



Republic of the Philippines
PROVINCE OF NEGROS OCCIDENTAL
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
South Wing, Provincial Capitol Building
South Capitol Road, Bacolod City, Negros Occidental 6100
Tel. Nos. 435-7698 * 433-4894 * 707-8075

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD ON THE 19TH DAY OF DECEMBER, 2023

PRESENT:

Hon. Valentino Miguel J. Alonso	Temporary Presiding Officer
Hon. Rommel T. Debulgado	Member - 1 st District
Hon. Araceli T. Somosa	Member - 1 st District
Hon. Sixto Teofilo Roxas V. Guanzon	Member - 2 nd District
Hon. Samson C. Mirhan	Member - 2 nd District
Hon. Manuel Frederick O. Ko	Member - 3 rd District
Hon. Andrew Gerard L. Montelibano	Member - 3 rd District
Hon. Rita Angela S. Gatuslao	Member - 5 th District
Hon. Anthony Dennis J. Occeño	Member - 5 th District
Hon. Jeffrey T. Tubola	Member - 6 th District
Hon. Mayvelyn L. Madrid	Member - SKF Rep.

ON OFFICIAL BUSINESS:

Hon. Jeffrey P. Ferrer	Vice-Governor/Presiding Officer
Hon. Jose Benito A. Alonso	Member - 4 th District
Hon. Andrew Martin Y. Torres	Member - 4 th District
Hon. Julius Martin D. Asistio	Member - PCL Rep.

ORDINANCE NO. 015

Series of 2023

AN ORDINANCE PROVIDING FOR A COMPREHENSIVE GENDER AND DEVELOPMENT CODE FOR THE PROVINCE OF NEGROS OCCIDENTAL

Authored by:

Hon. Rita Angela S. Gatuslao

Chair, SP Committee on Women, Children and Family Affairs

BE IT ENACTED by the Sangguniang Panlalawigan of the Negros Occidental in a regular Session duly assembled that:

ARTICLE I

TITLE, GENERAL PRINCIPLES AND DEFINITION

SECTION 1. Short Title – This ordinance shall be known as the Negros Occidental Gender and Development Code of 2023 or the Provincial GAD Code of 2023.

SECTION 2. Declaration of Policy and Principles – It is the declared principle and policy of the Province of Negros Occidental to:

- Effectively promote, fully enhance and institutionalize the protection, development and welfare of women and girls within the framework of advancing gender equality and women's empowerment;
 - Take urgent and concerted action in narrowing gender gaps by strengthening the voice of women through the development of gender responsive projects in areas such as health, human rights, leadership and political participation, infrastructure and education;
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- Work to increase women's economic empowerment by carrying out and investing in capacity development projects and activities which directly benefit women;
- Mainstream gender-sensitivity and responsiveness through local legislation that will broaden women's equal participation at all levels of decision-making;
- Affirm the importance of gender equality, not only as a fundamental human right, but also as a requisite to poverty reduction and improved living standards, sustainable economic growth, and effective and accountable local governance;
- Establish concrete goals and measures that will accelerate and boost women's equal participation in political and public life;

SECTION 3. Definition of Terms - the following terms as used in this Code shall be defined as:

ACT OF LASCIVIOUSNESS - As defined under the Revised Penal Code, is the act of making physical contact with the body of another person for the purpose of obtaining sexual gratification other than, or without intention of, sexual intercourse.

CHILDREN - as defined under Republic Act 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act", refers to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

COLLECTIVE NEEDS OF FAMILY - refers to such basic needs as food, shelter, light and water, clothing, education, medical, transportation and other expenditure necessary for the survival of the family and child.

CULTURE SENSITIVE - as defined under R.A. 8371, otherwise known as the "Indigenous People's Rights Act of 1997," this refers to the quality of being compatible and appropriate to the culture, beliefs, customs and traditions, indigenous systems and practices of indigenous cultural communities/indigenous (ICCs/IPs).

DEBT BONDAGE - as provided for under R.A. 9208 as amended by RA 10364 or the Expanded Anti-Trafficking Act of 2012, this refers to any pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.

DISCRIMINATION AGAINST WOMEN - as defined under the Magna Carta of Women, refers to any gender-based distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic social, cultural, civil or any other field.



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EMPLOYER - refers to any person, whether natural or juridical who, whether for valuable consideration or not, directly or indirectly procures, uses, avails itself of, contracts out or otherwise derives benefit from the work or services of an employee in any occupation, undertaking, project or activity, whether for profit or not. It includes any person acting in the interest of the employer.

FLEXIBLE WORKING SCHEDULE - pursuant to Republic Act 11861, amending several provisions of RA 8972 or the "Solo Parent's Welfare act of 2000," flexible working schedule is the right granted to a solo parent- employee to vary his/her arrival and departure time without affecting the core work hours as defined by the employer.

GENDER - refers to the socially differentiated roles, characteristics and expectations attributed by culture to women and men.

GENDER AND DEVELOPMENT - refers to the developmental perspective and process that is participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, supportive of self-determination and actualization of human potentials. It seeks to achieve gender equality as a fundamental value that should be reflected in development choices; seeks to transform society's social, economic and political structures and questions the validity of the gender roles ascribed to women and men; contends that women are active agents of development and not just passive recipients of development assistance, and stresses the need of women to organize themselves and participate in political processes to strengthen their legal rights.

GENDER-BASED SEXUAL HARASSMENT - refers to an act or conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft.

GENDER EQUALITY - refers to the principle of asserting the equality of men and women and their right to enjoy equal conditions realizing their full potential to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.

GAD FOCAL POINT SYSTEM – a structure or mechanism established under R.A. 9710, otherwise known as the "Magna Carta of Women", to catalyze and accelerate gender mainstreaming within the local government or agency.

GENDER MAINSTREAMING - refers to the strategy for making women's, as well as, men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in political, economic and social spheres so that women and men benefit equally and inequality is not perpetuated. It is the process of assessing the implication for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels.

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GENDER-RESPONSIVE DEVELOPMENT PLANNING (GRDP) - also known as Gender Responsive Planning, is the operationalization and integration of the GAD framework in the entire development planning cycle. It rests on the premise that introducing gender considerations make development planning/programming more “people-oriented or people-focused”. Gender is one source of heterogeneity along with education, ethnicity, class and other socio-demographic variables, all of which determine, to a large extent, the manner by which development plans and programs/projects impact different groups of people.

HOURS OF WORK - include (1) all time during which an individual is required to be at a prescribed workplace, and (2) all time during which an individual is suffered or permitted to work. Short rest periods of 5 to 20 minutes are included as working hours.

INDIGENOUS CULTURAL COMMUNITIES/ INDIGENOUS PEOPLE - refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, through resistance to political, social, cultural inroads of colonization, non-indigenous religions and cultures. ICCs/IPs shall likewise include peoples who are regarded as an indigenous on account of their descent from the population which inhabited the country at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures and who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.

PARENTAL LEAVE - under R.A. 8972, shall mean leave benefits granted to a solo parent to enable him/ her to perform parental duties and responsibilities where physical presence is required.

