



Republic of the Philippines
MUNICIPALITY OF IBA
Province of Zambales

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF IBA, ZAMBALES HELD ON MARCH 31, 2017 AT THE MUNICIPAL SESSION HALL.

PRESENT:

HON. IRENEA MANIQUIZ-BINAN, Vice Mayor and Presiding Officer

SANGGUNIANG BAYAN MEMBERS

- HON. FRANCISCO P. ALDEA
- HON. SALVADOR R. REDONDO
- HON. GENARO N. MONTEFALCON
- HON. ALCADE R. FALLORIN
- HON. DANILO M. BALLESTEROS
- HON. SIXTA A. BANGUG
- HON. ISAGANI Q. YAP
- HON. RENATO A. ABONG
- HON. EDGAR C. PAYUMO, ABC President

ABSENT:

NONE

ORDINANCE NO. 07
Series of 2017

AN ORDINANCE PROVIDING FOR A GENDER AND DEVELOPMENT CODE IN THE MUNICIPALITY OF IBA, ZAMBALES, AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Bayan of Iba, Zambales, that;

CHAPTER 1 – GENERAL PROVISIONS

ARTICLE 1

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 Iba, Zambales”, herein referred to as GAD CODE.

SECTION 2. STATEMENT OF POLICY – It shall be the policy of Iba Municipal Government to ensure both women and men share benefits equally and participate directly in the development programs and projects of its various departments and ensure their full participation and involvement in the development process, pursuant to R. A. 7192. This code is an indelible blueprint – a concrete manifestation of the Municipal Government’s strong adherence to the time-honored 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, open a wide arena for their active participatory role in the development process, for equal rights and opportunities.

Moreover, this Code is not only substantially supported by legal basis, national and international laws but, likewise backed up by biblical and moral basis. The Book of Genesis says that God created a woman not from the head of a man so as not 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.

In view hereof, the Municipality of Iba shall promote, protect and fulfill the following rights of women:

1. The right to good and quality education;
2. The right to comprehensive health services;
3. The right to access loans and other forms of financial credit;
4. The right to join leisure, sports and cultural activities;
5. The right to decide on the number of children and on the number of years between pregnancies in accordance with the Constitution;
6. The right to share in parenting activities;
7. The right to have equal access to jobs, benefits and social security;
8. The right to be paid equally based on the job they do;
9. The right to be free from all forms of slavery and prostitution;
10. The right to vote, run for election and hold public office;
11. The right to represent the country internationally; and
12. The right to acquire, change or retain nationality and citizenship.

However, it is unfortunate that a male dominance 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. Women today do not share the power and prestige and status and society position enjoyed by men. Rather they play supportive roles to men and just yield to the idea that major decisions are male prerogatives. Oftentimes women are exploited in media commercials, impressing upon the public that without their attractive and pleasing figures, products would be less appealing. But in reality, women should not be viewed as second class to men but as partners in the development of society.

In the light of these historical gender biases, inequalities and inequities, this piece of local legislation, based on national and international laws, shall provide the municipal government a policy direction to formulate programs and strategies, among others, that will:

1. Mainstream gender concerns in development plans, 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 women from the grass roots level in planning, implementation, monitoring and evaluation of development programs and projects;
5. Recommend appropriate curricula in all academic levels that are gender sensitive;
6. Provide gender-responsive relief and rehabilitation programs with special focus on women and children needs;
7. Involve both men and women in family planning programs, health, child care and nutrition concerns and engage them in projects that would enhance the well-being of families;
8. Set-up crisis intervention center and shelter in the Municipality of Iba 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 number of women involved in decision and policy making activities. Encourage indigenous women to participate in development programs and gain access to non-traditional sources of livelihood, credit financing, productive skills, and labor-saving technologies.

To attain the forgoing policy, all Municipal Departments, Offices and instrumentalities shall ensure that women and girls benefit equally and participate directly in the development programs and projects of said departments and agencies to ensure the full participation and

gender responsiveness; a set of interventions designed to transform gender-blind agencies into organizations with a gender perspective; an instrument to make all aspects of the agency and its work gender-responsive; it provides the basis for the GAD budget.

