



Republic of the Philippines
Province of Bohol
Municipality of Jagna

Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. 6-06-2006

JAGNA GENDER AND DEVELOPMENT (GAD) CODE OF 2006

(Sponsored by: HON. SENEN C. LLOREN)
Chairman, Committee on Social Services and Community
Development

BE IT ORDAINED by the 5th Sangguniang Bayan of Jagna, Bohol
that:

CHAPTER I

GENERAL PROVISIONS

ARTICLE A. Title and Scope

SECTION 1. a) Title. This ordinance shall be known as the “JAGNA GAD CODE” of 2006.

b) Scope. This code covers all ordinances and resolution concerning the Gender and Development of Jagna, Bohol.

ARTICLE B. Statement of Purpose

Section 2. Purpose.

- a) This code is enacted in order to address gender inequality through gender responsive local legislation and policy formulation.
- b) To implement vigorous gender responsive development program.
- c) To recognize women as equal partners of men in development of nation building.
- d) To protect women and Third Sex (Homo/Bi-sexual & Lesbian) against all forms of abuse and exploitation and to uphold the rights of women and the belief n their worth and dignity as human beings.

Section 3. Rationale. The issue of sex and gender paves the way for a more deeper understanding of existing unequal relations between women and men in different societies. The apparent existence of different forms of gender bias found in the different institutions in our society will reinforce the fact these biases have long been ingrained in our practices, customs and consciousness. Overcoming these biases can only be achieved effectively though collective action which starts through raising community awareness and LGUs intervention to protect and advance gender equality through a strong legal basis.

There is now a strong call for the national government, LGUs and civil society to pro-actively respond to inequalities brought about by gender relations. The enactment of local measure is the great task and responsibility of LGU-Jagna so that this ordinance shall serve as the guiding post for policy direction in the area of gender and development.

ARTICLE C. Definition of Terms

SECTION 4. Definitions.

- a) **Sex** relates to human biology, referring to permanent differences in biological and physical conditions between men and women.
- b) **Gender** is a socially and culturally ascribed roles, practices, attitudes and values that characterize males as masculine and females as feminine. It is not constant then; it varies in time and history, place, social class, economic circumstance, ethnicity or age.
- c) **Development** is the improvement of the quality of life of all regardless of age, sex, gender, tribe, race, creed and religion.
- 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) **Gender Sensitivity and Training, Gender Sensitization** is an experimental and critical process of learning and unlearning by and individual, female or male, of the causes and effects of the culturally determined roles of women and men.
- f) **Mail Order Bride** – it is a practice where women establish personal relations with male-foreign national via mail or internet upon recruitment by an individual or agency for the purpose of exploiting women in guise of marriage. (R.A. 6955 Anti-Mail Bride Law).
- g) **Pornographic and Indecent Show** – refers, but not limited to nude or other provocative gestures either in still or motion pictures, publications, or shows which project and exhibit women as sex objects, including those done in the cyberspace.
- h) **Commodification of Women** – is a practice which puts women insubordinate situations which results in the treatment of women or 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 of one's sexual desire or interest usually in exchange of money or goods.
- i) **Sexual Harassment** – it is a form of misconduct of involving an act or an series of unwelcome sexual advancement, respect for sexual favors, or other verbal or physical behavior of a sexual nature, made directly, indirectly or impliedly. (R.A. 7877 Anti-Sexual Harassment Law).
- j) **Women's Health and Family Planning**- refers to reproductive health which 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 women's reproductive system and to its functions and processes.
- k) **Differently-abled Women** – are with physical and mental impairment and have different needs and potentials.
- l) **Psychosocial Program** - it is an intervention using a system approach to conditions of women as it views women's differentiated needs in social context.
- m) **Survivor support** – it is an organized group of women to whom a woman-survivor of violence voluntarily agrees to establish a professional helping process.

