



Republic of the Philippines  
CARAGA Region XIII  
Province of Surigao del Norte  
**Municipality of San Benito**



## **Office of the 10<sup>th</sup> Sangguniang Bayan**

AN EXCERPT FROM THE MINUTES OF THE 48<sup>th</sup> REGULAR SESSION OF THE 10<sup>TH</sup> SANGGUNIAN BAYAN MEMBERS OF THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE HELD AT SANGGUNIAN BAYAN SESSION HALL ON DECEMBER 16, 2024 AT EXACTLY 2:00 O' CLOCK IN THE AFTERNOON

### **PRESENT:**

Hon. Wellybel A. Requirme  
Hon. Cindy R. Agati  
Hon. Charlito E. Mendavia  
Hon. Aldrein C. Glimane  
Hon. Felix B. Sumando Sr.  
Hon. Delfin P. Labola  
Hon. William A. Polican  
Hon. Jayrom P. Caballejos  
Hon. Ruella T. Rulete  
Hon. Aira Mae C. Galano

Mun. Vice Mayor/ Presiding Officer  
Sangguniang Bayan Member  
Sangguniang Bayan Member  
Sangguniang Bayan Member  
Sangguniang Bayan Member  
Sangguniang Bayan Member  
Sangguniang Bayan Membe  
Sangguniang Bayan Member  
Ex-Officio / LNMB President  
Ex-Officio / SKF President

### **ABSENT:**

Hon. Puyat P. Sumando

Sangguniang Bayan Member

## **MUNICIPAL ORDINANCE NO. 178-24** Series of 2024

**"AN ORDINANCE ADOPTING REPUBLIC ACT NO. 11313, ENTITLED, AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES. OTHERWISE KNOWN AS THE "SAFE SPACES ACT" AND ITS IMPLEMENTING RULES AND REGULATIONS AND PRESCRIBING PENALTIES THEREFOR FOR LOCAL IMPLEMENTATION IN THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE"**

**BE IT ORDAINED** by the Sangguniang Bayan of San Benito, Surigao del Norte in session assembled, that:

**Section 1. Short Title.** This Ordinance shall be known as the "Safe Spaces Ordinance of the Municipality of San Benito, Surigao del Norte"

**Section 2. Declaration of Policies.** It is the declared 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.

**Section 3. Definition of Terms.** As used in this Ordinance, the following terms are to be construed, to wit:

(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 specific services for another person, another natural or juridical, and whether private or public, where exercises fundamental control over the work, regardless of the term or duration of agreements. 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 Ordinance, the status or conditions of the latter's employment or engagement shall be disregarded;

- 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;
- Gender-based online sexual harassment refers to conduct a targeted 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, cyber stalking and online identity theft;
- 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,

(d) *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

(e) *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

## **ARTICLE I**

### **GENDER-BASED STREETS AND PUBLIC SPACES SEXUAL HARASSMENT**

**Section 4. Gender-Based Streets and Public Spaces Sexual Harassment.** The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such actions or remarks. Gender-based streets and public spaces sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

**Section 5. Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public.** Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender-based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to

victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first sight instance.

All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number in bold letters, and shall designate at least one (1) anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in flagrante delicto and are required to immediately coordinate with local authorities.

**Section 6. Gender-Based Sexual Harassment in Public Utility Vehicles.** In addition to the penalties in this Ordinance, the Deputized Members of the PNP by the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles through the recommendation of Deputized Members of the Palanan PNP, the Sangguniang Bayan may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in Public Utility Vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarity liable for the offenses of the employee.

**Section 7. Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors.** In case the offense is committed by a minor, the Municipal Social Welfare and Development Office (MSWDO) shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006".

**Section 8. Duties of the Local Government Unit (LGU).** - The Local Government Unit shall bear primary responsibility in enforcing the provisions of this Ordinance and shall have the following duties:

- Disseminate or post in conspicuous places a copy of this Ordinance and the corresponding ordinances;
- Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars to be spearheaded by MSWD Office;
- Discourage and impose fines on acts of gender-based sexual harassment as defined in this Ordinance;
- Create an anti-sexual harassment hotline; and
- Coordinate with the Department of the Interior and Local Government (DILG) through the MLGOO on the implementation of this Ordinance.