15. **Gender.** Refers to roles, attitudes and values assigned by culture and society to women and men. These roles, attitudes and values define the behaviors of women and men and the relationship between them which are created and maintained by social institutions such as family, government, community, school, church and media. Because of gender, certain roles traits and characteristics are assigned distinctly and strictly to women and men.
16. **Gender Awareness.** Ability to identify problems arising from gender inequality and discrimination, even if these are not evident on the surface and are "hidden" or are not part of the general and commonly accepted explanation of what and where the problem lies; means high level of gender conscientization.
17. **Gender Equality.** Women and men enjoy the same status and conditions and have equal opportunity from realizing their potential to contribute to the political, economic, social and cultural development of their countries. They should also benefit equally from the results of development.
18. **Gender Equity.** Moves beyond a focus on equal treatment; giving to those who have less on the basis of needs and taking steps to compensate for historical and social disadvantages that prevent women and men from otherwise operating on a level playing field. Equity can be understood as the means, and equality is the end. Equity leads to equality.
19. **Gender-Fair.** A situation where women and men share equally in responsibilities, power, authority and decision- making.
20. **Gender Issues and Concerns.** Issues, concerns and problems arising from the distinct roles of women and men and the relationships between them; affairs and involvement arising from societal expectation and perception on the roles of women and men reflected in and perpetuated by law, policies, procedures, systems, programs, activities and projects of the government. These impede the opportunities for women to participate in the development process and enjoy its benefits.
21. **Gender Mainstreaming or GAD Mainstreaming.** A set of processes and strategies that aims to ensure the recognition of gender issues on a sustained basis; a strategy to integrate women's and men's concerns and experiences in the design, implementation, monitoring and evaluation of policies, programs, projects in all political, economic and social agenda.
22. **Gender Responsiveness.** The consistent and systematic attention given to the differences between women and men in society with a view to addressing structural constraints to gender equality.
23. **Gender Sensitivity.** The ability to recognize gender issues and to recognize women's different perceptions and interests arising from their different social position and gender roles.
24. **Gender Statistics.** Information and data that provide not only comparisons between women and men but ensure that women's and men's participation in and contribution to society are correctly measured and valued.
25. **Indecent Live Shows.** Shows which include nude and/or other provocative gestures/acts in public or private places which further project and exhibit women and children as sex objects for commercial and entertainment purposes.
26. **Participation.** The direct involvement of the marginalized in the development process to build their capability to access and control resources, benefits and opportunities so as to gain self-reliance and an improved quality of life.
27. **Pedophilia .** When an adult has sexual desire for children or sexual intercourse or act of lasciviousness by an adult with a child.
28. **Persons with Sexual Preference.** Persons of either the female or male sexes who by choice prefer to identify themselves other than their natural identity. This includes lesbians, gays, bisexuals, transgendered etc.
29. **Pornography.** Refers to a sexual explicit material such as films, magazines, writings, photographs, internet, mobile phones or other materials that are sexually explicit and intended to cause sexual arousal.

- 30. **Prostitution.** An act of engaging in sexual intercourse or performing other forms of sex in exchange for money or other favors or of offering another person for such purposes.
- 31. **Reproductive Health.** As defined in the International Conference on Population and Development and World Health organization and affirmed in the 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 its function and process.
- 32. **Sex.** Refers to the natural distinguishing variable based on biological characteristics of being a woman or a man; also refers to the physical attributes pertaining to a person's body contours, features, genitals, hormones and reproductive organs.
- 33. **Support Group.** A number of persons who provide assistance to keep a person from falling or declining in a crisis situation.
- 34. **Survivor-victim.** One who endures any act of gender-based violence that results in physical, sexual or psychological harm or suffering including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private.
- 35. **Trafficking in Women.** It is a covert or overt recruitment of women into sex trade industry. It includes new forms of sexual exploitations such as sex tourism, the illegal recruitment for 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 object of exchange.
- 36. **Women's Economic Empowerment.** A state wherein women have access to and control over high-value productive resources and enjoys the benefits from wealth-creating opportunities equal with men including information, credit, loans or financial assistance, training, market, technology, descent jobs and human working conditions and balanced family life.
- 37. **Violence against women and their children.** As used in Republic Act No. 9262 refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with he has a common child, or against her child, whether legitimate or illegitimate, within or without the family abode, which resulted in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats or such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.
- 38. **Work, Education or Training-related Harassment.** As defined in Republic Act No. 7877, is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instruction, professor, coach trainer, or any other person, who having authority, and influence on moral ascendancy over another in a work or training or education environment, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.
- 39. **Workers in entertainment industry** – are wage earners working in entertainment industry.

ARTICLE II
Gender Development Programs

SECTION 4. GENDER SENSITIVITY ORIENTATION AND TRAINING. All schools, offices, establishments, or companies, departments, and agencies within the Municipality of Iba 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 universities shall develop assessment tools for gender-related researches/studies.

SECTION 5. SUPPORT TO GENDER STUDIES. A sufficient financial amount shall be allotted to gender-related documentation and researches, which shall form part of the Municipal data base program.

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SECTION 6. POPULARIZATION OF GENDER-FAIR MATERIALS. There shall be an active promotion and publication of gender-fair materials in popular forms in the Municipality of Iba.

SECTION 7. COMMUNITY-BASED ENVIRONMENTAL PLANS AND PROGRAMS. Both men and women shall participate in pollution control, zero-waste technology development and indigenous reservation with due respect to the indigenous peoples right to self determination. The Municipal Government shall engage itself in the development of gender-sensitive natural resource based management programs.

SECTION 8. ROLE OF WOMEN IN ENVIRONMENT IMPACT ASSESSMENT PROJECTS. The municipal Government shall actively promote the active role of women in environment impact assessment projects. All government and private offices, facilities, and physical plants must have gender-responsive certificate from Municipal Gender and Development Council.

SECTION 9. INVESTMENT AND LOANS. The Municipal Government, through the Gender and Development Council, shall conduct consultative assemblies to all PO's, GO's, and NGO's in establishing contracts for loans and investments to clarify implications on people's welfare and development at the municipal or barangay level.

