



Republic of the Philippines  
PROVINCE OF BATANES  
BASCO

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

ORDINANCE NO. 399  
Series of 2023

U.P. LAW CENTER  
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Administrative Rules and Regulations  
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TIME: 9:40 BY: [Signature]

Sponsored by: The Committee on Social Services

**AN ORDINANCE LOCALIZING THE IMPLEMENTATION OF THE SAFE SPACES ACT OF 2019 AND THE FORMATION OF THE ANTI GENDER-BASED SEXUAL HARASSMENT TASK FORCE IN THE PROVINCE OF BATANES, PROVIDING FOR ITS COMPOSITION, DUTIES, FUNCTIONS AND RESPONSIBILITIES AND PROVIDING SANCTIONS FOR VIOLATIONS THEREOF**

**WHEREAS**, on July 25, 1995, Congress enacted Republic Act (R.A.) No. 7877 or the Anti-Sexual Harassment Act of 1995 and declared it as a policy of the State to prohibit all forms of sexual harassment in employment, education and training environment;

**WHEREAS**, the State expanded the scope of the proscription on sexual harassment when it enacted R.A. 11313 or The Safe Spaces Act in 2019. Sexual harassment now is not only limited to demands, requests or sexual favor done in private set up, but also any unwanted and uninvited sexual actions or remarks done on the streets, public spaces, and online against any person irrespective of motive;

**WHEREAS**, Section 8 of the Safe Spaces Act, in relation to Section 9 of its Implementing Rules and Regulations (IRR) mandates all political subdivisions to effectively administer and enforce the provisions of the Safe Spaces Act and its IRR by crafting ordinance and establishing special task force to ensure safe environment in streets and public spaces as well as to adequately address gender-based streets and public spaces sexual harassment cases;

**NOW THEREFORE**, be it **ORDAINED** by the Sangguniang Panlalawigan of Batanes in regular session assembled that:

**SECTION 1. SHORT TITLE** - This ordinance shall be known as: THE BATANES ANTI GENDER-BASED SEXUAL HARASSMENT TASK FORCE ORDINANCE OF 2023.

**SECTION 2. DECLARATION OF POLICY**- It is the policy of the Provincial Government of Batanes (PGB) to value the dignity of every human person and guarantee full respect for human rights; recognize the role of women in nation building; and ensure the fundamental equality of women and man before the law. Both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions.

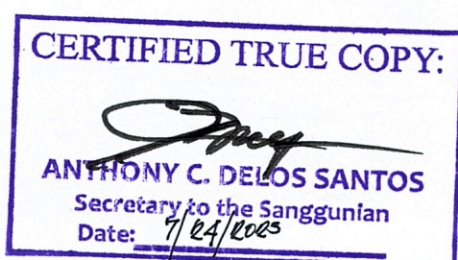
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ANTHONY C. DELOS SANTOS  
Secretary to the Sanggunian  
Date: 7/24/2023

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**SECTION 3. PURPOSE** – The primary purpose of this ordinance is to localize the application of the Safe Spaces Act and its IRR in accordance with Section 8, Article I of the said law in relation to Section 9 of its IRR by creating and establishing the Anti Gender-Based Sexual Harassment Task Force ("AGBSH Task Force" for brevity).

**SECTION 4. DEFINITIONS OF TERMS**- As used in this Ordinance the following terms shall mean:

1. Catcalling – refers to unwanted remarks directed towards a person commonly done in the form of wolf whistling and misogynistic transphobic and sexist slurs.
2. Gender- refers to a set of socially ascribed characteristics norms, roles, attitudes, values and expectations identifying the social behavior of man and woman and the relations between them.
3. Gender-based Sexual Harassment- refers to conduct targeted at particular person that causes or likely to cause another, mental, emotional, or psychological distress and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats and sexual uploading or sharing of ones photos without consent, video recordings cyber stalking and online identity theft.
4. Public Spaces- refers to streets and alleys, public parks, schools, buildings, malls, bars restaurants, transportation spaces commonly used for publics.
5. Stalking- refers to conduct directed to a person involving repeated visual or physical proximity, communication or a combination thereof that cause or likely to cause a person fear for one's own safety or the safety of others and to suffer emotional distress.
6. Sexist Remarks or Slurs- are statements in whatever form or however delivered that are indicative of prejudice, stereotyping or discrimination on the basis of sex, typically against women.
7. Misogynistic Remarks - are any statements in whatever form or however delivered that are indicative of feeling of hating women or the belief that men are inherently better than women.
8. Transphobic Remarks - are any statements in whatever form or however delivered that are indicative of fears hatred or aversion toward persons whose gender identity and/or expression do not conform with their sex assigned at birth.