**Section 9. Role of the DILG through the MLGOO.** The DILG through the MLGOO shall ensure the full implementation of this Ordinance by:

- Inspecting the LGU if they have disseminated or posted in conspicuous places a copy of this Ordinance and the corresponding ordinances;
- Conducting and disseminating surveys and studies on best practices of the LGU in implementing this Ordinance; and
- Providing capacity-building and training activities to build the capability of local government officials to implement this Ordinance in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

**Section 10. Implementing Bodies for Gender-Based Sexual Harassment in Streets and Public Spaces.** -The Philippine National Police and the Women and Children's Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforcement of this Ordinance; provided, that they have undergone prior Gender Sensitivity Training (GST). For gender-based streets and public spaces sexual harassment, the National Police shall be designated as Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in flagrante delicto. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed.

The ASHE Unit / Palanan PNP together with the Women's and Children's Desk of Palanan PNP Station shall keep a logbook of perpetrators who have committed acts prohibited under this Ordinance for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG/MLGOO shall also ensure that the local government shall expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangays and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The MLGOO & the MSWDO in coordination with the Municipal Health Office and the DCWs shall coordinate if necessary to ensure that victims are provided the proper psychological counselling support services.

**Section 11. Specific Acts and Penalties for Gender-Based Sexual Harassment in Streets and Public Spaces.** The following acts are unlawful and shall be penalized as follows:

(a) For acts such as cursing, wolf-whistling, catcalling, leering and intrusive gazing, taunting, cursing, 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:

(1) The First Offense shall be punished by a fine of One Thousand Pesos (P1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the Offices of MSWDO and MHO;

(2) The Second Offense shall be punished by Arresto Menor (6 to 10 days) or a fine of Two Thousand Pesos (P2,000.00);

(3) The Third Offense shall be punished by Arresto Mayor (1 month) and a fine of Two Thousand Five Hundred Pesos (P2,500.00).

b) For acts such as 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:

(1) The First Offense shall be punished by a fine of One Thousand Pesos (P1,000.00) and community service of twelve hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the MSWDO and the MHO;

(2) The Second Offense shall be punished by Arresto Menor (6 to 10 days) or a fine of Two Thousand Pesos (P2,000.00);

(3) The Third Offense shall be punished by Arresto Mayor (1 month) and a fine of Two

Thousand Five Hundred Pesos (₱2,500.00).

(c) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (a) and (b) of this Ordinance, 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 Section 11 paragraphs (a) and (b):

(1) The First Offense shall be punished by Arresto Menor (6 to 10 days) or a fine of One Thousand Pesos (₱1,000.00) provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the Offices of the MSWD and MHO:

2. The Second Offense shall be punished by Arresto Mayor (1 Month) or a fine of Two Thousand Pesos (₱2,000.00);

3. The Third Offense shall be punished by Arresto Mayor in its maximum period of not more than six (6) months or a fine of Two Thousand Five Hundred Pesos (₱2,500.00).

## **ARTICLE II**

### **GENDER-BASED ONLINE SEXUAL HARASSMENT**

**Section 12. Gender-Based Online Sexual Harassment.-** Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyber-stalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

**Section 13. Implementing Bodies for Gender-Based Online Sexual Harassment. -** For gender-based online sexual harassment, the PNP Anti-Cybercrime Group (PNPACG) as the National Operational Support Unit of the PNP is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

**Section 14. Penalties for Gender-Based Online Sexual Harassment. -** The penalty of a fine of not less than Two Thousand Five Hundred Pesos (₱2,500.00) or an imprisonment of not more than six (6) months, or both at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines. Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: Provided, that such Written order shall only be issued or granted upon written application and the

examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime. Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible as evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

### **ARTICLE III**

#### **QUALIFIED GENDER-BASED STREETS, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT**

**Section 15. Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment.** The penalty next higher in degree will be applied in the following cases, to wit:

- (a) If the act takes place in a common carrier or PUV, including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- (b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- (c) If the offended party is diagnosed with a mental problem tending to impair consent;
- (d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and
- (e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

### **ARTICLE IV**

#### **GENDER-BASED SEXUAL HARASSMENT IN THE WORKPLACE**

**Section 16. Gender-Based Sexual Harassment in the Workplace.** The crime of gender-based sexual harassment in the workplace includes the following:

- (a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;
- (c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: Provided, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and
- (d) Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored



and any procedure related to the recording or storage of electronic data messages or electronic documents.

**Section 17. Duties of Employers.** - Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the very ins place. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

- Disseminate or post in a conspicuous place a copy of this Ordinance to all persons in the workplace;
- Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;
- Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall:

(1) Adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any:

1. Designate a woman as its head and not less than half of its members should be women;
2. Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
3. Investigate and decide on the complaints within ten days or less upon receipt thereof;
4. Observe due process;
5. Protect the complainant from retaliation; and
6. Guarantee confidentiality to the greatest extent possible

(2) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:

1. Expressly reiterate the prohibition on gender-based sexual harassment;
2. Describe the procedures of the internal mechanism created under Section 17(c) of this Ordinance; and
3. Set administrative penalties.

**Section 18. Duties of Employees and Co-Workers.** - Employees and Co-Workers shall have the duty to:

- (a) Refrain from committing acts of gender-based sexual harassment;
- (b) Discourage the conduct of gender-based sexual harassment in the workplace;
- (c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of gender-based sexual harassment: and (d) Report acts of gender-based sexual harassment witnessed in the workplace.

**Section 19. Liability of Employers.** In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

- (a) Non-implementation of their duties under Section 17 of this Ordinance, as provided in the penal provisions: or
- (b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Two Thousand Five Hundred Pesos (P2,500.00).

**Section 20. Routine Inspection.** The Department of Labor and Employment (DOLE / PESO) of the Municipality of San Benito for the private sector and the Civil Service Commission (CSC) through the Human Resource & Management Office for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Ordinance.

## **ARTICLE V**

### **GENDER-BASED SEXUAL HARASSMENT IN EDUCATION AND TRAINING INSTITUTIONS**

**Section 21. Gender Based Sexual Harassment in Educational and Training Institutions, -** All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Ordinance, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling. Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order. The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

**Section 22. Duties of School Heads.** School heads shall have the following duties, to wit:

- Disseminate or post a copy of this Ordinance in a conspicuous place in the educational institution:
- Provide measures to prevent gender-based sexual harassment in educational institutions, like information campaigns:
- Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment, which shall:
  1. Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
  2. Designate a woman as its head and not less than half of its members should be women;
  3. Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;
  4. Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
  5. Investigate and decide on complaints within ten (10) days or less upon receipt thereof;
  6. Observe due process;
  7. Protect the complainant from retaliation; and
  8. Guarantee confidentiality to the greatest extent possible.
  9. Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:

1. Expressly reiterate the prohibition on gender-based sexual harassment;



2. Prescribe the procedures of the internal mechanism created under this Ordinance; and
3. Set administrative penalties.

**Section 23. Liability of School Heads.** In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

- Non-implementation of their duties under Section 22 of this Ordinance, as provided in the penal provisions; or
- Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of Two Thousand Five Hundred Pesos (P2,500.00).

**Section 24. Liability of School Heads.** In addition to liability for committing acts of & gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

- Non-implementation of their duties under Section 22 of this Ordinance, as provided in the penal provisions; or
- Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (e) of this section, shall upon conviction be penalized with a fine of Two Thousand Five Hundred Pesos (P2,500.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of Two Thousand Five Hundred Pesos (P2,500.00).

**Section 25. Liability of Students.** Minor students who are found to have committed acts of gender-based sexual harassment shall only be held liable for administrative sanctions by the school as stated in their School Handbook.

**Section 26. Routine Inspection.** The Department of Education (DepEd) and/or Commission on Higher Education (CHED) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Ordinance.

