

Republic of the Philippines
Province of Cebu

SANGUNIANG PANLALAWIGAN

Cebu Capitol, Cebu City

38th

Session

Tenth SP

**EXCERPT FROM THE MINUTES OF THE 35TH REGULAR SESSION HELD BY
THE SANGGUNIANG PANLALAWIGAN OF CEBU, IN ITS SESSION HALL,
LEGISLATIVE BUILDING, CAPITOL COMPOUND, CEBU CITY ON OCTOBER
17, 2005.**

PRESENT:

Hon. Gregorio G. Sanchez, Jr.	Presiding Officer/Vice Governor
Hon. Joven S. Mondigo	Presiding Officer Pro Tempore
Hon. Raul D. Bacaltos	Majority Leader
Hon. Juan V. Bolo	Sanggunian Member
Hon. Antonion A. Almirante, Jr.	Sanggunian Member
Hon. Carmiano 'Cary' A. Kintanar	Sanggunian Member
Hon. Jose Ma. C. Gastardo	Sanggunian Member
Hon. Estrella P. Yapha	Sanggunian Member
Hon. Agnes A. Magpale	Sanggunian Member
Hon. Rose Marie D. Durano	Sanggunian Member
Hon. Victor A. Maambong	Sanggunian Member
Hon. Gabriel Luis R. Quisumbing	Sanggunian Member
Hon. Alfred Francis M. Ouano	Sanggunian Member (PCL)
Hon. Teresita D. Celis	Sanggunian Member (FABC)
Hon. Ramon Martin G. Calderon	Sanggunian Member (PPSK)

SICK LEAVE

Hon. Victoria G. Corominas Sanggunian Member

RESOLUTION NO. 4236-2005

AUTHOR : HON. AGNES A. MAGPALE
CO-AUTHORS : ALL OTHER SP MEMBERS PRESENT

WHEREAS, it is the policy of the State to uphold the rights of women and the belief in their worth and dignity as human beings. Women shall be recognized as full and equal partners of men in development and nation building and men shall share equally of all forms of productive and reproductive activities;

WHEREAS, the Province of Cebu, in its effort to institutionalize pertinent national laws relative to women's welfare and development in the local settings of the society, has endeavored to enact the Comprehensive Women's Code of the Province of Cebu;

WHEREAS, the Province of Cebu shall actively contribute to the establishment of a national and international economic order based on sustained, equitable growth and balanced ecology, and that any development efforts it undertakes should enhance women's full potentials, uplift their status and lead to the improvement of their families and that of their communities;

WHEREAS, towards this end, the Province of Cebu shall pursue and implement vigorously gender responsive development policies, design an integrated gender and development support systems, taking into consideration women's immediate economic survival with support for their effort of empowerment and self-determination, and to adopt and implement measures to protect and promote their rights;

WHEREAS, in line with the provisions of RA 7160 prior to public consultations, the Committee on Women, Children and Family has already

conducted a series of public consultations relative to the passage of the Proposed Comprehensive Women's Development Code of the Province of Cebu;

NOW, THEREFORE, on motion of Member, **HON. AGNES A. MAGPALE**, and duly adopted as on **MASS MOTION** by all the Members of this Body present, duly seconded by the same, be it

RESOLVED to enact, as it is hereby **ENACTED**, the following:

ORDINANCE NO. 2005-18
PROVIDING FOR THE WOMEN DEVELOPMENT CODE OF CEBU PROVINCE

The Sangguniang Panlalawigan of Cebu, hereby **ORDAINS**, that:

CHAPTER I - BASIC PRINCIPLES
ARTICLE I

Title and General Policy

SECTION 1. **Title**. This Ordinance shall be known as the "**Women Development Code of Cebu Province**".

SECTION 2. **Declaration of Policy of the Province of Cebu**. It shall be the policy of the Province of Cebu to uphold the rights of women and the belief in their worth and dignity as human beings. Women shall be recognized as full and equal partners of men in development and nation building and men shall share equally with all forms of productive and reproductive activities.

The Province of Cebu shall actively contribute to the establishment of a national and international economic order based on sustained, equitable growth and balanced economy. And that any development efforts it undertakes should enhance women's full potentials, uplift their status and lead to the improvement of their families and that of their communities.

Towards this end, the Province of Cebu shall pursue and implement vigorously gender responsive development policies, design an integrated gender and development support systems, taking into consideration women's immediate economic survival with support for their effort of empowerment and self-determination, and to adopt and implement measures to protect and promote their rights.

TO ATTAIN THE FOREGOING POLICY:

1. At least Thirty Percent (30 %) of the Official Development Assistance Funds received from the foreign governments and multilateral agencies and organizations shall be set aside and utilized in accordance with the provision of RA 7192 otherwise known as Women Development and Nation Building Act, by departments and agencies of the Province of Cebu concerned to support programs and activities for women.
2. All departments and agencies of the Province of Cebu shall ensure that women benefit equally and participate directly in the development programs and projects of said departments and agencies, specifically those funded under official foreign development assistance, to ensure the full participation and involvement of women in the development process, pursuant to RA 7192.
3. All government project proposals shall ascertain the inclusion of gender responsive indicators and guidelines while not being remiss in locating the root of women's oppression, pursuant to the United Nations Declarations of which of the Philippine Government is a signatory.
4. All departments and agencies of the Province of Cebu upon effectivity of this Code shall review and revise all their regulations, circulars, issuances

- and procedures to remove gender bias therein, and shall complete the same within the year.
5. The PWC Technical Working Group (TWG) shall be actively consulted in matters dealing with official development assistance or foreign aid so as to determine possible gender biases, violations and implications on women in the implementation and administration process.

