



MUNICIPAL ORDINANCE NO. 2024-03

“LOCALIZING REPUBLIC ACT NO. 11313 ALSO KNOWN AS SAFE SPACES ACT IN THE MUNICIPALITY OF BUSTOS, AND APPROPRIATING FUNDS THEREOF.”

Motioned by:

Councilor Juliet DJ. Dela Cruz

Chairperson

**Joint Committee on Gender, Women and Family
and**

Committee on Budget, Appropriations, Ways and Means

Authored by:

Councilor Marie Niña Nikkie Perez, MA

Chairperson

**Committee on Education
Committee on Livelihood and Employment
Committee on Arts, Culture and Tourism**

WHEREAS, Article II, Section 11 of the 1987 Philippine Constitution states that “the State values the dignity of every human person and guarantees full respect for human rights.”

WHEREAS, Article II, Section 14 of the 1987 Constitution exhibits that “the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.”;

WHEREAS, Republic Act No. 7192, also known as “Women in Development and National Building Act” was enacted by Congress to institutionalize in all government departments that gender bias must be eliminated;

WHEREAS, Republic Act No. 11313, otherwise known as the “Safe Spaces Act” seeks to eliminate all forms of gender-based violence by penalizing acts such as using words that mock a person based on his

TANGGAPAN NG SANGGUNIANG BAYAN

BAKURAN NG BAHAY PAMAHALAANG BAYAN NG BUSTOS, BULACAN

gender or sexual orientation and uttering sexist, homophobic, and transphobic statement and slurs;

WHEREAS, the Philippines is signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) that seeks to promote equal rights of women and girls alike;

WHEREAS, Section 17 of the Local Government Code of 1991 states that social welfare services must include programs for the welfare of women;

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN IN A SESSION DULY ASSEMBLED THAT:

Section 1. *Short Title.* — This Ordinance shall be herein referred to as the “Bawal Bastos sa Bustos”.

Section 2. *Declaration of Policy.* — It is hereby declared the policy of the Local Government of Bustos to take part in the national government’s advocacy to eliminate gender-based violence in public places.

Section 3. *Purposes.* — It is the principal purpose of this Ordinance:

1. To localize the implementation of Republic Act 11313 also known as “Safe Spaces Act” in the municipality of Bustos, and strengthen the awareness of Bustosenyos in keeping Bustos as a safe space for everyone.
2. To uphold the rights of Bustosenyos to life, security and privacy, and freedom from gender-based violence, and protect vulnerable segments of society on the account of sexual orientation and gender identity.
3. To join the national government in upholding gender equality and eliminating gender-based violence in private places as well as in streets, public spaces, online, workplaces and educational and training institutions.

Section 4. *Definition of Terms.* — Words used in this Ordinance mean and be understood as the following pursuant to the Republic Act 11313 or the Safe Spaces Act:

- (a) *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;

- (b) *Common carriers* refer to persons, corporations, firms, associations engaged in the business of carrying or transporting passengers or goods or both, by land, water, or air, for compensation, offering their services to the public.
- (c) *Cyberstalking* is a form of stalking that is commenced through an electronic medium in which online communication takes place.
- (d) *Educational and training institutions* include those that offer courses or programs online, alternative learning systems and other non-conventional forms of higher education. Government agencies with educational or training academies either for its employees or for the public are also covered by these rules. These rules shall also cover educational and training institutions with their own charter, or those created by law.
- (e) *Employee* refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement: Provided, That for the purposes of this Ordinance, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;
- (f) *Employer* refers to a person who exercises control over an employee: Provided, that for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;
- (g) *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;
- (h) *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft;

- (i) *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex in which case this person is considered transgender;
- (j) *Homophobic remarks or slurs* are statements in whatever form or however delivered, which are indicative of fear, hatred or aversion towards persons who are perceived to be or actually identify as lesbian, gay, bisexual, queer, pansexual and such other persons of diverse sexual orientation, gender, identity or expression, or towards any person perceived to or actually have experienced same-sex attraction;
- (k) *Information and communication system* refers to a system for generating, sending, receiving, storing or otherwise processing electronic data message or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data message or electronic documents.
- (l) *Information and communications technology (ICT)* shall mean the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information.
- (m) *Misogynistic remarks or slurs* are any statements in whatever form or however delivered, that are indicative of the feeling of hating women or the belief that men are inherently better than women.
- (n) *Minor* refers to a person under the age of eighteen (18) years.
- (o) *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as, but not limited to, cinema halls, theaters and spas;
- (p) *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.