- n) **Gender and Development Officer**- refers to the office which shall be responsible for the implementation of this ordinance. Its effort will be mainly to facilitate gender and development program such as planning, development, implementation, monitoring and evaluation. This office shall be created by LGU-Jagna.
- o) **Fund Raising Initiative** – refers to activity where women are used as donor prize or uses women as central, partial, or special focus in order to raise funds.
- p) **Sex Offender** – refers to any person convicted to sex crime including rape, molestation, sexual harassment and pornography production or distribution.
- q) **Financial and Economic Abuse** – refers to an act that make or attempt women financially dependent such as:
 - 1. Withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity;
 - 2. Deprivation or threat of deprivation of financial resources or the right to use and enjoyment of the conjugal property;
 - 3. Destroying household property;
 - 4. Controlling the victims own money or properties or solely controlling the conjugal money or properties.

r) **Prepubescent age** – 12 years or younger

s) **Violence against women and other related terms:**

1. Violence against women shall include but not limited to:

a) Physical, Sexual and Psychological Violence in the Family and Close Relationship and such acts are as follows:

- 1. Marital Rape
- 2. Sexual Abuse of female Children in the family
- 3. Non-spousal violence and violence related to exploitation
- 4. Battering
- 5. Dowry-related violence
- 6. Female genital mutilation and other practices harmful to women

b) Physical, Sexual, Economic and Psychological violence within the General Community and such acts are as follows:

- 1. Rape
- 2. Sexual Abuse and shall include the following:

When a man inserts or attempts to insert his penis in the mouth or anus of a woman under the following situations:

- 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 are present.
- 2.2. When a person who insert 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 women.
- 2.3 When a person subjects her to have sexual intercourse with an animal.
- 3. Sexual Harassment in the employment, education or training environment and may take place also the following:

In the premises of the workplace or office or of the school or training institution;

In any place where the parties found as a result of work or education or training responsibilities or relations;

At work or education or training related social functions;

While on official business outside the office or school or training institution or during work or school or training session;

At official conferences, a symposium or training session;

By telephone, cellular phone, fax machine, electronic mail of cyberspace chat/conversation;

Other Forms of Sexual Harassment such as:

- a) persistent telling of offensive jokes or other analogous statement to some who finds them offensive or humiliation;
- b) taunting a person with constant talk about sex and sexual innuendoes;
- c) displaying offensive level pictures and publications in the workplace;
- d) interrogating someone about sexual activities or private life during interviews for employment, scholarship grants or any lawful activities applied for;
- e) making offensive hand signs or body gestures at sinecure;
- f) repeatedly asking for dates despite verbal rejection;
- g) touching, pinching or brushing up against someone's body unnecessary or deliberately;
- h) raising or embracing someone against her will;
- i) requesting sexual favors in exchange for a good grade, obtaining a good job or promotion, or the like favors;
- j) cursing, whistling, or calling a woman in public with words having dirty connotations or implication which tend to ridicule, humiliate or embarrass, the women such as "puta", boring or burikat, peste ka", or the like words
- k) requiring women to wear suggestive or provocative attire during interviews such as job hiring, promotion, admission;
- l) any other unnecessary or lewd acts during physical examination.

4. Trafficking in Women and forced prostitution

- a) Physical, sexual, economic and psychological violence perpetrated against women and condoned by the state, wherever it occurs
- b) Violation of the human rights of women in situation of armed-conflict in particular murder, homicide, physical and psychological torture, systematic rape, sexual slavery and forced pregnancy;
- c) Forced sterilization and forced abortion, coercive/forced use of contraceptives, prenatal sex selection and female infanticide;
- d) To buy or sell a woman or any body parts for profits, unless otherwise allowed by law.