ARTICLE II Basic Principles

SECTION 3. **Rights of Women, defined.** This Code hereby adopts the declaration of the United Nation's Convention on the Elimination of Discrimination Against Women (CEDAW) defined as follows:

- a. Women have the right to the prevention of, and protection from all forms of violence and 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 processes of their communities and nations.
- 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 reproductive 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 the 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 adequate nutrition and proper health care.
- h. Women have the right to humane living conditions.
- i. Women have the right to nurture their individuality, collectively and individually, to secure an image of themselves as whole and valuable human beings, and to build relationships based on respect, trust and mutuality.
- j. Women have the right to equality before the law in principle as well as in practice.

SECTION 4. **DEFINITION OF TERMS:**

Gender – is a socially constructed difference between men and women. Differences are created artificially, partly through socialization and partly through positive and negative discrimination in the various institutions and structures of society.

Development – is the improvement of the quality of life of all regardless of age, sex, tribe, race, creed and religion. It is characterized by an enrichment of Filipino indigenous resources, sustainable utilization of the natural resources of the country and freedom from dependency. It is therefore, sustained, equitable growth and balanced ecology.

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.

Gender Sensitivity and Training, Gender Sensitization – is an experimental and critical process of learning and unlearning by an individual, female or male, of the causes and effects of the culturally determined roles of women and men.

Commodification of Women – is a practice which puts women in subordinate situation which results in the treatment of women as 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 for one's sexual desire or interest usually in exchange of money or goods.

Violence Against Women – any act of gender-based violence that result in, or likely to result in, sexual or psychological harm or suffering to women, including threats of such act, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Mail Order Bride – It is a practice where woman 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.

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.

Places of Amusement – include all other places of amusement not specifically enumerated or otherwise provided for in this Ordinance, including but not limited to night clubs or day clubs, cocktail lounges, super or family clubs, disco houses, KTV bars, internet cafes, minus-one sing along houses, bars or beer houses/gardens, fast food center showing sports competitions or replay show by direct hook up via satellite or those showing video cassette films/movies, beach resorts and other places of amusement.

Psychosocial Program – It is an intervention using a system approach to condition of women as it is views women's differentiated needs in a social context.

Survivor's Support – It is an organized group of women to whom a woman-survivor of violence voluntarily agrees to establish a professional helping process.

Support Service for Women in the Entertainment Industry – The Province of Cebu shall provide socio-economic service for the women in the entertainment industry in its desire to concretely respond to their practical needs.

Women's Health and Family Planning – As defined in the International Conference on Population and Development and World Health Organization and affirmed in the Beijing Conference, reproductive health is a state of complete physical, mental and social well-being and no merely the absence of disease and infirmity in all matters relating to the women's reproductive system and to its functions and processes.

Differently – abled Women – are women survivors of physical and mental impairments and have differentiated needs and potentials.

Sexual Harassment – It is a form of misconduct involving an act or a series of unwelcome sexual advances, requests for sexual favors, or other verbal or physical behavior of a sexual nature, made directly, indirectly or impliedly.

Promotion of Land – Based Projects – are activities designed systematically in order to provide women the opportunity to have full access and control over the maximum utilization of land and other indigenous resources.

Gender and Development Office – refers to the office which shall be created by the Province of Cebu that will be responsible for the implementation of this Ordinance. It addresses itself to the convergence of the local government efforts towards a municipal level coordination and cooperation in facilitating

gender and development program planning, development, implementation, monitoring and evaluation.

Fund-Raising Initiative – refers to any activity, whether in whole or in part, integrated in any raffle, draw, benefit or disco dance, premier showing or movies, or any similar fund-raising undertakings where women are used as donor prize, substitute for prizes won, a companion package for an award, prize or recognition, or any manner, activity, come-on display, or exhibition which uses a woman as central, partial, or special focus in order to raise funds.

Financial/Economic Abuse- as defined in RA 9262, financial/economical abuse refers to acts that make or attempt to make woman financially dependent which includes, but not limited to the following:

- 1) Withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds, as defined in Article 73 of the Family Code;
- 2) Deprivation or threat of deprivation of financial resources and the right to the use of enjoyment of the conjugal, community or property owned in common;
- 3) Destroying household property;
- 4) Controlling the victim's own money or properties or solely controlling the conjugal money or property;

Puberty – A person's state of physical development when a sexual reproduction first becomes possible.

Prepubescent age – for the purposes of this ordinance, prepubescent age shall be 12 years or younger;

Sex Offender – refers to any person convicted of a crime involving sex, including rape, molestation, sexual harassment and pornography production or distribution.