- (q) *Transphobic remarks or slurs* are statements in whatever form or however delivered, that are indicative of fear, hatred or aversion towards persons whose gender identity and/or expression do not conform with sex assigned at birth.
- (r) *Stalking* refers to conduct directed at a person involving the repeated visual or physical proximity, non-consensual communication, or a combination thereof that causes or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.
- (s) *Students* refer to those enrolled full-time or part-time in regular courses or short-term and special training offered by the educational or training institutions.

Section 5. Prohibited acts. — The following actions are prohibited under this Ordinance:

- (a) *Gender-Based Streets and Public Spaces Sexual Harassment.* — The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

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

- (b) *Gender-Based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos,*

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Cinemas, Malls, Buildings and Other Privately-Owned Places Open to the Public. — Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against gender-based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

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

(d) *Gender-Based Sexual Harassment in Public Utility Vehicles.* — In addition to the penalties in this Ordinance, the Municipality of Bustos may cancel the license of perpetrators found to have committed acts constituting sexual harassment in tricycles, and may suspend or revoke the franchise of tricycle operators and/or drivers who commit or allow the commission of gender-based streets and public spaces sexual harassment acts on their passengers while inside their motor vehicle.

The Bustos Municipal and Social Welfare Development Office (MSWDO), in coordination with local law enforcement agencies, shall assist victims of gender-based streets and public spaces sexual harassment acts committed in public utility vehicles (PUVs) other than tricycles in filing the appropriate cases for the suspension, cancellation or revocation of franchises of operators, drivers and/or PUVs other than tricycles.

Gender-based sexual harassment in PUVs where the perpetrator is the driver of the vehicle shall constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the

owner or operator solidarity liable for the offenses of the employee.

(e) *Gender-Based Sexual Harassment in Streets and Public Spaces Committed by Minors.* — In case the offense is committed by a minor and is found guilty by the court, the Bustos MSWDO, in coordination with the respective the Barangay Council for the Protection of Children (BCPC) of the different barangays of the Municipality of Bustos and local law enforcement officers/agencies, shall take necessary disciplinary measures as provided for under Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006", unless the court otherwise provides. The Bustos MSWDO, in coordination with respective BCPC of every barangay of Bustos and shall create programs to rehabilitate minor perpetrators and counsel their families.

(f) *Gender-Based Online Sexual Harassment.* — Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing, false abuse reports to online platforms to silence victims. The Bustos MSWDO, with the assistance of the local law enforcement agencies, shall assist the victims of gender-based online sexual harassment through counseling and/or filing of the appropriate case before proper investigative and/or prosecutorial bodies.

(g) *Gender-Based Sexual Harassment in the Workplace.* — The crime of gender-based sexual harassment in the workplace includes the following:

(i) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a

detrimental effect on the conditions of an individual's employment, job performance or opportunities;

- (ii) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems; and
- (iii) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: Provided, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a trainer by a trainee.

(h) *Gender-Based Sexual Harassment in Educational and Training Institutions.* — The crime of gender-based sexual harassment in educational and training institutions includes the following:

- (i) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's education, training, educational performance or opportunities;
- (ii) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems; and
- (iii) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: Provided, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a student, or to a trainer by a trainee.

**GENDER-BASED SEXUAL HARASSMENT IN
EDUCATIONAL AND TRAINING INSTITUTIONS**

Section 6. Duties of education and training institutions. —

(a) All schools and/or training institutions, whether public or private, shall (i) create an independent internal mechanism or a Committee on Decorum and Investigation (CODI) to investigate and address complaints of GBS; (ii) designate an officer-in-charge to receive complaints regarding violations of RA 11313 and this Ordinance; and (iii) shall, ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

(b) Towards this end, educational and training institutions shall:

- (1) Assign an office or a person that must be readily accessible to receive complaints on GBSH. The educational and training institutions shall ensure that received complaints are processed in a manner that is most efficient and convenient to the complainant. The officer-in-charge shall also determine, upon receipt of the complaint, if the offended party needs immediate assistance, such as counseling, and/or medical services, and the same shall, to the extent possible, be provided, should the complainant choose to avail of such. The complaints shall be forwarded to the CODI within forty-eight (48) hours from receipt therefrom.