2. Definition of other related terms.

a) Pedophilia

- 1. When the offender shall have sexual intercourse or an intercourse with prepubescent girl or boy;
- 2. When the offender commits act of lasciviousness against prepubescent girl or boy

For purposes of this section, a pedophile is one who's age is 18 yrs, old or below

- b) Prohibition of printing, publication, display and distribution of pornographic scene of movie/TV Trailers/Shows, Cyberspace, Posters, Billboards and other materials and similar literature. It shall be unlawful fro any person to commit print, publish, display or distribute pornographic scenes on movie/TV trailers, shows, cyberspace, poster, billboards, literature and other visual materials which treat women as sex object commodities;
- c) Pornographic and Indecent Shows. Any person or establishment engaging in shows that depict women as sex objects or commodities whether in private or public place or under scandalous circumstances;
- d) Live shows refers to women's right to influence live shows in public or private places for commercial or entertainment purposes.
- e) Third Sex refers to individual being either a Homosexual, Bi-Sexual and Lesbians.

CHAPTER II

ARTICLE D. Basic Principles

SECTION 5. Rights of Women. This Code adopts the following:

- a) Women have the right to the prevention of and protection from all forms of violence 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 process of their communities;
- 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 reproduction 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 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 ample nutrition and proper health care;
- h) Women have the right to appropriate human living conditions;
- i) Women have the right to nurture their personhood, collectively or individually, to secure and image of themselves as a whole and valuable human beings, to build relationships based on respect, trust and mutually;
- j) Women have the right to equality before the law in principle as well as in practice;

ARTICLE E. Comprehensive Support to Women Survivors and Violence

SECTION 6. Support to Women Survivor. The Municipality of Jagna, Bohol shall provide comprehensive support to women survivors of violence which consists of but not limited to the following:

- a) Immediately conduct an investigation within 24 hours;
- b) Provide for counseling, legal, 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 later 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 rebuilding and empowering themselves;
- g) All investigation/court trial involving rape cases and other forms of violence against women conducted in the PNP Station, Prosecutor's Office and the Trial Court shall recognize the survivor's social support groups as expressly allowed or requested by the offended party;
- h) A temporary shelter with appropriate support services for women in crises shall be appropriately under the management and supervision of the Municipal Social Services and Development Office;

CHAPTER III

ARTICLE F. Gender and Development

SECTION 7. Gender and Development. Conscious efforts in improving the quality of lives of women and men based on sustained, equitable growth and balance ecology. It always sees society as a gender system in all its aspects-ECONOMIC, POLITICAL, AND SOCIAL It will sees women as partner to men and also as an agents of change, instead of mere recipients of development assistance. It calls for structural charge as well as re-orientation of the patriarchal culture.

SECTION 8. GAD Office and the OFFICER IN-CHARGE. The LGU- Jagna shall establish an office of the Gender and Development and likewise, the LGU-Jagna shall appoint a GAD Officer who will be responsible in initiating gender and development programs in private and government office in the Municipality of Jagna, Bohol.

SECTION 9. Function and Responsibilities of GAD Office. The GAD Office of LGU-Jagna shall be responsible of the following:

- a) The LGU-Jagna GAD Office shall conduct Gender Sensitivity and Training to schools, private and commercial establishments as well as government agencies. It is an experimental and critical process of learning and unlearning of an individual, female or male and third sex, of the causes of effects of the culturally determined roles if men, women and third sex. It will also equip them the theoretical and practical knowledge on gender issues and concerns and it will also provide a space to develop an assessment tools in terms of gender biases;