CHAPTER II – DEVELOPMENT CONCERNS

ARTICLE I

Gender and Development

SECTION 1. Gender and Development Defined. Conscious efforts in improving the quality of lives of women and men based on sustained, equitable growth and balanced ecology. It sees society as a gender system in all its aspects – economic, political and social. It views women's oppression in both the private and public spheres. It sees women as agents of change, instead of mere recipients of development assistance. It calls for structural change as well as reorientation of the patriarchal culture.

SECTION 2. Gender Sensitivity and Training, Gender Sensitization Defined. It is an experimental and critical process of learning and unlearning by an individual, female or male, of the causes and effects of the culturally determined roles of women and men. All schools, offices, establishments or companies, departments and agencies of the Province of Cebu shall be provided with gender sensitivity orientation and training which shall equip them with theoretical and practical knowledge on gender issues and concerns. Likewise all establishments, schools, colleges and universities shall develop assessment tools for gender biases.

SECTION 3. Active Support to Gender Studies. A sufficient amount shall be allotted to gender-related documentation and researches which form part of the Province of Cebu's data-based program development.

SECTION 4. Gender and Development Officer. A Gender and Development Officer shall be appointed to initiate gender and development programs in the offices, establishments, companies, departments or agencies of the Province of Cebu.

SECTION 5. Integrated Gender-Sensitive and Environment-Friendly Plan of Cebu Province. An integrated gender-sensitive and environment friendly plan of the Province of Cebu shall constitute the following but not limited to:

- a. Community – Based Environment Plans and Programs. Both men and women shall participate in pollution control, zero-waste technology development and management, preservation of the forest, marine and aquatic resources and indigenous reforestation.
- b. Gender – Sensitive Natural Resource – based Management Programs. The Province of Cebu shall engaged itself in the development of gender – sensitive natural resource – based management programs.
- c. Role of Women in Environment Impact Assessment of Projects. The Province of Cebu shall promote the active role of women in environmental impact assessment projects. Instruments for environment impact and assessment shall consciously determine sex disaggregated data.
- d. Promotion of Appropriate Environmental Technology. The Province of Cebu shall actively promote an alternative technology that is appropriate and safe for women.
- e. Creation of Resource Management Council. Each barangay shall create resource management council which shall ensure promotion and protection of ecological balance and full participation of women.

SECTION 6. Education on National Policies. Women and men shall undertake education on national policies and their implications to women

SECTION 7. Special Training for Lupong Tagapamayapa. A special para – legal training for Lupong Tagapamayapa shall be conducted along gender questions and related matters.

SECTION 8. Gender – Sensitization as a Pre-requisite to Employment and Promotion. There shall be a gender – sensitive assessment to be conducted by the PWC/Gender and Development Office to all concerned as a pre-requisite to hiring and promotion of personnel.

SECTION 9. Gender and Population. The Provincial Health Office shall review and redesign the population program that it becomes not contraceptive – based but conscious of total women's health.

SECTION 10. Training on Non-Traditional Occupation. Women shall be given opportunity to acquire training such as those related to science and technology.

ARTICLE II Violence Against Women

SECTION 11. Violence against women shall include but not limited to:

- a. Physical, sexual and psychological violence occurring in the family and other close relationships, including battering, sexual abuse of female children in the household, dowry – related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non – spousal violence and violence related to exploitation.
- b. Physical, sexual, economic and psychological violence occurring with the general community, including rape, sexual abuse, sexual harassment, and intimidation at work, in educational institutions and elsewhere, trafficking in women and forces prostitution. The definition includes the introduction of

substances to foster the above – described violence regardless of whether the crime is consummated or not.

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

SECTION12. **Sexual Abuse Defined**. Sexual abuse shall include but not limited to the following:

1. When a man insert or attempt to insert his penis into the mouth or anus of a woman under any of 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. When a person who inserts part of his or her body other than the sexual organ, or who introduces any object or instrument into the genital or anus of woman under any of the situations stated in paragraph 1.
3. When a person subjects another to have sexual intercourse with an animal under any of the circumstances stated in paragraph 1 or through any abnormal, unusual or ignominious sexual act.
4. Any intentional contact however slight of one's penis to the genital, mouth, breast or anus of a woman or intentional contact thereof, however slight, to any part of her body other than her sexual organ; or the use of any instrument or object which intentionally touches the genital, breast or anus of a woman.
5. Sexual abuse in intimate marital relations. Forced sexual act committed under intimate or marital relations shall be part of sexual abuse such as those between man and woman, woman and woman relations, marries or unmarried, legally separated in fact.

SECTION13. **Battering Defined** – a series of physical, emotional and psychological abuse. It is repeated and habitual cyclic pattern as means of intimidation and imposition of the batterer's will and control over the survivor's life. Battering constitutes the following kinds of behavior but is not limited to:

- a. **Sexual battering** – this includes physical attacks on the woman's breasts/genitals or forced sexual activity, accompanied by either physical violence or threat of physical violence.
- b. **Psychological battering** – this includes threats of suicide, violence against the woman or her family, punching, breaking or defacing, or otherwise destroying the house or any part thereof; or of the personal belongings of a woman, threatening to take the children away, threatening deportation of wives with foreign citizenship, threatening to kidnap children or take them to a foreign country and forcing the victim to do degrading things; controlling the victims lawful or unusual activities, the use of foul and insulting words or statement and threats of abandonment

and expulsion such as forcing the wives to leave the conjugal dwelling. This provision shall likewise apply to common law relations.