9. Homophobic Remarks - are any statements in whatever form or however delivered which are indicative of fear hatred or diversion towards persons who are perceived to be or actually identified as lesbian, gay, bisexual, queer, parasexual and such other persons of diverse sexual orientation gender identity or expression, or towards any person perceived or actually have experienced same sex attractions.

10. Acronyms:

- a) AGB- Anti-Gender Based
- b) ASH- Anti- Sexual Harassment
- c) BPPO – Batanes Police Provincial Office
- d) GBSH- Gender Based Sexual Harassment
- e) LTO-Land Transportation Office
- f) MLGU – Municipal Local Government Unit
- g) PNP-BPPO-ACG – Philippine National Police – Batanes Police Provincial Office – Anti-Cybercrime Group
- h) PSWDO- Provincial Social Welfare and Development Office
- i) SWDO-Social Welfare and Development Office
- j) VAWC- Violence Against Women and Their Children
- k) WCPD – Women and Children Protection Desk

**SECTION 5. PROHIBITED ACTS** – Gender-Based Streets and Public Spaces Sexual Harassment. It shall be unlawful for any person to commit the following acts or analogous acts in streets and public spaces, to wit:

- 1. Catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs;
- 2. Persistent uninvited comments or gestures on a person's appearance;
- 3. Relentless requests for personal details;
- 4. Statement of sexual comments and suggestions;
- 5. Public masturbation or flashing of private parts, groping, making offensive body gestures at someone, and other similar lewd sexual actions;
- 6. Persistent telling of sexual jokes or use of sexual names;
- 7. Cursing, leering, intrusive gazing, and taunting;
- 8. Stalking; and
- 9. Any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety.
- 10. Any qualified AGB online sexual harassment.

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It shall be understood that the enumeration above is not exclusive and may include those analogous acts committed in public spaces such as alleys, roads, sidewalks, parks, buildings, schools, churches, hotels and other establishments offering accommodation, restaurants, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

**SECTION 6. CREATION OF ANTI GENDER-BASED SEXUAL HARASSMENT TASK FORCE.**

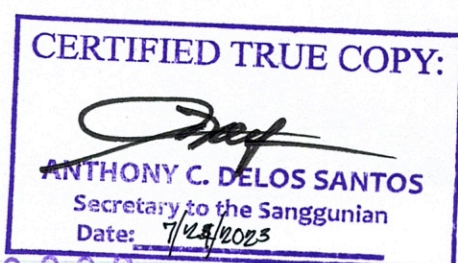
There shall be created a Task Force called the "Anti Gender-Based Sexual Harassment Task Force" under the Provincial Social Welfare Department Office (PSWDO), and shall be composed of the following:

1. Chairman – Head of PSWDO
2. Vice Chairman – Chief of WCPC-BPPO
3. Members:
  - a. All PNP WCPD/VAWC in each municipality
  - b. All Municipal Liga ng mga Barangay Federation Presidents
  - c. MSWDO
  - d. Local Council for Women Presidents

**SECTION 7. ACTION TEAM** – To carry out this ordinance, an Action Team, to be headed by an Action Officer, is hereby organized and attached to the AGBSH Task Force. The AGBSH Task Force shall designate a Task Force Secretariat from PSWDO who shall serve as focal person and action officer. The Task Force Secretariat and all PNP units in Batanes shall act as the implementing arm of the AGBSH Task Force.

**SECTION 8. FUNCTIONS, DUTIES AND RESPONSIBILITIES.** The AGBSH Task Force shall have the following functions, duties and responsibilities:

1. To ensure that victims are provided with gender sensitive environment that is both respectful of the victim's needs and conducive to truth telling.
2. To provide appropriate measures to prevent the occurrence of Gender-Based Sexual Harassment (GBSH) on the streets, public spaces as well as workplaces in Batanes;
3. To publish a copy of the Safe Spaces Act and this ordinance in a conspicuous place in each municipality and educational institutions in the province.
4. To conduct information campaign with regard to Safe Spaces Act and organize seminars in the community, education, and government institutions;
5. To establish a referral system for GBSH complaints and provide interim measures of protection to victims of GBSH;



6. Establish an anti-sexual harassment hotline to:
  - a. Receive and record reports/complaints; and
  - b. Act as referral mechanism for complaints.
7. Monitor and evaluate the Task Force's and the Action Team's operations for further improvement;
8. Coordinate with the DILG, Municipal and Barangay representatives, BPPO ASH desk, CSO and all private establishments for the effective implementation of this ordinance; and
9. Regularly meet and conduct special meetings as necessary.