SECTION 10. OVERSEAS FILIPINO WORKER'S (OFW) SUPPORT. The Municipal Government shall conduct a survey of overseas contract workers, especially those who are survivors of abuses, results of which shall serve as basis in identifying special support to all OFW's, and take the list of legitimate placement agencies for monitoring purposes. 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 11. EDUCATION ON NATIONAL POLICIES. Men and women shall undertake education on national policies and their implications on women and family.

SECTION 12. SPECIAL TRAINING FOR LUPONG TAGAPAMAYAPA. A special paralegal training for *Lupong Tagapamayapa* shall be conducted along with gender questions and related matters.

SECTION 13. TRAINING ON NON-TRADITIONAL OCCUPATION. Women shall be given opportunity to acquire training on non-traditional occupation such as those related to science and technology.

ARTICLE III
Support Services

SECTION 14. SUPPORT TO WOMEN WHO ARE SURVIVORS OF VIOLENCE. The Municipality of Iba shall provide necessary support to women who are survivors of violence. Women and children who were survivors of all forms of violence shall be registered in the psycho-social intervention programs, which shall be carried out, by the Municipal Gender and Development office, created by this Ordinance.

SECTION 15. MUNICIPAL MEDIA MONITORING BOARD. There shall be created Municipal Media Monitoring board for print, broadcast and multimedia, 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, women, and their children.

SECTION 16. WOMEN'S AND CHILDREN'S DESKS (WCDs). The municipality of Iba, through the Police officer shall establish and maintain the Women's and Children's desks, preferably handled by Women Police Officers duly trained by GAD Personnel.

SECTION 17. THE FAMILY DISPUTES AND VIOLENCE COMMITTEE. All barangays in the Municipality shall create the Family Disputes and Violence Committee.

SECTION 18. WOMEN AND CHILDREN WELFARE. The Women/Men and Children Welfare Program is hereby established under the Office of Municipal Social Welfare and Development to cater to problems and concerns of depressed families especially those affected by natural and man-made calamities.

SECTION 19. WCPU CENTER AND CRISES INTERVENTION CENTER. The Women & Youth Center shall be established to be managed and supervised by the Municipal Health Office and the Office of the Municipal Social Welfare and Development.

SECTION 20. MUNICIPAL GENDER AND DEVELOPMENT COUNCIL. The Municipal Gender and Development Council established pursuant to this Ordinance shall serve as the coordinating and advisory body of the Municipal Government in designing programs geared towards gender and youth development, promotion and protection of human rights and ecological balance. It shall be formally and regularly consulted on peace and development issues on the basis of social equity and justice.

SECTION 21. GENDER AND DEVELOPMENT OFFICER. A Gender and Development Officer shall be appointed to initiate gender and development programs in the offices, establishments, companies, departments or agencies of the Local Government of Iba, Zambales in close coordination with the Office of MGAD.

**ARTICLE IV
Political and Public Sphere of Women and Children**

SECTION 22. DECLARATION OF MARCH AS WOMEN'S MONTH. As declared by the United Nations, March shall be observed as Women's Month through an issuance of an Executive Order by the Local Government Unit. There shall be activities for women to increase their level of awareness and critical consciousness on the issues affecting them.

SECTION 23. GAD SUMMIT. A GAD Summit shall be held in March of every year which shall be convened and managed by the Gender and Development Council.

SECTION 24. INTERNATIONAL DAY OF ACTION FOR WOMEN'S HEALTH. The Municipal Government of Iba shall join 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 and deliberated. Appropriate government actions on these issues shall be encouraged.

SECTION 25. BARANGAY LEVEL OF SELF-ORGANIZATION OF WOMEN. Self-organization of women shall be recognized at the barangay level to include organizations of young women.

SECTION 26. CREATION OF BARANGAY COUNCIL FOR WOMEN. A council for women shall be organized at every barangay from among its existing women organizations. Women organizations with mass membership at the barangay level shall likewise be represented at the council for women groups in school, offices, whether GO, PO, or NGO. Details of the Council's operation shall be stipulated in the implementing Rules and Regulations of this Code.

SECTION 27. REPRESENTATION OF WOMEN IN LOCAL SPECIAL BODIES. The Municipal Government of Iba shall ensure that women are duly represented in the Municipal Development Council and all local special bodies in the municipal and barangay levels to strengthen government recognition of women's potentials in the formulation and planning of local development programs.

SECTION 28. INTEGRATED DEVELOPMENT PROGRAM FOR WOMEN. The Municipal Government of Iba through the Gender and Development Council and the concerned sectors, shall develop a program that will facilitate empowerment of women for them to become active partners for change and development.

ARTICLE V

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Labor and Department

SECTION 29. EQUAL ACCESS TO EMPLOYMENT, TRAINING AND PROMOTION. No one shall be denied employment opportunity on account of gender, age, ethnicity, creed religion, and civil status as prescribed in the Labor Code, as amended by R.A. 6725. Likewise, no one shall be denied of training and promotion in employment.