SECTION14. **Trafficking in Women Defined** – Republic Act 9208 otherwise known as The Anti –Trafficking in Persons Act of 2003 passed on May 2003, a recent enacted legislation that sets up policies to eliminate trafficking in persons especially women and children which define trafficking but is not limited to the following:

- a) For any person, association, cult, religion or organization or similar aggregation committing the following acts:
 - I. establish or carry on a business for the purpose of matching women for marriage to local foreign nationals, either on a mail order basis or through personal introduction or cyberspace;
 - II. advertise, publish, print or distribute, or cause the advertisement, publication, printing or distribution of any brochure, flyer or propaganda materials calculated to promote the above – mentioned prohibited acts for profit or advantage;
 - III. solicit, enlist, or attract/induce any woman to join any club, association or organization whose objective is to match women for marriage to local or foreign nationals, either on a mail – order basis or through personal introduction by means of any available medium including the cyberspace, or any other forms which facilitate the act of solicitation;
 - IV. use the postal service, cyberspace or satellite TV to promote the abovementioned prohibited acts.
- b) to buy or sell a woman, or any of her body parts for profit; or to use her body by any pretext; to be used for experiments, research or the like without her consent.
- c) to act as a procurer of a sex worker.
- d) to threaten or use violence and force or deception, a woman to become a mail – order bride.

SECTION15. **Sexual Harassment** - Sexual harassment shall be unlawful in the employment, education or training environment as prescribed in RA 7877.

Sexual Harassment may take place also:

1. in the premises of the workplace or office or of the school or training institution;
2. in any place where the parties were found as a result of work or education or training responsibilities or relations;
3. at work or education or training related social functions;
4. while on official business outside the office or school or training institution or during work or school or training – related travel;
5. at official conferences, for a symposia or training sessions; or
6. by telephone, cellular phone, fax machine, electronic mail or cyberspace chat/conversation;

SECTION 16. **Other Forms of Sexual Harassment.** Other than the definition provided by RA 7877 and other pertinent national laws, the following constitute sexual harassment.

1. persistent telling of offensive jokes such as green jokes or other analogous to someone who finds them offensive or humiliating;
2. taunting a person with constant talk about sex and sexual innuendoes;
3. displaying offensive or lewd pictures and publications in the workplace;
4. interrogating someone about sex activities or private life during interviews for employment, scholarship grants or any lawful activity applied for;
5. making offensive hand signs or body gestures at someone;
6. repeatedly asking for dates despite verbal rejection;
7. touching, pinching or brushing up against someone's body unnecessarily or deliberately;
8. kissing or embracing someone against her will;
9. requesting sexual favors in exchange for a good grade, obtaining a good job or promotion, or the like favors.
10. cursing, whistling or calling a woman in public with words having dirty connotations or implications which tend to ridicule, humiliate or embarrass the woman such as "puta", "boring", "peste", or the like words;
11. any other unnecessary or lewd acts during physical examinations;
12. requiring women to wear suggestive or provocative attire during interviews such as job hiring, promotion, admission.
13. any or all acts analogous or similar to the foregoing shall likewise constitute sexual harassment.

SECTION 17. **Pedophilia Defined** – Pedophilia which is a paraphilia of being sexually attracted primarily or exclusively to prepubescent children, and is defined under the following circumstances:

- a) when the offender shall have sexual intercourse or anal intercourse with a prepubescent girl or boy, or
- b) when the offender commits acts of lasciviousness against a prepubescent girl or boy;

For purposes of this section, a pedophile is one who's age is 18 years old or above.

SECTION 18. **Prohibition of Printing, Publication, Display and Distribution of Pornographic Scenes on Movie/TV Trailers/Shows, Cyberspace, Posters, Billboards and other Materials and Similar Literature.** It shall be unlawful for any person to print, publish, display or distribution of pornographic scenes on movie/TV trailers/shows, cyberspace, posters, billboards, literature and other visual materials which threat women as sex object and commodities.

SECTION 19. **Pornographic and Indecent Shows.** Any person or agency who engages in shows depicting women as sex objects in private or in public place under scandalous circumstances shall violate women's rights.

SECTION 20. **Liveshows.** It shall be a violation of women's rights to influence or force a woman, girl-child to perform indecent shows in public or private places for commercial or entertainment purposes.

SECTION 21. **Comprehensive Support to Women-Survivors of Violence.** The Province of Cebu shall provide a 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 testimonies 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 latter 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 investigations/court trial involving rape cases and other forms of violence against women conducted in the Police Stations, Prosecutor's Office and the Trial Courts shall recognize the survivor's social support groups as expressly allowed or requested by the offended party;
- h) A temporary shelter with appropriate support service for women in crises shall be appropriately constructed under the management and supervision of the Provincial Social Services and Development Office.

SECTION 22. **Prostitution as a Violation of Women's Rights.** Prostitution shall be recognized as a violation of human rights and exploitation of women who have no real choices for survival.

