of this provision shall be subjected to administrative sanction.

## **ARTICLE VII**

### *Health Right*

**SECTION 111. Reproductive Health Services for All.** All hospitals in the Province of Cotabato shall offer equitable and affordable reproductive health services for all regardless of sex and social status. Non-compliance of this provision, the hospital operator, President or the Chief of the hospital concern shall be penalized by a fine of P3,000.00.

**ARTICLE VIII**  
**Socio-Economic Benefits for Women**

**SECTION 112. Banks, Financial Institutions and Cooperatives Support System.** All banks, financial institutions and cooperatives are encouraged to open special windows for lending to women including young women who lack access to traditional sources of collateral. This process ensures and protects the economic rights of women.

**ARTICLE IX**  
**Special Group of Persons**

**SECTION 113. Municipal-Level Sanction of Cases of Harassment Committed Against Differently-Abled Persons.** All Municipalities in the Province shall formulate a municipal-level sanction on cases of harassment committed against differently-abled persons. Failure to comply with this provision shall subject the offenders to an administrative sanction.

**ARTICLE X**  
**Women and Children**

**SECTION 114. Support to Women and Children.** All agreements or settlements arrived at the barangay-level relative to the support of the children shall be final and executory. Violation of such agreements or settlements shall be subjected to a fine of P1,000.00.

**SECTION 115. Promotion of Environment Friendly Technologies.** - No government agency shall act as agents of chemical agriculture. Chemicals allowed to be used are those duly authorized by the Herbicide and Pesticide Authority. An Administrative sanction shall be imposed to head of agencies found violating this provision.

**ARTICLE XI**  
**Gender and Development Orientation Training**

**SECTION 116. Gender Sensitivity Orientation and Training.** All schools, offices, establishments or companies, departments and agencies including Provincial, Municipal and barangay officials within Cotabato Province shall initiate gender sensitivity orientation and training which shall equip them with theoretical and practical knowledge on gender issues and concerns. Likewise all establishments, schools, colleges and university shall develop assessment tools for gender biases. Non-compliance of this provision shall require the concerned party to pay a fine of P5,000.00 and issuance of warning by the Provincial Governor, through the Integrated Population, Gender and Development Office.

**CHAPTER III - PROVISIONS FOR IMPLEMENTATION**

**ARTICLE I**  
**The Provincial Integrated Population,**

## **Gender and Development Office**

**SECTION 117. Creation of the Provincial Integrated Population, Gender and Development Office.** The Provincial Integrated Population, Gender and Development Office of Cotabato Province is hereby created specifically to realize the provisions of this Ordinance. It shall be the coordinating, regulatory and monitoring office of the Provincial Government of Cotabato which shall focus on gender-sensitive projects and activities.

**SECTION 118. Functions of the Provincial Integrated Population, Gender and Development Office.** This distinct Office shall have the following functions to ensure consistency in the implementation of the provisions of this Code:

- A. Monitoring and Coordinative Functions. These functions shall assure the realistic, measurable and tangible results in the implementation of this Code. These include, but not limited to:
  - a.1 Gender-Sensitive Watch. A system of services and facilities in order to monitor status of men, children and women in the Province wherein all departments and agencies therein shall develop practical methodologies for incorporating gender perspectives into all aspects of economy and policy-making. It shall collect gender and age disaggregated data on poverty situation and all aspects of economic activity and develop qualitative and quantitative statistical indicators to facilitate the assessment of economic performance from a gender fair perspective. It shall also serve as the data bank of the Provincial Government on population, gender and development.
  - a.2 Legal Aid Services Check. A coordinated services for any legal actions needed in protecting men, women, children, and special group of person's rights shall be installed.
  - a.3 Advocacy and Campaign Management. A coordinated advocacy and campaign on all forms of discrimination and violence against any person shall be programmed.
  - a.4 Sustainable and Gender Sensitive Project Development. A system of appraisals of projects to determine sustainable impact on women and men, local economy, politics, culture and ecosystem.
  - a.5 Violence in Media Check. An active dialogue with tri-media representative shall be undertaken by the Office in coordination with the Sangguniang Panlalawigan Committee on Gender Equality, Family Affairs and Social Welfare and women GOs and NGOs on incidence of all forms of violence in media.
- b, Regulatory Function. This function shall include establishing protocols and standards relevant to the following concerns:
  - b.1 Education and Training Benchmark. Gender-sensitivity education and trainings for all departments and agencies of the Provincial Government of Cotabato and at the municipal/barangay level shall be designed. Standards for contents of the courses shall be establish by the Office.
  - b.2 Psychological Support Program. A holistic and indigenous approach to men and women with social disfunctioning which include attendance to their physical/biological,

emotional, psychological and social needs shall be set up. Indicators of program success shall be established by the Office.

b.3 Early Childhood Care and Development Program and Services. Appropriate support services for children shall include creche and day care services for infants and toddlers as prescribed in RA 6972. Indicators of quality of services shall be established by the Office.

b.4 It shall be involved in all the processes related to the conceptualization, development, assessment and evaluation of population and gender development and advocacy programs of the Provincial Government.

**SECTION 119. Organization.** The Provincial Integrated Population, Gender Development Office shall be headed by a Provincial Government Department Head who shall be assisted by three (3) Division Chiefs, one (1) for the Administrative Division, one (1) for the Gender and Development Monitoring and Coordinating Division, and one (1) for Training and Special Services Development Program Division. The Provincial Governor shall recommend to this Body the appropriate nomenclature or position title of the herein Provincial Government Department Head based on the existing guidelines prescribed by the Department of Budget Management.

**At the Division level, the following sections are hereby established:**

I - Administrative Division

- a. Clerical and Janitorial Services Section
- b. Records Section
- c. Property and Supply Section

II - GAD Monitoring and Coordinating Division

- a. Gender Sensitive Watch Section
- b. Legal Aid Services Check Section
- c. Advocacy and Campaign Management Section
- d. Gender Sensitive Project Development Section
- e. Tri-media Check Section

III - Training and Special Services Division

- a. Education and Training Section
- b. Psychological Support Services Section
- c. Early Childhood Care and Development Section
- d. Assessment and Evaluation Section

**SECTION 120. Appointment and Qualification.** The Provincial Government Department Head shall be appointed by the Provincial Governor with the concurrence of the Sangguniang Panlalawigan, provided that he/she meets the following qualifications:

- a. Must be a holder of any relevant college degree;

- b. Must be a bonafide resident of the Province of Cotabato;
- c. Must have at least a 3-year experience in Gender and Development works;
- d. Must have appropriate Civil Service Eligibility; and
- e. Other qualifications relevant and necessary therefore.

**SECTION 121. Personnel.** Upon recommendation of the Provincial Governor, the Sangguniang Panlalawigan shall create positions that will assist in the implementation of this Code and man the operation of the Provincial Integrated Population, Gender and Development Office taking into consideration the service requirement and financial capability of the Provincial Government, subject to the minimum standard prescribed by the Civil Service Commission as well as the appropriate position titles and salary grades prescribed by the Department of Budget and Management.

**SECTION 122. Compliance Report.** Within six (6) months from the effectivity of this Code and every six (6) months thereafter, the Provincial Integrated Population, Gender and Development Office shall submit a report to all offices concern, copy furnished the Sangguniang Panlalawigan, of their compliance with this Code.

## **ARTICLE II Transitory Provisions**

**SECTION 123. The Provincial Population Division.** The Provincial Population Division, in coordination with the Sangguniang Panlalawigan Gender Committee, the Sangguniang Panlalawigan Office, the Provincial Human Resource Management Office, the PNP Women and Children's Desk, the Provincial Planning and Development Office, and the Cotabato Provincial Government Employees Association (COTGEM), shall assume and exercise the functions, powers and duties prescribed in this Code in the interim until such time the Provincial Integrated Population, Gender and Development Office is duly constituted. For this purpose, all existing programs and the corresponding appropriation are hereby assumed by the Provincial Population Division for implementation. Thereafter, this Division automatically become an integral part of the organization of the Provincial Integrated Population, Gender and Development Office.