SECTION 30. WAGE AND BENEFITS. Every employer shall comply with the minimum wage as prescribed by the Regional Wage Board or as may be provided by existing laws and shall grant all benefits to all employees such as maternity/paternity leave, sick and vacation leave, retirement, termination and the other benefits provided by the law.

SECTION 31. FACILITIES AND SUPPORT SYSTEM FOR ALL EMPLOYEES. The Municipal Government of Iba shall ensure the safety and health of employees. In appropriate cases, employees may:

1. Establish separate and functional toilet rooms, lavatories and lounge for men and women.
2. Establish homecare center in the work place to temporarily cater breastfeeding child rearing and early childhood care for working parents while on their respective jobs.

SECTION 32. ORIENTATION/TRAINING ON GENDER SENSITIVITY AND FAMILY VIOLENCE. All local offices, schools, agencies and establishments or companies government and private, in Municipality of Iba shall conduct or sponsor orientation/training on Gender Sensitivity and Domestic Violence to their respective personnel. Report of training compliance shall be submitted to the Municipal Gender and Development Office.

SECTION 33. 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 violence against a person in the workplace. For this purpose, a grievance procedure must be installed in every agency, office or establishment.

SECTION 34. 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.

SECTION 35. MONITORING SYSTEM FOR LABOR STANDARDS. A mechanism shall be installed in the Municipal Gender Development Office to monitor all offices, agencies and establishments or companies violating the Labor Code, any provision/s of this Code and other existing laws.

SECTION 36. EMPLOYMENT ASSISTANCE PROGRAM. The Municipal Government of Iba, Zambales in cooperation with the Department of Labor and Employment, shall endeavor to assist poor women, the unemployed and the underemployed, in securing gainful employment.

**ARTICLE VI
Health Rights**

SECTION 37. BUDGET FOR WOMEN'S HEALTH. An appropriate amount shall be set aside in the budget of the Municipal Government for women's health and nutrition services.

SECTION 38. UPGRADING OF HEALTH CARE DELIVERY. Quality health care services that are not discriminatory on account of their gender, age, sex, creed, religion and ethnicity shall be adopted.

SECTION 39. REPRODUCTIVE HEALTH CARE DELIVERY. The municipal government shall adopt the Reproductive Health (RH) care approach at all levels of health care delivery. Such measure 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 40. WOMEN'S RIGHT OVER THEIR BODIES. Women's decision to prevent and control pregnancy without necessarily resulting to abortion shall strengthen the Primary Health Care Delivery system in the context of reproductive health.

SECTION 41. ACCESS TO SAFE WATER. All barangays in the municipality shall provide easy access to safe water supply. Appropriate water system shall be installed, if possible right at their tap, to ease women's workload as well as minimize women and children fetching water for house hold use.

**ARTICLE VII
Education Rights**

SECTION 42. NON-FORMAL EDUCATION – In cooperation with the DepEd, non-formal education classes shall be held in identified schools in the province to facilitate a working person's access to education.

SECTION 43. PROMOTION OF GENDER-SENSITIVE CURRICULA – The schools and other concerned agencies within the Municipality of Iba shall promote gender sensitive courses, counselling and career education programs to encourage anyone to enrol in an academic and technical courses to widen their career opportunities.

SECTION 44. ADULT EDUCATION–Anyone desiring to enrol in functional and practical education shall be enlisted in adult education program, which shall be set up in all barangays in the Municipality.

SECTION 45. MONITORING AND REPORTING OF STEREOTYPED PORTRAYAL OF ROLES OF WOMEN AND MEN IN EDUCATIONAL MATERIALS – The Municipal Gender and Development Office shall coordinate closely with the DepEd Division Office, colleges and universities and other network of schools in monitoring and reporting of stereotyped portrayal of roles of women and men as projected in educational materials.

SECTION 46. STUDY NOW-PAY LATER (SNPL) PLAN – The municipal government shall institutionalize its scholarship program, through the SNPL plan, for the poor but deserving students particularly women.

SECTION 47. 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 of concerned institutions that have the competence to carry out such obligation of molding their children in the context of moral and spiritual life.

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

SECTION 48. FINANCIAL ASSISTANCE FOR WOMEN –All Municipal departments and agencies engaged in socio-economic programs shall increase their financial assistance and/or subsidy to women projects geared towards economic sufficiency.

SECTION 49. SOCIALIZED LENDING SCHEME–All banks, financial/lending institutions and cooperatives shall open special windows for lending to women who have access to traditional sources of collateral. No women shall be deprived of credit. Lending institutions shall establish a socialized lending scheme friendly to women, which shall constitute the following:

1. Low bank interest rates
2. No post-dated check
3. Certificate of income generating activities from the Municipal Mayor
4. No need for spouse consent

**ARTICLE IX
Special Group of Citizens**

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SECTION 50. PERSONS WITH DISABILITY (DIFFERENTLY-ABLED PERSONS)