PERSONS WITH DISABILITY (PWD) - under R.A. 7277 as amended by R.A. 9442 and R.A. 10754 otherwise known as the “Magna Carta for Persons with Disability”, shall refer to those suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being.

PORNOGRAPHY - refers to any representation, through publication, exhibition, cinematography, indecent show, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes (R.A. 9208).

PROSTITUTION - pursuant to R.A. 9208, prostitution refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

PROVINCIAL COUNCIL FOR WOMEN - a body created by virtue of Ordinance No. 054, series of 1994 to help mainstream GAD in the province.



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PUBLIC ENTERTAINMENT OR INFORMATION - refers to artistic, literary, and cultural performances for television show, radio program, cinema or film, theater, commercial advertisement, public relations activities or campaigns, print materials, Internet and other media.

RECOVERY AND REINTEGRATION - refers to various interventions and services that facilitates the process of healing and eventual return of the child to the family and community.

REPRODUCTIVE HEALTH - as defined in Republic Act 10354, "An Act Providing for a National Policy on Responsible Parenthood and Reproductive Health," RH refers to the state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. This implies that people are able to have a responsible, safe, consensual and satisfying sex life, that they have the capability to reproduce and the freedom to decide if, when, and how often to do so. This further implies that women and men attain equal relationships in matters related to sexual relations and reproduction.

REPRODUCTIVE HEALTH CARE - it is a constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems.

RESCUE TEAM - an inter-agency team established in the Local Government Unit under the auspices of the Local Council for the Protection of Children/Barangay Council for the Protection of Children (LCPC/ BCPC) for cases involving children, the responsibilities and functions of which shall be provided in the implementing Rules and Regulations hereinafter promulgated.

SAFE SPACE - is a formal or informal place where a person feels comfortable, physically and emotionally safe, and enjoys the freedom of self-expression without the fear of judgment or harm, or any form of violence or discrimination.

SENIOR CITIZENS/ELDERLY - as defined under R.A. 9994, otherwise known as the "Expanded Senior Citizens Act of 2010", refers to any resident citizen of the Philippines at least sixty (60) years old.

SEXUAL EXPLOITATION - refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud or through abuse of a victim's vulnerability (R.A. 9208).

SEXUAL HARASSMENT - In a work-related, training, or educational environment, Sexual Harassment is an act or series of acts involving any unwelcome sexual advance, request or demand for a sexual favor, or other verbal or physical behavior of a sexual nature, committed by an employee or official of the offended person (R.A. 9877)

SEX TOURISM - refers to any program organized by travel and tourism-related establishments and individuals which consist of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military (R.A. 9208).

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SOLO PARENT - pursuant to Republic Act No. 8972, solo parent is defined as any individual who falls under any of the following categories:

- A woman who gives birth as a result of rape and other crimes of chastity or against person without final conviction of the offender; provided, the mother keeps and raises the child.
- Parent left solo or alone with the responsibility of parenthood due to death of spouse.
- Parent left solo or alone with the responsibility of parenthood while the spouse is detained or is serving sentence for criminal conviction for at least one (1) year.
- Parent left solo or alone with the responsibility of parenthood due to physical and/or mental incapacity of spouse as certified by a public medical practitioner.
- Parent left solo or alone with the responsibility of parenthood due to legal separation or de facto separation from spouse for at least one (1) year, as long as he/she is entrusted with the custody of the children.
- Parent left solo or alone with the responsibility of parenthood due to declaration of nullity or annulment of marriage as decreed by a court or by church as long as he/she is entrusted with the custody of the children.
- Parent left solo or alone with the responsibility of parenthood due to abandonment of spouse for at least one (1) year.
- Unmarried mother/ father who has preferred to keep and rear her/his children instead of having others care for them or give them up to a welfare institution.
- Any other person who solely provides parental care and support to a child or children.
- Any family member who assumes the responsibility of head of family as a result of death, abandonment, disappearance or prolonged absence of the parents or solo parent.

TRAFFICKING IN PERSONS - as defined in Republic Act no. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003," refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.



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The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as 'trafficking in persons; even if it does not involve any of the means set forth in the preceding paragraph.

VIOLENCE AGAINST WOMEN - as defined under Republic Act no. 9710 (Magna Carta of Women), is any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

VIOLENCE AGAINST WOMEN AND THEIR CHILDREN- as defined under Republic Act no. 9262, refers to any act or a series of acts committed by any person against a woman who is his wife, or against a woman with whom the person has or had sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely result in physical, sexual, psychological harm or suffering, or economic abuse, including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to the following acts:

- "Physical Violence" refers to acts that include bodily or physical harm.
- "Sexual Violence" refers to an act which is sexual in nature, committed against a woman or her child. It includes, but not limited to:
 - a) Rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/ him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/ or make films thereof, forcing the wife and mistress/ lover to live in the conjugal home or sleep together in the same room with the abuser;
 - b) Acts causing or attempting to cause victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm of coercion;
 - c) Prostituting the woman or child;
- "Psychological Violence" refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/ or visitation of common children.
- "Economic abuse" refers to acts that make or attempt to make a woman financially dependent, includes, but is not limited to the following:



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- a) 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, moral grounds as defined in Article 73 of the Family Code;
- b) Deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;
- c) Destroying household property;
- d) Controlling the victim's own money or properties or solely controlling the conjugal money or properties

WITNESS - as defined under RA 6981 or the "Witness Protection, Security and Benefit Act" is any person who has witnessed or has knowledge or information on the commission of a crime and has testified, or is testifying, or about to testify before any judicial or quasi-judicial body, or before any investigating authority.

WITNESS PROTECTION, SECURITY AND BENEFIT PROGRAM - is the program being offered by the Philippine Government, through the Department of Justice, to any person who has witnessed or has knowledge or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body, or before any investigating authority.

WOMEN EMPOWERMENT - refers to the ability of women to transform economic and social development when empowered to fully participate in the decisions that affect their lives through leadership training, coaching, consulting and the provision of enabling tools for women to lead within their communities, regions and countries.

WOMEN IN ESPECIALLY DIFFICULT CIRCUMSTANCES (WEDC) - shall refer to victims and survivors of sexual and physical abuse, illegal recruitment, involuntary, prostitution, trafficking, armed conflict, women in detention and such other related circumstances which have incapacitated them functionally.

SOCIAL INCLUSION - the act of making all people in a society feel valued in all aspects, such as civic, social, economic, and political activities, as well as participation in decision making processes.

LGBTQIA+ - Abbreviation for lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, and more. These terms are used to describe a person's sexual orientation or gender identity.



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ARTICLE II
VARIOUS SECTORS AND THEIR ROLES

SECTION 1. Provincial Government of Negros Occidental - It shall be the duty of the Province of Negros to promote, develop and protect the rights of women through measures that will enhance physical, moral, spiritual, intellectual, and social well-being. As such, the Province shall integrate gender and development programs and policies in its local development plan.

SECTION 2. Non-Government Organizations and People's Organizations - Non-government organizations and/or people's organizations are encouraged to initiate, promote and support programs and projects that harness women's potentials and mechanisms that institutionalize women's participation in governance.