**SECTION 124. Funding.** An amount as may be necessary to implement the provisions of this Code is hereby appropriated from any available source in the General Fund of the Province. Thereafter, the Provincial Government shall set aside an amount as may be necessary to fund the GAD projects and activities of the Provincial Government in pursuance of this Code, subject to existing pertinent laws, rules and issuances on the matter.

**SECTION 125. Rules and Regulations.** The Provincial Governor, through the assistance of the Gender Multi-Sectoral Coordinating Council, shall formulate the Implementing Rules and Regulations necessary to carry out the provisions of this Code.

## **ARTICLE III Final Provisions**

**SECTION 126. Separability Clause.** If for any reason 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 127. Suppletory Clause.** On matters not provided for in this Code, any existing applicable laws and their corresponding implementing rules and regulations, executive fiats and relevant issuances issued therefor shall apply in supplemental manner.

**SECTION 128. Effectivity Clause.** This Code shall take effect upon compliance of the mandatory posting and publication requirements prescribed under Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

**APPROVED.**

CERTIFIED CORRECT:

(Sgd) **DANILO A. DELIMA**  
Secretary  
to the Sangguniang Panlalawigan

ATTESTED:

(Sgd) **JESUS N. SACDALAN**  
Vice-Governor

APPROVED:

(Sgd) **EMMANUEL F. PIÑOL**  
Governor  
Date: February 9, 2000

**SANGGUNIANG PANLALAWIGAN OFFICIALS  
1998-2001**

1<sup>st</sup> DISTRICT

**EMMYLOU TALINO SANTOS  
SHIRLYN D. MACASARTE  
BAI FARIDA M. PENDATUM  
ROMEO T. ERAMIS  
MANUEL T. DELA SERNA**

2<sup>nd</sup> DISTRICT

**AGNES S. AMADOR  
FREDDIE C. BAYNOSA  
JOSE T. TEJADA  
RODRIGO G. ESCUDERO  
SERGIO P. CATOTAL**

**EX-OFFICIO MEMBERS**  
**GEORGE A. MANA-AY**  
**ONOFRE L. RESPICIO**  
**CRISTINE MARIE N. EMBODO**

**SECRETARIAT**  
**DANILO A. DELIMA**  
Secretary to the Sangguniang Panlalawigan

**REYNALDO L. CAMPO**  
Chief, Legislative Services Division

**TERESITA A. PAGADUAN**  
Chief, Records Division

**MARIVIC F. RAVINA**  
Chief, Research, Planning and Review Division

**MYRNA Q. PROSPERO**  
Chief, Administrative Division

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*Cotabato Provincial Ordinance No. 202 Series of 2000*

**Gender and Development Code of Misamis Occidental**  
**Provincial Ordinance No. 26-2000**  
**“An Ordinance enacting the Gender and Development Code of Misamis**  
**Occidental**

**PROVINCIAL ORDINANCE No. 26-2000**

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- SECTION 10. Feminization of Poverty  
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Republic of the Philippines  
PROVINCE OF MISAMIS OCCIDENTAL  
Capitol, Oroquieta City

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

**PROVINCIAL ORDINANCE NO. 26-2000**

**"AN ORDINANCE PROVIDING FOR A GENDER AND DEVELOPMENT CODE OF MISAMIS OCCIDENTAL AND FOR OTHER PURPOSES"**

Be it ordained by the Sangguniang Panlalawigan of Misamis Occidental that:

**Chapter I**  
**GENERAL PROVISIONS**

**Article I**  
**Title, General Policy and Definition of Terms**

SECTION 1 - Title. This Ordinance shall be known as the **Gender and Development Code of Misamis Occidental**.

SECTION 2 - **General Policy of the Local Government of Misamis Occidental.**

It shall be the policy of the Local Government of Misamis Occidental to uphold the rights of women and the belief in their worth and dignity as human beings. Women shall be recognized as full and equal partners of men in development and nation building and men shall share equally with all forms of productive and reproductive activities.

The Local Government of Misamis Occidental shall actively contribute to the establishment of a national and international economic order based on sustained, equitable growth and balanced ecology. And that any development effort it undertakes should enhance women's full potentials, uplift their status and lead to the improvement of their quality of lives, their families and that of their communities.

Towards this end, the Local Government of Misamis Occidental shall pursue and implement vigorously gender responsive development policies, design an integrated gender and development support systems, taking into consideration women's immediate economic survival with support for their efforts of empowerment and self-determination, and to adopt and implement measures to protect and promote their rights.

### **TO ATTAIN THE FOREGOING POLICY**

1. A reasonable amount from the Official Development Assistance received from foreign governments and multilateral agencies and organizations shall be set aside and utilized to support programs and activities for women in accordance with the provisions of RA 7192 otherwise known as the Women in Development and Nation Building Act, by the Local Government Units of the province of Misamis Occidental provided that it shall conform with the requirements and conditions set forth by the funding agencies.
2. All Local Government Units of the province of Misamis Occidental shall ensure that women benefit equally and participate directly in the development programs and projects of said departments and agencies, specifically those funded under official foreign development assistance to ensure the full participation and involvement of women in the development process pursuant to RA 7192.
3. All government project proposals shall ascertain the inclusion ' of gender responsive indicators and guidelines focusing on the roots of women's oppression, pursuant to the United Nations Declarations of which the Philippine Government is a signatory.
4. All Local Government Units in the province of Misamis Occidental upon effectivity of this Code shall review and revise all their regulations, circulars, issuances and procedures to remove gender bias therein, and shall complete the same within two years.
5. The Provincial Coalition for Women in Misamis Occidental, as provided for under Section 42 Article VII, Chapter I of this Code shall actively be consulted in matters dealing with official development assistance or foreign aid so as to determine gender biases and implications on women.

### **SECTION 3. DECLARATION OF PRINCIPLES**

Rights of Women are those that are defined and declared by the United Nations under the Convention on the Elimination of Discrimination. Against Women and Women (CEDAW) which we hereby adopt as follows:

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

- b. Women have the right to freely and fully participate individually or collectively. in the political processes of their communities and nations.
- c. Women have the right to the means for assuring their economic welfare and security.
- d. Women have the right to the necessary knowledge and means for the full exercise of their reproductive choice in accordance with-the Constitution and their beliefs and preferences,
- e. Women have the right to choose a spouse in accordance with their values and preferences, maintain equality in marriage or its dissolution, and obtain adequate support for rearing and caring for their children.
- f. Women have the right to an adequate, relevant and gender-fair education throughout their lives from childhood to adulthood.
- g. Women have the right to adequate nutrition and proper health care.
- h. Women have the right to humane living conditions.
- i. Women have the right to nurture 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.
- j. Women have the right to equality. before the law in principle as well as in practice.

#### SECTION 4 - DEFINITION OF TERMS

a. **Commodification of Women** - is a practice which puts women in subordinate situation which results in the treatment of women as both consumers and objects. As consumers, women are allured to buy beauty products to enhance their physical attractiveness. As objects of consumption, women are reduced to a sexual commodity for manipulation and utilization for one's sexual desire or interest usually in exchange of money or goods so that women have no control or power to reject such utilization or manipulation.

b. **Development** - is the improvement of the quality of life of all regardless of age, sex, gender, tribe, race, creed and religion. It is characterized by an enrichment of Filipino indigenous resources, sustainable utilization of the natural resources of the country and freedom from dependency. It is therefore, a sustained equitable growth and balanced ecology.

c. **Differently-abled Women** - are women survivors of physical impairments and have differentiated needs and potentials.

d. **Discrimination Against Women** - any distinction, exclusion or restriction made on the basis of sex which has purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by women of their rights irrespective of their marital status.

e. **Entertainment Industry** - includes establishment identified as places of amusement as defined in the Revenuja Code of Misamis Occidental, Ordinance No. 016, Series of 2000.

f. **Gender** - is a socially constructed difference between men and women. Differences are created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures of society.

g. **Gender and Development (GAD)**. - shall refer to the development perspective which recognizes the equal contribution of women and men in all aspects/sectors of development. Such a perspective involves the process of searching for new innovative initiatives which transform unequal gender relations into opportunities which are equally/equitably beneficial to both men and women.