1. **Advocacy on the Rights of Differently-abled Women and Men.** Programs and projects shall be developed to promote the interest of differently-abled and, at the same time, protect their rights to all opportunities for advancement.
2. **Database of Differently-abled Persons.** The barangay councils shall be required to identify cases of differently-abled persons in their jurisdiction and submit profile of the same to the MSWDO to help in designing programs and interventions responsive to the needs of the group.
3. **Creative Employment Opportunities:** The Municipal Government shall develop creative employment opportunities for persons with disability recognizing their different conditions and full potentials as human beings.
4. **Organization of Differently-abled Persons.** The Municipality of Iba encourages and supports the organization of differently-abled persons at the municipal level with the assistance of the MSWDO.
5. **Special Education:** The Municipal Government shall support the special education setting aside a special budget for this program prioritizing indigent persons with disability.
6. **Reporting of Cases of Harassment Committed against Persons with Disability:** The Municipal Government through the Gender and Development Office shall monitor and report cases of harassment committed versus disabled person.

SECTION 51. ELDERLY MEN AND WOMEN OR SENIOR CITIZENS

1. **Representation in the Development Council.** The municipal and barangay government units shall endeavor to include a representation of the elderly women and men in the Municipal and Barangay Development Councils.
2. **Council of Senior Citizens.** The municipal and barangay government units shall support the establishment of councils for senior citizens.
3. **Support Funds for Senior Citizens.** The municipal and barangay government units shall endeavor to allocate funds for livelihood assistance, routine physical check-up, social group work programs and other appropriate socio-economic activities.
4. **Center for Senior Citizens.** The municipal government shall endeavor to establish a center for abandoned and neglected senior citizens to provide them with comprehensive support in cooperation with the Provincial and National Social Development Offices and other concerned agencies.
5. **Additional Benefits and Privileges to Senior Citizens to RA 9994.** The municipal government shall ensure the implementation of RA 9994 otherwise known as the Act Granting Additional Benefits and Privileges to Senior Citizens.

SECTION 52. PERSONS IN DETENTION – Rights of all detainees shall be protected, namely: (1) Speedy trial of their cases shall be ensured by all concerned; (2) an appropriate program shall be designed to respond to their specific needs and problems as detainees. (3) Separate structure and space for detention and rehabilitation shall be established, especially for women. No child shall be in detention as provided by P.D. 603.

SECTION 53. PERSONS WITH SEXUAL PREFERENCE

1. **Respect to Persons with Sexual Preference.** – It shall be the policy of the Municipality of Iba to respect and protect the rights of persons with sexual preferences and to recognize their full potentials. No one shall discriminate against them with respect to employment, access to health, livelihood, education, job training and promotion and others.

SECTION 54. SOLO PARENTS- The Municipality of Iba shall ensure the implementation of the Solo Parent Act of 2000. It shall also ensure that solo parents are not deprived from enjoying their privileges such as:

1. **Comprehensive Package of Social Development Services** such as livelihood development services; counseling services, parent effectiveness service; critical incidence stress debriefing and special projects for individuals in need of protection;

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- 2. **Flexible Work Schedule;**
- 3. **Non-Discrimination relative to Work.** No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of her/his status;
- 4. **Parental Leave.** In addition to leave privileges under existing laws, parental leave of no more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least one (1) year;
- 5. **Educational, medical and housing benefits.**

ARTICLE X

Children Support Systems

SECTION 55. DAY CARE CENTERS. The Municipality of Iba shall ensure that Day Care Centers are set up in every barangay.

SECTION 56. PARENTAL AUTHORITY. The father and the mother shall jointly exercise parental authority over their common children.

CHAPTER 2 – MISCELLANEOUS AND PENAL PROVISIONS

ARTICLE 1

Anti-Trafficking in Persons

SECTION 57. TRAFFICKING IN PERSONS. It refers to the recruitment, transportation, transfer or harboring, or receipts of persons, with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, of other forms of coercion, abduction; fraud, deception, abuse of power or positions, taking advantage of the vulnerability of the persons, or, the giving or receiving of payments or benefits to achieve the consent of a person having in control over another persons for the purpose of exploitation which includes at a minimum, the exploitation, prostitution of others or other forms of exploitation, force labor services, slavery, servitude or the removal of sale of organs, as defined in R.A. 9208.

SECTION 58. ACTS OF TRAFFICKING IN PERSONS. The following acts are considered trafficking in persons:

- 1. To recruit, transport, transfer, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage.
- 2. To introduce or match for money, profit or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, or debt bondage.
- 3. To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage.
- 4. To undertake or organize tours and travel plans of tourism packages or activities for the purpose of utilizing and offering persons for prostitution or pornography.
- 5. To maintain or hire a person to engage in prostitution or pornography.
- 6. To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, force labor, slavery, involuntary servitude, or debt bandage.
- 7. To recruit, hire, adopt, transport, or abduct a person, by means of treat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said persons, and;
- 8. To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

ARTICLE II

Rape as Crime Against Person

Republic Act No. 8353 – an act explaining the definition of the crime of rape, reclassifying the same as a crime against persons, amending for the purpose of Republic Act No. 3815, also known as the Revised Penal Code, and for other purposes.