- b) It shall be responsible of formulating an Integrated Gender-Sensitive and Environment-Friendly Plan of Jagna, Bohol. This particular plan shall constitute the following but not limited to:
1. *Community-Based Environment Plans and Programs.* This involve both men, women and third sex, shall participate in solid waste management system reforestation, marine and aquatic resource management;
 2. *Creation of Barangay Resource Management Council.* Each barangay shall create Barangay Management Council which will ensure the promotion and protection of ecological balance and full participation of Women.
- c) The GAD Office shall also be responsible of Gender Education on National Policies which will involve policies and their implications to women;
- d) The GAD Office shall conduct Gender-Sensitization as a pre-requisite to employment to all organization's concern;
- e) The Office shall also responsible in conducting training on Non-Traditional occupation related to Science and Technology and other forms of trainings in livelihood specially design for women;
- f) Monitoring and Coordinative Functions. The GAD Office shall ensure realistic, measurable and tangible implementation of this ordinance. These includes but not limited to:
1. *Gender-Sensitive Watch.* A system of services and facilities to monitor of status of Women in Jagna, Bohol where all stakeholders shall develop conceptual and practical methodologies for incorporating gender perspectives in all aspects of governance. It shall collect sex and age disaggregated data. It shall serve as GAD data blank of LGU-Jagna;
 2. *Legal Aid Services.* A coordinated service for any legal actions needed by women in protecting their rights shall be installed;
 3. *Advocacy and Campaign Management.* A coordinated Advocacy and campaign against all forms of discrimination and violence against women shall be programmed and implemented.
- g) The Jagna GAD Office shall also be responsible of conducting a GAD advocacy and Sexual Harassment orientation seminar intended only to male employees to all private and government offices in the municipality of Jagna, Bohol.

CHAPTER IV

ARTICLE G. Political and Public Domain of Women

SECTION 10. Commemoration of International Women's Day. March 8 of every year is the commemoration of Women's Day. The Jagna Council of Women in coordination with the Office of the Municipal Social Welfare shall set the date within the month of March as their culmination day.

SECTION 11. Creation of Jagna Council of Women. A Council of Women shall be organized at the Municipal Level from among the barangay level women organization.

SECTION 12. Creation of Barangay Level Self-Organization of Women. Self-organization of women shall be organized and recognized at the barangay level including young women.

SECTION 13. Women in Law Enforcement Agency. The LGU-Jagna shall have at least Two (2) women as member of the Jagna PNP assign for Women's Desk and other women's related activities.

SECTION 14. Jagna Women's Congress. A Women's Congress shall be held on March of every year which involves a sets of women's activities such women's forum on current issues affecting and influencing women and assessment of women's status in the Municipality of Jagna, Bohol etc. and so forth.

SECTION 15. Jagna Sectoral Representative in the Sanggunian. There shall be a female representative of the Sangguniang Bayan as mandated by the Philippine Constitution (Art. II, Section 14 and Art. XIII, Section 14) and the Local Government Code -1999-Art. 3, Sec, 446 letter b. to participate in local legislation and policy formulation will enhance the end product such as empower women, and promote the full development of the community.

CHAPTER V

RIGHTS OF WOMEN TO LABOR AND EMPLOYMENT, HEALTH AND EDUCATION AND SOCIO-ECONOMIC BENEFITS FOR WOMEN

SECTION 16. General Policy. The right to work is the major rights that women are entitled to, equal to men. This Code respects the standards of the standards of the right to work. These rights are as follows:

- a) The right to employment
- b) The right to freely chose and accept work
- c) The right to just and favorable conditions of work
- d) The right to Social Security, and the freedom of association, collective bargaining and concerted actions
- e) The right at a gender friendly working environment, free from harassment and discrimination

SECTION 17. Committee on Decorum and Investigation (CODI). A committee on Decorum and Investigation shall be set up in all private and government agencies, training and school institution to act on complaints to sexual harassment.

SECTION 18. Orientation on Sexual Harassment. All local offices, agencies and establishments, government and private in Jagna, Bohol shall conduct orientation on sexual harassment. A certificate of compliance shall be submitted to the Municipal GAD Office.

ARTICLE I. Health Right

SECTION 19. Primary Health Care Delivery. In consonance with the Department of Health's thrust and Section 28, Article J of Jagna Code for Children, the LGU-Jagna shall strengthen the Primary Health Care Delivery in the context of Women's Health.