h. **Gender Sensitization** - is an experiential and critical process of learning and unlearning by an individual, female or male, of the causes and effects of the culturally determined roles of women and men.

i. **Indigenous People** - is a group of people who have continuously lived as organized community or 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. They are regarded as indigenous on account of their descent from the populations who have inhabited the country, at the time of conquest and colonization and who retain some or all of their own social, economic, cultural and political institution and may have been displaced from their traditional domain or who may have resettled outside their ancestral domain.

j. **Land-based Projects** - are activities designed systematically in order to provide women the opportunity to have full access and control over the maximum utilization of land and other indigenous resources.

k. **Other Places Of Amusement** - include all other places of amusement not specifically enumerated or otherwise provided for in this Ordinance including but not limited to nightclubs or day clubs, cocktail lounge, super family clubs, disco houses, minus-one or sing-along houses, bars or beerhouses/gardens, fast food centers showing sports, competitions or replay shows by direct hook up via satellite or those showing video cassette films/movies, beach resorts and other places of amusement where one seeks admission to entertain himself by seeing or viewing or by direct participation.

l. **Pornography** - is a written, graphic or other forms of communications intended to excite lascivious feelings (the Grolier International Dictionary, Volume 2).

m. **Prostitution** - is the sale, purchase and exchange of women and minors for sexual exploitation, cash, profit or other economic considerations by an individual, including but not limited to pimp, procurer of the service, parents, owners of establishments such as disco houses, bars, sauna baths, massage clinics, hotels and restaurants and any other persons who use various schemes to prostitute women and minors.

n. **Psychosocial Program** - is an intervention using a system approach to conditions of women as its views women's differentiated needs in a social context.

o. **Reproductive Health** - is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity, in all matters relating to the reproductive system and to its function and process.

p. **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, made impliedly, directly or indirectly.

q. **Survivor's Support Group** - is an organized group to whom a survivor of violence voluntarily agrees to establish a professional helping process.

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

## ARTICLE II

### VIOLENCE AGAINST WOMEN

SECTION 5. **Domestic Violence** - Violence against women shall include but not limited to physical, sexual and psychological violence occurring in the family and other relationships, including battering, sexual abuse of wife and female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

#### SECTION 6. **Violence in Community and Institutions**

- a. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- b. Physical, sexual and psychological violence perpetrated against women and condoned by the State, wherever it occurs.

SECTION 7. **Violence in Armed Conflict.** It shall be a violation of the human rights of women in situations of armed conflict, in particular murder, physical and psychological torture, systematic rape, sexual slavery and forced pregnancy.

SECTION 8. **Violence in Reproductive Right.** Is the forced sterilization and forced abortion, coercive/forced use of contraceptives, prenatal sex selection and female infanticide.

SECTION 9. **Women Trafficking.** is a covert or overt recruitment of women into the sex trade industry. It includes new forms of sexual exploitation such as sex tourism, the recruitment in the guise of domestic labor to work in developed countries, and organized marriages between women from third world countries and foreign nationals; promoting or initiating a system in which women become movable properties and objects of exchange.

Women Trafficking shall include the following but not limited to:

- a) for any person, association, cult, religion or organization or similar entities to commit the following acts:
  - a.1 establish or carry on a business for the purpose of matching women for marriage to foreigner either on a mail order basis or through personal introduction or cyberspace;
  - a.2 advertise, publish, print or distribute, or cause the advertisement; publication, printing or distribution of any brochure, flyer or propaganda material calculated to promote the above-mentioned prohibited acts for profit or advantage;
  - a.3 solicit, enlist, or attract/induce any woman to join any club, association or organization whose objective is to match women for marriage to foreigners either on mail-order basis or through personal introduction or cyberspace or any other forms which facilitate the act of solicitation;
  - a.4 use the postal services, cyberspace or satellite TV to promote the above-mentioned prohibited acts.
- b) to buy or sell a woman, or any of her body parts for profit; or to use her body by any pretext; to be used for experiments, research or the like without her consent.
- c) To act as a procurer of a sex worker.
- d) To threaten or use violence and force a woman to become a mail-order bride.

**SECTION 10. Feminization of poverty.** It is a condition when gap between the rich and the poor widen and grassroots women bear the brunt as in economic instability and unequal distribution of wealth. Such gap reinforces non-response to both practical and strategic interests of women (e.g. when women are forced to incur financial obligation to augment the meager and insufficient income of the family).

**SECTION 11. Mail Order Bride.** It is a practice where a woman establishes personal relations with a male-foreign national via mail or similar means upon recruitment by an individual or agency for the purposes of exploiting women in the guise of marriage.

**SECTION 12. Other Forms of Sexual Harassment.** Other than the definition provided by RA 7877 the following constitute sexual harassment, some of which are covered by the Revised Penal Code under Acts of Lasciviousness:

- a. persistent telling of offensive jokes such as green jokes or other analogous statements to someone who finds them offensive or humiliating;
- b. taunting a person with constant talk about sex and sexual intercourse;
- c. displaying offensive or lewd pictures and publications in the workplace;
- d. interrogating someone about sexual activities or private life; during interviews for employment, scholarship grant or any lawful activity applied for;

- e. making offensive hand or body gestures at someone;
- f. repeatedly asking for dates despite verbal rejection;
- g. staring or leering maliciously;
- h. touching, pinching or brushing up against someone's body unnecessarily or deliberately;
- i. kissing or embracing someone against her will;
- j. requesting sexual favors in exchange for a good grade, obtaining a good job or promotion, etc.;
- k. cursing, whistling or calling a woman in public with words having dirty connotations or implications which tend to ridicule, humiliate or embarrass the woman such as "puta", "boring", "peste", etc.
- 1. any other unnecessary acts during physical examinations;
- m. requiring women to wear suggestive or provocative attire during interviews such as job hiring, promotion, admission.

**SECTION 13. Sexual Abuse.** Sexual abuse shall include but is not limited to the following:

- 1) When a man inserts or attempts to insert his penis or any object into the mouth or anus of a woman under any of the following situations:
  - a) through force, threat or intimidation;
  - b) by means of abuse of authority or relationships;
  - c) when the offended party is deprived of reason or is otherwise unconscious;
  - d) when the offended party is below seventeen years old, even though none of the above circumstances is present.
- 2) When a person inserts part of his or her body other than the sexual organ, or ho introduces any object or instrument into the genital or anus of a woman under any of the situations stated in paragraph 1.
- 3) When a person subjects another to have sexual intercourse with an animal under any of the circumstances stated in paragraph 1 or through any abnormal, unusual or ignominious sexual act.
- 4) Any intentional contact however slight of one's penis to the genital, mouth, breast or anus of a woman or intentional contact thereof, however slight, to any part of her body other than her sexual organ; or the use of any instrument or object which intentionally touches the genital, breast or anus of a woman.
- 5) Sexual abuse in intimate marital relations. Forced sexual act committed under intimate or marital relations shall form part of sexual abuse such as those between man and

woman, woman and woman, man and man relations, married or unmarried, legally separated or separated in fact.

SECTION 14. **Battering.** It is a series of physical, emotional and psychological abuse. It is a repeated and habitual cyclic pattern as means of intimidation and imposition of the batterer's will and control over the survivor's life. Battering constitutes the following kinds of behavior but not limited to:

- a. Physical Battering - repeated inflection of brute force causing injuries to the victim
- b. Sexual battering - this includes physical attacks on the women's breasts/genitals or forced sexual activity, accompanied by either physical violence or the threat of physical violence.
- c. Psychological Battering- this includes threats of suicide, violence against the woman or her family, punching, breaking or defacing or otherwise destroying the house or any part thereof; or of the personal belongings of a woman, threatening to take the children away, threatening deportation of wives with foreign citizenship, threatening to kidnap children or take them to a foreign country and forcing the victim to do degrading things; controlling the victim's lawful or usual activities, the use of foul and insulting words or statements and threats of abandonment and expulsion such as forcing the wives to leave the conjugal dwelling. This provision likewise apply to common-law relations but does not include adulterous ones as contemplated in the Revised Penal Code.
- d. Economic Battering - this includes deprivation of women of economic resources, their generation and mobilization so as to create dependency and submissiveness to men and to any established structures of domination.