## ARTICLE VI COMMON PROVISIONS

**Section 27. Confidentiality.** - At any stage of the investigation, prosecution and trial of an offense under this Ordinance, the rights of the victim and the accused who is a minor shall be recognized.

**Section 28. Restraining Order.** - Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the Court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

**Section 29. Remedies and Psychological Counselling.** - A victim of gender-based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the

law as well as psychological counselling services with the aid of the LGU through the MSWD in coordination with the MHO and the MCW. Any fees to be charged in the course of a victim's ailment of such remedies or psychological counselling services shall be borne by the perpetrator.

**Section 30. Administrative Sanctions.** Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

**Section 31. Exemptions.** Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall be exempted and should not be penalized.

**ARTICLE VII**  
**FINAL PROVISIONS**

**Section 32. PNP Women and Children's Desks.** The women and children's desks now existing in all police stations shall act on and attend to all complaints covered under this Ordinance. They shall coordinate with ASHE officers on the street, security guards in privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Ordinance.

**Section 33. Educational Modules and Awareness Campaigns.** The MSWD Office: shall take the lead in the municipal wide campaign for the awareness of the Ordinance. All schools shall educate students from the elementary to tertiary levels about the provisions of this Ordinance, and how they can report cases of gender-based streets, public spaces and online-sexual harassment committed against them. School courses shall include age-appropriate educational modules against gender-based streets, public spaces and online sexual harassment, which shall be developed by the DepEd and MSWD Office.

**Section 34. Safety Audits.** The Municipal Government of San Benito is required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Ordinance within their jurisdiction. Such audits shall be multi-sectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

**Section 35. Appropriations.** Such amounts as may be necessary for the implementation of this Ordinance shall be authorized under Gender and Development (GAD) Fund, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose.

**Section 36. Separability Clause.** If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

**Section 37. Repealing Clause.** Any law, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Ordinance is hereby repealed, modified or amended accordingly.

**Section 38. Effectivity.** This Ordinance shall take effect upon its approval.

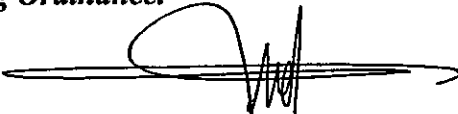
Let copies of this Ordinance be furnished the Office of the Municipal Mayor of San Benito, Surigao del Norte, Office of the MSWDO, PNP - San Benito, Surigao del Norte and all other concerned agencies for information and guidance.

**ENACTED** this, 16<sup>th</sup> day of December 2024 at the Sangguniang Bayan Session Hall, 3<sup>rd</sup> Floor, Legislative Building, San Benito, Surigao del Norte upon the motion of LNMB President Ruella T. Rulete duly seconded by SKF President Aira Mae C. Galano.

XX

*We hereby certify to the correctness of the foregoing Ordinance.*


**HON. CINDY R. AGATI**  
SB Member

  
**HON. CHARLITO E. MENDAVIA**  
SB Member

  
**HON. ALDREIN C. GLIMANE**  
SB Member

  
**HON. DELFIN P. LABOLA**  
SB Member

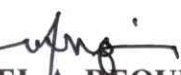
  
**HON. FELIX B. SUMANDO, SR.**  
SB Member

  
**HON. WILLIAM A. POLICAN**  
SB Member


**HON. JAYROM P. CABALLEJOS**  
SB Member

  
**HON. RUELLA T. RULETE**  
Ex-Officio / LNMB President

  
**HON. AIRA MAE C. GALANO**  
Ex-Officio / SKF President


  
**HON. WELLYBEL A. REQUIRME**  
Municipal Vice Mayor  
Presiding Officer

**ATTESTED:**

  
**MELQUIADES G. MANTILLA, MA, MPA**  
Municipal Government Department Head 1  
Sangguniang Bayan Secretary

**APPROVED:**

Date: 12/18/2024

  
**HON. Ma. GINA SUMANDO - MENIL, LCB**  
Municipal Mayor