SECTION 59. WHEN AND HOW RAPE IS COMMITTED. According to the Revised Penal Code, Article 26, a Rape is committed;

1. By a man who shall have carnal knowledge of a woman under any other the following circumstances;
 - a) When the offended party is deprived from reason or is otherwise unconscious;
 - b) By means of fraudulent machination or grave abuse of authority.
 - c) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstance mentioned above is present;
2. By any person who, under any of the circumstances mentioned in paragraphed hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

SECTION 60. 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 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, stepparent, 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 husband, parent, any of the children or 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 afflicted 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 61. RAPE IN INTIMATE RELATIONS. Intimate or marital relation shall not be a legal impediment to any complaint against acts or rape as provided in Section 64 of this Article. Further, marital relationship shall not be a legal impediment to the prosecution of rape where;

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

SECTION 62. PARDON AND/OR MARRIAGE OF THE OFFENDED PARTY. The marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already upon him. The provision of this paragraph shall also be applicable for the co-principals, accomplices and accessories after the fact of the crime of rape. In accordance to the Revised Penal Code, Article, 266-C: The subsequently valid marriage between the offender and the offended party extinguish the criminal action of the penalty imposed

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

J. R. H. A. E.

Amig.

[Signature]

SECTION 63. SUPPORT FROM LAW ENFORCER. The law enforcer, preferably of the same sex (women's desk) of his/her authorized alternate as the offended party, upon receipt of a complaint for rape, shall cause;

1. 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
2. It is 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 or rape shall be fined by P5,000.00 for non-compliance.

**ARTICLE III
Sexual Harassment**

SECTION 64. SPECIAL COURT PROCEEDINGS. Cases involving violations of this Act shall be held in the chambers of the judge of the Regional Trial Court duly designated as Juvenile and Domestic Relations Court.

Any provision of the existing law to the contrary, notwithstanding and with the exception of habeas corpus, election cases involving detention of prisoners and persons covered by Republic Act No. 4908, all courts shall give preference to the hearing or disposition of cases involving violation of this Act.

SECTION 65. 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 contest must be strictly regulated. For this purposed, a Beauty Pageant Regulatory Board is hereby created under the Municipal Gender Development Office (MGAD) which shall be composed of MGADO as the Chairperson, the Sangguniang Bayan Committee on Women and Family, Representative from Religious Sector, MSWDO and representative from the Municipal Media Monitoring Board.

SECTION 66. 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 provision of this code.

SECTION 67. 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 sexual innuendoes;
3. Displaying offensive or lewd pictures and publication 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 his/her will;
10. Requesting sexual favors in exchange for good grade, obtaining a good job promotion;
11. Cursing, whistling or calling a woman in public with words having dirty connotation or implications which ridicule, humiliate or embarrass the woman such as "puta", "peste", "punyeta", "pokpok", "fuck you" 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.

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SECTION 68. HUSBAND AND WIFE BATTERING/ABANDONMENT. Husband and wife battering/abandonment shall be punishable by law. Other forms of battering as defined in this Code shall be covered by penalty.

SECTION 69. PERSON IN ARMED CONFLICT SITUATION.

1. No person shall be deprived of basic social services in armed conflict areas.
2. 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 70. CONSCIOUS SURVEILLANCE OF ENTERTAINMENT ESTABLISHMENTS. The Municipal Gender and Development Council in coordination with Barangay Gender and Development Council shall conduct conscious surveillance of entertainment establishments existing in the municipality that may be exploiting young men and women.

SECTION 71. PEDOPHILIA , Pedophilia is a form of sexual perversion where children are the victims shall be punishable as follows;

1. When the offender shall have sexual intercourse with a boy or girl, he/she shall be sentenced to the penalty for Acts of Rape under section 76 and 77 or Article II, Chapter 11 of this Code.
2. 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;
3. When the offender commits other pedophilic act, he/she shall be punished by imprisonment of three (3) months or in accordance with existing laws or the discretion of the court, provided that the said penalty shall be imposed in its maximum period if the offended party is a girl.

SECTION 72. ADDITIONAL PENALTIES FOR PEDOPHILES. Additional penalties for pedophiles are as follows:

1. Payment of moral damages to the offended girl or boy or her/his parents.
2. If the offender is an alien, deportation after serving his sentenced and paying his civil liabilities. He shall also be barred from re-entering the Philippines.

SECTION 73. COMPLAINTS AGAINST PEDOPHILIA. Complaints against pedophilic acts shall also be filed by the same person as enumerated under Section 63, Article II, Chapter 2 of this Code.

**ARTICLE IV
Labor and Employment**

SECTION 74. REPRODUCTIVE HEALTH SERVICES. Establishments within the Municipality of Iba 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.

SECTION 75. ORIENTATION ON DOMESTIC VIOLENCE. All local offices, agencies, establishments or companies, government and private in the municipality shall conduct orientation on domestic violence.

SECTION 76. 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, abuse and other forms of maltreatment in the work place.

**ARTICLE V
Women in the Entertainment Industry**

SECTION 77. WORKERS IN THE ENTERTAINMENT INDUSTRY. Establish entertainers workers in the entertainment industry shall be recognized as wage earners and they

shall receive minimum wage and benefits and shall render 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 P2,500.00 or cancellation of business permit, or both at the discretion of the court.