SECTION 15. **Pedophilia.** It is a form of sexual perversion where children are the preferred victims and is committed under the following circumstances:

- a. when the offender shall have sexual intercourse with a girl;
- b. when the offender shall have anal intercourse with a boy or girl.
- c. Other pedophilic acts other than sexual or anal intercourse which will include custodial abuse.

SECTION 16. **Printing, Publication, Display and Distribution of Pornographic Scenes and Similar Literature.** It shall be unlawful for any person to print, publish, display or distribute scenes on movie/TV trailers/shows, posters, billboards, literature and other visual materials which treat women as sex objects and commodities.

SECTION 17. **Pornographic and Indecent Shows.** Indecent shows as used in this Code include nude or other provocative gestures which further project and exhibit women as sex objects.

It shall be a violation of women's rights for any person or agency who engages in shows depicting women as sex objects in private or in public place or under scandalous circumstances.

SECTION 18. **Liveshows.** It shall be a violation of women's rights to influence or force a woman or girl-child to dance or do naked shows in public or private places for commercial or entertainment purposes.

SECTION 19. **Beauty Contest.** One which would indecently expose a woman's body that is offensive to morals and good taste is viewed as violence against women. Thus, holding of beauty contests must be strictly regulated. For this purpose, a Beauty Pageant Regulatory Board is hereby created under the Provincial Gender and Development Office (PGDO) which shall be composed of the PGDO as the Chairperson, the SP Committee on Women and Family relation, Representative from the Religious Sector, PSWDO and Representative from the Provincial Media Monitoring Board.

SECTION 20. **Other Forms of Violence Against Women**

- a. Sex Trade. Any agency or person who shall engage in keeping women for sex for a fee.
- b. Sex Tours. Hotels, beach resorts, sauna baths and related establishment which operate as conduit for sex tours.

### ARTICLE III

#### HEALTH RIGHT

SECTION 21. **Budget for Women's Health.** A Reasonable portion of the health related budget of the Provincial Government shall be allocated for women's health and services.

SECTION 22. **Upgrading of Health Care Delivery System.** Quality health care and services that are not discriminatory on account of their gender, age, sex, creed, religion or ethnicity shall be implemented in Misamis Occidental.

SECTION 23. **Reproductive Health Care Delivery.** Reproductive Health as defined in the International Conference on Population and Development and World Health Organization and affirmed in Beijing Conference, reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity in all matters relating to the reproductive system and to its functions and processes, i.e. people are able to have a satisfying and safe sex life and have the capability to reproduce and the freedom to decide, when and how to do so.

Misamis Occidental shall adopt the reproductive health care approach at all levels of health care delivery. Such approach integrates many issues not previously considered central to population: sexuality, reproductive tract infection, gender power relations and domestic violence and shall not be limited to family planning and child bearing.

SECTION 24. **Women's Control Over Their Bodies.** Women's decision to prevent and control pregnancy excepting abortion shall be given appropriate support and guidance by health professionals, private and public, at very minimal cost.

SECTION 25. **Gender-Sensitive Crisis Intervention Unit.** The Local Government of Misamis Occidental shall cause the establishment of a Gender-Sensitive Crisis Intervention Unit at all levels of health care, primary, secondary and tertiary and shall provide service training to all health and other allied personnel who shall be assigned in this unit.

SECTION 26. **Gender-Fair Approach to Pre-Marital Counseling Program.** The Local Government of Misamis Occidental shall review and redesign a Pre-Marital Counseling Program. It shall be jointly undertaken by the Provincial Gender and Development Office and the Provincial Health Office and other concerned agencies. Agencies involved shall adhere to the principles of gender-fair pre-marital counseling service.

SECTION 27 **Strengthen Primary Health Care Delivery.** The Local Government of Misamis Occidental shall strengthen the Primary Health Care Delivery in the context of reproductive health to be undertaken by the Provincial Health Office.

SECTION 28. **Indigent Women Access to National Health Insurance Program.** The Local Government of Misamis Occidental shall tap the programs and services of the National Health Insurance Program (NHIP) especially for the indigent women and families and to provide necessary counterpart.

#### ARTICLE IV

#### EDUCATION RIGHT

SECTION 29. **Special Classes for Women.** Special classes for women shall be held during weekends in all barangay high schools in Misamis Occidental to facilitate working women's access to education.

SECTION 30. **Promotion of Gender-Sensitive Curricula.** The Schools in Misamis Occidental shall actively promote gender-sensitive professional school counseling and career education programs to encourage females to pursue academic and technical courses in order to widen their future career opportunities.

SECTION 31. **Adult Education.** All women desiring to engage in mendedominated functional and practical education shall be enlisted in adult education program which shall be set up in all cities/municipalities and barangays in Misamis Occidental.

SECTION 32. **Monitoring and Reporting of Stereotyped Portrayal of Roles of Women and Men in Education materials.** The Provincial Gender and Development Office shall coordinate closely with the DECS Division Offices, private and public colleges and universities, CHED and TESDA in monitoring and reporting of stereotyped portrayal of roles of women and men as projected in educational materials.

#### ARTICLE V

#### RELIGIOUS RIGHT

SECTION 33. **Free Exercise of religious affiliation.** Each spouse shall have the right to choose her/his religious affiliation. Likewise, children at the age of maturity shall enjoy the same.

#### ARTICLE VI

#### RURAL WOMEN'S RIGHTS

**SECTION 34. Land for Women-Headed Households and Landless Families.** Qualified women-headed landless families shall be given preference to equitable distribution of disposable public idle lands.

**SECTION 35. Promotion of Land-Based Projects.** Women should have full access and control over the maximum utilization of land and other indigenous resources. The Local Government of Misamis Occidental shall promote and support land-based projects ensuring food security for rural women utilizing science, women friendly appropriate technology instilling collectivism.

**SECTION 36. Access to Science and Women-Friendly Alternative Technology Education.** Women shall have access to science and women friendly alternative technology education which shall be provided by the Provincial Agricultural Office, Department of Science and Technology (DOST) and other related line agencies.

## **ARTICLE VII,**

### **POLITICAL AND PUBLIC SPHERE OF WOMEN**

**SECTION 37. Declaration of March 8 as International Women's Day.** March 8 shall be declared as a special public holiday through an Executive Order. There shall be provincial/city/municipal-level set of activities on women highlighting the laws, issues affecting women and other forms of critical consciousness raising activities.

**SECTION 38. Women's Summit of Misamis Occidental and Provincial Day of Action for Women's Health.** Women Summit shall be held on the 10<sup>th</sup> of November every year. The same day is declared as the Provincial Day of Action for Women's Health wherein issues and concerns relative to the protection and promotion of Women's Health shall be examined, deliberated, projected and government action sought. These activities shall be initiated by the Provincial Gender and Development Office.

**SECTION 39. Barangay Level Self-Organization of Women.** SelfOrganization of Women shall be recognized at the Barangay Level.

**SECTION 40. Creation of City/Municipal Coalition of Women.** Coalition for Women shall be organized which shall be composed of various accredited women organizations and federations in the municipal/city and shall be represented by its presidents or its duly authorized representative. The Sanggunian Bayan/Panlungsod Chairperson on the Committee on Women and Family Relation shall initiate the organization thereof.

For election purposes, organizations with identical constitution and by-laws shall form into a Federation. Likewise, organization with barangay chapters shall be similarly classified. In the same manner, organization with multiple chapters or clubs in a municipality or city shall be classified as one Federation.

Each municipal level organization and federation shall be entitled to only one (1) vote in the formation of a coalition.

**SECTION 41. Creation of Municipal/City Coalition for Women.** A Coalition for Women shall be organized which shall be composed of various accredited women organization in the

Municipality/City which shall be represented by a Municipal/City Presidents of each organization. The Sangguniang Bayan/Panglungsod Chairperson of the Committee on Women and Family shall convene and initiate the organization thereof.

**SECTION 42. Creation of Provincial Coalition of Women.** There shall be a coalition in the province composing of various accredited women organizations and federations represented by a Council of Municipal Presidents or its duly authorized representatives.

