



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG

ORDINANCE NO. 922, S-2023



**AN ORDINANCE PROVIDING PROCEDURE AND
INSTITUTIONAL APPROACH IN PREVENTING
GENDER-BASED SEXUAL HARRASSMENT IN
STREETS AND PUBLIC SPACES**

WHEREAS, Republic Act (RA) No. 11313, otherwise known as “Safe Spaces Act”, was promulgated last April 17, 2019;

WHEREAS, Section 2 of the said law contains the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the State to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men. The State also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions;

WHEREAS, Section 8 of the said law and Section 9 of its Implementing Rules and Regulations (IRR) impose on Local Government Units the primary responsibility of enforcing the provisions of RA No. 11313 by localizing the applicability of the said law, providing measures to prevent gender-based sexual harassment and imposition of fines on acts of gender-based sexual harassment, among others;

WHEREAS, on December 7, 2020, the Department of the Interior and Local Government and the Philippine Commission on Women issued Joint Memorandum Circular No. 2020-001 or the Guidelines on the Localization of the Safe Spaces Act, providing for the minimum parameters that must be contained in the Ordinance localizing RA No. 11313.

NOW THEREFORE, BE IT ORDAINED as it is hereby ORDAINED by the Sangguniang Panlungsod in a session duly assembled that:

SECTION 1. TITLE. This Ordinance shall be known and cited as the “Safe Spaces Ordinance of the City of Mandaluyong”.

SECTION 2. DECLARATION OF POLICIES. It is hereby declared the policy of the City of Mandaluyong to ensure that all public spaces, regardless of ownership and nature is a safe space against gender-based sexual harassment.

SECTION 3. DEFINITION OF TERMS. As used in this Ordinance, the following terms are defined as follows:

- a. Anti-Sexual Harassment (ASH) Desk – a physical facility, managed by an ASH Desk Officer, where victim-survivors of sexual harassment can immediately go and seek assistance.
- b. ASH Hotline – a communication link in which calls or reports of gender-based sexual harassment in streets and public spaces are directed to the service providers.

- c. Gender – refers to a set of socially ascribed characteristics, norms, roles, attitudes, values, and expectations identifying the social behavior of men, women and the LGBTQI+ community, and the relations between them.
- d. Gender-based streets and public spaces sexual harassment - is an act committed in streets and public spaces through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remark.
- e. Public spaces - refer to streets and alleys, roads, sidewalks, public parks, buildings, schools, churches, public washrooms, malls, internet shops, restaurants and cafes, transportation terminals, public markets, spaces used as evacuation centers, government offices, common carriers, PUVs as well as private vehicles covered by app-based transport network services, other recreational spaces such as, but not limited to, cinema halls, theaters and spas, bars and clubs, resorts and water parks, hotels and casinos, and all other areas, regardless of ownership, openly accessible or offered to be accessed by the public.
- f. Safe space - is a formal or informal place where a person feels comfortable, physically and emotionally safe, and enjoy the freedom of self-expression without the fear of judgment or harm.

SECTION 4. GENDER-BASED SEXUAL HARASSMENT. The following actions are considered as gender-based sexual harassment regardless if they are committed in public places or privately-owned establishments open to the public:

- a.) Cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, pursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety;
- b.) Making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party, including flashing of private parts, public masturbation, groping, and similar lewd sexual actions;

- c.) Stalking, and any of the acts mentioned in paragraphs (a) and (b) above, when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in paragraphs (a) and (b);

SECTION 5. RESPONSIBILITY OF OWNERS OF RESTAURANTS AND CAFES, BARS AND CLUBS, HOTELS, CASINOS, CINEMAS AND MALLS AND OTHER PRIVATELY-OWNED PLACES OPEN TO THE PUBLIC – The management of privately-owned places open to the public shall adopt a zero-tolerance policy against gender-based sexual harassment in their establishment. These establishments are enjoined to:

1. Ensure that all persons working in their establishment are aware of the Safe Spaces Act and the requirements of this Ordinance by disseminating the said issuances or posting them in a conspicuous place inside their workplace;
2. Install within the premises of their business establishment clearly visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number(s), including that of the Barangay and Police Station in bold letters. The signs must be readable, written in a language understandable to the customers and place in a conspicuous area;
3. Install CCTV cameras in the premises of their business establishment and make available the said footages to the victim and lawful authorities;
4. Designate at least one of its employees, every shift, to act as an anti-sexual harassment officer to handle gender-based sexual harassment complaints. The said Officer must have undergone a gender sensitivity and anti-sexual harassment awareness conducted by a provider accredited by the Department of Social Welfare and Development; and
5. Develop protocols to be followed in cases where gender-based sexual harassment occurs in their establishment.

The Business Permits and Licensing Department, in the exercise of their inspection and enforcement functions, may, on occasion of a general inspection or upon report by any individual, inspect the premises of the abovementioned establishments to ensure compliance therein.