Prostituted women in this particular instance shall be considered as human rights violation and shall be given full protection of the law.

SECTION 23. **Local Monitoring Board for Violence in Media.** A Local Monitoring Board for movie, print, broadcast, and multi-media, shall be created to recommend to MTRCB regarding materials openly and indecently shown, printed or broadcasted that degrades women. The Board's function shall also extend to video shops, electronic communication, cable television, books and other forms of audio visual channels or instruments.

Section 24. **Assignment of Female Police Officer.** Complaints filed by women on battering and other forms of abuse against them shall be handled preferably by female officers or male GAD trained police force who shall undergo special courses on handling cases affecting abuse women under existing laws.

SECTION 25. **Creation of Multi-Disciplinary and Multi-Sectoral Coordinating Council on Family Violence.** A Multi-Disciplinary and Multi-Sectoral Coordinating Council on Family Violence shall be created by the Province of Cebu through the Provincial Gender and Development Office in coordination with existing women NGOs engaged in program against family violence to design protocol and mechanism for identification, assessment and interventions on family violence.

ARTICLE III **Political and Public Sphere of Women**

SECTION 26. **Commemoration of March 8 as International Women's Day.** March 8 shall be province wide set of activities on women and the law, current issues affecting and influencing women and assessment of women's status in the Province of Cebu and other forms of critical consciousness – raising activities.

SECTION 27. **Women's Congress of the Province of Cebu.** A women's congress shall be held on March every year which shall be convened and managed by a joint committee on Women Non-Government Organizations (WNGOs) and Government Organizations (GOs) and the Provincial Women's Commission / GAD Secretariat.

SECTION 28. **Barangay Level Self-Organization of Women.** Self-organization of women shall be recognized at the barangay level to include young women.

SECTION 29. **Creation of Council for Women.** A Council for Women shall be organized at the Municipal level from among the barangay level women organizations.

Women organizations with mass membership at the community level shall likewise be presented at the Council for Women. Women groups in schools, offices whether GO or NGO shall be presented in the Council as cluster.

SECTION 30. **Representation of Women in Barangay Development Council (BDC) Structure.** The Province of Cebu shall ensure that at least one third (1/3) of the members of the BDC are women to strengthen government's recognition of women's potentials in each barangays.

SECTION 31. **Women Representatives to the Municipal Development Council (MDC).** The Province of Cebu shall ensure that at least one third (1/3) of the members of the MDC are women.

SECTION 32. **Women in Law Enforcement Positions.** At least 15% of the key law enforcement position should be given to qualified women police personnel.

ARTICLE IV Labor and Employment

SECTION 33. **Declaration of Policy** – The right to work is one of the major rights embodied in national and international covenants. This code respects the 4 standards of the right to work. These are: Right to employment and the right to freely choose and accept work, Right to just and favorable conditions of work, Right to Social Security, and the Freedom to association, collective bargaining and concerted actions. Equally, it shall endeavor to protect women's right at a gender friendly working environment, free from harassment and discrimination. It shall respect policies that shall balance labor and business concerns.

SECTION 34. **Setting-up of Committee on Decorum and Investigation (CODI).** A Committee on Decorum and Investigation (CODI) shall be set up in all local offices, agencies and establishments or companies and training institutions to act on complaints related to sexual harassment.

SECTION 35. **Gender-Sensitive Workplace.** A gender-sensitive workplace appropriate for a gender-sensitive environment shall be adopted by all offices, agencies and establishments and companies which shall help prevent sexual harassment, sexual abuse and other forms of maltreatment in the workplace.

SECTION 36. **Facilities and Support Systems for Women.** The Province of Cebu shall ensure the safety and health of women employees. In appropriate cases, it shall require employees to:

- a. Provide seats proper for women and permit to use such seats when they are free from work and during working hours, provided they can perform their duties in this position without detriment to efficiency;
- b. Establish separate toilet rooms, lavatories and lounge for men and women and provide at least a dressing room for women;
- c. Establish a crèche in a workplace for the benefit of the women employees therein; and
- d. Provide nursery / breast feeding centers for women in the workplace.

SECTION 37. **Women in the Entertainment Industry.** Women engaged in the entertainment industry shall be recognized as wage earners and they shall receive a minimum wage and benefits afforded to women workers and shall render services as set in the job contract and only in the place of work as specified in the business permit of the establishment concerned.

SECTION 38. **Orientation on Sexual Harassment.** All Local offices, agencies, and establishments or companies, government and private in Cebu shall conduct orientation on sexual harassment. Certificate of compliance shall be submitted to the PWC/GAD Office.

SECTION 39. **Tax Incentives for Business Entities.** The Province of Cebu shall enjoin all LGUs and Component Cities to provide tax incentives to business entities providing:

- a. Child – minding and day care child support system;
- b. Breast feeding rooms.

ARTICLE V **Health Right**

SECTION 40. **Strengthening Primary Health Care Delivery.** In consonance with the department of health's thrust and Sec. 19 C, Art. II of the Cebu Province Children's Welfare Code, the Province of Cebu shall strengthen the Primary Health Care Delivery in the context of Women's Health.