**SECTION 43. Election of Women Sectoral Representative to the Sangguniang Panlalawigan.** The President of the Provincial Coalition of Women shall sit in the Sangguniang Panlalawigan as sectoral representative as a concrete manifestation of women's place in local governance and in accordance with RA 7160 she shall serve a term of office of three years.

In addition thereto, the SP shall enact an ordinance one year after the approval of this code which shall determine the period of election and its corresponding Implementing Rules and Regulations in accordance with RA 7160 and DILG circular on accreditation.

**SECTION 44. Representation of Women in Barangay Development Council (BDC).** The Local Government of Misamis Occidental shall ensure the inclusion of the Presidents of accredited Women organization in the Barangay Development Council to strengthen government's recognition of women's potentials in each barangay.

**SECTION 45. Representation of Women in its Municipal/City Development Council (MDC/CDC).** The Local Government of Misamis Occidental shall ensure the inclusion of the Presidents of its duly authorized representatives of the accredited Municipal/City Women Coalition in Municipal/City Development Council to strengthen government's recognition of women's potentials in each municipality/city.

**SECTION 46. Women Representatives to the Provincial Development Council.** The Local Government of Misamis Occidental shall ensure the inclusion of the President of the Coalition of Women Organizations as member of the Provincial Development Council.

**SECTION 47. Peace Based on Justice.** The network of women GOs and NGOs shall be formally consulted on peace and development issues on the basis of social equity and justice.

**SECTION 48. Women in Law Enforcement Positions.** All qualified women shall be given an opportunity to assume key law enforcement positions.

## **ARTICLE VIII**

### **CULTURAL IDENTITY OF WOMEN**

**SECTION 49. Indigenous Women of I Misamis Occidental.** The preservation of the cultural identity of the indigenous women shall be actively incorporated in all programs and projects of the Local Government of Misamis Occidental.

**SECTION 50. Culturally-Appropriate Schools.** There shall be accessible and culturally appropriate schools for indigenous people in Misamis Occidental.

**SECTION 51. Declaration of Indigenous People's Areas.** A survey of Indigenous Peoples' areas in Misamis Occidental shall be undertaken within two years upon effectivity of this Code which shall become a basis for the declaration of the indigenous peoples' areas.

**SECTION 52. Provincial Development Program for Indigenous Women.** The Local Government of Misamis Occidental shall develop a program that shall facilitate empowerment of the indigenous women. Active support for the preservation of the indigenous women's knowledge of the environment shall be incorporated in the program.

## **ARTICLE IX**

### **LABOR AND EMPLOYMENT**

**SECTION 53. Orientation on Sexual Harassment.** All local offices, agencies, and establishment or companies, government and private in Misamis Occidental shall conduct orientation on sexual harassment. Certificate of compliance shall be submitted to the Provincial Gender and Development Center.

**SECTION 54. Setting-up of Grievance Machinery.** A grievance committee shall be set up in all local offices, agencies, establishments or companies to act in complaints related to sexual harassment.

**SECTION 55. Gender-Sensitive Physical Plant.** A physical plant appropriate for a gender-sensitive environment shall be adopted by all offices, agencies and establishments or companies which shall help prevent sexual abuse and other forms of maltreatment in the workplace.

**SECTION 56. Tax Incentives for Business Entities.** The Local Government of Misamis Occidental shall provide tax incentives to business entities:

- a) any amount used for the establishment, maintenance and operation of the child day care support system shall be tax-deductible;
- b) annual tax credit per child regularly served for at least one year in the center; and
- c) annual tax credit per woman extended with maternity leave benefits for breast feeding.

**SECTION 57. Monitoring System for Labor Standards.** A mechanism shall be installed in the Provincial Gender and Development Office to monitor all offices, agencies and establishments or companies violating Labor Code provisions and the provisions of this Ordinance.

## **ARTICLE X**

### **SOCIO-ECONOMIC BENEFITS FOR WOMEN**

**SECTION 58. Increase Capital Assistance for Women.** All Local Government departments and agencies engaged in socio-economic programs shall increase their capital assistance and/or subsidy to women especially on land-based projects using community bank approach.

**SECTION 59. Socialized Lending Scheme.** All Banks, financial/lending institutions and cooperatives shall open special windows for lending to women who lack access to traditional sources

of collateral. No woman shall be deprived of credit. Money lending institutions shall establish a "socialized lending scheme friendly to women" which shall constitute the following:

1. Bank rate interest
2. No post-dated checks
3. Certificate of Income Generating Activity from the Municipal/City Mayor

SECTION 60. **Access to Safe Water.** All barangays in Misamis Occidental shall adopt measures to provide easy access to safe water supply. Appropriate systems shall be installed to ease women's workload.

## **ARTICLE XI**

### **SPECIAL SECTORAL CONCERNS**

SECTION 61. **Special Education for Differently-abled Women.** There shall be a special education program for differently-abled women in Misamis Occidental as provided for in RA 7277.

SECTION 62. **Advocacy on Differently-abled Women's Rights.** Active advocacy on the rights of differently-abled Women shall be conducted by the Provincial Gender and Development Office.

SECTION 63. **Creative Employment Opportunities for Differently-abled Women.** The Local Government of Misamis Occidental shall develop creative employment opportunities for differently-abled women recognizing their differentiated conditions and full potentials as human beings.

SECTION 64. **Reporting of Cases of Harassment Committed Against Differently-Abled Women.** The Local Government of Misamis Occidental through its Provincial Gender and Development Office shall require all barangays to monitor and report cases of harassment committed against differently-abled women.

SECTION 65. **Organization of Differently-Abled Women.** Each City/Municipality shall create a committee of the Differently-Abled Women within the City/Municipal Development Council in order to advance the interests of this special group of women.

SECTION 66. **Organization of the Elderly Women.** Each City/Municipality shall create a committee of the elderly women within the City/Municipal Development Council in order to advance the interests of this special group of women.

SECTION 67. **Support Funds for the Elderly Persons.** Funds shall be allocated to support elderly persons to include the emergency assistance, routine physical check-up, social group work program and appropriate socio-economic activities.

SECTION 68. **Day Center for Senior Citizens.** There shall be a Center for elderly in all City/Municipalities to render comprehensive support services.

SECTION 69. **Support to Women in Detention.** Rights of all women detainees shall be protected,

- a. Speedy trial of their cases shall be ensured by all concerned;
- b. An appropriate program shall be designed to respond to their specific needs and problems as detainees; and
- c. Separate structure and space for detention and rehabilitation shall be provided.

SECTION 70. **Respect for Sex Preference.** Persons right to sex preference shall be respected and protected.

## ARTICLE XII

### SUPPORT SERVICES

SECTION 71. **Comprehensive Support to Survivors of Violence.** The Local Government of Misamis Occidental shall provide an immediate comprehensive support to survivors of violence which consists of the following but not limited to legal, medical, psychosocial, shelter and other forms of support services which shall be provided by the Provincial Gender and Development Office in coordination with the Provincial Social Welfare and Development and other involved agencies in accordance with the provisions of the Implementing Rules and Regulations of this Code.

SECTION 72. **Psychosocial Program.** Women and children who were survivors of all forms of violence shall be registered in the Psychosocial Program which shall be carried out by the Provincial Gender and Development Office, Department Social Welfare and Development, Integrated Provincial Health Office, concerned NGO and other related agencies as provided in the Implementing Rules and Regulations of this Code.

SECTION 73. **Survivor's Support Group.** There shall be an organized group to whom a survivor of violence voluntarily agrees to establish a professional helping process. All investigations/hearings involving rape cases and other forms of violence against women and children conducted in the police stations, prosecutor's office and trial courts shall recognize and allow the survivor's support group to be present in the courtroom as observers and to provide moral support to the survivors subject of litigation as expressly allowed or requested by the offended party.

SECTION 74. **Support Services for Women in the Entertainment industry.** The Local Government of Misamis Occidental shall provide socio-economic support services for women in the entertainment industry in its desire to concretely respond to their practical needs.

SECTION 75. **Free Medical Routine Check-up.** Women in the entertainment industry shall be afforded with free medical routine check-up and medicines if needed.

The Local Government of Misamis Occidental shall provide program addressing the health needs of workers in the entertainment industry.