SECTION 20. Upgrading of Health Care Delivery System. The quality health care and nutrition services that are not discriminatory on account of their gender, age, sex, religion and ethnicity shall be implemented in the Municipality of Jagna, Bohol.

SECTION 21. Pregnant and Lactating Women Nutrition Rights. The LGU-Jagna shall provide and ensure nutritional assistance to pregnant and lactating women.

SECTION 22. Budget for Women's Health. At least three percent (3%) of the health budget of LGU-Jagna shall be allotted for women's health care and nutrition services.

ARTICLE J. Education Right

SECTION 23. Adult Education. All women design to engage themselves in functional and practical education shall be enlisted in adult education program which shall be set up in all barangays of Jagna, Bohol.

SECTION 24. Sunday Classes for Women. Sunday classes for women shall be held in all barangay high school in the municipality of Jagna to facilitate working women's access to education.

SECTION 25. Access to Science and Women-Friendly Alternative Technology Education. DA Office-Jagna in coordination with the Department of Science and Technology and other related line agencies shall establish a science and women-friendly alternate technology center for rural women in each barangay.

SECTION 26. Promotion of Land-Based Projects. The LGU-Jagna shall promote and support land-based projects ensuring food security for rural women utilizing science, women friendly and appropriate technology instilling collectivism.

SECTION 27. Promotion of Gender-Sensitive Curricula. The schools in this municipality shall actively promote gender-sensitive program to encourage females to pursue academic and technical courses in order to widen their career opportunities.

ARTICLE K. Socio-Economic Benefits for Women

SECTION 28. Access to Safe Water. All barangays in the Municipality of Jagna, Bohol shall be mandated to provide easy access to safe water supply. Appropriate systems shall be installed to ease women's workload.

SECTION 29. Assistance to Livelihood. The LGU-Jagna shall hold consultations with Women GOs and NGOs in establishing easy access to livelihood programs design for women in Jagna, Bohol.

CHAPTER VI

OTHER CONCERNS FOR WOMEN

ARTICLE L. Differently-abled Women and Other Concerns

SECTION 30. Advocacy on Differently-abled Women's Rights. Active advocacy on the right of differently-abled women shall be conducted by GAD Office.

SECTION 31. Creative Employment Opportunities for Differently-abled Women. The LGU-Jagna shall develop creative employment opportunities for differently-abled women recognizing their differentiated conditions and full potentials as human beings.

SECTION 32. Reporting of Cases of Harassment Committed Against Differently-abled and Elderly Women. The LGU-Jagna through its GAD Office shall require all barangays to monitor and report cases of harassment committed against differently-abled and elderly women.

SECTION 33. Strengthening of Single Parents Organizations and Benefits under R.A. 8972. The "Solo Parents Welfare Acts of 2000" shall be enforced.

SECTION 34. Support to Women in Detention. Rights to 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 responds to their specific needs and problems as detainees;
- c) Separate detention cell and space for rehabilitation shall be provided.

SECTION 35. Respect for Women's Sexual Preferences. Women's right to gender preference shall be respected and protected.

SECTION 36. Support to Women PNP Personnel. The LGU-Jagna shall provide free legal assistance to women PNP personnel indiscriminately charged, criminally or administratively, in the performance of her official duty.

SECTION 37. Overseas Contract Worker's (OCW) Wives and Children Support. The LGU-Jagna shall conduct at the barangay level as survey of overseas contract workers, results of w2hich shall serve as basis for special support to women and children.

SECTION 38. House Help women. Employer of House Helper in this municipality shall provide them with at least a Phil-health , SSS and other benefits. House helper shall be treated humanely instead of treating them like a slave.

SECTION 39. Philippine Port Authority Terminal Passengers. The terminal passengers of Jagna Philippines Port Authority shall provide a space or room intended only to pregnant women, elder and sickly women.