SECTION 41. **Upgrading of Health Care Delivery System.** Quality health care and nutrition services that are not discriminatory on account of their gender, age, sex, creed, religion and ethnicity shall be implemented in the Province of Cebu.

SECTION 42. **Pregnant and Lactating Women Nutritional Rights.** The Province of Cebu shall ensure good nutrition to pregnant and lactating women through increase access to livelihood opportunities.

SECTION 43. **Budget for Women's Health.** At least one percent (1%) of the health budget of the Province of Cebu shall be allotted for women's health care and nutrition services.

ARTICLE VI **Education Right**

SECTION 44. **Promotion of Gender - Sensitive Curricula.** The schools in Cebu Province shall actively promote gender – sensitive professional school counseling and career education programs to encourage females to pursue academic and technical courses in order to widen their career opportunities.

At least 5% of the Special Education Fund shall be appropriated to implement gender sensitive curricula.

SECTION 45. **Monitoring and Reporting of Stereotyped for Trial of Roles of Women and Men in Educational Materials.** The PWC/GAD office shall coordinate closely with the Provincial Division of Schools in the Department of

Education (DepEd), and report any finding/s to appropriate agencies for appropriate actions. The Gender and Resource Center should regularly distribute gender sensitive standards to schools and other educational institutions.

SECTION 46. **Adult Education**. All women desiring to engaged themselves in functional and practical education shall be enlisted in adult education program which shall be set up in all barangays in Cebu Province.

SECTION 47. **Sunday Classes for Women**. Sunday classes for women shall be held in all Barangay High Schools in the Province of Cebu to facilitate working women's access to education.

ARTICLE VII Socio-Economic Benefits for Women

SECTION 48. **Increased Capital Assistance for Women**. All departments and agencies engaged in socio-economic programs shall be encouraged to increase their capital assistance and / or subsidy to women especially on land- based projects using community bank approach.

SECTION 49. **Access to Safe Water**. All Barangays in the Province of Cebu shall be mandated to provide easy access to safe water supply. Appropriate systems shall be install to ease women's workload.

SECTION 50. **Sufficient Budget for Basic Social Services**. Sufficient amount for the basic social services for women and children in extremely difficult circumstances shall be allocated from all sources of funds.

SECTION 51. **Investments and Loans**. The Province of Cebu shall hold consultations with women GOs and NGOs establishing easy access to loans and investments to clarify implications on women's welfare and development at all level.

ARTICLE VII Rural Women's Rights

SECTION 52. **Promotion of Land – Based Projects**. The Province of Cebu shall promote and support land-based projects insuring food security for rural and women utilizing science, women friendly and appropriate technology instilling collectivism.

SECTION 53. **Access to Science and Women-Friendly Alternative Technology Education**. The Province of Cebu's Agriculturist Office in conjunction with the Department of Science and Technology and other related line agencies shall establish a science and women – friendly alternative technology center for rural women in each barangays.

ARTICLE IX Special Concerns

SECTION 54. **Strengthening Single Parents Organizations and Benefits Under RA 8972**. The "Solo Parents Welfare Act of 2000" shall be enforced.

SECTION 55. **Special Education for Differently – abled Women**. The Province of Cebu shall establish schools for differently – abled women in Cebu which shall offer appropriate technology curricula.

SECTION 56. **Advocacy on Differently – abled Women's Rights**. Active Advocacy on the rights of differently abled women shall be conducted by the PWC/GAD office.

SECTION 57. **Creative Employment Opportunities for Differently – abled Women.** The Province of Cebu shall develop creative employment opportunities for differently – abled women recognizing their differentiated conditions and full potentials as human persons.

SECTION 58. **Reporting of Cases of Harassment Committed Against Differently – abled and Elderly Women.** The Province of Cebu through its Gender and Development Office shall require all barangays to monitor and report all cases of harassment committed against differently – abled and elderly women.

SECTION 59. **Support to Women in Detention.** Rights of Women detainees shall be protected. a) speedy trial of their cases shall be insured by all concerned; b) an appropriate program shall be designed to respond to their specific needs and problems as detainees; and c) separate detention cell and space for rehabilitation shall be provided.

SECTION 60. **Support to Women PNP Personnel.** The Province of Cebu shall provide free legal assistance to Women PNP Personnel indiscriminately charged, criminally or administratively, in the performance of her official duty.

SECTION 61. **Respect for Women's Sexual Preference.** Women's rights to gender preference shall be respected and protected.

SECTION 62. **Overseas Contract Worker's (OCW) Wives and Children Support.** The Province of Cebu shall conduct at the Barangay level a survey of Overseas Contract Workers. Results of which shall serve as basis for special support to women and children.

SECTION 63. **Special Course on OCW.** A special course on Overseas Contract Work primarily to orient women on the issues and concerns relative to migration shall be systematically introduced to all women especially at the barangay level.

ARTICLE X Women and Children Support System

SECTION 64. **Daycare Centers.** The Province of Cebu shall ensure that Day Care Centers are set up in every barangay in compliance with existing laws.

SECTION 65. **Parental Support.** The father and the mother shall be jointly responsible to provide support to their minor and unemancipated children.