SECTION 76. **Prostitution as a Violation of Women's Rights.** Prostitution shall be recognized as a violation of human rights and exploitation of women who have no real choices for survival.

SECTION 77. **Provincial Media Monitoring Board.** A Provincial Media Monitoring Board for print, broadcast, and multi-media, to include movie houses, video shops, electronic communication,

cable television, books and other forms of audio visual channels or instruments, to monitor and initiate filing of appropriate cases against activities degrading men and women. It shall be composed of the Provincial Information Officer, The Sangguniang Panlalawigan Chairperson of the Committee on Women and Family, Religious Sector, concern People's Organization and Non-Government Organization.

**SECTION 78. Role of Female Police Officer.** Complaints filed by women on battering and other forms of abuse against them shall be handled by female officers in the local police force who shall undergo special courses on handling cases affecting abused women.

**SECTION 79. Representation of Women in Lupong Tagapamayapa.** Women representation to Lupong Tagapamayapa shall not be less than 40% of the total number.

**SECTION 80. Creation of the Family Arbitration Committee within the Lupong Tagapamayapa.** Creation of a Family Arbitration Committee shall be encouraged within the Lupong Tagapamayapa with women representatives of not less 40% to resolve cases on family violence.

**SECTION 81. Creation of Medico-Legal Desk for Women at the Provincial Social Welfare and Development Office.** There shall be a Medico-Legal Desk for Women at the Provincial Social Welfare and Development Office -to cater to specific women problems and concerns.

**SECTION 82. Creation of Multi-Disciplinary and Multi-Sectoral Coordinating Council on Family Violence.** A Multi-Disciplinary and Multi-Sectoral Coordinating Council on Family Violence shall be created by the Local Government of Misamis Occidental through the Provincial Gender and Development Center in coordination with existing women NGOs engaged in program against family violence to design protocol and mechanism for identification assessment and interventions on family violence.

**SECTION 83. Inter-Agency Council Against Trafficking.** An Inter-Agency Council Against Trafficking shall be established in Misamis Occidental and members thereof shall be appointed by the Provincial Governor with the following powers and functions:

- a. formulate a comprehensive program to suppress the trafficking of women and children;
- b. conduct massive information campaigns;
- c. undertake guidance and counseling to women going abroad as fiancée of foreign nationals;
- d. make representations to schools and universities for the inclusion of migration and its implications for women in all levels of curricula;
- e. refer traffic victims to appropriate agencies;
- f. formulate a program for returning victims in cooperation with local offices of DOLE, TESDA and other government agencies involved in training and livelihood development;
- g. secure assistance from any of the local government units, departments or bureaus of the national government;
- h. exercise all powers and functions necessary to attain its purposes and objectives.

### **ARTICLE XIII**

### **WOMEN AND CHILDREN SUPPORT SYSTEM**

**SECTION 84. Gender and Development.** All schools, offices, establishments or companies, departments and agencies of the Local Government of Misamis Occidental shall be provided with gender sensitivity orientation and training which shall equip them with the theoretical and practical knowledge on gender issues and concerns. Likewise all establishments, schools, colleges and universities shall develop assessment tools for gender biases.

**SECTION 85. Active Support to Gender Studies.** A sufficient amount shall be allotted to gender-related documentation and researches which shall form part of Misamis Occidental data-based program development.

**SECTION 86. Popularization of Gender-Fair Materials.** There shall be an active promotion and publication of gender-fair materials in popular forms in the province of Misamis Occidental.

**SECTION 87. Gender-Sensitive Natural Resource-based Management Programs.** The Local Government of Misamis Occidental shall engage itself in the development of gender-sensitive natural resource-based management programs.

**SECTION 88. Role of Women in Environment Impact Assessment of Projects.** The Local Government of Misamis Occidental shall promote the active role of women in environmental impact assessment of projects. Instruments for environmental impact assessment shall consciously determine sex dis-aggregated data.

**SECTION 89. Promotion of Appropriate Technology.** The Local Government of Misamis Occidental shall actively promote an alternative technology that is appropriate and safe for women.

**SECTION 90. Creation of Resource Management Council.** Each city/municipality shall create resource management council which shall ensure promotion and protection of ecological balance and full participation of women. It shall be composed of the following line agencies concerned PPDO, PENRO, CENRO, PGDO, Tourism Officer, MOEMO, PAO, SP Chair on Environment, Women Sectoral Representative, NGO on ecology.

**SECTION 91. Sufficient Budget for Basic Social Services.** A sufficient reasonable amount for the basic social services for women and children in extremely difficult circumstances shall be allocated from all sources of funds.

**SECTION 92. Investments and Loans.** The Local Government of Misamis Occidental shall hold consultative assemblies with women GOs and NGOs in establishing contracts for loans and investments to clarify implications on women's welfare and development at the city/municipal level.

**SECTION 93. Overseas Contract Worker's (OCW) Wives and Children Support.** The Local Government of Misamis Occidental shall conduct at the city/municipal level a survey of overseas contract workers, results of which shall serve as basis for special support to women and children.

**SECTION 94. Special Course on OCW.** A special course on overseas contract work primarily to orient women on the issues and concerns relative to migration shall be systematically introduced to all women especially at the city/municipal level.

**SECTION 95. Education and National Policies.** Women and men shall undertake education on national policies and their implications on women.

SECTION 96. **Special Training for Lupong Tagapamayapa.** A special paralegal training for Lupong Tagapamayapa shall be conducted along gender question and related matters.

SECTION 97. **Gender Sensitization as a Pre-requisite to Employment and Promotion.** There shall be a gender-sensitive assessment to be conducted by the Gender and Development Office to all concerned as a pre-requisite to hiring and promotion of personnel.

SECTION 98. **Gender and Population.** The Provincial Health Office shall review and redesign the population program that it becomes not contraceptive-based but reproductive health conscious.

SECTION 99. **Support to Single Parent.** All single Parents regardless status shall have equal access to support services.

SECTION 100. **Early Childhood Care and Development.** All government and private institutions and other establishments shall provide support to employees by providing Early Childhood Care and Development program, specifically:

- a. Child Minding Center - A program that provides alternative home care to children 0-3 years old
- b. Day Care Center - A comprehensive health nutrition and early educational support to children 3-5 years old. As provided for in Executive Order # 340 Directing National Government Agencies and Government Owned and Controlled Corporations to provide Day Care Services for under-Five Children of their Employees.

SECTION 101. **Women and Children Concerns Desk (WCCD).** The Local Government of Misamis Occidental shall provide support to Women and Children Concerns Desk (WCCD) to specifically handle concerns of women and children. Such support shall give preferential attention to training of concerned personnel and the provision of necessary facilities.

SECTION 102. **Creation of Provincial Council for the Welfare of Women and Children.** A Provincial Council for the Welfare of Women and Children shall be created to protect women and children from exploitation, abuse, improper influence, hazards and other circumstances prejudicial to their physical, mental, emotional, social and moral development and to more effectively carry out its responsibilities under the law and to ensure the assistance and cooperation of government agencies concerned with child, youth and women welfare and development.

The Council shall be composed of the Provincial Social Welfare and Development office as Chairperson, Department of Education Culture and Sports, Provincial Health Office, Department of Labor and Employment, Department of Justice, Provincial Agriculture Office, National Economic and Development Administration, Philippine National Police, Provincial Gender and Development Office, Provincial Governor's Office, NGO and three (3) private individuals concerned on the welfare of child, youth and women as members to be appointed by the Provincial Governor upon recommendation of the Chairperson.

## CHAPTER II - PENAL PROVISIONS

### ARTICLE I

## VIOLENCE AGAINST WOMEN AND CHILDREN

**SECTION 101 Domestic Violence.** In cases of serious battering, sexual abuse of spouse and children, dowry-related violence, and- other traditional harmful practices, non-spousal violence and violence related to exploitation, resulting to:

- a. Slight and less serious physical injuries resulting from battering, sexual abuse shall be penalized with imprisonment of  

<b>60 days</b>	<b>- 1<sup>st</sup> offense</b>
<b>120 days</b>	<b>-2<sup>nd</sup> offense</b>
<b>1 year</b>	<b>- 3<sup>rd</sup> offense</b>
- b. Serious physical injuries resulting from battering, sexual abuse, mutilation and other traditional harmful practices shall be penalized under the Revised Penal Code by the proper court.