SECTION 78. SUPPORT SERVICES FOR WOMEN IN THE ENTERTAINMENT INDUSTRY. The Municipal Government shall provide psycho-social services for women in the entertainment industry in its desire to concretely respond to their practical needs.

SECTION 79. MEDICAL ROUTINE CHECK UP. Women in the entertainment industry shall be afforded by their representative employers with medical routine check-up and medicines if needed. The local government shall provide programs addressing the health needs of such workers.

SECTION 80. CONSCIOUS SURVEILLANCE OF ENTERTAINMENT ESTABLISHMENTS. A regular Task Force under the supervision of MGAD, shall be created to conduct a conscious surveillance of entertainment establishment exploiting men and women. Police brutality shall not be allowed during conduct of surveillance. Violation of this provision shall be subjected to administrative sanctions.

**ARTICLE VI
Right to Health**

SECTION 81. REPRODUCTIVE HEALTH SERVICES FOR ALL. All hospitals in the Municipality of Iba shall offer equitable and affordable health services for all regardless of sex and social status. In case of non-compliance of this provision, the hospital operator, or owner of the hospital concerned shall be penalized by a fine of P3,000.00.

**ARTICLE VII
Women and Children**

SECTION 82. SUPPORT TO WOMEN AND CHILDREN. All agreements or settlements arriving 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 83. PROMOTION AND ENVIRONMENT – FRIENDLY TECHNOLOGIES. No government agency shall act as agents of chemical agriculture. Chemicals allowed to be used and those duly authorized by the Herbicide and Pesticide Authority. An administrative sanction shall be imposed to head agencies found violating this provision.

**ARTICLE VIII
Gender and Development Orientation Training**

SECTION 84. GENDER SENSITIVITY ORIENTATION AND TRAINING. All schools, offices, establishments or companies, departments and agencies including barangay officials in the Municipality of Iba 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 universities 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 Municipal Mayor, through the Municipal Gender and Development Office.

ARTICLE I
Creation of the Gender and Development Council

SECTION 85. COMPOSITION OF THE MUNICIPAL GENDER AND DEVELOPMENT COUNCIL (MGAD) – The Municipal GADC shall be composed of the following;

- Chairman – Municipal Mayor
- Co-Chairman – Chairman of the Committee on Women and Family Welfare of Sangguniang Bayan
- Members
 1. Population Officer or Permanent Representative
 2. MSWD Head or permanent representative
 3. Municipal Planning and Development Coordinator or permanent representative
 4. Municipal Health Officer or permanent representative
 5. Municipal Budget Officer or permanent representative
 6. DILG Officer or permanent representative
 7. Barangay Liga President or representative
 8. Sangguniang Kabataan Federation President
 9. Dep-Ed Representative
 10. PNP Women's Desk Officer
 11. Representative of the Office of the Senior Citizens Association (OSCA)
 12. Two (2) Women Representative from accredited NGO
 13. Sectoral Representatives;
 - a) From Education Sector (Public and Private)
 - b) From Business Sector
 - c) From Labor Sector

SECTION 86. COMPENSATION OF MEMBERS. Members of the Municipal Gender and Development Council will receive honorarium to be taken from the 5% allocation for Gender issues, subject to availability of funds.

SECTION 87. DUTIES AND RESPONSIBILITIES OF THE MUNICIPAL GENDER AND DEVELOPMENT COUNCIL. The Council shall formulate the Municipal Gender and Development Plan that shall ensure the long-term management of GAD, as well as integrate the various plans and strategies of the Barangay with various sectors of the community;

1. Operate and maintain the Municipal Gender and Development Office;
2. Adopt measures to promote and ensure the viability and effective implementation of GAD programs in its component Barangay;
3. Monitor the implementation of the plan in cooperation of the private sectors, women NGO's and PO's;
4. Convene regular monthly meetings for purposes of planning and coordinating the implementation of the plans of respective component barangays;
5. Develop the specific mechanics and guidelines for the implementation of the municipal GAD Plan;
6. Coordinate the efforts of its component Barangay in the implementation of the municipal issues;
7. Recommend measure to the Sangguniang bayan on all matters related to Gender issues;
8. Accepts grants and donations for the various Gender and Development endeavors and activities; and;
9. Perform such other duties and functions as maybe prescribed by law or ordinance.

ARTICLE II
The Municipal Gender and Development Office

SECTION 88. CREATION OF THE MUNICIPAL GENDER AND DEVELOPMENT OFFICE. The Municipal Gender and Development Office of Iba is hereby created specifically to realize the provisions of this Ordinance. It shall be the coordinating regulatory, monitoring and secretariat of the Municipal Gender and Development Council, which shall focus on gender-sensitive projects and activities.

SECTION 89. FUNCTIONS OF THE MUNICIPAL GENDER AND DEVELOPMENT OFFICE. This office shall have the following functions to ensure consistency in the implementation of the provisions of this code:

1. **Monitoring and Coordinating Function.** These function shall ensure the realistic, measurable and tangible results in the implementation of this Code.