SECTION 3. Component Cities and Municipalities - it shall be the duty of every component city and municipality to implement, support and adhere to the promotion of gender and development and protection of women's rights through programs and policies that provide and maintain a community free of lawlessness, and create a spirit of cooperation and respect within the community.

ARTICLE III
HEALTH PROGRAMS AND SERVICES

SECTION 1. Comprehensive Health Services - the Province shall formulate and implement comprehensive health services for women that are culture-sensitive and gender-responsive and cover all stages of a woman's life cycle. In relation thereto, the province shall ensure that a woman is accorded with full access to the following services:

- a) Maternal care, including but not limited to, pre-and post-natal check-up and other services, tetanus toxoid immunization, iron and vitamin supplementation, and infant health and nutrition. Except for the customary and recognized beliefs, procedures and practices of indigenous cultural communities and indigenous peoples (ICCs/ IPs), all deliveries shall be handled by licensed professional health workers such as midwives, nurses and doctors;
- b) Breastfeeding program, which shall commence within 30 minutes after birth. Exclusive breastfeeding is recommended from birth up to 6 months, and shall continue until the 2nd year of the child's life and /or longer, if the mother's health permits;
- c) Preventive abortion measures;
- d) Legal, safe and effective family planning;
- e) Prevention and management of reproductive tract cancers and other gynecological conditions or disorders;
- f) Prevention and management of sexually transmissible diseases, HIV/AIDS and other reproductive tract infections;



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- g) Adolescent and youth health services;
- h) In cases of violence against women and children, the victims and/ or survivors shall be provided with comprehensive health services which include, but not limited to, psycho-social, therapeutic, medical and legal interventions and assistance geared towards healing, recovery and empowerment; and
- i) Care for the elderly or women beyond their reproductive years;

SECTION 2. Comprehensive Health Information and Education – the province shall endeavor to provide women in all sectors with timely, complete and accurate information and education on all aspects of women’s health and updated government education and training programs.

SECTION 3. Reproductive Health Care Program – the province shall adopt reproductive health care approach at all stages of health care delivery, which shall not be limited to family planning and maternal and child and nutrition, but also include:

- a) Education and counseling on sexuality and sexual health;
- b) Prevention and management of abortion and its complications;
- c) Prevention and Management of Reproductive Tract Infections;
- d) Breast and Reproductive Tract Cancers and other gynecological conditions;
- e) Adolescent and Youth health;
- f) Men’s Reproductive health; and
- g) Prevention and Management of Infertility and sexual dysfunctions;

SECTION 4. Upgrading Hospitals and Other Health Care Facilities - the province shall ensure and initiate the regular upgrading and improvement of all hospitals and health care facilities within its territorial jurisdiction. As such, all hospitals and health facilities within the province shall be certified as Mother and Baby-Friendly Hospitals rendering maternity and newborn services that make it easier for mothers to start and continue breastfeeding up to at least four (4) to six (6) months after birth. Further, all hospitals and health facilities shall contain the recommended standards and requirements for quality services which are developed, based on existing national program guidelines.



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ARTICLE IV
WOMEN LABOR, EMPLOYMENT AND LIVELIHOOD SERVICES

SECTION 1. Access to Employment and Livelihood Opportunities - the Province shall ensure that women shall be provided with full access to formal sources of credit and capital, and employment opportunities, taking into account their skills and qualifications. As such, the Province shall undertake the promotion of skills and entrepreneurship development of women as active partners in nation-building and ensure that no woman shall be deprived of her right to job training and promotion on account of her gender, age, creed, religion and civil status.

SECTION 2. Wage and Other Benefits for Women - Every employer in the Province of Negros Occidental shall comply with the basic minimum wage for workers provided for by the Regional Tripartite Wage and Productivity Board, the Labor Code, and other laws and issuances and shall grant all benefits to women employees, working in public and private offices and/or corporations. As such women employees shall be entitled to maternity leave, sick and vacation leave, special leave, retirement and other benefits required by law.

SECTION 3. Women as Entrepreneurs - women shall have equal right to act as incorporators and enter into contracts in business and other ventures.

SECTION 4. Work Facilities and Support System for Women - the Province shall ensure the occupational safety and health of women employees in both public and private offices and commercial and industrial establishments. It shall require every employer to:

- a) Establish separate toilet rooms and lavatories for women and men;
- b) Put up a child-minding center and/or home care rooms within the work premises for child care and breastfeeding working mothers; and
- c) Grant flexible working hours for working mothers who breastfeed their infants, bring their infants to medical clinics or health centers for immunization and medical check-up, and avail of pre- and post- natal services;

SECTION 5. Women Working in The Entertainment Industry - all women engaged in legitimate occupations in the entertainment industry, such as singers, dancers, guest relation officers, receptionists and the like, shall be recognized as wage earners. As such, they shall receive the minimum basic wage and benefits provided for by the Labor Code and other existing laws and issuances.

SECTION 6. Gender-Responsive Livelihood Program - the Province shall formulate and implement socio-economic programs for women that shall include gender-based livelihood skills and values training and seminars. It shall allocate funds for such programs and provide social marketing strategies to would-be women entrepreneurs.

SECTION 7. Opportunities for Differently-Abled Persons - the Provincial Government shall create special skills training and livelihood program for differently-abled persons to develop their skills and talents for placement and employment.

By virtue of Section 5 of R.A. 7277 as amended, no disabled persons shall be denied access to opportunities for suitable employment. A qualified disabled employee shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able-bodied person. In addition, in order to encourage the active participation of the private sector in promoting the welfare of disabled persons, the same provision of R.A. 7277 as amended, stipulates that adequate incentives shall be provided to private entities which employ disabled persons, to include:

1. Private entities that employ disabled persons who meet the required skills or qualifications, either as regular employee, apprentice or learner, shall be entitled to an additional deduction, from their gross income, equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to disabled persons: Provided, however, that such entities present proof as certified by the Department of Labor and Employment that disabled person are under their employ. Provided, further, That the disabled employee is accredited with the Department of Labor and Employment and the Department of Health as to his disability, skills and qualifications.
2. Private entities that improve or modify their physical facilities in order to provide reasonable accommodation for disabled persons shall also be entitled to an additional deduction from their net taxable income, equivalent to fifty percent (50%) of the direct costs of the improvements or modifications. This section, however, does not apply to improvements or modifications of facilities required under Batas Pambansa Bilang 344.

SECTION 8. Opportunities for Senior Citizens - Under Section 5 of RA 9944, Senior citizens who have the capacity and desire to work, or be re-employed, shall be provided information and matching services to enable them to be productive members of society. Terms of employment shall conform with the provisions of the Labor Code, as amended, and other laws, rules and regulations.

SECTION 9. Child Minding Center - the Provincial Government shall develop and establish a Child Minding center for the care of children of its employees to help parent employees focus on their work and improve productivity. The program shall develop a network of homes where adults may take care of the children with adequate supervision of the Provincial Social Welfare and Development Office.