ARTICLE XI Indigenous Cultural Women and Communities

SECTION 66. **Declaration of Policy.** – Indigenous Cultural Women and Communities shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life.

SECTION 67. **Recognition of Cultural Rights and Practices.** - In difference to cultural practices and rights, the Province of Cebu shall see to it that indigenous cultural practices and rights are respected and recognized.

SECTION 68. **Participation of Indigenous Women in Decision Making Process –** Indigenous women shall be given an opportunity to participate in all decision making processes of the Province of Cebu. Their decision shall be given due respect and recognition.

SECTION 69. **Full Access to All Services Using their Own Cultural Languages –** as far as possible, the Province of Cebu shall ensure that

indigenous women have access to all services using their own cultural languages.

CHAPTER III – PROHIBITIONS

ARTICLE I

Violence Against Women and Children

SECTION 1. **Soliciting Womens' Services.** It is unlawful for 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 provisions of the Revised Penal Code and other related laws.

SECTION 2. **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 woman to work abroad or in other provinces or cities in the Philippines for a particular job on a promise of high fees, but instead land into prostitution and other illegal activities.

SECTION 3. **Sex Slavery.** Any agency or person who shall engaged in keeping women for sex for a fee shall suffer the penalty in accordance with the Revised Penal Code and other pertinent national laws.

SECTION 4. **Sex Tours.** No hotels, beach resorts, sauna baths, and related establishments shall be allowed to operate as conduit for sex tours.

SECTION 5. **"Beauty" Contest.** Beauty contests which tent to commodify, abuse, humiliate, and treat women as sex objects shall be strictly prohibited in schools, communities, barangays, and by the Province of Cebu in its special celebrations, but in their stead, the projection of women's strengths and potentials especially with regard to culturally – relevant forms shall be encouraged. For this reason, a monitoring body shall be established to set the standards and monitor the establishment and hosting of beauty contest within their territorial jurisdiction.

SECTION 6. **Fund Raising Initiative.** All fund raising initiative as defined in the immediately preceding section shall be strictly prohibited.

SECTION 7. **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 and effect a force marriage shall be held liable under this Code.

SECTION 8. **Surveillance of Entertainment Establishments.** The Provincial Police Office is mandated to establish a special task force to conduct constant surveillance of entertainment establishments exploiting women. Failure of the task force to submit monthly report shall be subject to an administrative sanction.

ARTICLE II

Labor and Employment

SECTION 9. **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 10. **Wage and Benefits for Women.** No employer shall deny a female employee minimum wage as stipulated by the Regional Wage Board or passed by Congress and shall grant all benefits to all women employees such as maternity leave, sick and vacation leave, retirement, termination and other benefits provided by law.

SECTION 11. **Womens' Health Services**. It shall be unlawful for big companies as well as labor intensive 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 a fine of P 5,000.00 shall constitute the penalty for violation of this provision.

SECTION 12. **Orientation on Sexual Harassment**. All local offices agencies and establishments or companies, government and private, in Cebu Province shall conduct orientation on sexual harassment. Failure to comply with this provision shall pay a fine of not less that P3,000.00 at the discretion of the court. The head of office shall be held liable through an administrative sanction. Also all offices must have a Committee on Decorum and Investigation (CODI) for the effective implementation of the Anti-Harassment Act or RA 7877.

SECTION 13. **Gender-Sensitive workplace**. A workplace appropriate for a gender – sensitive environment shall be adopted by all offices, agencies and establishments or companies which shall help prevent sexual harassment, Sexual abuse and other forms of maltreatment in work places.

Monitoring team shall be composed of representative of offices of the Provincial/Municipal/City Engineer, Social Services and Development and Integrated Gender and Development Officer to conduct inspection in compliance with the above provision.

Non- compliance of this provision shall be held liable under this code in addition to the cancellation of their business permit or license to operate business.

SECTION 14. **Barangay – Based Househelp Support**. All barangays in the Province of Cebu shall conduct compulsory education for both househelp and househelp employers on gender – sensitivity. An administrative sanction shall be imposed to any Barangays Council who fails to comply with this provision.

SECTION 15. **Raids**. Police Brutality shall not be allowed during the conduct of raids in the entertainment establishment. Violation of this provision shall be subjected to an administrative sanction, without prejudice to criminal prosecution under the Revised Penal Code.

ARTICLE III Health Right

SECTION 16. **Socialized Women's Health Services for All Hospitals**. No hospital situated within the Province of Cebu shall deny a woman living below the poverty line of health services.

In cases of indigent patients, a medial/social personnel shall conduct assessment for possible recommendation of assistance.

ARTICLE IV Women in the Environment

SECTION 17. **Participation of Women in Environmental Decision- Making at all Levels**. The Province of Cebu shall observe the essential role of women in the development of sustainable and ecologically sound consumption and production patterns approaches to natural and resource management.

ARTICLE V Gender and Development

SECTION 18. **Gender Sensitivity Orientation and Training**. All schools, offices, establishments or companies, departments and agencies including barangays officials of the Province of Cebu shall initiate gender sensitivity

orientation and training which will equip them with theoretical and practical knowledge on gender quality.