CHAPTER VII

MUSLIM WOMEN IN JAGNA AND OTHER COMMUNITIES

ARTICLE M. Cultural Women

SECTION 40. Women of Jagna Muslim Community. Muslim Women and other established cultural communities shall enjoy rights and opportunities with men, as regards to social, economic, political and cultural sphere of life.

SECTION 41. Recognition of Cultural Rights and Practices. In deference to cultural practices and rights, the LGU-Jagna shall see to it that cultural practices and rights are respected and recognized.

SECTION 42. Participation of Muslim Women in Jagna IN Decision Making. Muslim Women shall be given an opportunity to participate in all decision making processes of LGU-Jagna. Their decision shall be given due respect and recognition.

CHAPTER VIII

PROHIBITED ACTS

ARTICLE N. Violence Against Women, Children and Third Sex

SECTION 43. Soliciting Women's Services. It is unlawful for a person to solicit a women's services 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 provision of the Revised Penal Code and other related laws.

SECTION 44. Sex Slavery. Any agency or person who shall engage in keeping women for sex fro a fee shall suffer the penalty in accordance with Revised Penal Code and other pertinent national laws.

SECTION 45. Other Forms of Trafficking in Women. It shall be unlawful for any person or agency who , with the use of force or deceit, lures a women to work abroad or in other province or cities in the Philippines for a particular job on premise of high fees, but instead land into prostitution and other illegal activities.

SECTION 46. Sex Tours. No beach resorts , pension house, hotels, lodging houses and related establishments shall be allowed to operate as conduit for sex tours.

SECTION 47. "Beauty Contest". Beauty contests which tend to commodify, abuse, humiliate and treat women as sex objects shall be strictly prohibited in schools, barangays, communities and LGU-Jagna in its special celebrations, but instead, the projection of women's strengths and potentials especially with regard to culturally-relevant forms shall be encouraged. All fund raising initiatives shall be strictly prohibited.

SECTION 48. Forced Marriage. No women shall be forced to marry on the basis of vitiated consent. Any person or agency representative committing fraudulent or coercive act to cause the effect a forced marriage shall be held liable under this code.

SECTION 49. Equal Access to Job Training and Promotion. No women shall be deprived of job training and promotion on account of her gender, age, ethnicity, creed, religion and civil status.

SECTION 50. Women's Health Services. It shall be unlawful for establishments not to provide women's 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 fine of PhP2,500.00 shall constitute the penalty for violation of this provision.

SECTION 51. Orientation on Sexual harassment. All Local offices, private and government, in Jagna, Bohol shall conduct orientation on sexual harassment. Failure to comply with the provision shall be penalized for a fine of PhP1,000.00.

SECTION 52. Barangay-Based House Help Support. All barangays through the barangay council in Jagna, Bohol shall conduct education for both house help and employers on gender-sensitivity. An Administrative sanction shall be imposed to any Barangay Council who fails to comply with this provision.

SECTION 53. Socialized Women's Health Services for all Hospitals. No hospitals in Jagna, Bohol shall deny a women under poverty line of health services. In cases of indigent patients, they shall be entitled fro possible recommendation of assistance.

SECTION 54. Equal Treatment for Third Sex. Any individual whose gender belongs to the Third Sex shall be equally treated as a normal person. Any act to ridicule, embarrass and insult third sex gender shall be penalized in accordance to the penal provision of this code.

SECTION 55. Equal Opportunity to Work. Training and Promotion for Third Sex. Third Sex either Male or Female not be deprived of any job opportunity, job training and promotion on account of being Third Sex. The Jagna GAD Office shall see to it that the concerns of the Third Sex shall be included in the Gender Development Program.

SECTION 56. Third Sex Minor Children. Third Sex Minor Children shall also be treated the same as normal children and they shall be protected, from any discrimination, ridicule and insults from any individual, organization and institution. Violation of this section shall be penalized under the penal provisions of this code.