ARTICLE V
GENDER-RELATED EDUCATIONAL PROGRAMS, TRAININGS
AND SOCIAL SERVICES

SECTION 1. Gender Sensitivity Training and Seminar- The Provincial GAD Team in coordination with the Provincial Welfare and Development Office (PSWDO) and the Provincial Council for Women (PCW), shall conduct Gender Sensitivity Trainings and Seminars with emphasis on violence against women and children (VAWC) in all local government units, school, offices within the province of Negros Occidental.

SECTION 2. Orientation Seminars on Sexual Harassment- All government and private offices, and commercial and industrial establishments in the province shall conduct regular orientation seminars on sexual harassment for their employees.

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SECTION 3. Equal Access to Memberships in Clubs and Organizations - The Province of Negros Occidental recognizes the right of women to have equal access to membership in all social, civic and recreational clubs, committees, associations and other similar organizations devoted to public purposes.

SECTION 4. Indigenous Cultural Communities and Indigenous People - The existence of indigenous peoples in the province is hereby recognized. As such, the Province of Negros Occidental hereby ensures that women in these communities shall have access to basic services and facilities, be provided with effective policies and programs and programs and educational opportunities and shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of ICC/IP women in all levels of decision-making process as well as in the development of the society shall likewise be recognized and respected.

ARTICLE VI
GAD FOCAL POINT SYSTEM

SECTION 1. Establishment of the GAD Focal Point System - The Provincial Government of Negros Occidental shall promote the establishment of the GAD Focal Point System in the province which shall serve as a means for gender responsive planning and programming to suit emerging developments within the area.

SECTION 2. Provincial GAD Focal Point Team System and its Composition - There is hereby created the Provincial Gender and Development (GAD) Focal Point System in the Province to be composed of the following:

Provincial GAD Focal Point System

A.1 OFFICERS:

Chairperson: Governor

Vice-Chairperson: Vice-Governor

Members:

Chair, SP Committee on Women, Children & Family Welfare
Chair, SP Committee on Finance, Budget, and Ways & Means
President, Association of Chief Executives
President, League of Municipalities
President, Philippine Councilors League
President, Liga ng mga Barangay
President, Sangguniang Kabataan Provincial Federation
Provincial Administrator
Head, Provincial Planning and Development Office
Head, Office of the Provincial Agriculturist
Head, Provincial Information Office
Head, Office of the Provincial Accountant
Provincial Budget Officer
Head, Provincial Treasurer's Office
Provincial Social Welfare and Development Officer
Provincial Environment Management Officer
Provincial Health Officer



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Head, Hospital Operations Department
Head, Human Resource Management Office
Provincial PESO Manager
Head, Scholarship Program Division
Head, Negros Occidental Comprehensive Health Program Division
Vocational School Administrator, Negros Occidental Language and IT
Center
Head, Women & Children's Protection Desk, Negros Occidental Provincial
Police Office
Schools Division Superintendent, Department of Education,
Negros Occidental
GAD Focal, Department of Interior and Local Government
Provincial Council for Women
Representative, Small and Medium Enterprise Development Council
Representative, Persons with Disabilities
Representative, Indigenous Peoples
Representative, Academe
Representative, Feminist Organization/Organization with GAD Advocacy

Action Officer: Any Provincial Official or Employee Designated by the Governor

GAD Secretariat: Provincial Planning and Development Office

SECTION 3: Roles, Functions and Responsibilities of the Provincial GAD Focal Point System – The Provincial GAD Focal Point System shall have the following roles, functions and responsibilities:

- a) Coordinate and facilitate the planning, formulation, implementation, monitoring and evaluation of the Gender and Development Plan of the Province;
- b) Ensure the active participation of non-government and people's organizations and all provincial departments and agencies in mainstreaming GAD in the Province's programs, projects and activities;
- c) Assist the component cities and municipalities in the design of their GAD plans and ensure that the same are within the framework of the Province's GAD Plan;
- d) Recommend the appropriate and necessary funding requirements for the formulation and operations of the GAD Plan;
- e) Perform such other functions and responsibilities as may be required by law and other issuances.

SECTION 4. Official Logo of the Provincial GAD Focal Point System - The Province, through the Provincial GAD Focal System, shall approve an official logo to be used for all the GAD programs and activities.



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The logo must not be altered or recreated in any way that violates the integrity of its design. It shall bear the colors purple and orange and include elements that symbolize the integration and recognition of women as active partners of the government toward economic, social and cultural development, and affirmation of the equality between women and men.

ARTICLE VII
PROVINCIAL COUNCIL FOR WOMEN

SECTION 1. Recognizing the coordinative and collaborative efforts of women's groups around the province and to strengthen/complement said efforts, the Provincial Council for Women was created through Provincial Ordinance No. 54, Series of 1994.

SECTION 2. **Composition.**- The Council is composed of one woman member each from the 19 municipalities and 12 component cities of the Province of Negros Occidental and (10) women representing different women sectors and groups such as, but not limited to: health, education, labor, business and industry, urban poor, youth, elderly, media, the arts, peasant women, and other concerned sectors. The Council also includes members of the Sangguniang Panlalawigan involved with women's issues and legislation for women's development; PROVIDED, that the total membership of the council shall not exceed forty-three (43).

SECTION 3. **Officers of the Council.**- The council members elect fifteen (15) members of the Board, who elect from among themselves, the following officers: Chairperson, Vice-Chairperson, Secretary, Treasurer, and Liaison Officer. The officers of the council have a term of ONE (1) YEAR. Members of the Board have a term of two years. The officers of the council meet once a month with special meetings upon request or as called for by the Chairperson.

SECTION 4. The Council has the following functions:

1. Recommend appropriate and necessary legislative, legal, and administrative measures relative to women's concerns such as: health, education, arts and culture, livelihood development, disability, human rights, and violence against women and others;
2. Undertake gender-based research to provide data in support of legislative action, public policy formulation or program direction, among others;
3. Assist the Province in the formulation of a provincial development program for women and in line with the United Nations International Commitments for women such as the Forward Looking Strategies and CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women);
4. Undertake continuing education and advocacy to promote women's economic, social, and political empowerment;
5. Provide technical assistance or consultancy in the formulation of policies, implementing rules and regulations of laws/ordinances pertinent to women;
6. Assist government agencies towards mainstreaming women's concerns;



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7. Strengthen linkages between and among government and women non-government organizations and encourage active participation of women for their welfare, promotion, and development;
8. Encourage and promote the formation of federation of women's organizations/clubs at the municipal and provincial levels;
9. Promote and assist the implementation of Sangguniang Panlalawigan Ordinance No. 25, Series of 1994 creating the Barangay Council for the Protection of Women and Children; and
10. Undertake any other projects/activities and functions pertinent to the promotion of women's concerns.

SECTION 5. Role of Government Agencies.- The following government agencies may be called upon to give assistance and attend meetings of the Council upon request of its members:

- Provincial Social Welfare and Development Office
- Provincial Health Office
- Provincial Planning and Development Office
- Department of Justice
- Civil Service Commission
- Department of Labor and Employment
- Department of Education, Culture, and Sports
- Department of Interior and Local Government
- Department of Trade and Industry
- Department of Agriculture
- Philippine National Police, and
- Any other government agency.