The office or the person assigned to receive complaints shall be knowledgeable about gender, gender-based violence such as sexual harassment, mental health, counselling, and other relevant knowledge and skills in handling the subject cases. The task will be part of the usual assignment of the office or the person and will be included in the determination of salaries and benefits, if applicable, and, the performance shall be part of any regular work-related assessments.

- (2) Ensure confidentiality in the process of accepting the complaint. The area where the offended party may stay to receive counseling or narrate the incident shall be comfortable and safe, keeping in mind the privacy and general well-being of the offended party.

(3) Within one hundred fifty (150) days from the effectiveness of these rules, every education and training institution must adopt public grievance procedures to facilitate the filing of complaints by students, staff and faculty members. The pendency of adoption or absence of such procedures shall not prevent the educational and training institution from immediately addressing GBSH based on Republic 11313, its implementing rules and regulations, and this Ordinance.

(4) Every school and/or training institution must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student, staff, or faculty member, and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effect.

(5) Notwithstanding the prompt obligation of the school to investigate, it shall respect the privacy of the victim and exert efforts to determine the readiness and willingness to pursue a case against the perpetrator. In the event that the victim decides to go to court, it shall be incumbent upon the educational and training institutions to make the proper referral for legal assistance.

(6) Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order in accordance with the provisions of the education or training institution's policy, student handbook, or regulations.

(7) The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual

harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

- (8) When a case is brought before the appropriate courts, educational and training institutions shall give due consideration to parties involved in court proceedings with respect to school or work requirements, such as excusing their absences from classes when they need to attend court hearings.

Section 7. Who Can Commit Gender-Based Sexual Harassment in Educational and Training Institutions. — GBSH may be committed by principals, school heads, teachers, instructors, professors, coaches, trainers, or any person who has authority, influence or moral ascendancy over another, students, and trainees.

Section 8. Duties of School Heads and Heads of Training Institutions. — School heads shall have the following duties:

- (a) Disseminate or post a copy of this Ordinance in a conspicuous place in the educational institution;
- (b) Provide measures to prevent GBSH in educational and training institutions, like information campaigns. Provide measures to prevent GBSH in educational or training institutions, like information campaigns, express inclusion in the student handbook, orientation of student organizations, and training of teaching and non-teaching staff, students, security officers, and other members of the school community. Heads of educational and training institutions shall ensure that all students will receive age-appropriate training on gender sensitivity and gender-based violence, including sexual harassment and other gender and development (GAD) related topics as may be relevant;
- (c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:
 - (i) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
 - (ii) Designate a woman as its head and not less than half of its members should be women;

- (iii) Ensure equal representation of persons of diverse sexual orientation, identity and/or expression, in the CODI as far as practicable;
- (iv) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
- (v) Investigate and decide on complaints within ten (10) days or less upon receipt, thereof;
- (vi) Observe due process;
- (vii) Protect the complainant from retaliation; and
- (viii) Guarantee confidentiality to the greatest extent possible.

(d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:

- (i) Expressly reiterate the prohibition on gender-based sexual harassment;
- (ii) Prescribe the procedures of the internal mechanism created under this Act; and
- (iii) Set administrative penalties.

Section 9. Liability of School Heads and Heads of Training Institutions. — In addition to liability for committing acts of GBSH, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institutions may also be held responsible for: (a) non-implementation of their duties under Section 7 of this Ordinance; or (b) failure to act on reported acts of GBSH committed in the educational institution. These shall not preclude the filing of administrative cases against the school head with the appropriate disciplinary authority.

Section 10. Liability of Students. — Minor students who are found to have committed acts of GBSH shall only be held liable for administrative sanctions by the school as stated in their school handbook.

Section 11. Independent Action for Damages. — Nothing shall preclude the victim of education or training-related GBSH from instituting a separate and independent action for damages and other affirmative relief.

- (ii) Describe the procedures of the internal mechanism created under RA 11313; and
- (iii) Set administrative penalties.

Section 13. Duties of Employees and Co-Workers. — Employees and co-workers shall have the duty to:

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

Section 14. Liability of Employers. — In addition to liabilities for committing acts of GBSH, employers may also be held responsible for: (a) non-implementation of their duties under Section 12 of this Ordinance; or (b) failure to act on reported acts of GBSH committed in the workplace.

Section 15. Independent Action for Damages. — Nothing shall preclude the victim of work-related GBSH from instituting a separate and independent action for damages and other affirmative relief.