Failure of the covered establishments to undertake the responsibilities identified under Sections 5 of this Ordinance shall make them liable for the fines and penalties identified under Section 7 hereof.

SECTION 6. ENFORCEMENT OF GENDER-BASED SEXUAL HARRASSMENT (GBSH) IN STREETS AND PUBLIC SPACES.

1. DESIGNATION OF ENFORCERS – Designated responders to GBSH in streets and public places:

- a. City Ordinance Enforcement Division (COED);
- b. The City's Punong Barangays, Barangay Kagawads and their Bantay Bayan;
- c. Traffic Parking Management Department – only GBSH committed in streets;
- d. PNP-Mandaluyong Station – as directed by RA 11313 to deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE).
- e. Security guard of privately-owned places open to the public or any person who witnessed the crime may conduct a citizen's arrest.

Citizen's arrest is when any private person may arrest without need of warrant under the following circumstances:

1. When in the presence of the private person, the person to be arrested is actually committing or is attempting to commit GBSH; and
2. When GBSH has, in fact, just been committed and the private person has personal knowledge of facts indicating that the person to be arrested has committed it.

2. DUTIES OF THE ENFORCERS:

- a. Receive complaints on the streets and in privately-owned places open to public;
- b. Immediately apprehend the perpetrator if caught in flagrante delicto or in the act of committing the crime;
- c. Immediately bring the perpetrator to the Women's and Children's Desk of the PNP-Mandaluyong Station;
- d. Together with the Women's and Children's Desk, keep a ledger of perpetrators who have committed acts prohibited by the RA 11313 for purposes of determining if the perpetrator is a first time, second time or third time offender;

- e. If the victim decides to pursue a case against his/her perpetrator, the Women's and Children's desk shall refer the complaint to:
 - 1. Office of the City Prosecutors for the conduct of preliminary investigation.
 - 2. The Lupon Tagapamayapa of the Barangay having authority over the case, for cases falling under the Katarungan Pambarangay system.
- f. If the perpetrator of the crime is not apprehended, the enforcer, if circumstances would allow, exert all efforts to obtain the identity of the perpetrator. Once obtained, the enforcer shall accompany the victim to the PNP-ASH desk where the enforcer shall testify on the identity of the perpetrator. Otherwise, the enforcer shall merely advise the complainant to proceed to the PNP-ASH desk where the complaint shall be lodged.

SECTION 7. PENALTIES. Any person or institution found to be in violation of any of the provisions of this Ordinance shall be penalized at the discretion of the court based on the national law.

SECTION 8. CONDUCT OF GENDER SENSITIVITY TRAINING AND ORIENTATION ON THE LAW AND ORDINANCE. The Gender and Development Office, together with Barangay Operation Center, shall coordinate with DILG-Mandaluyong Field Office, PNP-Mandaluyong Station, City Social Welfare and Development Department, City Health Department, Legal Department and other offices of the City Government, including the DepEd, Civic Society Organizations and Non-Government Organizations, for the development of a training module/s and conduct gender sensitivity training and orientation for those involved in the enforcement and implementation of this Ordinance, such as but not limited to the following:

- 1. City Ordinance Enforcement Division (COED)
- 2. Traffic Parking and Management Department (TPMD)
- 3. Punong Barangays, Barangay Kagawads and their Bantay Bayan
- 4. Lupon Tagapamayapa Members
- 5. Anti-Sexual Harassment Desk Staff
- 6. Personnel Performing Information & Educational Program
- 7. Other personnel of the City Hall, and the Barangay as may be needed.
- 8. Concerned personnel (security guards) of privately owned places open to public.
- 9. Concerned personnel of educational institutions.

SECTION 9. ESTABLISHMENT OF ANTI-SEXUAL HARASSMENT (ASH) DESK – All VAW desks that were previously established shall likewise be designated as ASH desks and to such effect, the previously designated VAW Officer shall likewise be designated as ASH Desk Officers, who shall likewise be trained to handle all forms of sexual harassment and protocols in responding to the same. Provided, that the ASH Desk Officer must meet the required minimum qualifications and obtain the required trainings identified in Annex 1 of the DILG and Philippine Commission on Women Joint Circular No. 2020-001 dated December 7, 2020.

SECTION 10. FUNCTIONS OF ASH DESK OFFICERS – The ASH Desk Officer shall have the following functions:

A. FUNCTIONS COMMON TO ALL ASH DESK OFFICER:

1. Receive documents and respond to complaints and reports of gender-based sexual harassment in streets and public spaces;
2. Facilitate the referral of cases and persons to the appropriate public and private service providers for further assistance such as legal, medical, psychosocial, safety, security and other services;
3. Record the number of cases of gender based sexual harassment in streets and public spaces received and referred to other agencies. The ASH Desk Officer shall submit a quarterly report to the DILG City Field Office and the City Social Welfare and Development Department;
4. Keep case records confidential and secure, and ensure that only authorized personnel have access to these records;
5. Assist in the formulation/updating of policies, development of plans, programs, projects and activities; and educational and awareness campaigns to address gender based sexual violence in streets and public spaces;
6. Coordinate with other agencies in monitoring the status of gender-based sexual harassment-related complaints and reports; and
7. Perform other related functions as may be assigned by the CSWD.