**SECTION 9. RESPONSIBILITIES OF OWNERS/OPERATORS OF PRIVATE ESTABLISHMENTS IN BATANES** – Restaurants, bars, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender-based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance occurring within their area of operation.

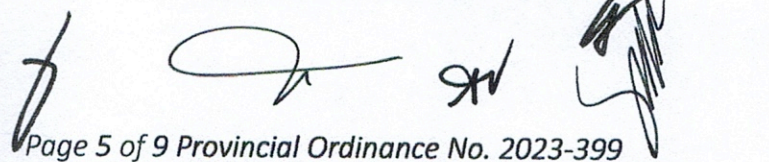
**SECTION 10. GBSH COMMITTED BY MINORS** – if the perpetrator is a minor who is fifteen (15) years of age or under at the time of the offense, the child shall be subject to the intervention program through the Juvenile and Welfare Council, a council attached to the DSWD or its counterpart council under the local SWDO. If the perpetrator is above 15 years but below eighteen (18) years of age, he shall be subjected to intervention program; unless he acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with Section 20 of RA 9344.

**SECTION 11. GBSH COMMITTED IN PUBLIC UTILITY VEHICLES (PUV)** – the MLGUs shall likewise assist in the enforcement of this Ordinance. The MLGUs may recommend to LTO the cancelation, suspension or revocation of driver's license or cancelation, suspension or revocation of business permit of any public utility vehicle in violation of this Ordinance.

**SECTION 12. GENDER-BASED ONLINE SEXUAL HARASSMENT** – The implementing body shall be the PNP-BPPO Anti-Cybercrime Group (ACG) as the local operational support unit is primarily responsible for implementing pertinent laws on the gender-based online sexual harassment acts committed in the province. They shall receive complaints of GB on line harassment develop mechanisms for real-time gender-based online sexual harassment acts and apprehend perpetrators.

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They shall coordinate with their local counterpart agencies to prepare appropriate and effective measures to monitor file cases and penalize gender-based online sexual harassment acts.


These acts include:

1. Physical, psychological and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages.
2. Invasion of victims privacy through cyber-stalking and incessant messages.
3. Uploading and sharing without the consent of the victim any form of media that contains photos, voice or video with sexual content.
4. Any unauthorized recording and sharing of any of the victim's photos, videos, or any information online.
5. Impersonating identities of victims online or posting lies about victims to harm their reputation.
6. Filing false abuse reports platforms to silence victims.p

The gender-based online sexual harassments is so included in this ordinance due to the advent of high technology.

**SECTION 13. PENALTIES** – The following shall be penalized accordingly:

1. For cat calling, wolf whistling, unwanted invitations, misogynistic, transphobic, homophobic, sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless request for personal details, persistent telling of jokes use of sexual names and analogous acts:
  - a) First offense- a fine of one thousand pesos (₱1,000.00) and 12 hours of seminar that includes gender sensitivity by the PNP-BPPO in coordination with PSWDO.
  - b. Second offense- a fine of ₱ 3, 000.00 and imprisonment of 6 to 10 days.
  - c. Third offense- a fine of ₱ 5,000.00 and imprisonment of 11 to 30 days.
2. For acts, making offensive body gestures at someone and public masturbation, or flashing or exposing private parts, at someone, groping, making advances whether verbal or physical that is unwanted, and has threatened one's sense of personal space and physical safety, these may include leering, cursing, intrusive gazing and taunting and analogous acts:

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- a) First offense- fine of P2,000.00 and 12 hours of seminar by PNP-BPPO and PSWDO
  - b) Second offense- fine of P4,000.00 and imprisonment of 11 to 30 days
  - c) Third offense- fine of P5,000.00 and imprisonment of 1 month and 1 day to 3 months.
3. For acts of stalking and any of the acts as provided in Section 5. hereof when accompanied by touching, pinching, or brushing against the body of the offended person or any pinching, touching or brushing against the genitalia, face, arms, anus, groin, breast, inner highs buttocks of the victim's body and analogous acts shall be fined as follows:
- a) First offense- fine of ₱ 2,000.00 and attend a seminar to be conducted by the task force to improve their lives.
  - b) Second offense- fine of ₱ 4,000.00 and imprisonment of 1 month and 1 day to 3 months.
  - c) Third offense- fine of P5,000.00 and imprisonment of maximum of 6 months.
4. For negligence of implementing these services in this Ordinance:
- a. For willful failure or negligence to provide assistance to victims of gender-based sexual harassments as provided in Section 9 of this Ordinance. The penalty shall be a fine of P 5,000.00 and imprisonment of not more than 1 year.
5. Penalties for drivers of public utility vehicle who commits the prohibited acts in this Ordinance. The MLGU concerned may recommend the cancelation, suspension or revocation of driver's license or cancelation, suspension or revocation of business permit upon finding substantial evidence.

Community service may be required upon the courts discretion as provided for under RA 11362 in lieu of imprisonment for such period of time and through activities consistent with the intent of this Ordinance and RA 11362.

**SECTION 14. APPROPRIATION** – Funds for the operation and implementation of this Ordinance by the Task Force shall be included by the PSWDO in its annual budget.

**SECTION 15. REPEALING CLAUSE**- All ordinance, resolutions, executive issuances or rules or regulations or parts thereof, which are inconsistent with or contrary to the provisions of this ordinance are hereby deemed repealed, amended, or modified accordingly.

**SECTION 16. SEPARABILITY CLAUSE** – If any section, or provision of this Ordinance is held unconstitutional or invalid, it shall not impair the other provisions or parts thereof which shall continue to be in force and in effect.


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**ANTHONY C. DELOS SANTOS**  
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 Date: 7/24/2023

*Handwritten notes and signatures on the right margin:*  
 Mr. J. G. L.  
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**SECTION 17. EFFECTIVITY CLAUSE** – This ordinance shall take effect and continue to be enforced, unless sooner repealed or amended by the Sangguniang Panlalawigan of Batanes after 3 consecutive weeks of publication/posting in conspicuous provincial, municipal, barangay, school, and police station bulletin boards.

**ENACTED**, this 17<sup>th</sup> day of July 2023 on motion of Honorable Vicenta V. Hidalgo duly seconded by Honorable Benigno B. Cobico.

I hereby certify that the foregoing is a true and accurate copy of the Ordinance which was duly enacted by the 11<sup>th</sup> Sangguniang Panlalawigan of Batanes during their 54<sup>th</sup> Regular Session held on July 17, 2023.

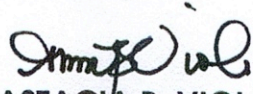
  
**ANTHONY C. DE LOS SANTOS**  
Secretary to the SP

ATTESTED AND CERTIFIED  
TO BE DULY ENACTED:

  
**IGNACIO C. VILLA**  
Provincial Vice Governor  
Regular Presiding Officer


CONCURRED IN:


  
**ROEL E. NICOLAS**  
SP Member

  
**ANASTACIA B. VIOLA**  
SP Member


  
**FRANCIS BYRON D. PERALTA**  
SP Member

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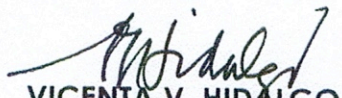
  
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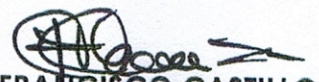
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**JUAN E. REDONDO**  
SP Member

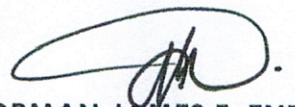
  
**JULIET P. CATALUÑA**  
SP Member

  
**WILFREDO D. CABITAC**  
SP Member


  
**VICENTA V. HIDALGO**  
IPM Representative

  
**FRANCISCO CASTILLO**  
PCL Provincial Fed.  
President

  
**BENIGNO B. COBICO**  
Provincial LNB President


  
**NORMAN JAMES E. ENEGO**  
SKP Federation President

APPROVED:

  
**MARILOU H. CAYCO**  
Provincial Governor

Date: 20 July 2023

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Secretary to the Sanggunian  
Date: 7/24/2023

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**RECEIVED**

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