SECTION 6. The funds of the Provincial Council for Women shall be derived from the following sources:

1. Any grant or aid from the Provincial Government;
2. Registration fees for trainings, assemblies, and other activities;
3. Funds from the national government, local governments, and international funders;
4. Legacies, gifts, and donations from persons and or institutions, and
5. Other sources which law or ordinance may allow

SECTION 7. Implementing Arm. The Provincial Social Welfare and Development Office Focal Person on Women and PCAT-CP-VAWC assists in the implementation of the programs set by the council and to act as its secretariat.



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ARTICLE VIII
ANNUAL ADVOCACY CAMPAIGNS

SECTION 1. Women's Month - there shall be a celebration and observance of the Women's Month in the Province during March of every year. Towards this end, the Province shall initiate programs and activities that increase gender awareness and promote the rights of women, such as trade fairs, symposia, seminars, cooking demonstrations, livelihood opportunities and other related activities.

SECTION 2. International Day of Action on Women's Health. The Province shall observe the International Day of Action on Women's Health every May 28.

Section 3. Negros Occidental Safe Space Day. Pursuant to Provincial Ordinance No. 009, Series of 2023, November 24 shall be observed as the Negros Occidental Safe Space Day.

Section 4. Eighteen (18) Day Campaign to End VAW. The Provincial Government of Negros Occidental hereby supports and adopts the Philippine 18 Day Campaign to End VAW, which commences on the 25th of November and ends on the 12th of December.

During the said campaign, the Province shall highlight the following significant dates to which programs and activities shall be undertaken in coordination with all Local Government Units, National Government Agencies, Non-Government Organizations, People's Organizations, civic groups/ clubs and other sectors to raise awareness at the local, regional, national and global level gender-based violence to wit:

November 25 - International Day Against Violence Against Women

November 29 - International Women Human Rights Defenders Day

December 1 - World AIDS Day

December 10 - International Human Rights Day

December 12 - International Day Against Trafficking

ARTICLE IX
SENIOR CITIZENS

SECTION 1. Benefits and Privileges of Senior Citizens under the Expanded Senior Citizens Act of 2010 - The Province and its component cities and municipalities shall ensure the implementation of and compliance with RA 9994, particularly Section 4 thereof, by providing for the following:

- a) Twenty (20%) percent discount from all establishments relative to utilization of services in hotels and similar lodging establishments, restaurants and recreation centers, and purchases of medicines in all establishments for the exclusive use and enjoyment of senior citizens, including funeral and burial services for the death of senior citizen;



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- b) Minimum of twenty (20%) discount on admission fees and charges by theaters, cinema houses and concert halls, circuses, carnivals and other similar places of culture, leisure and amusement for the exclusive use or enjoyment of senior citizens;
- c) Income tax exemption;
- d) Air and sea transportation privileges;
- e) Public land transportation privileges;
- f) Medical and dental privileges including diagnostic laboratory fees in government and private facilities
- g) Educational assistance to senior citizen to pursue post-secondary, tertiary, post-tertiary, as well as vocational or technical education in both public and private schools through provision of scholarship, grants, financial aid, subsidies and other incentives to qualified senior citizens, including support for books, learning materials and uniform allowance, to the extent feasible: Provided, that senior citizens shall meet minimum admission requirement;
- h) Benefits and privileges
- i) Privileges on granting special discounts in special programs
- j) Exemption from training fees for socio-economic programs;
- k) Express lane privileges in all commercial and government establishments;
- l) Utility discounts (eg. Water, electricity, etc.)

SECTION 2. Council for Senior Citizen - The Province including its component cities and municipalities shall undertake the establishment of a Council for Senior Citizens, wherein 40% of its membership shall be composed of senior citizens. The Council shall be tasked to promote and protect the welfare and rights of senior citizens, pursuant to the provisions of Republic Act No. 9994, otherwise known as "Expanded Senior Citizens Act of 2010."

SECTION 3. Support Abandoned and Neglected Senior Citizens - The Province and its component cities and municipalities shall undertake to assist abandoned and neglected senior citizens by referring and committing them to agencies that provide comprehensive support services in coordination with the social Welfare and Development Office and other concerned agencies and NGOs.



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ARTICLE X
SOLO PARENTS

SECTION 1. Benefits and Privileges of a Solo Parent - Pursuant to Republic Act No. 8972, otherwise known as the "Solo Parents' Welfare Act of 2000," as amended by Republic Act 11861, the Provincial Government of Negros Occidental hereby adopts and implements a comprehensive program of services for solo parents and their families which shall be carried out by the Provincial Social Welfare and Development Office, Provincial Health office, Human Resource Management Office, Department of Education, Department of Interior and Local Government, and other government and non-government agencies that shall initially include the following:

- a) Livelihood opportunities which shall include, but not limited to trainings and seminars on livelihood skills, business, entrepreneurship, provision of seed capital and job placement;
- b) Individual, peer group and/ or family counseling services with special focus on inter-personal relationship, roles, and conflicts;
- c) Parent development and effectiveness services
- d) Critical incidence stress debriefing and comprehensive stress management strategy;
- e) Special programs and activities for individuals in need of protection;
- f) Cash Subsidy. Solo parents earning a minimum wage or less are entitled to a P1,000 monthly cash subsidy provided that the solo parent is not a recipient of any other cash assistance or subsidy from any other government programs.
- g) Under the Expanded law, they can also avail of a 10% discount and VAT exemption on baby's supplements and other medical supplements purchased for children until the age of six (6), provided that the solo parent is earning less than P250,000 annually. Solo parents are also automatically covered under the National Health Insurance Program administered by PhilHealth.

SECTION 2. Flexible Work Schedule for Solo Parents - The Provincial Government shall devise and implement a flexible working schedule for solo parent-employee/s, provided that the same shall not affect individual and agency or office productivity and is based on meritorious ground/s; Provided further, that the schedule shall be approved by the Civil Service Commission, DOLE or other appropriate government agencies.

SECTION 3. Work-Discrimination - No employer, whether public or private, shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his or her status.

SECTION 3. Parental Leave - In addition to leave privileges allowed by existing laws and issuances, parental leave of not more than seven (7) working days every year shall be granted to any solo parent- employee of the Provincial Government of Negros Occidental who has rendered government service of at least one (1) year.

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Under the Expanded Law, the required period of rendered service to avail of Parental Leave has been shortened from one (1) year to only six (6) months. Employers are encouraged, although not required, to enter into agreements with their solo parent employees for a telecommuting program as provided under Republic Act 11165. In education, every child of a solo parent is entitled to a scholarship provided by DepEd, CHED, and TESDA, and thereafter is given priority in education programs of the government.

The Act prohibits and penalizes persons or entities who refuse to provide the benefits granted by the Act, as well as persons who misrepresent their status or falsify documents or cause another to avail or be denied of the benefits granted by the Act.

ARTICLE XI
RURAL WOMEN

Section 1. **Recognition of Rural Women's Contributions** – The Province of Negros Occidental recognizes the vital role played by rural women in agriculture, natural resource management, and sustainable development. Efforts shall be made to acknowledge and value the diverse contributions of rural women to the economy, food security, and environmental conservation.