Any witness whether a citizen or organization may file a complaint before the proper court.

**SECTION 104. Soliciting Women Services.** It is unlawful for a person to solicit a women's service for sexual purposes as gift, representation, public relations, or as an act of goodwill regardless of whether the solicitor profits or not from such an act without prejudice to the provisions of the Revised Penal Code.

Any witness may file complaint together with the affected women to the Proper Court. Penalty for such is a fine of P 5,000.00 or an imprisonment of one year.

**SECTION 105. Other Forms of Women Trafficking.** Any person or agency who with the use of force or deceit, lures a woman to work abroad or in other provinces or cities in the Philippines for a particular job on a promise of high fees, but instead landed on prostitution, domestic help or other odd jobs. Violators of this provisions shall be penalized by an imprisonment of one year or a fine of P 5, 000.00, or both, at the discretion of the court.

**SECTION 106. Sex Trade.** Any agency or person who shall engage in keeping women for sex for a fee shall suffer the penalty in accordance with Revised Penal Code.

**SECTION 107. Sex Tours.** No hotels, beach resorts, sauna bath, and related establishments shall be allowed to operate as conduit for sex tours. Cancellation of business permit, a fine of P 5, 000.00 and an imprisonment of one year shall constitute the penalty for violation.

**SECTION 108. Women in Armed Conflict Situation.**

- a) No woman shall be deprived of basic social services in armed conflict areas.
- b) No woman or girl children shall be kept by any PNP/military personnel in police/military detachment/checkpoint or any analogous quarter for purposes of comfort. Violation shall be penalized through summary dismissal proceedings of the local AFP/PNP and/or or at the discretion of the Police Law Enforcement Board.

SECTION 109. **Forced and Arranged Marriages.** NO woman shall be forced to marry on the basis of vitiated consent. Any person or agency representative committing fraudulent or coercive act to cause and effect a forced marriage shall be held liable under this Code by a fine of P 5, 000.00 or an imprisonment of one year, or both, at the discretion of the court.

SECTION 110. **Conscious Surveillance of Entertainment Establishments.** A regular Task Force shall be created to conduct conscious surveillance of entertainment establishments exploiting women. Failure of the Task Force to submit weekly report shall be subject to an administrative sanction..

SECTION 111. **Beauty Contest** which would indecently expose a woman's body that is offensive to morals and good taste is viewed as violence against women. Thus, holding of beauty contests must be strictly regulated. For this purpose, a Beauty Pageant Regulatory Board is hereby created under the Provincial Gender and Development Office (PGDO) which shall be composed of the PGDO as the Chairperson, the SP Committee on Women and Family Relation, Representative from the Religious Sector, PSWDO and Representative from the Provincial Media Monitoring Board, as members.

For private organizers who violate this provision shall be subjected to a fine of P 5,000.00 and the cancellation of organizers business permit.

For representatives of agencies, departments or units of the Local Government Of Misamis Occidental who violate this provision shall be subjected to a payment of P 5, 000.00 and one (1) month suspension without pay.

## ARTICLE II

### CULTURAL IDENTITY OF WOMEN

SECTION 112. **Indigenous Cultural Practices.** Indigenous women shall be allowed enrolment in schools and colleges and enjoy employment opportunities without prejudice to their birth and marriage certificates are issued as evidence of such life events. Failure to comply with this provision shall be subjected to a maximum fine of P 5,000.00.

Implementing rules and regulations of this section shall include issuance of certificate by the local offices of the Office of Southern Cultural Communities and Office of Muslim Affairs identifying cultural community affiliation.

## ARTICLE III

### LABOR AND EMPLOYMENT

SECTION 113. **Equal Access to job Training and Promotion.** No woman shall be deprived of job training and promotion on account of her gender, age, ethnicity, creed, religion and civil status. Violations by private employers shall constitute a fine of P 5, 000.00 and cancellation of business permit or as prescribed by the Court. Government unit or agency head of office is liable with the penalty of three months suspension and a fine of P 1, 000.00.

**SECTION 114. Wage and Benefits for Women.** Every employer shall comply with the minimum wage as stipulated by the Regional Wage Board or passed by the Congress and shall grant all benefits to all women employees such as maternity leave, sick and vacation leave, retirement, termination and other benefits provided by law. Violation by private employers shall constitute a fine of P 5, 000.00 and cancellation of business permit or as prescribed by the Court. Government unit or agency head of office is liable with the penalty of three months suspension and a fine of P 1, 000.00.

**SECTION 115. Facilities and Support Systems for Women.** The Local Government of Misamis Occidental shall ensure the safety and health of women employees. In appropriate cases, it shall require employers to:

- a. Provide seats proper for women and permit them to use such seat when are they free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency;
- b. Establish separate toilet rooms, lavatories and lounge for men and women and provide at least a dressing room for women;
- c. Establish a creche in a workplace for the benefit of the women employees therein; and
- d. Provide breast feeding centers for women in the workplace.

Violation by private employers shall be penalized with a fine of P 5,000.00 and/or the cancellation of business permit, at the discretion of the Court. Government unit or agency head of office is liable with the penalty of three-month suspension and a fine of P 1,000.00.

**SECTION 116. Reproductive Health Services.** Big companies as well as labor intensive establishments shall provide reproductive health services to working women regardless of civil status as a manifestation of concern for womerl's role in social production. Cancellation of business permit or license to operate and a fine of P 5, 000.00 shall constitute the penalty for violation of this provision.

**SECTION 117. Orientation on Sexual Harassment.** All local offices agencies and establishments or companies, government and private, in the province of Misamis Occidental shall conduct orientation on sexual harassment. Failure to comply with this provision shall pay a fine of not less than P 3, 000.00 or at the discretion of the Court. The head of office shall be held liable through an administrative sanction.

**SECTION 118. Gender-Sensitive Physical Plant.** A physical plant appropriate for a gender-sensitive environment shall be adopted by all offices, agencies and establishments or companies which shall help prevent sexual harassment, sexual abuse and other abuse and other forms of maltreatment in workplaces.

Monitoring team shall be composed of representative of the offices of the Provincial Engineer, Provincial Social Welfare and Development and the Integrafed Gender and Development to conduct inspection in compliance with the above provision.

Failure to comply with thus provision shall mean payment of a fine and a suspension of business permit or license to operate for three months. For local government unit, an administrative sanction shall be imposed for which the Chief Executive shall be held liable.

**SECTION 119. Community-Based Household Support.** All Municipalities in the province of Misamis Occidental shall encourage education for both househelp and househelp employers on gender sensitivity. An administrative sanction shall be imposed to any Municipal Council which fails to comply with this provision.

**SECTION 120. Women in Entertainment Industry.** Women engaged in the entertainment industry shall be recognized as wage earners and they shall receive a minimum wage and benefits afforded to women workers and shall render services as set in the job contract and only in the place of work as specified in the business permit of the establishment concerned. Violation of this provision shall be subjected to a fine of P 5, 000.00 or cancellation of business permit, or both, at the discretion of the Court.

**SECTION 121. Raids.** Police brutality shall not be allowed during conduct of raids in the entertainment establishment. Violation of this provision shall be subjected to an administrative sanction.

#### **ARTICLE IV**

#### **SOCIO-ECONOMIC BENEFITS FOR WOMEN**

**SECTION 122. Socialized Lending for Women.** Non compliance of Section 59 Article X Chapter 1 of this Code shall be subjected to a fine of not less than P 3, 000.00 and a suspension of business permit or its equivalent.

#### **ARTICLE V**

#### **RURAL WOMEN'S RIGHTS**

**SECTION 123. Promotion of Environment-Friendly Technologies.** No local Government Agency or agency or its representative shall act as agent of inorganic fertilizers, herbicides and pesticides. An administrative sanction shall be imposed to head of agencies upon violation of this provision.

