



Republic of the Philippines
 PROVINCE OF PANGASINAN
 MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN



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**MUNICIPAL ORDINANCE NO. 18,
 SERIES OF 2021**

**“ORDINANCE PROHIBITING GENDER-BASED SEXUAL HARASSMENT IN
 IN STREETS, PUBLIC SPACES, ONLINE PLATFORMS, WORKPLACES AND
 EDUCATION OR TRAINING INSTITUTIONS IN THE MUNICIPALITY OF
 THE BAYAMBANG AND PROVIDING PENALTIES FOR VIOLATION
 THEREOF”**

Authored by:
SBM Gabriel Tristan P. Fernandez

WHEREAS, Section 11, Article II, of the 1987 Philippine Constitution states that the State values the dignity of every human person, and guarantees full respect for human rights;

WHEREAS, in the Municipality of Bayambang, sexual harassment (SH) and sexual violence (SV) in public spaces are a daily occurrence for every person rooted in longstanding gender biases regardless of gender and exacerbated by a culture of silence on these various forms of harassment and violence that everyone experience in public places;

NOW THEREFORE, on motion of **SBM Gabriel Tristan P. Fernandez**, duly seconded;

***BE IT ENACTED BY THE SANGGUNIANG BAYAN IN
 SESSION ASSEMBLED THAT;***

SECTION 1. SHORT TITLE. – This Ordinance shall be known as the “**ANTI-BASTOS LAW ORDINANCE IN THE MUNICIPALITY OF BAYAMBANG**”

SECTION 2. DECLARATION OF POLICY. It is hereby declared as a policy of the Municipality of Bayambang to value the dignity of every person and guarantee respect for everyone. Thus, both men and women must have security and safety in the municipality.

SECTION 3. DEFINITION OF TERMS:

- (a) **Catcalling** refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;
- (b) **Employee** refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: Provided, that for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;
- (c) **Employer** refers to a person who exercises control over an employee: Provided, that for the purpose of this Act, the status or conditions of the latter’s employment or engagement shall be disregarded;
- (d) **Gender** refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;
- (e) **Gender-based online sexual harassment** refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one’s photos without consent, video and audio recordings, cyberstalking and online identity theft;



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(f) **Gender identity and/or expression** refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex in which case this person is considered transgender:

(g) **Public spaces** refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas; and

(h) **Stalking** refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

SECTION 4. The following which constitute sexual harassment shall be penalized:

- a) **Light violations** – cursing, wolf-whistling, catcalling, repeatedly asking for the number or for dates, or calling a woman in public with words having dirty connotations or implications which tend to ridicule, humiliate, or embarrass the woman such as but not limited to persistent telling of offensive jokes (taunting a person with constant talk about sex, sexual innuendoes, green jokes or other analogous statements) to someone who finds them offensive, demeaning, threatening or humiliating.
- i. **First Offense** : Five Hundred Pesos (Php 500.00) or imprisonment of five (5) days or both such fine and imprisonment at the discretion of the court;
 - ii. **Second Offense** : Fine of One Thousand Pesos (Php 1,000.00) or imprisonment of ten (10) days or both such fine and imprisonment at the discretion of the court;
 - i. **Third and Succeeding Offenses** : Fine of Two Thousand Five Hundred Pesos (Php 2,500.00) and imprisonment of not more than one (1) month or both such fine and imprisonment at the discretion of the court.
- b) **Medium violations** – stalking, making offensive mouth, tongue, lip, hand or body gestures at someone, or other analogous gestures or visual harassment directed at a woman for the sexual gratification of the perpetrator or with the intention to demean, sexually harass, intimidate, or threaten a woman.
- i. **First Offense** : One Thousand Pesos (Php 1,000.00) or imprisonment of five (5) days or both such fine and imprisonment at the discretion of the court;
 - ii. **Second Offense** : Fine of One Thousand Five Hundred Pesos (Php 1,500.00) or imprisonment of ten (10) days or both such fine and imprisonment at the discretion of the court;
 - iii. **Third and Succeeding Offenses** : Fine of Two Thousand Five Hundred Pesos (Php 2,500.00) and imprisonment of not more than one (1) month or both such fine and imprisonment at the discretion of the court.



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c) **Severe violations** – touching, pinching, or brushing up against the body of a person unnecessarily or deliberately; either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks; the introduction of any person, whether of the same or opposite sex; public masturbation, lascivious exhibition of the genitals or pubic area of a person or other analogous acts of lasciviousness directed at a woman for the sexual gratification of the perpetrator or with the intention to demean, sexually harass, intimidate, or threaten a woman.

i. **First Offense** : Fine of One Thousand Five Hundred Pesos (Php 1,500.00) or imprisonment of ten (10) days or both such fine and imprisonment at the discretion of the court;

ii. **Second Offense** : Fine of Two Thousand Pesos (Php 2, 000.00) or imprisonment of twenty (20) days or both such fine and imprisonment at the discretion of the court;

iii. **Third and Succeeding Offenses** : Fine of Two Thousand Five Hundred Pesos (Php 2,500.00) and imprisonment of not more than one (1) month or both such fine and imprisonment at the discretion of the court.

SECTION 5. NO CONTEST PROVISION. Any person apprehended for violation of this Ordinance who does not wish to contest the violation and is willing to pay voluntarily the penalty imposed upon him/her prior to the filing of formal complaint shall be allowed to pay said fine with the Treasurer's Office to avoid being prosecuted. If the violator has already availed of the No Contest Provision three (3) times, he/she can no longer avail of the same and the corresponding complaint for the violation of the Ordinance, with the maximum penalty imposed should be filed against the violator.

The violator shall be given five (5) calendar days from issuance of the Ordinance Violation Receipt within which to pay the fine.

SECTION 6. SEPARABILITY CLAUSE- If for reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, the other parts or provisions hereof which are not affected shall continue to be in full force or effect.

SECTION 7. REPEALING CLAUSE. – All ordinances, resolutions, executive orders, circulars, memoranda and other similar issuances inconsistent herewith are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY CLAUSE. – This Ordinance shall take effect upon approval and compliance with the posting and publication requirements.

ENACTED this 18th day of October 2021.

Certified to be duly adopted and approved:

JOEL V. CAMACHO
 Secretary to the Sanggunian

ATTESTED:

HON. RAUL R. SABANGAN
 Municipal Vice-Mayor &
 SB Presiding Officer

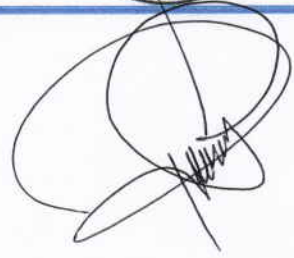


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**WE CONCUR:
 SANGGUNIANG BAYAN MEMBERS**

HON. MYLVIN T. JUNIO

HON. PHILIP R. DUMALANTA

HON. JOSEPH VINCENT E. RAMOS

HON. BENJAMIN FRANCISCO S. DE VERA

HON. GERARDO DC. FLORES

HON. MARTIN E. TERRADO II

HON. AMORY M. JUNIO

HON. LEVINSON NESSUS M. UY

HON. RODELITO F. BAUTISTA
 President, Liga ng mga Barangay

HON. GABRIEL TRISTAN P. FERNANDEZ
 President, SK Federation

APPROVED:



DR. CEZAR T. QUIAMBAO
 Municipal Mayor