Section 2. **Economic Empowerment** – The economic empowerment for rural women shall be promoted through initiatives that support entrepreneurship, access to credit, and participation in value chains related to agriculture and rural industries. Skills development programs shall be implemented to enhance the employability and income-generating capacities of rural women. Rural women's access and linkage to different support resources to sustain their livelihood shall be facilitated.

Section 3. **Health and Well-being** -Priority will be given to ensure rural women's access to healthcare services, family planning, and maternal care. Initiatives shall be undertaken to address gender-specific health challenges faced by rural women and promote their overall well-being.

Section 4. **Education and Training** - The Province of Negros Occidental shall support educational opportunities for rural women, including programs that enhance literacy, vocational skills, and knowledge related to sustainable agriculture and environmental conservation. Training initiatives shall be designed to empower rural women as leaders and decision-makers in their communities.

Section 5. **Infrastructure Development** - The Province of Negros Occidental shall invest in rural infrastructure development to improve the quality of life for rural women, including access to clean water, energy, transportation, and social services. Infrastructure projects shall be designed to consider the specific needs and priorities of rural women, with their input sought in the planning and implementation phases.

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ARTICLE XII
SOCIAL INCLUSION AND OTHER MARGINALIZED WOMEN AND SECTORS

SECTION 1. Social inclusion is the act of making all people in a society feel valued in all aspects, such as civic, social, economic, and political activities, as well as participation in decision making processes. Women are part of each and every sector and the Magna Carta of Women provides that marginalized women should be given assistance and should also participate in decision making processes, especially on matters affecting them.

SECTION 2. The Provincial Government of Negros Occidental shall implement national laws concerning marginalized women sectors. It shall conduct regular consultations and dialogues with, and develop programs and services for, other marginalized women sectors identified in Republic Act 9710 or the Magna Carta of Women, including, but are not limited to: women farmers, fisherfolk, urban poor, migrant workers, women workers in the formal and informal economy, persons with disabilities, and girl children.

SECTION 3. **Participation of the LGBTQ+ Community.** Programs that facilitate the participation of the LGBTQIA+ (or the lesbian, gay, bisexual, transgender, queer, intersex, asexual, and other members of society with different gender identities and sexual orientations), in development and nation building shall be assisted.

ARTICLE XIII
CRIMES RELATED TO VIOLENCE AGAINST WOMEN

SECTION 1. **Sexual Harassment** - For purposes of this article, the Administrative Disciplinary Rules of Sexual Harassment Cases of the Committee on Decorum and Investigation of the Province Negros Occidental, promulgated on September 26, 2003 shall be amended to include the provisions of Republic 11313 or the Safe Spaces Act and the Provincial Ordinance on Safe Spaces.

SECTION 2. **Forms of Sexual Harassment** - the following are illustrative forms of sexual harassment:

- a) Physical
- b) Malicious touching
- c) Overt Sexual advances
- d) Gestures with lewd insinuation
- e) Verbal, such as but not limited to, request, or demands for sexual favors and lurid remarks;
- f) Use of objects, pictures or graphics, letters or written notes with sexual underpinnings
- g) Other forms analogous the foregoing



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SECTION 3. Classification of Sexual Harassment - Sexual harassment is classified into grave, less grave and light offenses.

a) **Grave offenses** include, but are not limited to:

1. Unwanted touching or private parts of the body (genitalia, buttocks, and breasts);
2. Sexual assault
3. Malicious touching
4. Request for sexual favor in exchange of employment, promotion, local or foreign travels, favorable working conditions or assignments, a passing grade, the granting of honors, or scholarship, or the grant of benefits or payment of a stipend or allowance; and
5. Other analogous cases.

b) **Less Grave Offenses** include but not are limited to:

1. Unwanted touching or brushing against a victim's body;
2. Pinching not falling under grave offense
3. Derogatory or degrading remarks or innuendos directed toward the members of one sex or one's sexual orientation or used to describe a person;
4. Verbal abuse or threats with sexual overtones; and
5. Other analogous cases

c) The following shall be considered **light offenses**:

- 1) Surreptitiously looking or stealing a look at a person's private part or worn undergarments;
- 2) Telling sexist/smatty jokes or sending these through text, electronic mail or other similar means, causing embarrassment or offense and carried out after offender has been advised that they are offensive or embarrassing or, even without such advice, when they knew by their nature that they are clearly embarrassing offensive or vulgar;
- 3) Malicious leering or ogling;
- 4) The display of sexually offensive pictures, material or graffiti;
- 5) Unwelcome inquiries or comments about a person's sex life;
- 6) Unwelcome sexual flirtation, advances, propositions;
- 7) Making offensive hand or body gestures at an employee;
- 8) Persistent unwanted attention with sexual overtones;
- 9) Unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense and insult to the receiver; and;
- 10) Other analogous cases

SECTION 4. Person Liable for Sexual Harassment - Any government official or employee, regardless of sex, is liable for sexual harassment when he/she:

a) directly participates in the execution of any act of sexual harassment as defined by this ordinance



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- b) induces or directs another or others to commit sexual harassment;
- c) cooperates in the commission of sexual harassment by another through an act, without which, sexual harassment would not have been accomplished;
- d) cooperates in the commission of sexual harassment by another through previous simultaneous acts.

SECTION 5. The Committee on Decorum and Investigation (CODI) and its composition - For purposes of this Code, the Committee on Decorum and Investigation (CODI) of the Province Negros Occidental shall be composed of the following:

Chairperson	:	Female Department Head
Vice- Chairperson	:	Provincial Legal Officer
Members	:	Head, Human Resource Management Office Representative, Provincial Social Welfare & Development Office Representative, 2nd Level Employees Representative, 1st Level Employees (duly selected by the accredited union)

The Provincial Governor, as the disciplining authority and Chairperson of the CODI, may designate three (3) more members representing the Provincial employees. Total female members of the CODI shall be no less than fifty percent (50%).

SECTION 6. Functions of the CODI - The CODI (for brevity) shall perform the following functions:

- 1) Receive complaints of sexual harassment;
- 2) Investigate sexual harassment complaints in accordance with prescribed procedures formulated by the Committee;
- 3) Submit a report of its findings with the corresponding recommendation/s to the disciplining authority for decision
- 4) Lead in the conduct of discussions about sexual harassment within the agency or institution to increase understanding and prevent incidents of sexual harassment;

When a member of the Committee is the complainant, or the person complained of, in a sexual harassment case, he/she shall be disqualified from being a member thereof.

SECTION 7. Terms of Office - The term of office of the members of the CODI shall be two (2) years.

The disciplining authority shall designate new members of the Committee one (1) month before the expiration of the term of office of the original members for the purpose of transition and smooth turn-over of the records. The new members appointed shall however assume office only after the expiration of the term of office of the original members.