CHAPTER IX

JAGNA MUNICIPAL ORDINANCE DIRECTLY AND INDIRECTLY RELATED TO PROTECTION AND WELFARE OF WOMEN

SECTION 57. M.O. No. 2-02-2005. An ordinance Penalizing Domestic violence offender.

a) Mandatory Provision.

1. Any person committing the act of Domestic Violence shall be arrested immediately;

2. If the arrest is made by a civilian or not an authorized officer, the offender shall be turnover to the authorities for investigation and detention;
3. If the offender is granted bail, the offender is prohibited to contact or communicate the victim unless a waiver for protection is being made by the offended party;
4. If detention center is not available, the offender may be taken in the custody with barangay officials.

b) Filing Provision involving Domestic Violence.

1. Any person who has the full knowledge of an act of domestic violence with or without the consent of the victim can file a case against the offender;
2. Domestic Violence complaint shall be filed in the courts in accordance with the proceedings provided by law. It shall also state the application for the issuance of protection order and claims damages;
3. The filing of domestic violence complaint shall be in the courts of appropriate jurisdiction.

c) Provision involving Protection Order. It shall include any order issued for the purpose of preventing the act of abuse such as:

1. An order prohibiting the offender to directly or indirectly communicate or contact the victim;
2. An order granting custody of the minor children to the parent of the petitioner or any person or government agency to the best interest to of the minor children;
3. An order for offender to leave immediately the domicile of the victim or petitioner;
4. An order granting other legal remedies deemed necessary by the court for the victim's protection and other persons who may be in need for protection.

d) Application for Protection Order. It shall be done in writing stating the circumstances of the abuse and the application shall be under oath by the petitioner.

e) Barangay Protection Orders.

1. Application for Barangay Protection Order shall follow the Rules and Venue per Section 109 of the Local Government Code of 1999 and its implementing rules and regulations;
2. The BOP may be issued by the Barangay Captain;
3. The Barangay Captain shall issue P.O. to the applicant on the date of filing after determining substantial basis of the application;
4. The BPO shall only cover the provision mention on Section 55 letter c of this ordinance;
5. After the issuance of BPO, the Barangay Captain or representative shall serve immediately a copy to the respondent.

f) Penalty. Violation of Municipal Ordinance No. 5-02-2005 shall be punished by a penalty of both imprisonment of six months and a fine of PhP2,500.00

SECTION 58. M.O. No. 11-03-2005. Anti-Trafficking in Person Ordinance.

- a) *Trafficking in Persons* – refers to the recruitment, transportation, transfer or harboring or receipt of persons with or without the victim's consent or knowledge, within or across the national borders by means of threat or use of force, or other forms of coercion., abduction, fraud, deception, abuse of power or position, taking advantage of the vulnerability of the person or the giving or receiving payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum,. The exploitation or the prostitution of other or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.
- b) *Measures in Preventing Human Trafficking.* To ensure a unified and synchronized effort in preventing, eliminating, and controlling human trafficking. Jagna-LGU shall implement the following measures at he local level.
1. Information and Education Campaign. The LGU-Jagna through barangay level shall take lead in conducting massive information and education campaign on human trafficking;
 2. Establishment of Jagna Anti-Trafficking in Persons Committee. To sustain the campaign against human trafficking, the LGU-Jagna shall establish a local committee in coordination with DSWD, DILG, NGOs and other concerned agencies.

c) *Penalty Clause.* Violation of Municipal Ordinance No. 26-11-2005 shall be penalized of Six Months imprisonment and a fine of PhP2,500.00.

SECTION 59. Jagna Code For Children. (See M.O. No. OC-3-2006 Art. K., Sec. 32, letter b, c, d, g, h, l, k and r.)