Failure to comply with this provision shall be held liable under this code.

CHAPTER IV Provisions for Implementation

SECTION 1. **Creation of the Gender and Development Office.** The gender and development (GAD) Office of the Province of Cebu shall be created specifically to implement the provisions of this ordinance. It shall be the coordinative, regulatory and monitoring body of the Province of Cebu gender-related projects and activities.

SECTION 2. **Functions of the Gender and Development Office.** This distinct office shall have the following functions to ensure consistency in the implementation of the provisions of this ordinance:

a. **Monitoring and Coordinative Functions.** This office shall ensure realistic, measurable and tangible implementation of this ordinance. This include but not limited to:

a.1 Gender – Sensitive Watch. A system of services and facilities to monitor status of women in Cebu Province where all departments and agencies shall develop conceptual and practical methodologies for incorporating gender perspectives in all aspects of governance. it shall collect sex and age disaggregated date. It shall served as GAD data bank of Cebu Province.

a. 2 Legal Aid Services. A coordinated service for any legal actions needed by women in protecting their rights shall be installed.

a.3 Advocacy and Campaign Management. A coordinated advocacy and campaign against all forms of discrimination and violence against women shall be programmed and implemented.

a.4 Psychosocial Support Program. A holistic and indigenous program to **women** social dysfunction shall be set up. This includes but not limited to physical/biological, emotional, psychological and social needs.

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

b.1 Education and Training Benchmark. Gender – Sensitivity education and training for all departments and agencies of the Province of Cebu and at the barangays level shall be designed. Standards for contents of the course shall be established by the GAD office.

b.2 Violence in Media Check. An active dialogue with tri-media representatives shall be undertaken by the Sangguniang Panlalawigan Committee on Women’s Children and Family Affairs to curb violence in media and in aid of legislation.

CHAPTER V Budgetary Application

SECTION 1. **Appropriation.** The Province shall include in its yearly Annual/Supplemental Budget an appropriation of Five Hundred Thousand (P500,000.00) Pesos for the implementation and administration of this Code.

CHAPTER VI Transitory and Final Provision

SECTION 1. **Penal Clause.** Unless otherwise provided, any person found guilty in any of the prohibitive acts enumerated in this Code shall suffer the penalty of Imprisonment of not more than one (1) year or a fine of not more than P5,000.00 or both at the discretion of the court; Provided that when the violation constitutes battering or when the offended party is a member of the family of the offender within six civil degree of consanguinity or affinity, the penalty shall be imposed in the maximum.

In case the offender is a corporation, its immediate officers shall be held liable under this code, without prejudice to the revocation of its business permit as maybe deemed proper by the LGU concerned.

SECTION 2. **Separability Clause.** If any part or provision of this ordinance is held unconstitutional or invalid, other part or provision thereof which are not affected shall remain valid and shall continue to remain in full force and effect.

SECTION 3. **Effectivity.** This ordinance shall take effect immediately 15 days after its official publication in a newspaper of general circulation.

ENACTED AND CARRIED ON MASS MOTION.

I hereby certify to the correctness of the afore – quoted resolution.

(SGD) EUGIDIA D.
ANDRINO
Board Secretary

ATTESTED:

(SGD) GREGORIO G. SANCHEZ, JR.
Vice-Governor/Presiding Officer

APPROVED, January 02, 2006

(SGD) GWENDOLYN F. GARCIA
Provincial Governor

**PROVINCIAL WOMEN'S COMMISSION (PWC)
COMMISSIONERS**

Hon. Gwendolyn F. Garcia Hon. Agnes A. Magpale Designate	- Chairperson/Provincial Governor of Cebu - Co-Chairperson & Presiding Officer PB Chairperson, Committee on Women, Children and Family
Hon. Teresita D. Celis	- Association of Barangay Captains (ABC) Federation President
Ms. Marivic R. Garces	- Dept. Head, Provincial Social Welfare & Development Office (PSWDO)
Ms. Cristina B. Ginago	- Dept. Head, Integrated Provincial Health Office (IPHO)
Dr. Ester B. Velasquez	- President, Cebu Normal University
Mr. Emme T. Gingoyon	- Provincial Budget Officer
P/Capt. Milagros Y. Soliano	- Chief, Women & Children's Desk (WCCD), Cebu Provincial Police Office
Atty. Geraldine E. Jorda	- President, Legal Alternatives for Women (LAW) Center, Inc.
Atty. Myrna V. Limbaga	- Vice-President, Federation Intercionale de Abogados (FIDA)
Ms. Connie A. Gestopa (CWN)	- Chairperson, Cebu Women's Network
Prof. Roderick Rama-Poca Against	- President, Men Opposed to Violence Women & Children (MOVAW-C)
Atty. Anecita G. Pasaylo	- Provincial Secretary, Cebu Province
Engr. Adolfo V. Quiroga	- Provincial Planning Development Officer, Cebu Province
Sis. Ma. Belen Alcoseba, ICM	- Coordinator, Pundok sa Higalang Kababayan-an (PHK)
Mrs. Purita R. Sanches Social	- Coordinator, Kauswagan Community Center

LAW Center, Inc.
Secretariat