B. SPECIFIC FUNCTIONS OF ASH DESK OFFICER:

- a. The Barangay ASH Desk Officer, if the victim decides to file a criminal complaint against the perpetrators, shall immediately refer the case to Katarungang Pambarangay, for cases falling under the Katarungang Pambarangay system, otherwise, to the PNP ASH Desk Officers together with the pertinent record of the case, for its proper action.
- b. The PNP ASH Desk Officer, upon receipt of the complaint, either from the Barangay ASH Officer or those filed directly before the said office, and after investigation and recording shall refer the case to the Office of the City Prosecutor for preliminary investigation.

SECTION 11. ANTI-SEXUAL HARASSMENT (ASH) HOTLINE. An ASH hotline shall be established in all ASH Desk and shall be under the direct responsibility of the – Anti Sexual Harassment Desk in the barangays and the PNP's. The Anti Sexual Harassment Desk in the barangays and the PNP's. shall ensure that the hotline is operated by an ASH Hotline Operator, who shall receive complaints involving gender-based sexual harassment and who shall facilitate the referral of the complaint to appropriate service providers. Likewise, the ASH Hotline Operator is expected to keep a database of the complaints received through the ASH Hotline. Provided that, the CSWD is mandated to ensure that the ASH Hotline Operator must meet the basic qualifications of an ASH Hotline Operator and must have undergone trainings and orientations on Gender and Development Related Laws, as identified in Annex 4 of DILG and Philippine Commission on Women Joint Circular No. 2020-001 dated December 7, 2020. Provided further, the CSWD must ensure that the ASH Hotline Operator shall comply with the protocols in handling complaints on gender-based sexual harassment as identified in the same Annex.

SECTION 12. ANTI-SEXUAL HARASSMENT (ASH) REFERRAL NETWORK. The City Mayor is encouraged to create an ASH Sub-Committee of the Local Gender and Development Focal Point System in order to establish an ASH Referral Network. Consistent with Annex 5 of the of DILG and Philippine Commission on Women Joint Circular No. 2020-001 dated December 7, 2020, the referral network must consist of representatives from the following service providers:

1. VAW/ASH Desk of every barangay in the City;
2. City Health Office;
3. City Social Welfare and Development Office;
4. PNP-Women and Children Protection Desk;
5. Office of the City Prosecutor;
6. Public Attorney's Office;
7. Educational Institution;
8. Non-Governmental Organizations (NGOs)/ Civil Society Organizations (CSOs)/ Faith Based Organizations (FBOs) involved in gender equality and human rights and those providing medical, psycho-social, economic, legal and social services.

SECTION 13. FUNDING. Implementation of the requirements of this Ordinance shall be sourced from the Gender and Development (GAD) budget, subject to existing government accounting and auditing rules and regulations.

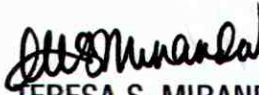
SECTION 14. SEPARABILITY CLAUSE - If for any reason, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

SECTION 15. REPEALING CLAUSE - All ordinances, rules and regulations or parts thereof in conflict with this Ordinance are hereby repealed, provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 16. EFFECTIVITY CLAUSE - This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED on this 8th day of May 2023, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED BY THE SANGGUNIAN PANLUNGSOD OF MANDALUYONG IN A REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


ANTONIO DLS. SUVA, JR.
City Councilor &
Acting Presiding Officer

APPROVED BY:


BENJAMIN S. ABALOS
City Mayor
Date: MAY 23 2023

CARMELITA A. ABALOS
City Vice Mayor

DISTRICT I

ACTING PRESIDING OFFICER
ANTONIO DLS. SUVA, JR.
Councilor

ON SICK LEAVE
ANJELO ELTON P. YAP
Councilor


DANILO L. DE GUZMAN
Councilor


RODOLFO M. POSADAS
Councilor


CARISSA MARIZ S. MANALO
Councilor


ESTANISLAO V. ALIM III
Councilor

DISTRICT II


BENJAMIN A. ABALOS III
Councilor


ALEXANDER C. STA. MARIA
Councilor


REGINALD S. ANTIOJO
Councilor


LESLIE F. CRUZ
Councilor


MICHAEL R. OCAMPO
Councilor


MICHAEL ERIC G. CUEJILO
Councilor


DARWIN A. FERNANDEZ
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SK Federation President