This includes, but not limited to:

- A. *Gender-Sensitive Watch.* A system of services and facilities in order to monitor status of men, children and women in the municipality 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 in all aspects of economic activity and develops qualitative and quantitative statistical indicators to facilitate the assessment of economic performance from gender fair perspective. It shall also serve as the data bank of the Municipal Government on gender and development.
- B. *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.
- C. *Advocacy and Campaign Management.* A coordinated advocacy and campaign on all forms of discrimination and violence against any person shall be programmed.
- D. *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.
- E. *Violence in Media Check.* An active dialogue with tri-media representative shall be undertaken by the office in coordination with the Sangguniang Bayan Committee on Gender, Equality, Family Affairs and Social Welfare and Women GOs and NGOs on incidence of all forms of violence in media.

2. **Regulatory Function.** This function shall include establishing protocols and standards relevant to the following concerns;

- A. *Education and Training Benchmark.* Gender-sensitivity education and training for all departments and agencies of the municipal government of Iba shall be designed. Standards for contents of the courses shall be established by the office.
- B. *Psycho-Social Support Program.* A holistic and indigenous approach to men and women with social dis-functioning, 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.
- C. *Early Childhood Care and Development Program and Services.* Appropriate support services for children shall include crèche and day care services for infants and toddlers as prescribed in R.A. 6972. Indicators of equality of services shall be established by the Office.

It shall be involved in all the process related to the conceptualization, development, assessment, and evaluation of population and gender development and advocacy program of the municipal government. Coordinate and monitor compliance of private and government establishments pertaining to R.A. 7877.

**ARTICLE III
Transitory Provisions**

SECTION 90. FUNDING. An amount equivalent to 5% of the annual budget of the municipal government to implement the provisions of this Code is hereby appropriated. Thereafter, the Municipal Government shall set aside an amount as may be necessary to fund GAD projects and activities of the Municipal Government in pursuance of this Code, subject to existing pertinent laws, rules and issuances on the matter.

SECTION 91. RULES AND REGULATIONS. The Municipal Mayor, through the assistance of the Municipal Gender and Development Council, shall formulate the Implementing Rules and Regulations necessary to carry out the provisions of this Code.

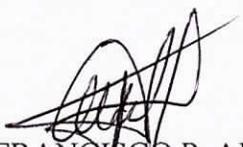
**ARTICLE IV
Final Provisions**

SECTION 92. REPEALING CLAUSE. Ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed and/or modified accordingly.

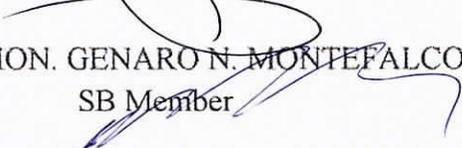
SECTION 93. SEPARABILITY CLAUSE. If, for any reason or reasons, any part of provisions of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force or effect.

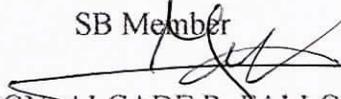
SECTION 94. EFFECTIVITY. This Code shall take effect upon approval and compliance with the mandatory posting and publication requirements prescribed under RA 7160, otherwise known as the Local Government Code.

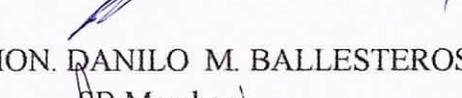
I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING EXCERPT.

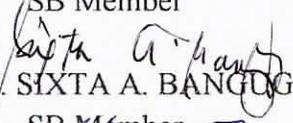

HON. FRANCISCO P. ALDEA
SB Member

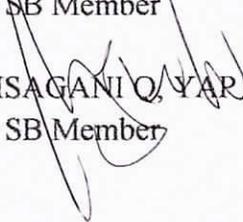

HON. SALVADOR R. REDONDO
SB Member

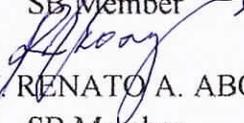

HON. GENARO N. MONTEFALCON
SB Member


HON. ALCADE R. BALLORIN
SB Member

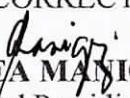

HON. DANILO M. BALLESTEROS
SB Member

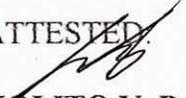

HON. SIXTA A. BANGUG
SB Member

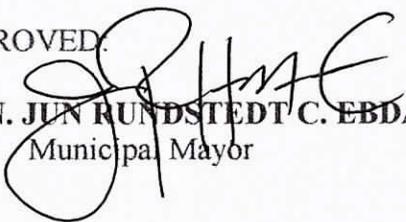

HON. ISAGANI O. YAP
SB Member


HON. RENATO A. ABONG
SB Member


HON. EDGAR C. PAYUMO
Liga President

CERTIFIED CORRECT:

HON. IRENEA MANQUIZ-BINAN
Vice Mayor and Presiding Officer

ATTESTED:

NOLITO V. BASUL
Secretary to the
Sangguniang Bayan

APPROVED:

HON. JUN RUNDSTEDT C. EBDANE
Municipal Mayor