SECTION 60. M.O. 11-03-2005. An Ordinance Creating GAD Focal Point.

a) *Composition.* The GAD Focal Point shall composed the following:

- | | |
|--|-----------------|
| 1. Municipal Mayor | - Chairman |
| 2. Chairman, Committee on Women and Family Welfare | - Vice Chairman |
| 3. Municipal Social Welfare Officer | - Member |
| 4. MLGOO | - Member |
| 5. MPDO | - Member |
| 6. SK President | - Member |
| 7. ABC President | - Member |
| 8. MBO | - Member |
| 9. MTO | - Member |
| 10. MAO | - Member |
| 11. NGOs & Pos | - Member |
| 12. MHO | - Member |
| 13. Sectoral Representative | - Member |
- a) Representative from the Education Sector (Private and Public)
 - b) Representative from the Barangay Lady Legislator League
 - c) Representative from the Business Sector
 - d) Representative from the Labor Sector

b) Powers, Functions and Responsibilities. The GAD Focal Point shall be tasked with the following functions:

1. Catalyze- coordinate, provide direction to, monitor and served as technical adviser for programs/projects or worsen/gender and development concern within the municipality;
2. Review the mandated tasks of the LGU as per R.A. 7192 and other presidential directives on the course of action to be taken.
3. Conduct a Gender Responsive Planning Workshop
4. Make a comprehensive and Integrated plan and programs for women in the municipality and ensure the implementation thereof
5. Establish a Data Bank Unit.
6. Facilitate a Trainor's Training
7. Ensure that GAD activities of the LGU are replicated in the barangay level
8. Assesses the performance and learn from the experience of others by attending Annual Focal Point Assemblies and establish linkages with National Commission on the Role of Filipino women (NCRFW).
9. Require the LGUs personnel unit to look into the situation of women and men within the unit and to review the policies and practices in relation to hiring, training, promotion and retirement to eliminate gender biases therein.

CHAPTER X

BUDGETARY PROVISION

SECTION 61. Appropriation. The LGU-Jagna shall appropriate an annual budget of 5% of the total annual general fund.

CHAPTER XI

FINAL PROVISION

SECTION 62. Penalty Clause.

1. Violation of Section 43 and 44 shall be penalized in accordance to existing national laws and other pertinent laws;
2. Violations other than that of Section 43 and 44 shall suffer a penalty of Six months imprisonment and a fine of PhP2,500.00;
3. In case the offender is a corporation, its immediate officers shall beheld liable under this code, without prejudice to the revocation of its business permit as may be deemed proper by the LGU concerned.

SECTION 63. Separability Clause. If any part or provision of this ordinance is held unconstitutional or invalid, other part or provisions thereof which are not affected shall remain valid and shall continue to remain in full force and effect.

SECTION 64. Repealing Clause. All ordinances, rules and regulations, or part thereof, in conflict with or inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 65. Effectivity . This ordinance shall take effect after its approval.

ENACTED: June 20, 2006

DO NOT COPY

AFFIRMATIVE:

SGD. BONIFACIO GO VIRTUDES, SR.
Municipal Councilor

SGD. JESUS B. ACEDILLO
Municipal Councilor

SGD. VICTORINO M. NAYGA, SR.
Municipal Councilor

SGD. PACHECO LL. RANCES
Municipal Councilor

SGD. GODOFREDO P. OKIT, SR.
Municipal Councilor

SGD. ALBERTO Y. CAFE
Municipal Councilor

SGD. SENEN C. LLOREN
Municipal Councilor

SGD. ALFONSO R. GALES, SR.
Municipal Councilor

SGD. ANDREW G. TADENA
Municipal Councilor (ABC Pres.)

SGD. DEXTER LITO N. RANIS
Municipal Councilor (SKMF Pres.)

NEGATIVE: NONE

ABSTAIN: NONE

ABSENT: NONE

CERTIFIED CORRECT:

SGD. RENATO R. ACERA
MGDH I/Mun. Secretary

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

SGD. ENGR. TEOFISTO C. PAGAR, SR.
Presiding

APPROVED: **July 20, 2006**
Date Signed

SGD. HON. EXUPERIO C. LLOREN
Municipal Mayor