**DUTIES OF THE LOCAL CHIEF EXECUTIVE
AND VARIOUS OFFICES OF THE MUNICIPAL GOVERNMENT OF
BUSTOS**

Section 16. Duties of Local Chief Executive. — The Mayor's Office shall bear primary responsibility in enforcing the provisions of this Ordinance and shall have the following duties:

- (a) Disseminate or post in conspicuous places a copy of this Ordinance and RA 11313;
- (b) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;
- (c) Create an anti-sexual harassment hotline that shall have the power and duty to receive and record reports/complaints, and act as a referral mechanism for complaints; provided that the



personnel assigned to attend the hotline are knowledgeable on GBSH and the forms of assistance made available by the LGU;

- (d) Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act;
- (e) Set up Anti-Sexual Harassment (ASH) desks at the municipal hall, preferably staffed by a woman. VAW desks may also serve as the ASH desk and the same shall be strengthened, following the guidelines to be set by the DILG;
- (f) Create mechanisms for handling and documentation of complaints; and
- (g) Set up CCTVs in major roads, alleys and sidewalks to aid in the filing of cases and gathering evidence

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Section 17. Safe Spaces Act information drive. — The Municipal Social Welfare and Department Office, Municipal Nutrition Office, in collaboration with the Barangay Health Workers, Mother Leaders, Lingkod Lingap sa Nayon, Sangguniang Barangay Chairperson of the Committee on Health, and the Public Information Office under the Office of the Municipal Mayor, as well the educational community, shall lead the information drive against gender-based violence in the Municipality of Bustos.

Campaign materials may include posters condemning different forms of gender-based sexual harassment, informing the public of penalties for committing gender-based sexual harassment, and infographics of hotline numbers of authorities.

Section 18. Mandatory reporting of gender-based violence; arrest. — Any person who by direct and personal knowledge becomes aware of the conduct of any gender-based violence within the municipality of Bustos shall immediately report it to the nearest law enforcement authority. Any law enforcer who personally witnesses gender-based violence shall have the right to arrest the perpetrator to abate further commission of the crime; provided, that any law enforcer who fails to suppress gender-based violence shall be penalized under this Ordinance.

For the purposes of this act law enforcement authority shall include officers and/or agents of the local Philippine National Police (PNP), National Bureau of Investigation (NBI), barangay tanods, traffic enforcers and other persons authorized to make lawful arrests. Towards this end, such law enforcement officers and/or agents shall undergo gender sensitivity training.

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Any private person, when in his presence acts constituting GBSH is about to be committed, is being committed, or has been committed, may arrest the perpetrator and immediately bring him to the nearest law enforcement office. When making an arrest, a private person shall inform the person to be arrested of the intention to arrest him and cause of the arrest, unless the latter is either engaged in the commission of an offense, is pursued immediately after its commission, or has escaped, flees, or forcibly resists before the person making the arrest has opportunity to so inform him, or when the giving of such information will imperil the arrest.

Section 19. Confidentiality. — At any stage of the investigation, prosecution and trial of an offense under this Act, the rights of the victim and the accused who is a minor shall be recognized.

Section 20. Remedies and Psychological Counselling. — A victim of gender-based street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counselling services with the aid of the Municipality of Bustos and the MSWDO, in coordination with the Municipal Health Office and the Philippine Commission on Women. Any fees to be charged in the course of a victim's availment of such remedies or psychological counseling services shall be borne by the perpetrator.

Section 21. Safety Audits. — The Municipality of Bustos shall be required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Ordinance. Such audits shall be multisectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

Section 22. Implementing Rules and Regulations. — Shall be crafted by the Municipal Social Welfare and Department Office, Municipal Nutrition Office, and the Public Information Office under the Office of the Municipal Mayor within thirty (30) days from the approval of this Ordinance.

PENALTIES

Section 23. Penalty clause. — The provisions of RA No. 11313 or other laws notwithstanding, and without prejudice to the filing of cases under any other law or ordinance, any person found guilty of committing any violation of this Ordinance shall be meted out with:

1. First Offense – a fine of one thousand five hundred pesos (PHP 1,500);
2. Second Offense – a fine of two thousand pesos (PHP 2,000);

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3. Third Offense – a fine of two thousand five hundred pesos (PHP 2,500), or imprisonment of one (1) month to six (6) months, or both, at the discretion of the court.

Section 24. Exempting Circumstances. — Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

An imbecile or an insane person, unless the latter has acted during a lucid interval, shall not be penalized under this Ordinance; provided, however, when the imbecile or an insane person has committed an act which this Ordinance defines as GBSH, the court shall order his confinement in one of the hospitals or asylums established for persons thus afflicted, which he shall not be permitted to leave without first obtaining the permission of the same court.