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SECTION 8. Rape - Pursuant to Republic Act. No. 8353, otherwise known as the Anti-Rape Law 1997, the crime of rape is committed as follows:

- a) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - 1) When the offended party is deprived of a reason is otherwise unconscious;
 - 2) By means of fraudulent machination or grave abuse of authority; and
 - 3) When the offended party is under sixteen (16) years of age or is demented, even though none of the circumstances mentioned above be present;
- b) By any person who under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

SECTION 9. Acts of Violence Against Women and Their Children - Under R.A. No. 9262, the crime of violence against women and children is committed through any of the following acts:

- a) Causing physical harms to the woman or her child;
- b) Threatening to cause the woman or her child physical harm
- c) Attempting to cause the woman or her child physical harm;
- d) Placing the woman or her child in fear of imminent physical harm;
- e) Attempting to compel or compelling the woman or her child to engage in the conduct which the woman has the right to desist from ,or desist from conduct which the woman or her child has the right engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement, or conduct by force or threat of force, physical or other threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:
 - 1) Threatening to deprive or actually depriving the woman or her child of custody to her/ his family;
 - 2) Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, or deliberately providing the woman's children insufficient financial support;
 - 3) Depriving or threatening to deprive the woman or her children of a legal right;
 - 4) Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling victim's own money or properties, or solely controlling the conjugal or common money or properties;



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- f) Inflicting or threatening to inflict physical harm or oneself for the purpose of controlling her actions or decisions;
- g) Causing or attempting to cause the woman or her child to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation directed against the woman or her child her/his immediate family.
- h) Engaging in purposeful, knowing, or reckless conduct, personally or through another that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not limited to, the following acts:
 - 1) Stalking or following the woman or her child in public or private places;
 - 2) Peering in the window or lingering outside the residence of the woman or her child.
 - 3) Entering or remaining in the dwelling or on the property of the woman or her child against her/his will.
 - 4) Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and
 - 5) Engaging in any form of harassment or violence;
- i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including but not limited to, repeated verbal and emotional abuse, and denial of financial support custody of minor children of access to the woman's child/children.

SECTION 10. The Negros Occidental Development Center for Women and Children.- Pursuant to the provisions of Republic Act 8505, otherwise known as the Rape Victim Assistance and Protection Act, the Province of Negros Occidental, in coordination with the Provincial Social Welfare and Development Office (PSWDO), the Provincial Health Office (PHO), the Department of Interior and Local Government (DILG) and the Provincial Council for Women (PCW), the provincial government's Negros Occidental Development Center for Women and Children serves as a temporary shelter to assist in the case management, healing and empowerment of survivors of rape, abuse and all forms of violence.

SECTION 11. Services of the NODCWC. - The Center, which ensures the privacy and safety of the clients, offers or facilitates the following services for rape survivors:

- a) Psychological counseling, medical and health services, including medico-legal examination;
- b) Legal assistance or para-legal service, when necessary;



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- c) Assistance during investigation to hasten the arrest of the offender and the filing of cases in court;
- d) Adopt and implement programs for the healing and recovery of VAW victims.
- e) Whenever necessary, NODCWC shall endeavor to:
 - 1) Provide psychological counseling and medical services for the family of the victims/survivors;
 - 2) Develop and undertake a training programs for law enforcement officers, public prosecutors, lawyers, medico-legal officers, social workers, and barangay officials on human rights and responsibilities, gender sensitivity and legal management cases of rape, abuse and violence;

SECTION 12. Trafficking in Persons - Pursuant to Republic Act no. 9208, otherwise as the "Anti-Trafficking in Persons Act", it shall be unlawful for any person, natural or judicial, to commit any of the following acts:

- a) To recruit, transport, harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage.
- b) To introduce or match for money, profit or material, economic or other consideration, any person or, as provided for under Republic Act no. 6955 any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- c) To offer or contract marriage real or stimulated for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;
- e) To maintain or hire a person to engage in prostitution or pornography;
- f) To adopt and facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced-labor, slavery, involuntary servitude or debt bondage;
- g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, intimidation for the purpose of removal or sale of organs of said person;

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- h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

SECTION 13. Acts that Promote Trafficking in Person - the following acts which promote or facilitate trafficking in person, shall be unlawful:

- a) To knowingly lease or sublease, use or allow to be used in any house, building or establishment for the purpose of promoting trafficking in person;
- b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;
- c) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet of any brochure, flyer, or any propaganda material that promotes trafficking in persons;
- d) To assist in the conduct of misinterpretation or fraud for purposes of facilitating acquisition of clearances necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;
- e) To facilitate, assist or help in the exit and entry of persons from/too the country at international and local airports, territorial boundaries and seaports who are in possessions of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;
- f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belonging of trafficked persons in furtherance of trafficking or to prevent them from leaving the country seeking redress from the government or appropriate agencies; and
- g) To knowingly benefit from, financial or otherwise, or make sure of, the labor or services of a person held to a condition of involuntary servitude, forced labor or slavery.

SECTION 14. Qualified Trafficking in Persons - The following are considered as qualified trafficking:

- a) When the trafficked person is a child.
- b) When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter- Country Adoption Act of 1995" and said adoption if for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;



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- c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
- d) When the offender is an ascendant, parent, sibling guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
- e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- f) When the offender is a member of the military or law enforcement agencies; and
- g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

SECTION 15. Safe Spaces Ordinance of Negros Occidental - The intent of this ordinance is to make the entire province of Negros Occidental, a safe space where everyone is protected against Gender Based Sexual Harassment. This ordinance is promulgated to localize R.A. 11313; designate public spaces, regardless of ownership and nature as safe spaces against gender-based sexual harassment (GBSH); define and provide penalties for cases of GBSH that are not penalized or are insufficiently dealt with under R.A. 11313; and provide measures that will prevent the occurrence of and efficiently and effectively respond to GBSH as defined and penalized by R.A. 11313 and by this ordinance:

- a) Gender-based private and public spaces sexual harassment includes, among others:
- b) Catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs;
- c) Persistent uninvited comments or gestures on a person's appearance;
- d) Relentless requests for personal details;
- e) Statement of sexual comments and suggestions;
- f) Public masturbation or flashing of private parts, groping, making offensive body gestures at someone, and other similar lewd sexual actions;
- g) Any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety. This may include cursing, leering and intrusive gazing, and wanting;

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- h) Page 14 of SP Ordinance No. 015, Series of 2023
- i) Persistent telling of sexual jokes, use of sexual names; and
- j) Stalking.

SECTION 16. Confidentiality of the Parties - At any and all stages of the proceeding, law enforcement officers, medico-legal officers, prosecutors, judges and court personnel shall respect the right to privacy of the offended party and the accused towards this end, the police, medico-legal officer, prosecutor or the court may order that the investigation/prosecution/ trial be conducted under closed doors. It may likewise order that non-disclosure of the name/s and personal circumstances of the offended party and/or the accused and such other circumstances or information.

SECTION 17. Witness Protection - to ensure the protection and security of any person who has witnessed or has knowledge or information on the commission of a crime and has testified or is testifying or about to testify before any judicial or quasi-judicial body or before any investigating authority, the provincial Government of Negros Occidental shall initiate and recommend for the admission of the witness into the Witness Protection, Security and Benefit Program as provided for under Republic Act no.6981, otherwise known as the "Witness Protection, Benefit Act," to the Department of Justice or its bureau, office or agency.