#### **ARTICLE VI**

#### **SPECIAL SECTORAL CONCERNS**

**SECTION 124. City/Municipal - level Sanction on cases of Harassment Committed Against Differently-Abled Women.** All cities/municipalities of the province of Misamis Occidental shall formulate a municipal-level sanction on cases of harassment committed against differently-abled women. Failure to comply with this provision shall subject the Municipal Council to an administrative sanction.

#### **ARTICLE VII**

## **WOMEN AND CHILDREN**

SECTION 125. **Support to Women and Children.** All agreements or settlements arrived at the city/municipal level relative to the support of the children shall be final and executory. Violation of such agreements or settlements shall be subjected to a fine of P 1, 000.00 and an imprisonment of one month.

## **ARTICLE VIII**

### **GENDER AND DEVELOPMENT**

SECTION 126. **Gender-Sensitivity Orientation and Training.** All schools, offices, establishments or companies, departments and agencies including municipal/city and provincial officials of the Local Government of Misamis Occidental shall initiate gender sensitivity orientation and training which shall equip them with theoretical and practical knowledge on gender justice. Non-compliance of this provision shall require the concerned party to pay a fine of P 5,000.00 and issuance of warning by the Provincial Gender and Development Office.

Likewise all establishments, schools, colleges and universities shall develop assessment tools for gender biases.

## **CHAPTER III**

### **PROVISIONS FOR IMPLEMENTATION**

SECTION 127. **Creation of the Provincial Gender and Development Office.** The Provincial Gender and Development Office is hereby created specifically to realize the provisions of this Code. It shall be the coordinating, regulatory and monitoring office of the Provincial Government of Misamis Occidental which shall focus on Gender Sensitive Projects and activities.

The Provincial Gender and Development Office shall be headed by a Provincial Government Department Head who shall be assisted by three (3) Division Chiefs, one (1) for the Administrative Division, one (1) for the Gender and Development Monitoring and Coordinating Division and one (1) for the Training and Special Services Division. The Provincial Governor shall recommend to this body the appropriate nomenclature or position title of the herein Provincial Government Department Head based on the existing guidelines by the Department of Budget and Management.

SECTION 128. **Appointment and Qualification.** The Provincial Government Department Head shall be appointed by the Provincial Governor with the concurrence of the Sangguniang Panialawigan, provided that s/he meets the following qualifications:

- a. Must be holder of any relevant College Degree;
- b. Must be a bonafide resident of the Province of Misamis Occidental;
- c. Must have at least a three (3) year experience in Gender and Development works;
- d. Must have appropriate Civil Service Eligibility; and
- e. Other qualification necessary therefore.

**SECTION 129. Functions of the Provincial Gender and Development Office.** This Office shall have the following functions to ensure consistency in the implementation of the provisions of this Code.

- a. **Monitoring and Coordinative Functions.** These functions shall see through the realistic, measurable and tangible results of the implementation of this Code. These include but not limited to:
  - a. 1. **Gender-Sensitive Watch.** A system of services and facilities in order to monitor status of women in the province of Misamis Occidental wherein all cities/municipalities shall develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of economy and policy-making. It shall collect gender and age disaggregated data on poverty situation and all aspects of economic activity and develop qualitative and quantitative statistical performance from a gender perspective. It shall also serve as data bank the province of Misamis Occidental on gender and development.
  - a.2. **Legal Aid Services Check.** A coordinated services for any legal actions needed by the women in protecting their rights shall be installed.
  - a.3. **Advocacy and Campaign Management.** A coordinative advocacy and campaign on all forms of discrimination and violence against women shall be programmed.
  - a.4. **Sustainable and Gender-Sensitive Project Development.** A system of appraisals of projects to determine sustainable impact on women and men, local economy, politics, culture and ecosystem.
  - a.5. **Violence in Media Check.** An active dialogue with tri-media representatives shall be undertaken by the Sangguniang Panlalawigan Committee on Women and Family Relations, women GOs and NGOs on incidence of all forms of violence in media.
- b. **Regulatory Function.** This function shall include establishing protocols and standards relevant to the following concerns:
  - b.1. **Education and Training Benchmark.** Gender-sensitivity education and training for all departments and agencies of the Local Government of Misamis Occidental and at the city/municipal level shall be designed. Standards for contents of the course shall be established by this Office.
  - b.2. **Psychosocial Support Program.** A holistic and indigenous approach to women with social dysfunctioning which includes attendance to their physical/biological, emotional, psychological and social needs shall be set up. Indicators of program success shall be established by the Office.
  - b. 3. **Early Childhood Care and Development Program and Services.** Appropriate support services for women and children shall include crèche and day care services for infants and toddlers as prescribed in RA 6972.

It shall be involved in all the processes related to the conceptualization, development, assessment and evaluation of programs and projects of the Local Government of Misamis Occidental.

**SECTION 130. Role of the Coalition for Women of the Province of Misamis Occidental.** The Provincial Coalition for Women shall become the consultative-assembly of the Provincial Gender and Development Office for its periodic planning and programming, programs implementation, monitoring, assessment and evaluation.

**SECTION 131. Rules and Regulations.** Through an Executive Order, an Executive Committee composed of the Provincial Prosecutors Office, Provincial Legal Office, Provincial Social Welfare and Development Office and the Committee on Women and Family Relation of the Sangguniang Panlalawigan shall promulgate the rules and regulations necessary to carry out the provisions of this Ordinance.

A consultative body shall be convened periodically through-out the formulation of the Implementing Rules and Regulations which shall be composed of official representatives of the various agencies of the Local Government and Women NGOs involved in the process of drafting of this Code.

A Technical Working Group shall be formed for an effective and efficient realization on the Implementing Rules and Regulations.

Such rules and regulations shall take effect upon their publication in two (2) local newspapers of general circulation.

**SECTION 132. Compliance Report.** Within six (6) months from the effectivity of this Code and every six (6) months thereafter, all Local Government Departments, including its agencies and instrumentalities, shall submit a report to the Sangguniang Panlalawigan on their Compliance with this Code.

## **CHAPTER IV**

### **FINAL PROVISIONS**

**SECTION 133. Repealing Clause.** All Ordinances, resolutions, circulars, memoranda, or rules and regulations inconsistent with the provisions of this Code are hereby repealed and modified accordingly.

**SECTION 134. Separability Clause.** If for any reason, 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 in full force and effect.

**SECTION 135. Suppletory Clause.** On matters not provided for in this Code, any existing applicable laws and their corresponding Implementing Rules and Regulations, executive fiats and relevant issuances issued therefore shall apply in supplemental manner.

SECTION 136. **Effectivity Clause.** This Code shall take effect upon compliance of the mandatory posting and publication requirements prescribed under RA 7160, otherwise known as the Local Government Code of 1991.

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I HEREBY CERTIFY to the correctness of the foregoing Provincial Ordinance No. 26-2000 otherwise known as "**An Ordinance Providing for a Gender and Development Code of Misamis Occidental and for other Purposes**" which was duly enacted by the Sangguniang Panlalawigan during its Regular Session held at the Sangguniang Session Hall, Capitol Building, Oroquieta City on November 03, 2000.

(Sgd.) **IRENE C. TUGONON-ZAPATOS**  
Secretary to the Sanggunian

ATTESTED AND CERTIFIED  
TO BE DULY ENACTED:

(Sgd.) **LORETO LEO S. OCAMPOS**  
Provincial Vice Governor

APPROVED: November 10, 2000

(Sgd.) **ERNIE D. CLARETE**  
Provincial Governor

**ERNIE D. CLARETE**  
Provincial Governor

**MEMBERS OF THE SANGGUNIANG PANLALAWIGAN**

**HOW LORETO LEO S. OCAMPOS**  
VICE GOVERNOR/PRESIDING OFFICER

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**HOW AGUSTIN A. GALINDO, JR.**  
**HOW FRANCISCO T. PAYLAGA, JR.**  
**HOW JIMMY R. REGALADO**

2<sup>nd</sup> DISTRICT

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**HON. PACIFICO C. GO**  
PCL President

**HON. MARINA P. CLARETE**  
ABC President

**HON. CHARLOTTE D. PANAL**  
Sk Federated President

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*Misamis Occidental Povincial Ordinance No. 26-2000*

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