Minor students shall not be subject under the penalties provided under Section 24 of this Ordinance.

Section 25. Qualified Gender-Based Streets, Public Spaces and Online Sexual Harassment. — The highest possible under this Ordinance will be applied in the following cases:

- (a) If the act takes place in a common carrier or PUV including, but not limited to, jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- (b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- (c) If the offended party is diagnosed with a mental condition tending to impair consent;
- (d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform. For the purposes of these rules, persons who belong to reserve units of the AFP are considered to be members of the uniformed services only when they are undergoing active duty training or are mobilized upon order of the President; and
- (e) If the act takes place in the premises of a government agency offering frontline services to the public and the perpetrator is a government employee.

Section 26. Appropriations. — The Mayor's Office shall be authorized to utilize their mandatory Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as "The Magna Carta of Women" for this purpose. In addition, the Municipality of Bustos shall appropriate the use the mandatory twenty percent (20%) allocation of the annual internal revenue allotments for local development projects as provided under Section 287 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991".

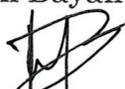
Section 27. Separability clause. — If, for any reason any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

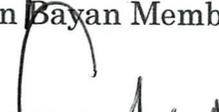
Section 28. Repealing clause. — All ordinances, rules and regulations, or parts thereof, whose provisions conflict with or contrary to the provisions of this Ordinance are hereby deemed repealed, amended, and modified accordingly.

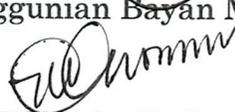
Section 29. Effectivity clause. — This Ordinance shall take effect following its publication in a newspaper of general circulation, within the Municipality of Bustos and upon posting at prominent places in the Municipal Hall for a period of three (3) consecutive weeks.

APPROVED and ADOPTED, 27th of February, 2024 at at the Amado Raymundo Session Hall.


Marie Nina Nikkie Perez, MA
Sanggunian Bayan Member

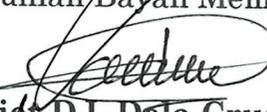

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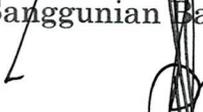

Wilfredo G. Canoza
Sanggunian Bayan Member


Engr. Fortunato S.J. Angeles
ABC President

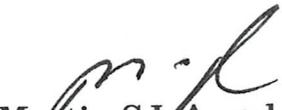

Leo T. Santos
Sanggunian Bayan Member


Juliet D.J. Dela Cruz
Sanggunian Bayan Member


Soliman C. Santos
Sanggunian Bayan Member

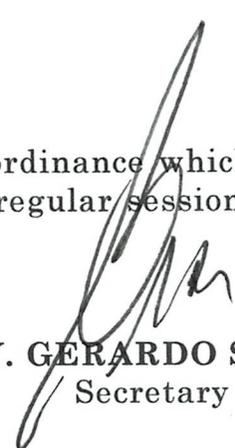

John Erick L. Perez
Sanggunian Bayan Member

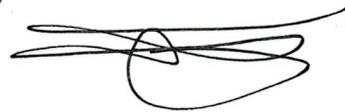

Kyle Gabrielle DR. Navarro
SK President


Martin SJ Angeles
Municipal Vice Mayor and
Presiding Officer of the Sangguniang Bayan

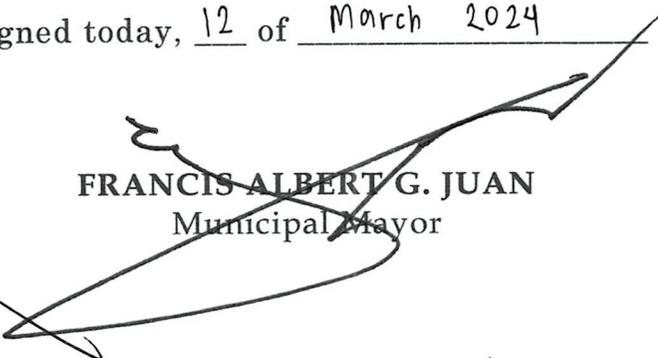
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CERTIFICATION:

I HEREBY CERTIFY that the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session on 27th of February, 2024.


ATTY. GERARDO S. BRIASA
Secretary

Attested: 

Signed today, 12 of March 2024


FRANCIS ALBERT G. JUAN
Municipal Mayor