SECTION 18. Penalty - For acts and omissions not covered and /or penalized by existing laws, the penalty shall be fine of not less than Two Thousand (P2,000.00) Pesos but not more than Five Thousand (P5,000.00) Pesos or an imprisonment of not less than six (6) month but not more than one (1) year or both fine and imprisonment at the discretion of the court.

ARTICLE XIV
GENDER-RESPONSIVE CLIMATE CHANGE ADAPTATION
AND ENVIRONMENTAL SUSTAINABILITY

SECTION 1. Intersectionality of Gender and Environmental Development – The Provincial Government of Negros Occidental recognizes the interconnectedness of gender, climate change, and environmental sustainability and acknowledges the need for comprehensive measures that address the specific vulnerabilities and contributions of all genders. This section aims to integrate gender-responsive approaches into climate change adaptation strategies and environmental sustainability initiatives, fostering a more inclusive and effective framework for environmental protection and resilience.

SECTION 2. Gender-Responsive Climate Change Adaptation – The Province of Negros Occidental commits to developing and implementing gender-responsive climate change adaptation policies, programs, projects and activities that recognize and address the differentiated impacts of climate change on individuals based on gender. Climate change adaptation strategies shall be designed to consider the distinct needs, experiences, and contributions of women and men, with the goal of promoting resilience and sustainability across all communities.



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SECTION 3. Inclusive Decision-Making - Mechanisms shall be established to ensure the active and meaningful participation of all genders in decision-making processes related to climate change adaptation and environmental sustainability. Gender balance and diversity shall be promoted in environmental committees, task forces, and forums to guarantee a range of perspectives and expertise in shaping policies and programs.

SECTION 4. Capacity Building and Education- The Province of Negros Occidental shall implement capacity-building programs and educational initiatives to enhance the knowledge and skills of individuals involved in climate change adaptation and environmental sustainability. The educational programs shall include a gender perspective, raising awareness of the gender-specific impacts of environmental changes and promoting gender equality in environmental practices.

SECTION 5. Access to Resources - The Province of Negros Occidental shall work towards ensuring equitable access to environmental resources, technologies, and services, acknowledging the importance of fair distribution among all genders. Measures shall be taken to eliminate barriers that hinder the equal participation of women and men in sustainable practices and the utilization of environmental resources.

SECTION 6. Monitoring and Reporting - Robust monitoring and reporting mechanisms shall be established to assess the effectiveness of gender-responsive climate change adaptation and environmental sustainability initiatives. Data collection and reporting shall be disaggregated by gender to identify areas for improvement, measure progress, and inform evidence-based decision-making.

SECTION 7. Awards and Incentives – The Province of Negros Occidental shall provide an Awards and Incentives Program annually to recognize the participation of men and women in the various categories such as Local Government Units, Individual Categories, Local Conservation Areas, Schools, among others. The award aims to recognize the best practices and initiatives that contribute to the sustainable development and management of the province's natural resources and biodiversity. The Provincial Government will recognize "Eco-luminaries" for their exemplary efforts in promoting environmental stewardship and inspiring positive change within their communities. The environmental projects and initiatives of the Awardees could serve as catalysts for continued innovation, adaptation, and scaling up of efforts to meet the ever-evolving challenges posed by climate change and environmental degradation.

SECTION 8. Integration of Gender in Environmental Policies – The Province of Negros Occidental shall integrate a gender perspective into all relevant environmental policies, ensuring that gender considerations are mainstreamed across sectors such as forest, urban, coastal, fisheries, energy, water, agriculture, and biodiversity conservation. Environmental impact assessments and planning processes shall explicitly address gender-specific vulnerabilities and opportunities to promote sustainable and equitable outcomes.

SECTION 9. Partnerships and Collaboration - The Province of Negros Occidental shall actively collaborate with women's organizations, civil society, academic institutions, Inter-LGU Alliances, Youth organizations and other stakeholders to promote gender-responsive climate change adaptation and environmental sustainability. Partnerships shall be fostered at local, national, and international levels to leverage resources, share knowledge, and collectively address the challenges posed by climate change and environmental degradation.



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ARTICLE XVI
WOMEN, PEACE AND SECURITY

SECTION 1. Women, Peace and Security. The role of Negrense women in peace and security shall be promoted.

SECTION 2. Peace education and non-violent ways of resolving conflicts shall be supported. Women's full, equal and meaningful participation in peace processes and political solutions is essential for effective peacekeeping, therefore women's representation in peace and order councils, and peace negotiating bodies shall be promoted and strengthened.

SECTION 3. The Gender and Development and Anti-VAW advocates of the province, and the peace and security sector shall support and participate in the implementation of the National Action Plan on Women, Peace and Security.

ARTICLE XVII
FUND SUPPORT

SECTION 1. Funding. The main source of fund for the implementation of this ordinance shall be the 5% Provincial Gender and Development Budget. Since GAD is a cross-cutting concern, other funds from the Annual Budget of the province may also be used to support the implementation of the Provincial GAD Code. These include the General Fund, the 20 % Development Fund, and Children's Fund, among others.

SECTION 2. Fund from other sources. - No article or provision or any part of this ordinance shall preclude the Provincial Governor or his duly authorized representative/s and other agencies to look for funding such as donations, grants, subsidies, or the like, from local or international agencies for purposes of the implementation and realization of the programs herein provided.

ARTICLE XVIII
FINAL PROVISIONS

SECTION 1. Applicability of Pertinent Provisions of Laws and Other Issuances - the pertinent provisions of existing laws, rules and regulation governing gender and development, particularly R.A. 6981, R.A. 8353, R.A. 8505, R.A. 8972, R.A. 9208, R.A. 9262, R.A. 11313, R.A. 9710, and other Republic Acts not specifically enumerated under this Code shall have suppletory effect but shall prevail in case of conflict with the provisions of this ordinance.

SECTION 2. Separability Clause - If for any reason, any provision, section or part of this Code is held unconstitutional or invalid by a court or competent jurisdiction, such judgment shall not affect the other sections or provisions of this ordinance, which continue to be in full force and effect.

SECTION 3. Repealing Clause - All ordinances, resolutions, rules and regulations, executive order or parts thereof which are inconsistent with any of the provisions of this Code are hereby repealed, amended or modified accordingly.



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SECTION 4. Effectivity - This Code shall take effect fifteen (15) days after its complete publication in a newspaper of local circulation and posting a copy thereof in the bulletin board and conspicuous places of the Provincial Capitol.

ADOPTED UNANIMOUSLY, December 19, 2023.

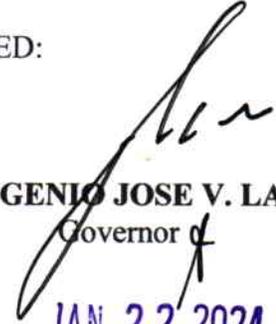
CERTIFIED CORRECT:


HON. VALENTINO MIGUEL J. ALONSO
Temporary Presiding Officer

ATTESTED:


ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary


APPROVED:


HON. EUGENIO JOSE V. LACSON
Governor

Date: JAN 22 2024